

The Time-line of John Graham's Trip with Anna Mae Aquash From Denver to Pine Ridge in November 1975

by John Graham, July 23, 2023

The related transcripts from the trials of Arlo Looking Cloud, Richard Marshall, and John Graham, answer the numerous questions concerning the time-line of John Graham's trip in November 1975 with Theda Nelson Clarke, Arlo Looking Cloud, and Anna Mae Aquash from Denver, Colorado, to Rapid City, South Dakota then on to Pine Ridge Indian Reservation. As given below, at the jury trial of John Graham, December 1-10, 2010, four State witnesses corroborated each other on one issue, and only one issue. That one issue is that the trip John Graham took from Denver, Colorado to South Dakota happened in late November 1975, and John Graham was back in Denver within two days.

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THE TIME-LINE IS CRITICAL

George Palfy, Angie Janis, Troy Lynn Yellow Wood, and Arlo Looking Cloud all put the trip John Graham took from Denver, Colorado to South Dakota as happening at the end of November 1975. George was positive about it. Angie was positive about it. Further, Arlo said he could tie the trip to the outside fact that it happened during his son's birthday. WHY IS THIS PIVOTAL? Because it establishes the trip John Graham took with Anna Mae happened at the end of November 1975. This is crucial when the State Attorney General Marty Jackley talks about the alleged meeting at the Wounded Knee Legal Defense Offense Committee (WKLDOC) house in mid-December 1975. They have a two-week gap that the prosecution have never provided any evidence on, two weeks they cannot explain between the end of November and December 15, 1975 and have no explanation for events. Why is this pivotal? Because it goes to the safe house issue.

All four witnesses testified John Graham's involvement ended November 27-28, 1975. This testimony was uncontroverted and came in through the sworn testimony of four State witnesses.

One of the instructions on the element of felony-murder is that if you are to find John Graham guilty of felony-murder, you must find that Ms. Aquash died as a result of, or while committing kidnapping, or aiding and abetting kidnapping, as a result of or while the kidnapping was going on. This is sometimes called the causal break instruction. The kidnapping has to be the cause of the murder. There has to be a continuous connection between those two events. If there is a break between those two events, felony-murder has not occurred in regard to John Graham. That is why that two week break becomes such a huge issue because they haven't proven by any evidence where Anna Mae was and what she was doing between the end of November and mid-December 15, 1975. John Graham cannot be guilty of the crime of felony murder. The

State has to show a continuous transaction, that she was continuously kidnapped, and that John Graham was involved in that but they don't have him at WKLDOC house. They don't have an explanation for two weeks that evaporated.

The only witness to testify about the WKLDOC house was Candy Hamilton. The State has tried to allege and speculate - - put forward this theory that some kind of tribunal occurred at the WKLDOC house where Anna Mae was found guilty of being an informant or guilty of treason, but what facts do they have to support it? NOT ONE FACT.

Following are excerpts from the transcripts of the jury trial of John Graham, December 1-10, 2010 (available at <https://www.grahamdefense.org/courtdocs/trial20101201-10.htm>). First is a statement December 9, 2010 by Mr. John Murphy, Attorney at Law, Representing John Graham. Following then in chronological order are statements by state witnesses: December 2, 2010 by Angie Janis, Troy Lynn Yellow Wood, and George Palfy; December 3, 2010 by Candy Hamilton; and December 7, 2010 by Arlo Looking Cloud.

Statement by Mr. John Murphy, Attorney at Law, Representing John Graham, Transcript from the Jury Trial of John Graham, December 1-10, 2010, Vol. 9, December 9, 2010 (98 pages, PDF, 1.2 MB, https://www.grahamdefense.org/courtdocs/John_Graham_Trial20101201-10Vol_09.pdf). See page 49, lines 6-21. Bold formatting of the last sentence added. For a statement by Candy Hamilton see the transcript excerpt below from December 3, 2010.

Candy Hamilton said she was in the house all day. There were some people having a meeting in the other room. She never heard Anna Mae's name mentioned. She never heard the word informant mentioned, there was no screaming or anything like that. It was just a meeting in another room.

Candy said something interesting. She said I was a lady from the south. I was not upper echelon in AIM. I was not somebody who was leader allowed to be in a decision-making role. Yet they allowed her to have free access to the house and roam around all day when they are supposedly conducting a tribunal to convict Anna Mae? It was pure speculation. **We know nothing about what that meeting was about.**

Transcript from the Jury Trial of John Graham, December 1-10, 2010, Vol. 4, December 2, 2010 (267 pages, PDF, 3.2 MB, https://www.grahamdefense.org/courtdocs/John_Graham_Trial20101201-10Vol_04.pdf).

Cross-examination of state witness Angie Janis (begins on p. 68 line 8), actual testimony

P. 100 lines 7-25 and p. 101 lines 1-2 :

Q. I don't know if I asked you but do you recall about what date this all happened? And the question, is it possible it was even into December? Your answer, no, I don't think so. Was that your testimony on that occasion?

A. Yes.

Q. And previously when you were asked by Mr.Ecoffy back on July,20,1994, he told you that he thought - - Anna Mae had been at Troy Lynn's a full two weeks. Do you remember that?

A. No.

Q. Do you remember telling him that you disputed the time frame and that you think that this happened around Thanksgiving? Do you recall that now?

A. Yes.

Cross-examination of state witness Troy Lynn Yellow Wood (begins on p. 105 line 5), actual testimony

P. 108 line 25 and p. 109 lines 2-4:

Q. Can you give me the best estimate or reference point, like to holidays or something, that you can when this happened?

A. It was in November. I don't know the exact dates or anything. It was around Thanksgiving.

Cross-examination of state witness George Palfy (begins on p. 230 line 16), actual testimony

P. 235 lines 15-18:

Q. Do you remember what date it was about?

A. I do not remember.

Q. Do you know what month it was?

A. November.

Transcript from the Jury Trial of John Graham, December 1-10, 2010, Vol. 5, December 3, 2010 (129 pages, PDF, 1.6 MB, https://www.grahamdefense.org/courtdocs/John_Graham_Trial20101201-10Vol_05.pdf).

Cross-examination of state witness Candy Hamilton (begins on p. 4 line 11), actual testimony

P. 37 lines 19-25:

Q. She never told you that at any time - - and I'm talking all the way up in your conversation all the way through 1975, that she had ever been held captive by anybody in the American Indian Movement, did she?

A. She didn't come out and say anything like that, no.

P. 38 lines 1-5:

Q. Right She didn't say anything about being forced to travel with Leonard and Dennis in that motor home out to the Pacific Northwest?

A. No.

P. 47 lines 2-6.

Q. When you got to WKLD0C the next day - -

A. Yes.

Q. - - the day that you talked about earlier, you were free to roam throughout the building?

A. Yes.

P. 47 lines 13-17 and 20-22.

Q. You hear other people, you see Anna?

A. Yes.

Q. At no time during that day did you ever see John Graham, correct?

A. No.

Q. You would have recognized him if you saw him there?

A. Yes.

P. 48 lines 3-21:

Q. And let's talk about when you are meeting with Ms. Aquash.

A. Yes.

Q. It's in the kitchen which is at the back of the house?

A. Yes.

Q. You said earlier that you got the sense she was not free to leave?

A. Yes.

Q. I want to talk about that more specifically. She was not tied up?

A. No.

Q. Okay. There was nobody else in the kitchen guarding her, correct?

A. No.

P. 49 lines 1-3 and 7-24:

Q. You would never have stopped her from walking out the back door?

A. No.

Q. You might know what you would have done, but when you say somebody was not free to leave, that has certain connotations that I want to explore with you.

A. Okay.

Q. You were in the kitchen?

A. Yes.

Q. And she's there and she might not have a car or money but she's free to walk out the door?

A. Yes.

Q. And at no time when she first entered the kitchen did somebody else walk in there with her and say, Candy, make sure she doesn't go anywhere?

A. No. Nobody said that.

Q. So she really was free to walk away from the situation?

A. Yeah.

P. 50 lines 12-17:

Q. And you weren't affiliated with the American Indian Movement leadership, were you?

A. No. ... I knew them but I wasn't — certainly wasn't part of any leadership.

Transcript from the Jury Trial of John Graham, December 1-10, 2010, Vol. 7, December 7, 2010
(245 pages, PDF, 2.9 MB, https://www.grahamdefense.org/courtdocs/John_Graham_Trial20101201-10Vol_07.pdf).

Continued cross-examination of state witness Arlo Looking Cloud (begins on p. 4 line 8), actual testimony

P. 24 lines 8-18:

Q. The trip you took with John, I want to talk about that trip and that trip alone. That trip took two days, correct?

A. Yes sir.

Q. And that trip happened November 27 or November 28 of 1975, correct?

A. Yes sir.

Q. And you can remember that with certainty and you have testified to it on a number of occasions because it correlated to your son's birthday, right?

A. Yes, sir.

- End -