

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA,

CR08-50079

Plaintiff,

v.

**UNITED STATES' COMPLIANCE
WITH ORDER DENYING
SEVERANCE**

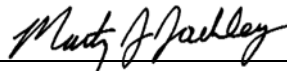
JOHN GRAHAM aka JOHN BOY
PATTON, and VINE RICHARD
MARSHALL aka RICHARD VINE
MARSHALL aka DICK MARSHALL,

Defendants.

COMES NOW the United States of America, by and through United States Attorney Marty J. Jackley and Assistant United States Attorney Robert A. Mandel, and respectfully files the redacted statement of Defendant Marshall pursuant to the Court's Order of April 23, 2009. With respect to Defendant Marshall's statement of December 26, 2003, the United States has substituted the word "others." The redacted version is attached hereto as Exhibit 1.

Dated and electronically filed this 29th day of April 2009.

MARTY J. JACKLEY
United States Attorney



PO Box 2638
Sioux Falls, SD 57101-2638
605.357.2330
Fax: 605.330.4405
Marty.J.Jackley@usdoj.gov

CERTIFICATE OF SERVICE

The undersigned hereby certifies on April 29, 2009, 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 Hanna

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



Marty J. Jackley

Investigative Report: Anna Mae Aquash Murder Investigation.

The following report pertains to an interview which was conducted with Mr. Dick Marshall on December 26, 2003 in front of the Oglala Sioux Tribal Housing Office in Pine Ridge South Dakota. Interview was conducted by Robert D. Ecoffey, Office of Law Enforcement Services BIA.

Director Ecoffey observed Mr. Dick Marshall coming out of the Oglala Sioux Tribal Housing Office in Pine Ridge, South Dakota. Director Ecoffey pulled up in front of the office at which time Mr. Marshall approached my vehicle.

Marshall got into the passenger side of my vehicle and said hello. Director Ecoffey told Marshall that he was still investigating the murder of Anna Mae Aquash. Director Ecoffey told Marshall information was provided going back several years to when he was married to Cleo and living in Allen, South Dakota.

Director Ecoffey told Marshall information received was that Theda Clark and others had took Anna Mae Aquash to his residence late one night and asked him if he would keep her at his residence.

Marshall said he couldn't remember the exact date, but late one night a car load of people pulled up to his residence in Allen, South Dakota. He was married to Cleo Marshall at the time living in Allen Housing. Marshall said someone knocked on the door and got him out of bed. Marshall said it was Theda Clarke, Anna Mae Aquash, and two others.

Marshall said he knew Theda but he didn't know Anna Mae until they introduced her. Marshall said all he had known of Anna Mae, was that she was in Wounded Knee. Marshall said he couldn't remember the other names. Ecoffey asked Marshall if Arlo Looking Cloud or John Boy Graham rang a bell. Marshall said no he still couldn't remember.

Marshall said Cleo talked to Anna Mae and if he remembered right, she fed all of them. Marshall was asked if he remembered a note, given to him by Theda saying something like "Can you take care of this baggage?" The note referred to Anna Mae. Dick said he couldn't remember a note.

Ecoffey told Marshall Cleo had cooperated with him and she had said that he "Dick," Theda, Arlo and John Boy went into the bedroom and shut the door. After a short while Dick came out and asked her to go into the kitchen. While in the kitchen, Cleo said, you told her Theda gave you a note saying something about taking care of this baggage referring to Anna Mae and they wanted you to keep Anna Mae tied up in your basement.

Cleo told you no because you had kids in the house and she didn't want you to have any part in it. You then went back into the bedroom and came out a short time later with Theda, Arlo and John Boy.

Dick said he couldn't remember the details but if Cleo said this, then it is probably what had

happened. Dick said Theda, and the two others took Anna Mae and left.

Dick said he would think about it and if he remembered any of the details he would call Director Ecoffey.