

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARK MACPHERSON GRAHAM,

Defendant.

Case No. 3:06-CR-00020-02-JKS

ORDER

Mark Macpherson Graham is charged in a two count superseding indictment with federal drug offenses. Two motions are currently pending. First, Graham seeks suppression of certain statements he made to law enforcement officers. Docket No. 21. The government agrees not to use these statements at trial. Docket No. 34. United States Magistrate Judge John D. Roberts, to whom this motion was initially referred, recommends that the motion be denied as moot. Docket No. 61. Alternatively, the Court could grant it as unopposed. In either event, the statements will not be used at trial.

In addition, Graham filed a motion seeking dismissal of the earlier indictment against him or, in the alternative, a bill of particulars. Docket Nos. 25; 26 (Motion and Memorandum). The motion is opposed. Docket Nos. 33; 36 (Response and Errata). In the meantime, the Grand Jury returned a superseding indictment, which moots the motion.

IT IS THEREFORE ORDERED:

The Motion at **Docket No. 21** is **GRANTED**. The Motion at **Docket No. 25** is **DENIED**.

Dated at Anchorage, Alaska, this 12th day of May 2006.

/s/ James K. Singleton, Jr

JAMES K. SINGLETON, JR.
United States District Judge