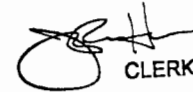


UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

**FILED**

APR 09 2010

  
CLERK

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UNITED STATES OF AMERICA,

CR 10-50026

Plaintiff,

FACTUAL BASIS STATEMENT

vs.

JOE MARSHALL, a/k/a, JOE  
MARSHALL-BURRITT,

Defendant.

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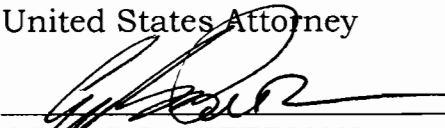
The undersigned parties stipulate that the following facts are true and establish a factual basis for the plea in the action pursuant to Federal Rules of Criminal Procedure 11(b)(3):

On September 27, 2009, Joe Marshall, a/k/a, Joe Marshall-Burritt, drove a Pontiac Grand Am on a road near Oglala, South Dakota. With him inside the vehicle was a passenger named Darla Shangreaux. Prior to and during the operation of the vehicle, Marshall consumed alcohol. At the time he was driving, Marshall was under the influence of alcohol with a Blood Alcohol Content of approximately .14. Marshall's intoxication (as well as excessive speed) caused him to drive the Pontiac in an unsafe manner resulting in a roll-over accident. As a result, Ms. Shangreaux was thrown from the Pontiac resulting in her death.

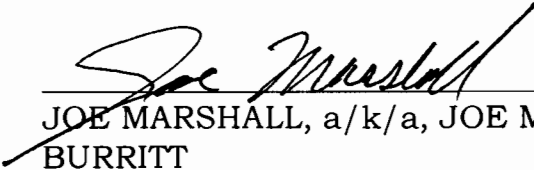
The road near Oglala where this incident occurred lies within the exterior boundaries of the Pine Ridge Indian Reservation in Indian Country. Joe Marshall is an enrolled member of the Oglala Sioux Tribe under number U021954.

4/9/10  
Date


BRENDAN V. JOHNSON  
United States Attorney

  
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4/8/2010  
Date

  
\_\_\_\_\_  
JOE MARSHALL, a/k/a, JOE MARSHALL-  
BURRITT  
Defendant

4.8.10  
Date

  
\_\_\_\_\_  
GEORGE E. GRASSBY  
Attorney for Defendant