

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

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UNITED STATES OF AMERICA,

CR08-50079

Plaintiff,

v.

JOHN GRAHAM aka JOHN BOY  
PATTON, and VINE RICHARD  
MARSHALL aka RICHARD VINE  
MARSHALL aka DICK MARSHALL,

Defendants.

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**GOVERNMENT'S REQUEST  
FOR NOTICE OF ALIBI  
DEFENSE TO DEFENDANT  
VINE RICHARD MARSHALL**

COMES NOW the United States of America, through its attorneys, United States Attorney Marty J. Jackley, and Assistant United States Attorney Robert A. Mandel, and respectfully files and serves the Government's Request for Notice of Alibi Defense pursuant to Fed. R. Crim. P. 12.1(a) to include the following within ten (10) days absent further order of the court:

- (A) each specific place where the defendant claims to have been at the time of the alleged offense; and
- (B) the name, address, and telephone number of each alibi witness on whom the defendant intends to rely.

The United States is requesting that Defendant, Vine Richard Marshall aka Richard Vine Marshall aka Dick Marshall, provide notification of any alibi defense for which he intends to present evidence as to the offense of aiding and abetting

in the first degree murder of Anna Mae Aquash as charged in the Superseding Indictment filed October 7, 2008, and more specifically that:

On or about the early morning hours of December 12, 1975, at his residence in Allen, South Dakota, house #363, Richard Marshall knowingly aided and abetted Defendant John Graham, Theda Clarke and Arlo Looking Cloud in the first degree murder of Anna Mae Aquash by, including but not limited to, providing consultation and exchange of the "baggage note," as well as providing the .32 caliber revolver and shells to murder Anna Mae Aquash.

Date: October 10, 2008



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### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies on October 10, 2008, a true and correct copy of the foregoing was served upon the following person(s), by placing the same in the service indicated, addressed as follows:

John R. Murphy  
Dana L. Hanna

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



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Marty J. Jackley  
United States Attorney

*This document was filed electronically.*