



Beach's claims of innocence get renewed attention

By TRISTAN SCOTT - Missoulian - 03/30/08

With renewed legal and grassroots efforts under way to free convicted murderer Barry Beach, whose claims of innocence have persisted throughout his 25-year imprisonment, the inmate's potential path to freedom is getting more attention, advocates say.

"We hope to one day meet him on the other side of those gates," said former Yellowstone County commissioner James "Ziggy" Ziegler, who met Beach 24 years ago through a prison ministry and recently helped organize a media campaign to free the 46-year-old convict.

Beach was convicted at the age of 22 on the basis of a detailed confession he and his defense team say was coerced by detectives in Louisiana, where Beach was arrested for an unrelated crime and interrogated under duress.

In January, a New Jersey-based innocence group called Centurion Ministries filed a petition seeking a new trial for Beach, basing their legal argument on so-called new evidence — namely, testimony that implicates a group of young girls in the 1979 killing of 17-year-old Kimberly Nees in Poplar. Then in February, a Helena-based group called Montanans for Justice — the most recent joist in Beach's support network of lawyers, elected officials and business professionals — launched a Web site advocating his release.

Montanans for Justice began its fundraising last November, and has since built a \$190,000 media campaign, encouraging the public to "be your own investigator." Much of the new evidence, testimony and even Beach's confession is posted on the Web site montanansforjustice.com.

Beach's supporters say the recent testimony undermines the integrity of his 1984 conviction, but the state attorney general says Beach has exhausted his appeals, arguing that his conviction has been upheld all the way to the 9th U.S. Circuit Court of Appeals. Prosecutors say any "new evidence" has already been rejected by the state Board of Pardons and Parole and should no longer be given any credence.

"The Montana Board of Pardons conducted a three-day evidentiary hearing this past June, where Beach was given every opportunity to prove his innocence, and he failed to do so. Enough is enough," according to a 60-page response to Beach's petition, filed by assistant attorneys general Mike Wellenstein and Tammy Plubell.

Indeed, the evasive path to freedom narrowed for Beach last August, when the board denied requests for both executive clemency and commutation of his 100-year, no-parole sentence.

The decision followed two lengthy hearings that featured testimony from numerous witnesses, including former Montana Gov. Marc Racicot, who prosecuted Beach as an assistant attorney general, and Judy Grayhawk, a Poplar resident who testified that her sister-in-law admitted luring Nees to the site of her brutal murder. A number of Beach's supporters who founded Montanans for Justice also attended the hearings and spoke on his behalf.

But even as state officials lay the matter to rest, advocates for Beach's innocence have vowed to keep up every effort to win his freedom.

"We are not going to give up on Barry," said defense attorney Peter Camiel, who was hired by Centurion Ministries when the group began reinvestigating Beach's case in 2000. Since its creation in 1980, Centurion's efforts have led to the release of 40 inmates.

Earlier this month, Camiel and Centurion helped free a 55-year-old Los Angeles man, overturning his murder conviction after 25 years of imprisonment.

During an interview last week at the Montana State Prison in Deer Lodge, Beach said he was disappointed and dismayed by the outcome of the clemency hearings, but remained hopeful in light of the recent court filings and vocal public support.

"It still is hard for me to comprehend that we brought 34 witnesses who are citizens of the state of Montana and elsewhere, presented them to the parole board, and yet not a single one of them was given any credibility," Beach said. "That's not to say that the hearing itself wasn't fair, but the decision certainly wasn't."

Among those who turned out to support Beach were Poplar Mayor Dallas O'Connor, state Sen. Dan Weinberg of Whitefish, former state Sen. Chris Christaens of Great Falls and Kim Nees, sister, who inspired the board to set Beach free.

IMAGINE Designs
601 Euclid Ave, Helena
406.449.5657 Open Mon-Sat
[Click for more photos](#)

sparkle

Story Options

Text Size: Small | Medium | Large

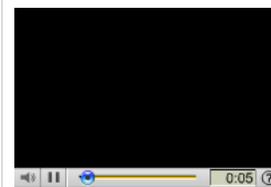
- View/Post Comments
- Email this story
- Print this story
- Rate Article

Story Extras

More Stories

- Minuteman III makeover
- Baucus campaign spends big money
- Republican candidates ready to contest for primary
- Missoula mayor endorses Obama
- MSU-Northern opens biofuels lab
- Clinton will visit Butte
- Families of MIAs still wait for answers
- Beach's claims of innocence get renewed attention
- Young scientists show stuff at Science Expo
- Reserve Center takes time to thank employers
- Missoula skatepark group goes statewide

Video Slide Shows



IR VIDEO

- Securing the Mission
- Spring Softball Preview
- Spring Tennis Preview

- Treasure State Spelling Bee
- Traditional games
- Night to Shine
- Passion Plunge 2008
- Venomous Encounter



Homes Rentals Jobs Autos

All Top Homes



3 Bed-2 Bath
Price: \$189,900



3 Bed-2 Bath
Price: \$215,000

All Top Rentals



Housing to Bed-
Price: \$400

4 Bed-2 Bath
Price: \$1,400

All Top Jobs

CONSTRUCTION MATERIALS TESTING

nees' sister, who implored the board to set Beach free.

"I think that he has a very good case and I think that for the sake of justice, not just for Barry Beach, we need to get to the bottom of this and sort it out and put it right," said Weinberg, a financial supporter of Montanans for Justice.

Weinberg said he approached the case with a healthy dose of skepticism when a friend urged him to review the files more than a year ago. However, he has since become convinced of Beach's innocence, and is working to develop an Innocence Project in Montana.

The group's spokesman, Bob Kolar, said Montanans for Justice was formed by a core group of about 20 people, including "mechanics, jewelers, lobbyists, senators, lawyers and doctors." He said the organization has grown substantially since the Web site launched.

"We got together after the outcome of the parole board hearings in Deer Lodge last summer," said Kolar, of Helena. "We were very upset. It was disturbing enough to the point that we banded together and started this group."

A camera crew from television's "Dateline NBC" also attended the executive clemency hearings, and will air a two-hour report on Beach's case in late April, according Shane Bishop, the show's producer and a University of Montana journalism graduate.

Camiel says the Montana Attorney General's Office leans too heavily on the parole board's findings "our argument is that the parole board flat-out ignored the most compelling witnesses" and has relied on legal technicalities to prevent judges from ruling on the merits of the case through the years.

"That's their first line of defense. It's been their primary tactic for many years," said Camiel. "It's a common strategy in trying to protect a conviction."

But the state argues that Beach's newly discovered evidence "amounts to hearsay statements implicating others in the Nees homicide," according to the response.

"Beach confessed to brutally murdering Nees. Every court in the land that has considered the legitimacy of Beach's confession has soundly upheld it," wrote Wellenstein and Plubell.

Beach's case, Camiel says and legal experts agree, underscores the fragility of custodial confessions. Studies have shown that false confessions are one of the biggest factors in wrongful convictions. In more than 25 percent of DNA exoneration cases, innocent defendants made incriminating statements, delivered outright confessions or pleaded guilty, according to an Innocence Project analysis of 210 DNA exonerations.

Beach and his lawyers argue that much of the confession doesn't match key evidence found at the murder scene in Poplar, including his descriptions of what Nees was wearing and how he disposed of the body.

A final response from Beach's legal team is due April 4. At that point, Roosevelt County District Judge David J. Cyburski will have 60 days to either summarily dismiss the petition or grant an evidentiary hearing in Poplar. If a hearing is granted, Camiel said it "would be somewhat similar to what happened before the Board of Pardons and Parole, except this would be before a judge and the rules of evidence would apply."

"We'll be trying to address two questions," Camiel said. "One, is this considered new evidence under the statute? And two, is it compelling enough to grant a new trial?"

Among the new evidence is testimony from Richard Holen, who told the state Board of Pardons and Parole that he saw four people sitting shoulder-to-shoulder in the cab of Nees' pickup truck on the night of the murder. Holen says he told police about what he saw within days of the murder, but was never contacted during the investigation.

Holen's story conflicts with Beach's confession that he was alone with Nees, his neighbor and high school classmate, when he beat her to death along the edge of the Poplar River.

"Richard Holen is a farmer from Poplar who has absolutely nothing to gain by coming forward," Beach said.

"This case is no longer about Barry Beach. It's no longer about the fact that I've already served over 25 years," he said. "This is about justice for the citizens of Montana. ... This is about justice for the citizens of Poplar."

[Click here for multimedia coverage of Beach's claims at the Missoulian's Web site.](#)



Current rating: 4.5 with 8 ratings.

Please login to enter comment :

Member ID:

*Password:

[Forgot Your Password?](#)

[Click here to register](#)

Reader Comments:

(CMT) TECHNICIANS Tetra Tech
RELIEF SALES Sweethert Bakery
WRANGLER Philip Morris USA
CHEMICAL DEPENDENCY COUNSELOR Boyd Andrew Community Services
CORRECTIONAL RECREATION SPECIALIST Montana State Prison
All Top Autos Price: \$6,850  2000 Subaru Legacy SW
Price: \$2,500  1990 Cadillac Seville

AP VIDEO

-  [Ground Search Resumes for Stacy Peterson](#)
-  [2 Teens Arrested in Va. Interstate Shootings](#)
-  [UCLA, North Carolina Advance to Final Four](#)

© UNITED STATES AIR FORCE ®
HEARTLAND of AMERICA BAND



FREE CONCERT
April 20, 2008 • 7 p.m.
Helena Middle School Auditorium

[Click here to request tickets](#)



[Advertising Info.](#) | [Make us your homepage](#) | [Subscribe](#) | [Archives](#) | [Employment Opportunities](#) | [PRIVACY POLICY](#)

Copyright © Helena Independent Record; a division of Lee Enterprises
Copyright © 2007 Associated Press. All rights reserved. This material may not be published, broadcast, rewritten, or redistributed.

[Regional Lee Papers](#) | [Butte](#) | [Billings](#) | [Missoula](#) | [The Adit](#) | [Prairie Star](#) | [MT Magazine](#) | [Ravalli](#) | [Casper](#)

Ads by Yahoo!