

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

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UNITED STATES OF AMERICA,  
Plaintiff,

Case No. 08-50079

vs.

MOTION FOR LEAVE TO FILE  
FURTHER MOTIONS

JOHN GRAHAM, a.k.a.  
JOHN BOY PATTON, and  
VINE RICHARD MARSHALL, a.k.a.  
RICHARD VINE MARSHALL, a.k.a.  
DICK MARSHALL,  
Defendants.

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NOW COMES Defendant Richard Marshall, by and through his attorney, Dana L. Hanna, and hereby moves the Court for leave to file further motions in this case. In support of the motion, Dana L. Hanna, attorney for the defendant, hereby affirms:

1. The trial date in this case had been scheduled for May 12<sup>th</sup>, 2009. On May 5<sup>th</sup>, 2009, the Court ordered that the trial be continued indefinitely until after the Eighth Circuit Court of Appeals rules on the government's pending interlocutory appeal.

2. In order to provide effective assistance of counsel, defense counsel wishes to file additional motions in this case. Since there is no scheduled trial date, in the interest of justice, the defendant should be allowed to file further motions as the need arises.

WHEREFORE, the defendant moves for leave to file additional motions pending a new scheduling order by the Court.

Dated this 11<sup>th</sup> day of May, 2009

RICHARD MARSHALL, Defendant

By

/s/ Dana L. Hanna  
Dana L. Hanna  
PO Box 3080  
816 Sixth Street  
Rapid City, SD 57709  
605-791-1832  
Attorney for Defendant Marshall

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a true and correct copy of Defendant Marshall's foregoing Motion for Leave to File Further Motions upon the other parties in this case via the electronic mail addresses listed below:

Marty Jackley, United States Attorney  
kim.nelson@usdoj.gov

Robert Mandel, Assistant United States Attorney  
robert.mandel@usdoj.gov

John Murphy, Attorney for Defendant Graham  
jmurphysd@hotmail.com

Dated this 11th day of May, 2009.

/s/ Dana L. Hanna  
Dana L. Hanna