

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

FILED
OCT 07 2009

UNITED STATES OF AMERICA,

CR 08-50079

Plaintiff,

SUPERSEDING INDICTMENT

vs.

FIRST DEGREE MURDER

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

(18 U.S.C. §§ 1111, 1153, 1152 and 2)

Defendants.

The Grand Jury charges:

COUNT I

On or about the 12th day of December, 1975, near Wanblee, Allen, and elsewhere, in Indian Country, in the District of South Dakota, the defendants, John Graham, a/k/a John Boy Patton, an Indian, and Vine Richard Marshall, a/k/a Richard Vine Marshall, a/k/a Dick Marshall, an Indian, willfully, deliberately, and maliciously, with premeditation and malice aforethought, did unlawfully kill and aid and abet the unlawful killing of Annie Mae Aquash, a/k/a Annie Mae Pictou, an Indian or other person, by shooting her with a firearm, in violation of 18 U.S.C. §§ 1111, 1153, and 2.

COUNT II

On or about the 12th day of December, 1975, near Wanblee, Allen, and elsewhere, in Indian Country, in the District of South Dakota, the defendant, John Graham, a/k/a John Boy Patton, willfully, deliberately, and maliciously, with premeditation and malice aforethought, did unlawfully kill and aid and abet in the unlawful killing of Annie Mae Aquash, a/k/a Annie Mae Pictou, an Indian, by shooting her with a firearm, in violation of 18 U.S.C. §§ 1111, 1152, and 2.

COUNT III

On or about the 12th day of December, 1975, near Wanblee, Allen, and elsewhere, in Indian Country, in the District of South Dakota, the defendant, John Graham, a/k/a John Boy Patton, did unlawfully kill and aid and abet an Indian, to-wit: Fritz Arlo Looking Cloud, Theda Rose Clarke, and Richard Marshall, in the unlawful killing of Annie Mae Aquash, a/k/a Annie Mae Pictou, an Indian or other person, by shooting her with a firearm, in violation of 18 U.S.C. §§ 1111, 1153 and 2.

A TRUE BILL:


FOREMAN

MARTY J. JACKLEY
UNITED STATES ATTORNEY

By: 