

UNITED STATES DISTRICT COURT
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.

CR 08-50079

UNITED STATES' RESPONSE TO
DEFENDANT MARSHALL'S
MOTION TO DISMISS INDICTMENT
FOR GOVERNMENT'S FAILURE
TO PRESERVE AND DISCLOSE
FAVORABLE EVIDENCE

COMES NOW the United States of America, through its attorneys, United States Attorney Brendan V. Johnson, and Assistant United States Attorney Robert A. Mandel, and respectfully responds to Defendant Marshall's Motion to Dismiss Indictment for Government's Failure to Preserve and Disclose Favorable Evidence (DE 507) as well as the incorporated documents 434 and 436 and states as follows:

1. At the outset, Defendant refers to a joint local and federal investigation by the Denver Police Department and federal investigators. No such investigation took place. In reality, Robert Ecoffey, who was then U.S. Marshal for the District of South Dakota, did go to Denver to conduct part of his investigation of this case. Detective Abe Alonzo was assigned to assist Marshal Ecoffey, but there was no investigation conducted by the Denver Police Department itself at that time. Throughout the investigation, no part was

conducted by Detective Alonzo which was not in the presence of Marshal Ecoffey or a Deputy Marshal. The one known exception to that is an interview of Frank Dillon, which Detective Alonzo, at the request of Marshal Ecoffey, did conduct without the physical presence of anyone from the U.S. Marshal's Office. A copy of that interview was provided as discovery and is attached as Exhibit 1.

2. There was no known evidence in the custody of Detective Alonzo that was not also in the custody of the United States and provided as discovery in this case. For example, defense counsel refers to records of statements made by Arlo Looking Cloud during the more than 16 hours he spent with Marshal Ecoffey and Detective Alonzo in 1995, at which time Looking Cloud was taken to South Dakota. Contrary to the suggestions made by counsel, there were no recordings that took place and the only pertinent document is the brief and general summary written by Marshal Ecoffey that counsel concedes that he has. The purpose of that trip was to have Looking Cloud identify various locations relevant to the case, not to conduct interviews of him, which had already taken place. A recorded interview of Looking Cloud did take place in Denver; however, that has also been provided as discovery. While Detective Alonzo was present at that interview, he is not the individual who conducted it.

3. Defendant claims that the material that was destroyed by the Denver Police Department constitutes exculpatory evidence under *Brady v. Maryland*, 373 U.S. 83 (1963); *United States v. Bagley*, 473 U.S. 667 (1985); and *Kyles v. Whitley*, 514 U.S. 419 (1995). This is completely contrary to the facts of this

case. Whatever destruction of evidence that took place in Denver was not of any evidence that was not part of the file of the United States. The only documents that could have been destroyed that were not in the possession of the United States would be internal documents of the Denver Police Department, which would not be discoverable pursuant to Fed. R. Crim. P. 16.

4. The United States did not conduct a joint investigation with the Denver Police Department in this case. The Denver Police Department merely assisted the United States in an investigation that it conducted. While Denver officials may have independently considered the issue of any state charges that may have arisen as a result of the activities occurring there, they did not pursue an investigation in concert with the United States, but rather provided assistance to the United States in carrying out its law enforcement duties as many local agencies often do. Defendant has been deprived of no discovery and there exists no basis to dismiss the Indictment against him.

Respectfully submitted this 2nd day of December, 2009.

/s/ Robert A. Mandel

ROBERT A. MANDEL
Assistant United States Attorney
515 9th Street #201
Rapid City, SD 57701
605.342..7822
FAX: 605.342.1108
Robert.Mandel@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of December, 2009, I served by electronic transmission, a true and correct copy of the foregoing Government's Response to Defendant Marshall's Motion to Dismiss Indictment for Government's Failure to Preserve and Disclose Favorable Evidence on:

Dana Hanna
Attorney at Law

John Murphy
Attorney at law

/s/ Robert A. Mandel

Robert A. Mandel

May 20, 1998

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The following is the transcript of an audio taped interview with Frank Dillon, conducted by Detective Abe Alonzo, 72091, of the Denver Police Department Intelligence Bureau, regarding an investigation of an abduction/homicide of Anna Mae Huaquash, approximately 22 years ago. Also present is Deputy District Attorney Geanne Moroye.

ALONZO: ...and sign there. (Long pause) Witness that Frank. (Long pause) Do you have a current home address or mailing address Frank?

DILLON: Twenty Three Twenty Three First, (unintelligible) right now.

ALONZO: Do you have a phone number you can be reached at?

DILLON: (Unintelligible) ... (unintelligible) ... two nine seven one five seven seven. Nine seven one five seven seven.

ALONZO: Uhm, have any promises or threats been made to ya, at anytime, by myself or anyone else to get ya to make this statement?

DILLON: No.

ALONZO: Are you under the influence of any narcotic, drug or alcohol?

DILLON: Nah.

ALONZO: Is this statement being made voluntarily?

DILLON: Yes it is.

ALONZO: Do you understand that this is being videod and audio tape recorded?

DILLON: Yeah, I understand that.

ALONZO: Why don't'cha print your name there Geanne. Frank,
2 it's been a long time, you and I have talked on a couple of occasions
3 concerning the investigation involving Anna Mae Huaquash and that's
4 the reason why we're here today. Uhm ... as you know this case has
5 been ongoing for several years.

6 DILLON: Yes I know that.

7 ALONZO: We're going on twenty two years...

8 DILLON: I know that.

9 ALONZO: ...that Anna Mae Huaquash is, uh ... was kidnapped and
10 murdered.

11 DILLON: Um-huh.

12 ALONZO: She was kidnapped in Denver and murdered in, uh, South
13 Dakota. Uhm, obviously, lot of speculation to a lot of things that
14 have happened, but I think, uh, with the knowledge that you may have,
15 uh, you know this is the time that we would like to have you sit and
16 share that with us. Uhm, and understand that, uh ... uh, whatever
17 information, uh, that we get, uh, at this time, is ... is, uh, only
18 gonna assist with the investigation. And ... and will assist, uh ...
19 uh, the situation surrounding Anna Mae's, uh, homicide. Why don't we
20 start from the beginning. Uhm ... do you remember when Anna Mae came
21 to Denver?

22 DILLON: Well, see I was in Rosebud, I was working at the
23 (unintelligible) school at the time, but approximately ... November
24 of nineteen seventy five, at some point ... 'cause I didn't get back
25 here till after Thanksgiving. And, uh ... Troylyn and John Boy
26 Patton, I don't what his real name is. John Boy came to my house

'cause I was livin' at Tenth and Kalamath at the time. 'Cause I
2 (sic)...

3 ALONZO: You lived where?

4 DILLON: Tenth and Kalamath. Between Tenth and Eleventh. And
5 he came to my house right after, er, the holiday, after Thanksgiving,
6 I got back about at that, I don't know (sic). And almost from day
7 one he told that they had to off this girl sh-... s... at the time I
8 didn't know what was goin' on. And Anna Mae had left some messages
9 earlier, but my partner, he didn't know who Anna Mae was 'cause he
10 wasn't, you know, active in South Dakota like we were. And she had
11 tried to contact me.

12 ALONZO: Anna Mae tried to contact you?

13 DILLON: Yeah. To this ... it had to be around Thanksgiving
14 time or prior to that. Somewhere around there ... seventy five. I
15 didn't get back till a little bit after Thanksgivin' and that's when
16 I, you know, see this messages, by then, she's already been taken.
17 That's all I knew at the time that she was taken somewhere. Now John
18 Boy told me that they had to off a girl. Uh, this was before
19 Christmas, so it's between November, December, nineteen seventy five
20 ... before Christmas he told me this.

21 ALONZO: John Boy Patton told you directly that he had to off
22 the girl? Or did he say who?

23 DILLON: At that time, he just said we had to off, uh ... a
24 girl. No, I must've ... well, not too long afterwards, uh, George
25 Palfrey (sic) told me we'll probably have to take this girl and move
26 her. And I had these messages and then later on they found the body
in February of nineteen seven six around there (sic). January or

February around there. And John Boy was very paranoid. He told me
2 that they had stashed a girl, you know, somewhere near Wamley (sic)
3 under a bridge.

4 ALONZO: Let's go back a little ways. Where was Anna Mae at
5 the time prior to her bein', uh, murdered?

6 DILLON: I think she was at Troylyn Irving's house. Troylyn
7 Irving's house.

8 ALONZO: At Troylyn Irving's house?

9 DILLON: Yeah. And...

10 ALONZO: And where was that located, do you remember?

11 DILLON: Oh, okay, that's on, uh ... let's see ... she doesn't
12 live there anymore, but ... Pecos. Right before the freeway. I
13 don't remember the exact address.

ALONZO: On Pecos street?

15 DILLON: Yeah, Pecos an' then the freeway there. North Pecos,
16 I can't remember the exact address. I know where it is, but ...
17 where it was. And ... she told me that...

18 ALONZO: Who told you?

19 DILLON: Troylyn told me that ... uhm, she was tied up
20 downstairs and they had a meeting upstairs.

21 ALONZO: When you say they had a meeting upstairs, who ... who
22 were they?

23 DILLON: Well, some of them were Crusade for Justice people and
24 then some of the A members.

25 ALONZO: Do you remember who the Crusade for Justice people
26 might have been?

DILLON: Ernesto Vigil.

ALONZO: Ernesto Vigil?

2 DILLON: (No verbal response)

3 ALONZO: Who else?

4 DILLON: Well, that's the name that ... the only one I really
5 know at the time. (Unintelligible) like this.

6 ALONZO: Wait a minute pal (sic). Ernesto Vigil is the only
7 one you remember that was associated with...

8 DILLON: I wasn't there.

9 ALONZO: I understand...

10 DILLON: (Unintelligible).

11 ALONZO: ...that. Uh, and this is information that Troylyn had
12 told you?

13 DILLON: Yeah.

ALONZO: Okay. And the only name you remember is Ernesto
15 Vigil?

16 DILLON: Yeah. Uh ... uh, I guess he was (unintelligible).

17 ALONZO: Do what like that?

18 DILLON: Ernesto.

19 ALONZO: For what reason?

20 DILLON: (Unintelligible) case ... I mean his first year
21 tuition (sic).

22 ALONZO: Uh, was anything said about who the A members might've
23 been?

24 DILLON: All I know is George Palfey (sic) and there was ... of
25 course John Boy was probably there. At the time, George was the
26 president of the, uh, organization.

ALONZO: President of what organization?

1 DILLON: AIM. At that time. (Long pause) I don't know what
2 John Boy's real name is, he goes by (unintelligible). I don't know
3 what his real name is, but he ... he started comin' to my place after
4 that.

5 ALONZO: When you say he started comin' to your place after
6 what?

7 DILLON: Actually, I got back after Thanksgivin' an' he started
8 comin' over there. Before Christmas, so it was in that time frame in
9 between there. Which would be nineteen seventy five. A little bit
10 early December he started comin' over (sic).

11 ALONZO: What did John Boy Patton tell ya?

12 DILLON: He said that they offed ... they had to off somebody
13 ... some girl. At that time, he didn't say her name, but I better
14 ... I put two and two together. Because of what George said. And
15 then what Anna, uh, Troylyn, who was Anna Mae (sic).

16 ALONZO: What did George Palfey (sic) tell ya?

17 DILLON: They had to remove somebody. That's all he said, we
18 have to move that girl. And Billy Means ... I was with
19 (unintelligible) they had to, uh, do somethin' with a snitch. And
20 later on I found out that, uh ... that was Bill and Ted, they're
21 cousins. She goes by Thunder Hawk (sic), I told Bill about this.
22 She used to be ahead of a survival school, uh, (unintelligible).

23 ALONZO: Who, Thunder Hawk?

24 DILLON: Yeah. She goes by Thunder Hawk, but her first name
25 is, uh, ... anyway that's Bill and Ted's first cousin. And then of
26 course, Theda. Theda ... Theda Clark or Theda Nelson, whatever she
goes by. S-...

ALONZO: Who's Theda?

2 DILLON: Uh, that's who's car they took her in up to Wambley
3 (sic). Little red car ... station wagon.

4 ALONZO: Who took, uh, Anna Mae?

5 DILLON: Theda, John Boy ... and I assumed that Arlo was with
6 'em 'cause talks about it (unintelligible)...

7 ALONZO: I'm sorry, what?

8 DILLON: Arlo was in the car with 'em (sic) ... he was in the
9 car. Uh, John Boy told me that. (Unintelligible) somewhere around
10 Wambley (sic) I don't exactly where. Under a bridge somewhere.
11 Yeah, he was e-... extremely paranoid, you know, during that period
12 of time. And I showed him a picture of Anna Mae, I says you know
13 this woman and he just looked away and he says, yeah and then he says
14 yeah, so I says huh. 'Cause I did my own investigation at that time,
15 you know. (Unintelligible) should help was National dir-... director
16 of (unintelligible) movement at the time.

17 ALONZO: You say you did your own investigation at the time?

18 DILLON: Yeah.

19 ALONZO: For yourself or for someone else?

20 DILLON: Uh, for AIM.

21 ALONZO: For AIM?

22 DILLON: 'Cause AIM didn't know what's goin' on. Apparently,
23 this group of people ... thought they were ... I don't know if they
24 were laughin' at (sic). I guess they thought they were vigilantes or
25 something, I'm not sure, you know, but they killed Anna Mae and
26 dumped her ... I know that the executive director is a good friend of

Anna Mae also and he's been expressed to me, find out what happened.

2 I found out that John Boy was the shooter (sic).

3 ALONZO: How did you find that out?

4 DILLON: He told me.

5 ALONZO: John Boy told you he was the shooter?

6 DILLON: Yeah.

7 ALONZO: Did John Boy mention what type of weapon was used?

8 DILLON: It was a thirty eight I think. It was a pistol.

9 (Long pause) He also told me that she started praying before it
10 happened. That he had raped her.

11 ALONZO: John Boy said that Anna Mae was praying?

12 DILLON: Before he shot her in the head.

13 ALONZO: And he had raped her?

DILLON: He had raped her previously (sic).

15 ALONZO: Did he say when?

16 DILLON: Not exactly when, but ... I don't know if maybe it was
17 the same night or the night before, I don't know.

18 ALONZO: Do you have any knowledge of the circumstances of how
19 Anna Mae, uh, came to Denver and the circumstances in which she left
20 Denver?

21 DILLON: I understand that she was in court in Pierre, South
22 Dakota and then released her and after that she came to Denver. She
23 was at, uh, Troylyn's house. And also ... when the situation came
24 down here (sic), all these people thought she was a snitch. Tied her
25 up downstairs and then moved her from there, then put here in Theda's
26 car, took her to Wambley (sic), so they shot her in the badlands.

ALONZO: Do you have any knowledge of Anna Mae being removed by
2 force or did she willingly go with these folks?

DILLON: She did not willingly go with 'em. That's what
3 Troylyn tells me, that's her house ... it was her house anyway.
4

ALONZO: What, exactly did Troylyn tell ya?
5

DILLON: Troylyn was cryin' and she's tellin' me that they had
6 tied her up downstairs and kept her tied up. And then they had that
7 meeting and after that go gas Theda's car and left her.
8

ALONZO: Was it described at all as to how Anna Mae went to the
9 car, was she escorted to the car?
10

DILLON: Yeah. Forcibly put her in the car?
11

ALONZO: How do you know this?
12

DILLON: That's what George Palfey (sic) tells me. That's what
13 Troylyn tells me. (Long pause) She didn't exactly go by willingly,
14 you know.
15

ALONZO: (Long pause) When did ... excuse me ... when did ya
16 have the opportunity to talk to Troylyn about Anna Mae?
17

DILLON: Approximately about the same time December of seventy
18 five, around there.
19

ALONZO: Did Troylyn at that time mention who it was they took?
20

DILLON: Yeah. Well, I ... yeah. That's when I started
21 finding out things, you know, and that's when she told me it was Anna
22 Mae. It had to be before Christmas of seventy five. Or Thanksgivin'
23 to Christmas, right around that time frame. And that's when John Boy
24 had talked to me too, so I put two and two together and it was that
25 day (sic).
26

ALONZO: So John Boy was back in Denver sometime between that
2 period of Thanksgiving and Christmas?

3 DILLON: Yeah, he came to my house.

4 ALONZO: He came to your house?

5 DILLON: Yeah.

6 ALONZO: Why did he come to your house?

7 DILLON: Uh, he just ke-... started hangin' out there, you know
8 so.

9 ALONZO: And how was it that John Boy ended up tellin' you
10 about what had happened?

11 DILLON: He just told me.

12 ALONZO: Besides Troylyn and John Boy, was there anyone else
13 that discussed this, uh...

DILLON: I told you George Palfey (sic). He lives in Wheat
15 Ridge now. Works for the postal service.

16 ALONZO: So George Palfey (sic) knew that ... Theda Clark, John
17 Boy and Arlo Looking Cloud took Anna Mae from Troylyn's house?

18 DILLON: Yeah, I don't know if Arlo was involved, but I guess
19 he was in the car. He tells me he was drunk at the time, so he
20 wasn't sure what's goin' on. But then he knew that they'd put her in
21 the car and they left.

22 ALONZO: Who were ... who took her to the badlands after they
23 arrived in South Dakota?

24 DILLON: John Boy, Theda, those are the one ... the two ... the
25 two people that I know for sure. If there's others in the car, you
26 know, I don't know about that, but I Theda Clark and, uh, John Boy
were the orchestrators.

ALONZO: (Long pause) When John Boy came back to Denver,
2 during that period of time that your talkin' about, uh, Thanksgiving
3 and December of nineteen seventy five, uh, did he right away tell you
4 what had happened? How did ... how did this conversation come about?

5 DILLON: (Unintelligible) he didn't tell me right off the bat,
6 but, you know, maybe about the second or third time he came to the
7 house he started talkin' about it ... you know. And then had to off
8 a girl and ... and you know, I was like ... talkin' about the gun
9 that they stashed and all that, you know.

10 ALONZO: Did he say where they got the gun?

11 DILLON: No, not really. He said it was a thirty eight they
12 used. He used.

13 ALONZO: Did they say why?

DILLON: They thought she was a snitch.

15 ALONZO: Who thought they were ... she was a snitched (sic)?

16 DILLON: John Boy, Theda, Bill Means told me after a while.

17 ALONZO: Snitch for who?

18 DILLON: The FBI.

19 ALONZO: So was it John Boy and Theda that decided that because
20 she was a snitch that, uh...

21 DILLON: From what I understand, they had some kind of a mock
22 trial in Rapid City, the meetin's (sic). Bill and Ted Means, Ladonna
23 Gilbert (sic), that crew.

24 ALONZO: Who was the last one you just mentioned?

25 DILLON: Ladonna Gilbert (sic). She was with Thunder Hawk.
26 And that crew. I don't know exactly ... those are the main ones that
I know. 'Cause I know Ted was really ... really active cohorts (sic)

with (unintelligible) couple of years ago, so ... I don't think
2 Russell is involved, he's too busy going trials and stuff, but I know
3 that Bill and Ted were ... Billy told me himself, Bill Means.

4 ALONZO: What did Billy tell ya?

5 DILLON: He said that Theda and them showed up with a snitch
6 and they had to make a move on it.

7 ALONZO: (Long pause) Why would John Boy discuss this, uh,
8 incident with ya?

9 DILLON: What? He just discussed it ... I mean he kept showin'
10 up at (sic) the house and about the second or third time he showed up
11 he told me.

12 ALONZO: Were you very close friends or?

13 DILLON: At ... at first I thought he was a good bro, you know,
14 a good friend, you know, at first. You know, then I heard about, you
15 know, what he told me and then it's ... I didn't say anything at the
16 time, you know.

17 ALONZO: Had you talked to Troylyn before John Boy? Didja know
18 about it?

19 DILLON: About the same time. About the same time Troylyn
20 discussed it with me too.

21 ALONZO: But did you know about Anna Mae before John Boy had
22 talked to you about what happened?

23 DILLON: Not really.

24 ALONZO: Was it after that Troylyn talked to you?

25 DILLON: About the same time.

26 ALONZO: About the same time?

1 DILLON: Yeah. But all one had to do is go into a bar and
2 people were buzzin' about it ... you know.

3 ALONZO: What, uh ... what bar? I mean do you remember?

4 DILLON: Eleventh and Broadway, Arties.

5 ALONZO: Arties?

6 DILLON: Yeah. I don't know it it's still called Arties,
7 but...

8 ALONZO: Is that...

9 DILLON: ...uh, everybody's buzzin' about it. There was
10 talkin' about it (unintelligible) (sic).

11 ALONZO: What, uh ... what kind of bar was this?

12 DILLON: A lot of Indians hung out there, you know.

13 ALONZO: A lot of Indians hung out there?

DILLON: Yeah.

15 ALONZO: How old were you back then?

16 DILLON: Let's see, seventy five? I was twenty two years old.

17 ALONZO: Twenty two?

18 DILLON: Let's see, seventy five? No, I was ... I just turned
19 forty three. (Long pause) And in February ... by the time Anna Mae
20 was found, I was elected as a coordinator for the American Indian
21 Movement at the time.

22 ALONZO: When Anna Mae was found you said you were elected
23 coordinator for the American Indian Movement?

24 DILLON: About that time. January, February, like January.

25 ALONZO: How did you find out about Anna Mae being found?

26 DILLON: John Boy told me.

ALONZO: What did John Boy tell you?

1 DILLON: He said they found her. They found Anna Mae. He came
2 to the house and told me. He was extremely paranoid at the time.
3 Then of course Troylyn told me about a day later. She was crying and
4 everything (sic).

5 ALONZO: (Long pause) Troylyn also told you that Anna Mae was
6 found?

7 DILLON: Yeah. I really wasn't in a (unintelligible) about
8 this ... days later, but I ... I don't (unintelligible), but that's
9 what they said right off the bat (sic). (Long pause) Okay,
10 (Unintelligible) I do have a bad cold (unintelligible).

11 ALONZO: Is there anything else that you remember back at ...
12 during that period of time that, uh ... concerning Anna Mae that...

13 DILLON: (Lots of coughing) I already explained to
14 (unintelligible) we had two directors (sic) (unintelligible), you
15 know, a few months before and we ... and my ... my wife at the time
16 she said, come with us we're goin' up to Cheyenne River Reservation
17 (unintelligible), we're gonna do our sun dance up there. Anna Mae
18 decided to stay there ... you know, this is background information,
19 but she'd decided not to come with us (sic). So we stayed there, she
20 has some parents there ... (unintelligible) sun dance, so I said
21 well, it's too much hassle here and so we went up north for our sun
22 dance up there. Of course half the A crew came with us ... but I
23 have ask (sic) you that's about last time I really talked to her, you
24 know. Obviously in months, you know, I was working in Rosebud, and I
25 got back to Denver that's ... I have these messages on the phone.
26 And my friend Harold, he's ... he was manning the house and he says

told me himself early December or somethin' like that. Before
2 Christmas.

3 ALONZO: (Long pause) How well do you know Theda Clark now
4 (unintelligible)?

5 DILLON: I've known her since seventy one.

6 ALONZO: Had she ever discussed this incident with you?

7 DILLON: Yeah.

8 ALONZO: And what did Theda Clark tell you?

9 DILLON: She said that they had to move Anna Mae north. Is
10 what she said. And they had stopped at Bill Means' house and Bill
11 Means said that how come you're bringin' the snitch with you. And
12 that's what Billy told me too. Said they brought a snitch with 'em.

13 ALONZO: Did Theda Clark tell you that they had taken Anna Mae?

DILLON: Yeah. Yeah.

15 ALONZO: Did she tell you why?

16 DILLON: She said they had to move Anna Mae north, you know.
17 'Cause we really don't talk that much, you know. That's what sh-...
18 sh-... she told me.

19 ALONZO: How long after you found out about Anna Mae did you
20 talk with Theda or was it before you found out?

21 DILLON: It was approximately about the same time, around
22 Christmas time, right around there. Right around that period of
23 time, December, right around there. 'Cause I know it was between the
24 holidays.

25 ALONZO: Was Steven Clark living here at the time?

26 DILLON: Yeah, actually livin' in Brighton. Parethaca (sic)
was her old man's name. She's ... he was a bar owner.

ALONZO: What was his name?

2 DILLON: Porithca (sic).

3 ALONZO: Porithca (sic)?

4 DILLON: P-O-R-I...

5 ALONZO: Where'd he have his bar at?

6 DILLON: Right down that way (sic).

7 ALONZO: In Brighton?

8 DILLON: Yeah. And Theda was an alcoholic, so she ... she used
9 drink and talk, you know.

10 ALONZO: Did, uh, John Boy Patton live in Denver at the time?

11 DILLON: Yeah. Yeah, they were living in Thornton I think.
12 Somewhere, her and Angie.

13 ALONZO: Angie who?

DILLON: Begay.

15 ALONZO: Begay?

16 DILLON: She was at the Grand Jury (sic).

17 ALONZO: (Long pause) Have you talked to anybody else about
18 this, uh ... about Anna Mae Huaquash since nineteen seventy five ...
19 nineteen seventy six?

20 DILLON: Well, I mentioned it to my ... my wife, you know, at
21 the time. Mary Killsinsight (sic) I talked to her about it and
22 that's (unintelligible)...

23 ALONZO: Talked to who?

24 DILLON: Mary Killsinsight (sic).

25 ALONZO: Mary Killsinsight (sic)?

26 DILLON: Yeah.

ALONZO: Who's she?

DILLON: Uh, she's my ex, my daughter's mom.

2 ALONZO: Oh, okay.

3 DILLON: My ex-wife. My oldest daughter's mom.

4 ALONZO: But have you had any contact with John Boy Patton or
5 Troylyn Irving or Theda Clark any of these people since...

6 DILLON: Yeah, I...

7 ALONZO: ...Arlo Looking Cloud?

8 DILLON: ...yeah, I saw Arlo Friday and then Troy's been goin'
9 to (unintelligible) ceremonies with us for, you know, the last number
10 of years.

11 ALONZO: After all these years, and obviously I don't know the
12 significance of a lot of the Indian ways or the Indian culture, uhm,
13 but from the little history that I've gotten, Anna Mae was, uh,
somewhat of a role model I guess back then...

15 DILLON: Right (sic).

16 ALONZO: ...and the person...

17 DILLON: Oh, yeah, she was.

18 ALONZO: ...it was my understanding, why have you waited so
19 long to tell us what happened to Anna Mae?

20 DILLON: I was afraid for my life. I thought those guys were
21 gonna waste me in front of my kids (sic).

22 ALONZO: How do you feel about it now Frank?

23 DILLON: I don't care if I die tomorrow ... my kids are grown
24 now. And I got enough (unintelligible) left behind me now so if
25 anything happens to me those guys gonna get it (sic).

26 ALONZO: Do you have anything else?

98-18

1 MOROYE: Just a couple questions Mr. Dillon. You indicated
2 that John Boy told you he was the shooter.

3 DILLON: Yes.

4 MOROYE: Correct?

5 DILLON: Correct.

6 MOROYE: That he's the one that shot Anna Mae.

7 DILLON: That's true.

8 MOROYE: Did he give you anymore details about that ... did he
9 tell you where he shot her?

10 DILLON: Near Wamley (sic), towards the badlands. Wamley's
11 (sic) here, the badlands are over here, so back there somewhere
12 (sic). In a field.

13 MOROYE: Did he say where on her body he shot her?

DILLON: In the back of the head.

15 MOROYE: He said in the back of the head?

16 DILLON: Yeah. But he ... sh-... she was prayin' before ... he
17 said ... he said s-... she wanted to do some prayers. And he waited
18 and after she done her prayers then he shot her back here, behind the
19 head.

20 MOROYE: All right.

21 DILLON: Ear or somethin', it's right here.

22 MOROYE: And during this time in nineteen seventy five, you
23 were with a woman named Eba (sic)?

24 DILLON: Eba Nichols, yeah.

25 MOROYE: Eba Nichols?

26 DILLON: Uh...

MOROYE: Was Eba present during any of these conversations you
2 had with John Boy?

3 DILLON: Eba was around, but it was actually John Boy who's
4 callin' to me straight, you know, it wasn't ... it was kind of in
5 private conversation between me and him.

6 MOROYE: So Eba would not have been party to any of these
7 conversations you were having with John Boy or Theda Clark Nelson...

8 DILLON: No.

9 MOROYE: ...or anyone else?

10 DILLON: Eba didn't get along with Theda or any ... Troylyn or
11 them guys at all, so. I don't know, I just let ... basically left
12 Eba outta it 'cause, you know, didn't know what to do (sic). I
13 didn't know if they were gonna waste me next or what, you know ... I
wasn't sure.

15 MOROYE: And Troylyn told you...

16 DILLON: Yes.

17 MOROYE: ...that Anna Mae was taken from her home...

18 DILLON: Yes, she said that.

19 MOROYE: ...and I wasn't clear, did she know this because she
20 was actually present when Anna Mae...

21 DILLON: Yes, yes.

22 MOROYE: ...was ... was taken...

23 DILLON: Yes.

24 MOROYE: ...and saw the people take her?

25 DILLON: Yes. Correct.

26 MOROYE: And conveyed to you that she was forcibly taken?

.. DILLON: Yes.

MOROYE: Thank you Mr. Dillon.

2 DILLON: It's not a statement if (unintelligible)...

3 ALONZO: I'm sorry, what was that?

4 DILLON: I want justice taken, uh, signed a letter of release
5 (unintelligible) (sic).

6 ALONZO: Okay. (Long pause) This interview, uh, after Mr.
7 Dillon's signature on the video tape interview introduction form, uh
8 ... you need to sign down below there.

9 DILLON: Right here?

10 ALONZO: Yeah, below there that black line there.

11 DILLON: I want justice to be done. (Unintelligible) I was
12 used. I don't care if they kill me ... my kids are gone.

13 ALONZO: This interview is concluded at four o eight p.m. It's
April twenty third, nineteen ninety eight.

15 DILLON: So you're a District Attorney?

16 MOROYE: I am.

17 DILLON: Are you?

18 MOROYE: Um-huh.

19 DILLON: I'll be darn. S-...

20 (LET THE RECORD REFLECT THIS IS THE END OF THE AUDIO TAPE.)

21 *****

22 Transcribed by Peggy A. Burns, Crimes Against Persons.