

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

UNITED STATES OF AMERICA,
Plaintiff,

vs.

JOHN GRAHAM, a.k.a.
JOHN BOY PATTON, and
VINE RICHARD MARSHALL, a.k.a.
RICHARD VINE MARSHALL, a.k.a.
DICK MARSHALL,
Defendants.

Case No. 08-50079

DEFENDANT MARSHALL'S
MOTION FOR BILL OF PARTICULARS

NOW COMES defendant Richard Marshall, through his attorney, Dana L. Hanna, pursuant to Crim.R.12(b)(3)(E) and 7(f), and moves the Court to order the government to file a bill of particulars as follows:

1. The date and location when and where the defendant is alleged to have committed some act or acts that aided and abetted the murder of Anna Mae Aquash.
2. The names of those known persons with whom it is alleged that the defendant acted to aid and abet in the murder of Anna Mae Aquash.
3. Does the government contend that Richard Marshall shot and killed Anna Mae Aquash? If not, what does the government contend that Marshall did or said that aided and/or abetted another or others to kill Aquash? List the specific acts of the defendant and/or words spoken by the defendant that allegedly aided and/or abetted one or more other persons in the murder of Anna Mae Aquash.¹

¹ Definitions: To "aid" is to help, assist, support, promote the course of accomplishment of, help in advancing or bring about. To "abet" is to encourage, counsel, incite and instigate the commission of a crime. Fryer v. Nix, 775 F.2d 979 (8th Cir 1985).

4. If it is the government's contention that defendant Marshall aided and abetted the murder of Aquash by providing "consultation," describe the specific circumstances of said consultation--i.e. who said what to whom?

5. Who does the government contend actually shot Anna Mae Aquash, and how did Richard Marshall allegedly aid or abet that particular person in the murder of Aquash?

Dated this 26th day of February, 2009.

VINE RICHARD MARSHALL, Defendant

BY: /s/ Dana L. Hanna
Dana L. Hanna
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CERTIFICATE OF SERVICE

I hereby certify that I have served a true and correct copy of the foregoing Motion for Bill of Particulars upon the other parties in this case via the electronic mail addresses listed below:

Marty Jackley, United States Attorney
kim.nelson@usdoj.gov

Robert Mandel, Assistant United States Attorney
robert.mandel@usdoj.gov

John Murphy, Attorney for Defendant Graham
jmurphysd@hotmail.com

Dated this 26th day of February, 2008.

/s/ Dana L. Hanna
Dana L. Hanna