

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN GRAHAM, a/k/a John Boy Patton,
and VINE RICHARD MARSHALL, a/k/a
Richard Vine Marshall, a/k/a
Dick Marshall,

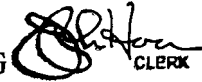
Defendants.

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CR 08-50079

FILED

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CLERK

ORDER DENYING
MOTION TO DISMISS

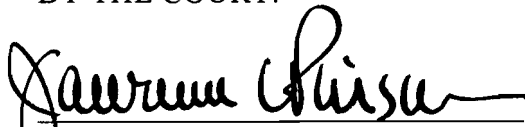
* DUE TO PRE-ACCUSATORY DELAY

Pending before the Court is Defendant Marshall's Motion to Dismiss Due to Pre-Accusatory Delay. (Doc. 96.) The Court issued its preliminary opinion on this motion on April 29, 2009, doc. 302, finding that Defendant Marshall failed to demonstrate actual and substantial prejudice and that there is no evidence that the government either intentionally or recklessly delayed the indictment to either gain a tactical advantage or to harass Defendant Marshall. The Court allowed the parties to present further argument regarding this motion at a hearing in Rapid City on May 5, 2009. Following further argument, the opinion of the Court remains unchanged. Accordingly,

IT IS ORDERED that Defendant Marshall's Motion to Dismiss Due to Pre-Accusatory Delay, doc. 96, is denied.

Dated this 2nd day of September, 2009.

BY THE COURT:


Lawrence L. Piersol
United States District Judge

ATTEST:

JOSEPH HAAS, CLERK

BY: Colleen Schulte
DEPUTY