

Motions Hearings March - November 2010, Jury Trial of John Graham, December 1-10, 2010 and Sentencing Hearing January 24, 2011

Table of Contents

by The John Graham Defense Committee

Foreword

This Table of Contents is meant as a guide. It is not comprehensive. The documents below have been scanned in. The court has not provided the digital version. Though the text is searchable, the page numbers have not been indexed and some text in the body may also not have been indexed. Please send notification of unindexed text or any other issues to info@grahamdefense.org. The free program PDF-XChange Viewer is recommended for ease of searching (see <http://www.tracker-software.com/product/downloads>).

See also “[Court Documents](#),” particularly “[Motions by John Graham's lawyer John Murphy in the State of South Dakota case Feb. 12 - May 7, 2010](#)” (PDF, 652 KB).

Transcript of Motions Hearing

[March 8, 2010](#) (22 pages, PDF, 218 KB)

Seeking disclosure of documents from Canadian Government that authorizes the State Court prosecution – page 3

Transcript of Motions Hearing

[August 2, 2010](#) (207 pages, PDF, 2.1 MB)

US prosecution’s demand for an alibi – page 4

Use of discovery information in the course of defense investigations – page 9

The ligature and Daubert issues – Mr. Ecoffey as an expert – page 12

Defense motion in limine Re: Marshall’s criminal history in connection to Russell Means – page 19

Time of death testimony – page 24

Defense motion in limine Re: Marshall’s statements – page 26

The duration of exposure – page 52

Twenty peremptory challenges – page 54

The baggage note – page 56

The disclosure of immigration benefits – page 73

Motion to squash Marshall subpoena – page 84

Mr. Gates a medicine man – page 93

Mr. Chapman’s unrecorded portion of interview with Graham – page 95

Breaking of privilege by medicine man confronting witness – page 106

Media interview – page 121
Defense motion in limine Re: rape allegation – page 125
Defense motion in limine Re: Leonard Peltier alleged confession – page 150
Remaining motions more or less procedural – page 191

Transcript of Motions Hearing

[November 8, 2010](#) (114 pages, PDF, 1.12 MB)

Thelma Rios plea agreement – page 4
Motions pending peremptory (preemptory?) challenges – page 27
Motion to squash the Marshall subpoena – page 34
Defense call Donovan Sprague Re: medicine man – page 41
Marshall – Government to request order for immunity – page 96
Defense motion in limine Re: Denise Maloney – page 110

Transcript of Motions Hearing

[November 15, 2010](#) (29 pages, PDF, 291 KB)

Re: Interview now at issue medicine man privilege – page 3
Motions on impeachment and conviction Re: Frank Dillon – Arlo Looking Cloud – page 19
Denise Maloney motion no admissible grounds – page 22
Marshall – derivative use immunity – in every country involved – page 24

Transcript of Motions Hearing

[November 22, 2010](#) (43 pages, PDF, 429 KB)

Administrative matters Re: Jury selection – page 3
Motion of redacting Chapman tapes – page 16
Court rules on medicine man privilege – page 34
Prosecution's new witness – Russell Means – page 38

Transcript of Jury Trial

November 29, 2010

[Volume 1 of 10](#) (286 pages, PDF, 2.9 MB)

Start of jury selection all day – page 4

Transcript of Jury Trial

November 30, 2010

[Volume 2 of 10](#) (148 pages, PDF, 1.49 MB)

Court ruling on Marshall motion to squash subpoena – page 4
Defense concerns KOTA TV – reporter in jury selection – page 13
Defense – Lorelei Decora – grand jury transcripts should be read – page 14
Second day of jury selection starts – page 17

Transcript of Jury Trial

[Volume 3 of 10](#) (206 pages, PDF, 2.5 MB)

December 1, 2010

Mr. Hannah's motion to squash Marshall subpoena – page 4
Judge gives jury trial instructions – page 41
Prosecution reads indictment – give opening statement – page 47
Defense gives opening statement – page 61

State calls rancher Roger Amiotte – page 80
Defense cross examination – page 87
State redirect examination – page 91
Defense recross examination – page 93

State calls retired FBI agent John Munis – page 95
Defense cross examination – page 100
State redirect examination – page 103

State calls retired FBI agent Bill Wood – page 106
Defense cross examination – page 120
State redirect examination – page 152
Defense recross examination – page 155
State continued redirect examination – page 158

State calls retired FBI BIA police Nate Merrick – page 159
Defense cross examination – page 174

State calls Ray Hand-Boy – page 188
Defense cross examination – page 199

Transcript of Jury Trial

[Volume 4 of 10](#) (267 pages, PDF, 3.2 MB)

December 2, 2010

State calls Dr. Gary Peterson out of presence of jury – page 4
State calls Dr. Gary Peterson in front of jury – page 40
Defense cross examination – page 53
State redirect examination – page 66

State calls Angie Begay Janis – page 68
Defense cross examination – page 75
State redirect examination – page 101
Defense recross examination – page 103

State calls Troy Lynne Yellow Wood – page 104
Defense cross examination – page 138
State redirect examination – page 187

Defense recross examination – page 192
State continued redirect examination – page 195
Defense continued recross examination – page 196

State calls retired FBI agent Evan Hodge – page 197
Defense – no questions

State calls lawyer Robert Riter – page 203
Defense cross examination – page 214
State redirect examination – page 228
Defense recross examination – page 229

State calls George Palfy – page 230
Defense cross examination – page 248
State redirect examination – page 262
Defense recross examination – page 264

Transcript of Jury Trial

[Volume 5 of 10](#) (129 pages, PDF, 1.6 MB)

December 3, 2010

State calls Candy Hamilton – page 4
Defense cross examination – page 25
State redirect examination – page 51
Defense recross examination – page 61
State continued redirect examination – page 66
Defense continued recross examination – page 68

State calls Cleo Gates – page 69
Defense cross examination – page 80
State redirect examination – page 90
Defense recross examination – page 92

State calls Darlene “Kamook” Ecoffey - page 93
Recess until Monday – page 128

Transcript of Jury Trial

[Volume 6 of 10](#) (296 pages, PDF, 3.6 MB)

December 6, 2010

Out of Jury Presence – Judge reverses his decision about Leonard Peltier camper confession – Page 4

State calls Kamook Banks Ecoffey – Page 6
Defense cross examination – Page 8
State – redirect examination – Page 89

Defense – recross examination – Page 102
State – continued redirect – Page 115
State Calls Richard Marshall – Page 117
Defense cross examination – Page 129
State redirect examination – Page 138
Mr. Erlandson Motion to Quash
Theda Clarke Nelson subpoena – Page 151
Court calls Jennifer Gering – Page 162
State calls Arlo Looking Cloud – Page 187
Defense cross examination – Page 231

Transcript of Jury Trial

[Volume 7 of 10](#) (245 pages, PDF, 2.9 MB)
December 7, 2010

Continued cross examination – Page 4
Redirect examination – Page 25
Recross – examination – Page 51
Continued Redirect examination – Page 68
State calls Denise Maloney - Page 72
Defense cross examination – Page 83
Redirect examination – Page 88
Recross examination – Page 90

State calls Robert Ecoffey – Page 90
Defense cross examination – page 142
Redirect examination – page 184
Recross examination – page 189
Court redirect examination – page 197

State calls Mitch Pourier – page 198
Defense cross examination – page 221
Redirect examination – page 234
Recross examination – page 237

State of South Dakota rests its case – page 237

Defense move for Judgment of Acquittal – page 238

Transcript of Jury Trial

[Volume 8 of 10](#) (8 pages, PDF, 92 KB)
December 8, 2010

The defense rests – page 3
Court instructs jury – page 3
Defense renews motion for acquittal – page 6

Transcript of Jury Trial

[Volume 9 of 10](#) (98 pages, PDF, 1.2 MB)

December 9, 2010

Judge instructs jury – page 4

Prosecution’s closing statement – page 7

Defense closing statement – page 26

Jackley’s closing statements – page 72

Court removes 2 alternate jurors – page 88

Jury into deliberation

Transcript of Jury Trial

[Volume 10 of 10](#) (17 pages, PDF, 218 KB)

December 10, 2010

Jury foreman indicated jury hung – page 3

Judge reads verdict – page 11

Defense cross examination – page 10

State redirect examination – page 21

Defense recross examination – page 22

[Transcript of Sentencing Hearing](#) (50 pages, PDF, 615 KB)

January 24, 2011

Defense objections to presentence report – page 3

State calls Denise Maloney – page 13

State calls Debbie Maloney – page 29

Defense calls Harold Johnson – page 42

[Defendant’s statement](#) – page 46

Judge reads sentence – page 48