

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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**UNITED STATES' RESPONSE IN  
OPPOSITION TO DEFENDANT  
GRAHAM'S MOTION IN LIMINE  
RE: USE OF "KILLS" TO  
DESCRIBE BILL MEANS**

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 its Response in Opposition to Defendant Graham's Motion in Limine Re: Use of "Kills" to Describe Bill Means.

The United States anticipates that numerous witnesses will testify regarding the activities of the criminal venture to murder Annie Mae Aquash that occurred at Bill Means' residence. It is further anticipated that numerous witnesses will identify and recognize the residence as "Kills" residence. Accordingly, the nickname has independent

identification value and relevance to this case. Furthermore, if the nickname “Kills” is truly only in relation to the association he had with another young man whose name was Willis Kills, then this would not constitute overly prejudicial evidence.<sup>1</sup>

Because many witnesses identify and recognize the residence as the “Kills” residence, the United States believes that it has probative value that is not substantially outweighed by the danger of any unfair prejudice.

Dated and electronically filed this 30th day of April 2009.

MARTY J. JACKLEY  
United States Attorney



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<sup>1</sup>The United States does anticipate that contrary evidence regarding this matter may be introduced based in part upon witnesses claiming privilege with respect to the “Kills” name.

## CERTIFICATE OF SERVICE

The undersigned hereby certifies on April 30, 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



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Marty J. Jackley