

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  
JOHN GRAHAM**

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.

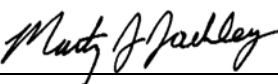
The Government is requesting that Defendant John Graham provide notification of any alibi defense for which he intends to present evidence as to

the first degree murder of Anna Mae Aquash as charged in the Superseding Indictment filed October 7, 2008, wherein:

1. On or about the early morning hours of December 12, 1975, at Defendant Richard Marshall's residence in Allen, South Dakota, house #363, Defendant Marshall provided Defendant Graham, and other aiders and abettors, consultation and exchange of the "baggage note," as well as providing the .32 caliber revolver and shells to murder Anna Mae Aquash.

2. Thereafter, during the early morning hours of December 12, 1975, Defendant John Graham traveled with Anna Mae Aquash, Co-Defendant Arlo Looking Cloud, and Theda Clarke to the murder scene and discovered location of the body of Anna Mae Aquash at the Roger Amiotte ranch, approximately three miles north on Highway 73 from the intersection of Highways 44 and 73 (as more fully depicted in photographs contained in the trial exhibits 1-6, 8, and 15 of Co-Defendant Arlo Looking Cloud). At this location, Defendant John Graham did commit aid and abet in the first degree murder of Anna Mae Aquash.

Date: October 10, 2008

  
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## CERTIFICATE OF SERVICE

The undersigned hereby certifies on October 9, 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.*