

STATEMENT SUMMARY

Name: Carl Four Star

Significance to Beach's Clemency Application: On February 8, 2007, Carl Four Star gave a written statement to Beach's counsel, a copy of which Beach attached to his February 15, 2007 response. Four Star claimed that while working A & S Tribal Industries in the "spring of 1984 after the Barry Beach trial was over and Barry had been convicted," he "overheard a conversation between Sissy Atkinson and William Stubby Balbinot." Four Star claimed that he was 20 feet away from Atkinson and Balbinot when he overheard Atkinson tell Balbinot that "they got the wrong man" in response to Balbinot's comments regarding Beach. Four Star also claimed Atkinson had said that she was there with Maude, Rose and another girl whose name Four Star cannot recall. According to Four Star, Atkinson said: "It was a perfect crime, we got away with murder." Atkinson then supposedly walked over towards Four Star, and while looking at him, said "got away with a capital crime." Beach relies on Carl Four Star's statement to support his allegation that Kim Nees was killed by a group of women, and Four Star is one of the witnesses Beach intends to call at his clemency hearing.

Summary of March 21, 2007 Tape Recorded Statement:

Four Star agreed 100 percent with the content of his February 8, 2007 statement. (29.) However, unlike in his February 8, 2007 statement, Four Star did not know the year Beach went to trial. When asked about Beach's trial date, Four Star stated "in the early '80s'" and he was "not quite sure when it was." (9)

Four Star stated that Atkinson and Balbinot were working in an area at A&S Tribal Industries that was right next to his work area. (14.) Four Star explained that he was 15 to 20 feet away from Atkinson and Balbinot when he overheard their conversation regarding Beach and the Nees murder. (14.) During the conversation, Four Star could see Balbinot's face and the profile of Atkinson's face. Even though Atkinson was not looking directly at him, he could hear what she was saying. (28.) Four Star overheard Atkinson tell Balbinot that they caught the wrong guy and that Atkinson, Maude Greyhawk and Rose were involved. (15.) According to Four Star, Atkinson stated that the women were at the park, and they had dragged Kim out. They at first pushed Kim around, but then started hitting her, and they took turns hitting and kicking her. (16, 19.) Four Star recalled Atkinson mentioning that she or somebody else had grabbed something and they were hitting her with it, but he did not know what it was. (19.) Four Star also added he thought it was odd that "they

made sure that they had folded her clothes, or her jacket, and set it aside somewhere.” (16.) After the conversation, Four Star stated that Atkinson walked by him, looked at him and said “we got away with a capital crime and it was a perfect crime.” (16.)

Four Star mentioned that he was working with Hoss Red Eagle when he overheard Atkinson’s and Balbinot’s conversation. (22, 23.) Even though Four Star and Red Eagle were working at the same table, Four Star thought that Red Eagle did not hearing anything. (28.) Four Star stated that at the time, he said to Red Eagle “Did you hear that?” and Red Eagle replied “What, what, what.” (28.)

Regarding the industrial noise at A&S Tribal Industries, Four Star stated there was some noise in his work area, but it was pretty quiet. (14.) Four Star explained that the only machine in the area was a clamping machine and it wasn’t very loud. (26.) Other than the clamping machine, Four Star stated that the only other thing around was hand scissors. (26.) He explained that there were only 4 or 5 people working within 30 feet of his work area. (26.)

Based solely on what he overheard Atkinson say in 1984, Four Star believes that Beach may be innocent. Four Star did not come publicly forward with this information until approximately 2001, at which time he provided Centurion Ministries with his account of what he had overheard. (13, 20, 22.)