

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

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UNITED STATES OF AMERICA

Plaintiff,

vs.

VINE RICHARD MARSHALL a/k/a  
RICHARD VINE MARSHALL a/k/a  
DICK MARSHALL,

Defendant.

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CR 08-50079

GOVERNMENT'S REQUEST  
FOR NOTICE OF ALIBI DEFENSE

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, a/k/a Richard Vine Marshall, a/k/a 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 Indictment filed August 20, 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.

Respectfully submitted this 23<sup>rd</sup> day of September, 2008.

/s/ Marty J. Jackley

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#### CERTIFICATE OF SERVICE

I hereby certify that on the 23<sup>rd</sup> day of September, 2008, I served by electronic transmission, a true and correct copy of the foregoing Government's Request for Notice of Alibi Defense on:

Dana Hanna  
Attorney at Law

/s/ Marty J. Jackley

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Marty J. Jackley