

STATEMENT SUMMARY

Name: Roberta Jackson

Significance to Beach's Clemency Application: Beach claims that if Roberta was not directly involved in Kim Nees's homicide, she knows something about it that would exculpate him.

Summary of March 21, 2007 Tape Recorded Statement

Relationship with Kim and/or Beach

Kim was Roberta's classmate, but they did not run in the same circle. (5.) She may have cruised around with Kim long enough to get high, but other than that did not spend time with her. (8.)

Recollection of Activities the Evening of June 15, 1979

Roberta cruised around with Maude Greyhawk, Sissy Atkinson and Rose Failing in Maude's car. Her younger sister, Joanne, was also with them, although she did not usually run around with Roberta's crowd. (3, 6.) Roberta remembers parking at the Buckhorn Bar. While parked there she remembers seeing the Nees truck go by and thought some guy was running after it. (3.) Roberta could not remember if they were drinking, but she knows they had smoked some pot. (4.) Roberta and Joanne had an 11 p.m. curfew, and she was convinced they were home on time. She explained that her mom was strict, and if they were not home on time her brother would have come and found them and "kicked their asses." (4.) Roberta found out about Kim's murder the next day when she was getting ready to be on a float in a parade. (5.)

Statements Centurion Ministries Has Attributed to Her

Roberta does not recall ever talking to either Dana Kim or Marie Decker about Kim's murder. (7.) Roberta denied any personal involvement in the homicide or having any knowledge about the homicide. She freely admitted that she might have bullied Kim back when they were in fifth grade, but she never had a physical fight with Kim. Further, Roberta never witnessed anyone else beat Kim. (7-8.)

Assessment of Centurion Ministries' Investigation

Roberta described her interactions with investigators from Centurion Ministries as follows: "They treated me like I did it. They were being very rude and obnoxious, and that's what made me mad. I said, 'You know what, I am not lying. For one, I know where I was that night. I know when I went home because if I didn't, I got beat up by my brother. We had a curfew and we abided by it.' And they made it sound like me and my sister had something to do with it and they just tried to implicate me and made me feel like, um, I knew more than I did and they were just being very rude and obnoxious." (10.) Roberta finally told Centurion Ministries investigators that she believed the right person was in jail and told them not to come and question her again. (10.) Roberta is tired of being questioned about something that happened over 25 years ago, which she knows nothing about. (10.)

MONTANA DEPARTMENT OF JUSTICE

TELEPHONE INTERVIEW

State v. Beach

Roberta Jackson

March 21, 2007

MONTANA DEPARTMENT OF JUSTICE

CASE NO: STATE V. BEACH
DATE: March 21, 2007
AGENT: Ward J. McKay (WM)
INTERVIEWEE: Roberta Jackson (RJ)
ALSO ON PHONE: Assistant Attorney General (AAG) Tammy Plubell (TP),
AAG Mike Wellenstein (MW), Roosevelt County Deputy
Sheriff Richie McDonald (RM)

WM: The date is March 21st, 2007. This is Agent Ward J. McKay of the Montana Division of Criminal Investigation. The time now is approximately 0913 hours in the morning. The purpose of this recording is to document a conversation with Roberta Jackson. It's been arranged previously to call her at her residence. The phone number there is area code [REDACTED] Okay.

(Dialing noises)

RJ: Hello.

RM: Roberta, this is Richie. How are you doing this morning?

RJ: All right.

RM: Um, I'm here with, uh, the Attorney General's Office representatives, and, uh, they're gonna be talking to you, okay?

RJ: All right.

WM: Roberta, my name is Ward McKay. How you doing this morning?

RJ: Fine.

WM: Thank you very much for accepting a phone call from us, Roberta. Um, I'm present here today at the Roosevelt County Sheriff's Office in Wolf Point, Montana. And at - we, uh - also with, with me is two assistant attorney generals from the Montana Attorney General's office. Um, we are doing some follow-up interviews regarding the Barry Beach upcoming clemency hearing. And, uh, as a result of some information that has been received from the Centurion Ministries, uh, it becomes necessary for us to speak with you.

RJ: Okay.

WM: ... uh, Roberta, you're under no obligation to speak with us. We'd sure like to hear your story and get it on record here, um, hopefully the final time that you're contacted. I understand that, from reading documents here, that you were originally contacted regarding the, the homicide of Kim Nees in 1979 by local law enforcement officers here, including an FBI agent. Do you remember that?

RJ: Yes, I do, it was the day after or the morning after or whatever.

WM: Okay. And, uh, from what I'm reading here, uh, it says that you were out and about that night with some other girls and, uh, seen some stuff occur downtown. Uh, could you - can you remember who you were with that night?

RJ: I was with Maude Kirn, Sissy Atkinson and Rose Failing; she goes by Atkinson now. I was with also my younger sister Joanne.

Here is Rose again

WM: Okay.

RJ: Cruising around; doing whatnot. And that's about it. I mean I did tell the cops at one time that when we were parked in front of Buckhorn Bar, that Kim Nees' truck had went by. And I had thought I had seen someone running after it. I couldn't tell you who it was but I don't know, you know.

WM: Was it, was it a man or a woman?

RJ: Huh?

WM: Was it a man or a woman chasing after...?

RJ: It was a man.

WM: Okay.

RJ: I couldn't tell you who it was, though. I don't know why they'd be chasing after her truck. You know, she was going down Main Street; that's what everybody did was cruise Main.

WM: Yeah. And did, did you recognize Kim Nees in the pickup?

RJ: Yeah, she was driving.

WM: Okay, did you see anybody else in the pickup at that time?

RJ: I didn't see.

*Roberta
recognized Kim in
the truck -
impossible*

WM: Okay. And do you recall which way she was headed – east or west on the highway?

RJ: She was headed north towards the, uh, Westland gas station.

WM: Okay. Very good. Now at about that time, did you witness a, a vehicle accident there?

RJ: No, I didn't.

WM: Okay. Do you remember, uh, after that then, what did you guys do?

RJ: We were just cruised around and I, I don't know – I can't remember if we were drinking or not. I know we smoked but, um, as far as drinking, I'm probably sure we were; I don't know. I can't remember that far back. We were just cruising around; that was it.

WM: And what vehicle were you in, Roberta?

RJ: Maude Kirn's.

WM: Maude's vehicle?

RJ: Yep.

WM: Okay. And, uh, do you remember h... when you got dropped off or when you went home or anything like that?

RJ: We, we had a curfew at 11:00 and if we weren't home, my brother would come out and find us and probably kick our ass, so me and Joanne was dropped off at 11 p.m. at my house.

WM: Is that also in Poplar?

RJ: And then the same girls were still inside the car when they dropped us off.

WM: Okay, was that also in Poplar, Roberta?

RJ: Yep.

WM: And who would have been left in the car at that time?

RJ: Maude, Sissy and Rose.

WM: Okeedoke. Now you remembered talking to local authorities and the FBI at that time and giving them that information?

*Contradicts
Sissy!*

*Joanne voluntarily
goes with them!*

RJ: Uh, they talked to me and my sister Joanne the next day as we were ready to get on a float for a, a parade. Um, they just told us that Kim Nees was murdered and we didn't talk - I can't remember what was said right there on the street in front of, uh, Don's Bar, or the laundromat is where we were at. But they, um, took the - I don't know if it was the same day or the day after but we had went to the jail and was being questioned. I was took into a room; asked some questions. Two guys from Washington, D.C. was sitting there saying that they could tell by my movements or my actions if I was lying or not. They asked me if I was ever in her truck. And, you know, she was my classmate and everything but we didn't really run in the same circle.

WM: Okay.

RJ: I mean I've gotten high with her a couple of times but she was like the snooty white girl of the class. I hate to say that but that's the way it was, you know.

WM: Okay. And you're talking...

RJ: We had mutual friends together but I never really hung with her. I partied with her maybe a couple times but I never really hung with her.

WM: And you're talking about Kim Nees now.

RJ: Right.

WM: Okay. And, uh, then several years later, oh, well, at that time - let's talk about that. Were you requested to give fingerprint samples or hair samples or anything?

RJ: No, but they wanted to get those from my sister Joanne and my mom told them no.

WM: Okay.

RJ: What I couldn't figure out is she - when they questioned us the next day as we were getting on the float, me and my sister just got done getting high. She's a very timid shy girl. Um, she kind of laughed when they told her that because she didn't believe it. You know, she thought that they were joking with her. So because of her kind of laughing, they questioned her intensely. And they kept taking her up to the jail and everything and so when they wanted to get blood and fingerprints and hair samples, my mom told them no.

WM: Okay. How old were you at that time, Roberta?

RJ: Seventeen.

WM: And how old was Joanne?

RJ: Fourteen.

WM: Okay. Did, did Joanne normally run with you guys or...? You know, it seems like the, the other girls were older than Joanne.

RJ: Right. Well, she was just with us that night. I partied with her a couple times but she, she had her own circle, too.

WM: Okay, so...

RJ: I was out to make sure she got home. That was my, my duty. As an older sister, I was there to make sure that she got home.

WM: Okay. Do you remember talking to representatives from the Chris... uh, Centurion Ministries?

RJ: Yes, they first got ahold of me I think when I was in Havre...

WM: In...

RJ: ... in '91 or '92.

WM: Okay. Um, the records I have, Roberta, regarding that is in the spring of 2001. Is that a possibility?

RJ: Oh, yeah, that's when - 2001. I, I'm a whole ten years off. Sorry.

WM: That's all right.

RJ: I was in Kansas City in '91.

WM: Okay. Well...

RJ: You know, it's nothing to be laughing about but, you know, it's been going on too many years. And I told them exactly what I remember, and they kept bugging me, and every town I moved to, they were right there. And finally - um, see my mom's been dead two years now. Uh, about a - about three years ago, they found me in Poplar again, and that's when they showed me the bloody handprint on the truck and the drag marks. And then they were trying to implicate Jordis and all that and kept asking me questions about Sissy and Maude and I told them I didn't know. After I was dropped off at home, I don't know what went on after that.

WM: Okay. And...

RJ: I ju... I just told them to leave me alone. And far as I'm concerned, they have the right guy in jail. You know, I – how can I remember 25 years ago when I can't remember six months ago, you know. And they just kept bugging me.

WM: Did you know a boy at the time named Calvin Lester?

RJ: Huh?

WM: Did you know a boy at the time named Calvin Lester?

RJ: Yeah.

WM: Did you see him that night?

RJ: Uh, I don't remember.

WM: Okay. Do you recall ever making any statements to, uh, Dana Kim or Marie Decker regarding this?

No one ever said she did.

RJ: If I did, I don't remember.

WM: Okay.

RJ: I - as far as I remember, I didn't.

WM: All right. That's all we can ask for is what you remember, Roberta.

RJ: Um, yeah, Maude was married to Dana. Um, I talked to him, you know, and - but not about this. You know, I – he, he was, he was ahead of me in high school so I didn't – and I know Maureen is his sister but no, I don't remember saying anything to them about this.

WM: Okay. Let me ask you some pointed questions, Roberta. Have you, have you ever fought with Kim Nees?

RJ: No, maybe when we were in fifth grade, I used to terrorize her and two other girls, but that was when we were ten years old.

WM: Okay.

RJ: And then my friend – when we were freshmen, my friend beat her up. But that was the only time I ever really remember fighting with her, was when we were freshmen, my friend Anita Falcon beat her up and then Rose Failing jumped in and - oh, no, that's wasn't Kim; that was, uh – oh, yeah – let's see, was it Kim or Shannon O'Brien? All I know – all I remember is I got scared because Pat O'Brien was jerking around my friend and I ran home, 'cause I lived up on the

hill at the time. But yeah, he – me and – you know, I used to bully her and Rose – I mean not Rose – uh, her and Shannon and girl named Jackie, but she is dead now. That was only in fifth grade, though, I used to terrorize all the – me and this other Indian girl. But other than that, no, I never fought with her.

WM: Okay. Uh, have you ever been in the Nees pickup?

RJ: Yeah.

WM: And, uh, cruising around with Kim?

RJ: Maybe just long enough to get high, but that was about it. I didn't, like I said, she, she moved in a different circle. I was probably with Shannon or someone at the time, getting high with her – or Billie, Billie McClammy, but other than that, no, I never really actually cruised around with her. Probably just long enough to smoke a doob or two but other than that, no.

WM: Okay. And that night specifically, do you know of anybody who made contact with Kim Nees?

RJ: Nope.

WM: Did, did – were you present when anybody hit or kicked or hurt Kim Nees that night?

RJ: No, I only seen her that once when she was by Buckhorn, when we were standing outside. That's the only time I ever seen her truck.

WM: Okay.

RJ: Like I say, we were just cruising around and smoking and, uh, probably drinking. I don't know, I can't remember drinking but I'm sure we were getting high. But that's the only time I ever seen her truck was that night when she drove by Buckhorn.

WM: When you say you were cruising, that's up and down the street in Poplar.

RJ: All over town.

WM: Okay. And do you remember if you were, if you were headed west...

RJ: West, okay.

WM: Yeah. On, on Highway 2, west towards like the high school...

RJ: Yeah.

WM: ... where would you turn around at?

RJ: Right there at the high school. Right there at the end of the west end housing. You just did a U'ey right there on the highway.

WM: Like before the road dropped off down the hill?

RJ: Yes, right there at the stop sign – west end housing, um, houses.

WM: Okay, you g... you remember that night ever stopping to pee – you girls?

RJ: Probably, but the pee spot was over there behind the clinic or down below where the elevators are.

WM: Okay, which way are the elevators from the high school?

RJ: Well, you have to go, you have to go back down Main on Main Street and then right over the hill, but we usually went down over by the Legion or, uh, the corner of the Legion. There's a roadway that goes down towards the elevators; that's where we used to – we never used to go – we used to pee either there or, uh, behind the clinic.

WM: Okay. Did you ever go west down towards the park there, to, to pee?

RJ: No.

WM: Okay. Uh, when, uh...

RJ: I didn't r...

WM: When did you...

RJ: Huh?

WM: When did you hear about Kim's... Kim Nees' murder?

RJ: The next morning when me and my sister was ready to get on float to throw out candy, is when the two FBI guys came up and started talking to me and my sister.

WM: Okay. And were they talking to other people as well?

RJ: I'm sure they were but I didn't notice.

WM: Did you ever go down and see the scene where, where the, the death occurred?

RJ: Um, I can't remember who I was with but yeah, we went down there but we never went off the highway. We just seen all the cops; vehicles down there. We didn't go any further than that. We didn't even get off the highway. We might have turned right there on a gravel entry, you know, but we didn't go down there.

WM: Okay.

RJ: Can't remember who I was with, though.

WM: Okay. Say, how did these Centurion Ministries people treat you when you were interviewed by them?

RJ: How did they what?

WM: How did they treat you?

RJ: They treated me like I did it. They were being very rude and obnoxious, and that's what made me mad. I said, "You know what, I am not lying. For one, I know where I was that night. I know when I went home because if I didn't, I got beat up by my brother. We had a curfew and we abided by it." And they made it sound like me and my sister had something to do with it and they just tried to implicate me and made me feel like, um, I knew more than I did and they were just being very rude and obnoxious. And I finally told them, "You know what, I'm sick and tired of you guys." This is the last time I talked to them. I said, "I'm sick and tired of you guys keep questioning me over something that I could barely remember 25 years ago." I know one thing – that if I never committed a murder, I would have never admitted to it. But it's his own damn fault that he is in jail and from what I heard, he got out of three murders to confess to Kim's. And my friend handed me his confession and from what he says in that confession makes it – I mean, ain't no doubt in my mind he did it.

WM: Okay.

RJ: And I told them straight out, "As far as I'm concerned, you got the right person in jail and I want you to leave me alone. I don't know nothing; I don't know what happened. I don't know who killed her. And I'm just ti... got tired of you guys questioning me, so don't ever come to my house again."

WM: Okay. Say, we haven't got a phone number for your sister Joanne. Do you happen to know that, that we can give her a call?

RJ: Okay, hang on. Uh, she works in Culbertson because everybody was assuming that she had something to do with it and they were, um, giving her dirty looks. And like I said, my sister is a very timid shy person. She – things like this really bother her. So she had to end up quitting her job at the hospital and working 30 miles away. And I told her straight out – I said, "Joanne, you know and I know

we did not do this, so don't let it bother you." But she lets things like that bother her.

WM: Well...

RJ: And...

WM: ... we'll see if we can talk to her and, and get, get her statement from her one final time, Roberta.

RJ: Um, uh, I think it's [REDACTED].

WM: [REDACTED].

RJ: But Richie knows where she lives. She lives in my mom's old house.

WM: In Culbertson?

RJ: Oh, no, she lives in Poplar, out at the airport addition in my mom's house.

WM: Let's see, in Poplar at your mom's house.

RJ: 1313 13th Avenue Northeast.

WM: Geez, there's a lot of 13's in that.

RJ: Yes. It's the last house on the road, right on the corner as you're going out to the BIA.

WM: Okay, Richie'll know where it is.

RJ: Oh, yeah.

WM: And you, you think – is that number her home phone number or work number?

RJ: Yeah, home phone number – [REDACTED] – I'm pretty sure it's [REDACTED] but I, I don't know unless I look on my phone here, and I don't know how to do that.

WM: Okay. That's all right. Say, these, uh, other people that are present during these conversations – we have you on the speaker phone, too, by the way, Roberta, so let...

RJ: I kind of figured that.

WM: ... let me ask y... uh, these other people if they have any questions of you. Um, Tammy Plubell, do you have any questions of Roberta?

TP: Hi, Roberta.

RJ: Hi.

TP: I can't think of any really. Um, I sure appreciate you talking to us. Um, but I can't really think of any other questions.

RJ: Well, (unintelligible) – when they interviewed my sister, they were trying to say that oh, there was a lot of people that went home at 11:00 that night. Well, I don't know about anybody else but I know for a fact me and sister was at home, 'cause I had a curfew and we abided by it.

TP: Well, you sound pretty (unintelligible)

RJ: My mom was a very strict person, 'cause she was a single mother, and if we don't abide by her rules, she sent my brother after us. We didn't want to be beat up by him.

TP: Yeah, it sounded like you were a little scared of him.

RJ: Huh?

TP: Sounded like you were scared of your brother.

RJ: I – well, he, he ruled the roost when my mom was at work, you know.

TP: Right.

WM: Mike Wellenstein, do you have any questions?

MW: Roberta, this is Mike Wellenstein. Um, can you remember the names of the, the people from Centurion Ministries who interviewed you?

RJ: Well, the first time it was, uh – there was a couple of them. But I just remember the gray-haired guy; I don't remember his name. All I know is he's gray-haired and kind of chubby but... And then there was another one, at another time – kind of darker hair. But I don't remember their names.

MW: Okay. Well, you know, I, I, I don't have anything to ask of you and I appreciate you, uh, talking to us.

WM: Roberta, thank you again and, uh, uh, have a good day. With a little luck, this'll, this'll be the last time you're contacted.

RJ: Well, you know what, uh, this has been going on long enough. Why doesn't he just face the fact that he is gonna be in there for awhile? I mean if I knew anything, I'd sure tell you, you know. But as far as I know, me and my sister went home and we didn't hear about it – we didn't hear about nothing until the next morning when we were ready to get on the float and the FBI guys come up and talked to us. That was the first and only time I ever heard about her being murdered. It, it shocked me, you know, but I wouldn't, I wouldn't even think they... You know, and I told those ministry guys your boyfriend Greg Norgaard was a psycho guy. He pulled a gun on me at the...once when we out getting high with him, down below the hill, over across the train tracks.

WM: Yeah, I, I seen that in your – in, uh, in their report. They say you talked about Greg Norgaard a little bit.

RJ: Yep.

WM: Okay. Well, Roberta, thank you again. If you ever have any questions or comments about this, um, you contact Richie, will you? Because he'll, he'll know how to get ahold of us.

RJ: Okay.

WM: Thanks, Roberta.

RJ: Yep.

WM: Bye.

RJ: Bye.