

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA)	CRIM. NO. 08-50079-01
Plaintiff,)	
)	DEFENDANT GRAHAM'S
vs.)	MOTION TO COMPEL
)	DISCLOSURE OF LENIENCY
JOHN GRAHAM, a/k/a)	AGREEMENTS
JOHN BOY PATTON and)	
VINE RICHARD MARSHALL, a/k/a))	
RICHARD VINE MARSHALL, a/k/a))	
DICK MARSHALL)	
Defendant.)	

Pursuant to Federal Rule of Criminal Procedure 16, Defendant John Graham moves this Court for its Order requiring the government to immediately comply with Rule 16. Specifically, Mr. Graham asks that this Court order the government to immediately provide him with all records, documents, or a written summation of oral discussions, pertaining to any offers of leniency, immunity, plea bargains, preferential treatment, non-prosecution agreements, or any other benefit extended to Theda Nelson a/k/a Theda Clark a/k/a Theda Clarke as a result of her involvement in this case. Graham also asks that the government be ordered to provide him with all records, documents, or a written summation of oral discussions, pertaining to discussions between the government and Nelson a/k/a Clark a/k/a Clarke or her counsel which may give rise to an expectation by Nelson

a/k/a Clark a/k/a Clarke of leniency, immunity, non-prosecution, or preferential treatment.

Dated April 21, 2009.

/s/ John R. Murphy
John R. Murphy
328 East New York Street, Suite 1
Rapid City, SD 57701
(605) 342-2909

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he served a true and correct copy of the foregoing document upon the person(s) herein next designated, on the date shown below by placing the same in the service indicated, addressed as follows:

MARTY J. JACKLEY

- U.S. Mail, postage prepaid
- Hand Delivery
- Federal Express
- Facsimile at
- Electronic Case Filing

ROBERT A. MANDEL

- U.S. Mail, postage prepaid
- Hand Delivery
- Federal Express
- Facsimile at
- Electronic Case Filing

DANA HANNA

- U.S. Mail, postage prepaid
- Hand Delivery
- Federal Express
- Facsimile at
- Electronic Case Filing

Dated April 21, 2009.

/s/ John R. Murphy
John R. Murphy