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I was taken into Calhoun's Office and shown several tool boxes and all kinds of Power Tools which were supposedly things I had stole. This is the point they started telling me that they had new evidence that matched my finger prints to several crime scenes and that they had found one of the girls phone numbers in my phone book, which I kept in my headboard of my bed. After awhile they backed off and allowed me to go to the bathroom, & go smoke a cigaret (which I had been given plenty of all along). I don't have any idea what time this was as I never left the building or went past a window any where.

When I came back from this they began to ask me about my sex life, only Calhoun had left and it was Via and Richard again. I told them about a guy who tried to homosexually molest me once. This is where I lost my cool as Via then tried to hold my hand and come on to me. I wanted to blast the chu up in the face bad. At this point they completely got away from the Swartz Murders and started to consintrate on Kim's murder.

During this time Richard got involved for the first time by telling me he was tired of all the crap and getting tough with me while Jay Via started to talk about my Dad and Mother. He said all kinds of stuff about how they didn't trust me any more because they thought I was guilty, and how they all just wanted me to tell him the truth, and how they were afraid of me. It was pretty wild by now and I can't really remember it all at this point.

It was about this time I was asked to take a Voice Stress test about Kim's Death and told that if I could pass it I would be left alone and allowed to go back to my cell. The next thing I remember was Calhoun and I were all alone and he was telling me how I could'nt do anything for all the girls I had killed but I could help myself by telling him the truth about how I did it and also to confess it all to God who would forgive me. When I swore I didn't know anything he got in my face and started telling me how he was done talking to me and was going to see me fry in the Electric Chair and how he had the power to get whatever evidence he would need to convict me so he could, and how he was going to enjoy watching it.

I may not be able to get it all down at this time, but I will take my time and try to put it in order, and cover the main aspects of time and the events in sequence as to there happening.

In my testimony of Feb. 1984, I pretty well covered the time and event of Jay Via coming out to the Pea Farm to get me. Then when we got to the court house parking lot where we ran into the D.A. Mr. Allen. The only thing I think I missed at that time was the fact that when Jay Via introduced me to Mr Allen he stated that I was the kid who Mr. Allen would be handling the Juvenile case on that morning, refering to the charges of Contributing that I was arrested on.

After we got into the building (we were the first people there) I was placed in the interrogation room by myself, and I sat there for a long time. I figure it was waiting for the others to get to work. Finally both Jay Via and Richard came into the room. Jay Via sitting accross the table from me and Richard sitting in a chair by the wall to my right. They started off by asking me if I had heard of the "Swartz Murders", which I had.

For three or four hours they just sat there telling me how I was in certain pices at certain times and all these girls where supposedly there at the same time. They follwed this up by showing me pictures of all kinds of girls and asking me if I knew them, and arguing with me that I did if I said I did'nt, which I did'nt. They then stated that I was seen at places on the nights they were killed that would allow me to do stuff connected withthe murders, including the fact that people who I knew had vehicles that match the description of those seen in the area of the bodies. I had no idea what they where talking about all this time, but hey swore I did & was playing games.

After several hours of all this I was shown pictures agian only this time it was of the scenes of the crimes and the bodies as they were found. They showed me police sketches that they tried to say where drawn from eye witnesses and then tried to make me belseive they were of my friend Darryl or myself when they had absoltly no reseablence at all. They also used this time to completely go over my personality, what kind of clothes I like, what kind of cars, what kind of girls, my relationships, my school years, etc...

During this whole time the murders in Louisiana where the main issue except when I would stup them or they needed time to think, at which time they would ask me questions about Kim's death. These were very few and not to blunt or even directly about her death really, they were just there.

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Calhoun and I got into it pretty heavy! The next thing I knew I was asking for him to send Jay Via back into the room, and he did. Via and Richard came in and once again stated that I needed to tell them the truth. I told them I was hungry and then Richard went to get me some food..I was left in the room with Jay Via and he kept questioning me but I don't know what it was about.

When Richard returned we all ate, I remember very clearly me asking Richard why my milk snake didn't have a lid when his did, and so did Jay Via's Coke. He told me they just forgot to put one on.

The next thing I can remember was taking another Voice Stress test, and then the confession but I don't remember if anything happened in between the two. I can remember some of the things I said in the confession that a copy of it doesn't reveal. One very clear part I remember was I said that Kim and I went to the Santee to get beer, it's not there any more, or the fact I remember saying I was wearing a Red Flannel Shirt with no sleeves.

I can't remember much more than that and I didn't until talking to Mr. Kid who told me about it to a certain extent without letting me remember it.

The next thing I can remember is me and Jay Via sitting in his Office and he was on the phone talking about me, I asked him who he was talking to and he told me it was Dean Malum, he asked if I wanted to talk to him and I did. Dean asked me if I could recall the night of Kim's death and I talked to him for a short time but don't remember for sure what all I said. I do remember telling him not to tell mom until I could do so first.

Then I was taken to the jail and placed in the holding tank, at which time I remember looking at the clock, it was 10:55pm. and I felt like I was run over and then drug awhile. I was given four sets of finger prints and about six sets of mug shots, then taken to a cell.

I probably can fill in more details to all this but don't have the time or the paper to do so at this time. Besides you can probably tell me more than I can at this time.

I hope this will help you as I have never sat down ^{to} ~~na~~ tell anyone or write it out like this before. Well thank you and keep in touch if there is something else I can do. Mom has three questionnaires for you if you still feel you need to use them to come and see us!

Sincerely Yours,

Barry A. Beach

This being also supported by M.C.A. 45-7-206 which states in part "any claim of Perjury may be supported by one witness..." and M.C.A. 36-1-623 which affirms that all documents are considered to be authentic. Also see M.C.A. 45-7-201 which states in part "...sect. (1) A person commits the offense of Perjury if in any official proceeding he knowingly makes a false statement under oath or equivalent affirmation or swears or affirms the truth of a statement previously made, when the statements is material." Emph. Added

I feel there are several issues in my case that fall under this title and that should be addressed in the Post Conviction Brief. These are listed below...

- 1) The length of time I was supposedly questioned as stated by Jay Via at the Suppression Hearing is 4½ hours. This is also used in the Montana Supreme Courts Decision, and can now be proven wrong by several documents. First are the documents Craig was able to find that supported my claims to of been picked up at about 7:55am, the morning of the 7th where Jay Via claims it is 12:30pm. Also in the documents that I sent you last year is a phone conversation between Jay Via and Dean Malum. In it, on page 10 it states " I don't know how far we're going to go because we don't want to cross the border line of lengthy interrogation to the point of intimidation." Page #6 states " We're tired men" Page #3 states "He's not even aware right now at all" Page #2 states "Then we went in and started interviewing him till he broke down..."

This is all supported by the fact that even after Jay Via said it only took 4½ hours to question me and get the confession, it is proven wrong in the fact that the state presented evidence to the Montana Supreme Court that shows over 4½ hours of just taking the Voice Stress Test. Therefore I feel we have good proof of Perjury in this area.

The other aspect of Perjury is connected to the statements of my bond. Jay Via claimed that he, nor anyone else tried to keep my Uncle Tim or mother from bonding me out on the 6th of January, which is in the Suppression hearing also. This can be contrasted against the Testimony of both my mother and Uncle as well as several statements that I now have. On page #6 of that same phone conversation it states "They were trying to get him bonded out last night." "She was the one that was attempting to get him bonded out?"

Perjury issues continued.

Page #6... "The Uncle got bent out of shape and went off the handle and was fixin to bond him out. So we had to convince him to let us talk to the nother first." **Emphasis Added!**

The next issue I feel needs to be raised as a Post Conviction Issue is False Statements. N.C.A. 45-7-201, 202, 203.

201 (3) which states in part "Falsification is material, regardless of the admissibility of the statement under rules of evidence, if it could of affected the outcome of the proceedings. 202 (1) states in part " False Swearing, the falsification is purposely made to mislead Public servants in performing his function." (which a jury member is a public servant) and 203 states in part " Misleading a public servant by changing or misuse of documents, omitting information, or forged documents which are used to mislead him in his performing his function...etc."

The major issue here is concerned with Mr. Kidd and the fact that Jay Via claims I confessed to him in the presence of Mr. Kidd on January 11, 1983. Mr. Kidds affidavit shows differently as well as my own admission to saying : "I don't know anything about the murders in Louisiana, the only one I know anything about is the one in Montana." Which is a far cry from a confession. These facts were used not only to mislead the jury at my trial, but also the Judges of the Montana Supreme court who stated in their decision that "The question of voluntariness is ended in the fact that Beach confessed in the presence of his attorney. All the other issues fade inthat fact." The fact that I was fed during or after has served as an issue of controversy also. Jay Via claimed on the stand that I was fed before I was taped for the confession, but in the phone conversation I have made reference to it states " I think we are fixin to take Barry out and get him something to eat he s'ld he could eat a horse." and page 10 as to page four states " he's eaten dinner". The other issue that needs to raised under this is concerning my proposed release on January 7th. Jay Via made it appear that I confessed before they had planed on taking me up for the Contributing charges. Yet the Montana Supreme Court decision states that my Uncle Tia was told to wait at the court house on January 7th and I would be going to court that day, and this is also what I was told that morning by Mr. Aycock.

False statements continued...

This means that contrary to what Jay Via wanted the courts to believe, I was being questioned instead of being taken to court as I was supposed to be. There are other things I feel could be raised under this issue but I'm not sure about them. Such as Mr. Raciot's statement in his closing arguments about "If we could of used the sweater as evidence you would of seen the defendants hair was found on it." which can be disputed several ways by the F.B.I. documents of evidence. Or again the issue of when I was fed that night, and the length of my questioning.

The next issue I feel should be raised as an issue of Post Conviction Relief is Tampering with evidence. M.C.A. 45-7-207 states in part..." A person commits the offense of tampering with or fabricating physical evidence if, believing that an official proceeding or investigation is pending or about to be instituted he:

(a) Alters, destroys, conceals, or removes any record, document, or thing with purpose to impair its verity or authenticity or availability in such proceedings or investigation.

(b) Makes, presents, or uses any record, document, or thing knowing it to be false and with purpose to mislead any person who is or may be engaged in such proceedings or investigation.

The points I would like to make here are...

The fact that the confession was a tape recorded confession, and by Law if a confession is taped, the written frame of it can not be used to convict a person without the recorded tape to support its accuracy. There are two statements in the file from a Sarah Wright, and Alan Nall showing that the tape was erased. Also the phone conversation has two places of interest here. Page #5 states "The tape of this particular interview will be treated as evidence." Page #9 states "On those things that you just went back in and questioned him on, when you write out your report, be sure and include those in them." "That's no problem. Every bit of it is included in his recorded confession." Yet according to the rest of this phone conversation page #1 & 2 which states "he threw the towel away somewhere, and his tennis shoes." which the confession says nothing about. Page states "I will summarize this confession to make sure there is no discrepancies." This and the fact that in several places they talk about Steak Dinners, and checks, leads one to believe that Jay Via was paid to change or alter the confession to fit what they felt would be able to convict me.

The next issue could possibly go as far as to insinuate Bribery, but I will list it as Tampering with a Witness. M.C.A. 45-7-206 states in part... "A person commits the offense of tampering with a witness and informant if, believing that an official proceeding or investigation is pending or about to be instituted, he purposely or knowingly attempts to induce or otherwise cause a witness or informant to:

(a) Testify or Inform Falsely

(b) Withhold any testimony, information, document, or thing

I feel this is shown by the fact that Jay Via was offered a Steak Dinner not for his act of being a witness, which is legal, but for getting the confession from me. This is stated in two places in the phone conversation I have been using.

On page #1 at the very beginning of the phone call it states "When are you going to give me my steak dinner?" "Whenever you think you need it." "Dean, we have a beautiful recorded confession."

On page #10 it states " Before I got him on the line he said that the check would be in the mail with the warrant for your steak supper." "Tell him to hold off on the check. We'll probably see him up there and he can take us out on the town. In fact if you want to pay our way up there when he waives extradition, we'll fly up there..." and "Well I'll tell you what, your going to get a trip up here and I've never really walked around the state of Louisiana, so I may come get him."

To further insinuate this is the end of the phone conversation it states "I'll be in contact with you tomorrow just to firm up and if there's anything we've forgotten about."

Dick there is so much in all of that stuff that it takes hours to sit and discuss it all, but I have tried to weed it out to cover alot of details in a small space. My only purpose is to show you that I do have a "specific purpose in mind" as far as my case goes and what I feel needs to be raised on a Post Conviction Relief. According to M.C.A. 26-1-401 which states "The initial burden of producing evidence as to a particular fact is on the party who would be defeated if no evidence were given if no evidence was given by either side. Thereafter, the burden of producing evidence is on the party who would suffer a finding against him in the absence of further evidence." That means once all that I have stated here is raised the state has the burden to prove my claims or disprove them. Therefore I want them raised!

The issues that were raised on my original appeal can also be support to what I have produced here and vice versa. I feel that alot of the issues that were denied by the Montana Supreme Court, can be re-raised and properly addressed at this time do to the new supportive evidence of each one. Plus the fact that Craig has even more stuff that I have not yet seen myself.

Dick I don't know if you have ever read any of this stuff, but I now have used it in a letter to show you at least 11 violations of my constitutional rights, the violations of Montana Law listed above, and asked you to sit down with me last time you were here to look at it. It is very powerful and important to me gaining not only my freedom, but the truth about what has happened to me, and getting the States Support in doing so.

Again in submitting this letter to you I ask that we can have a chance to meet with Craig Christie, Myself and You to go over all of this and put our three points of view into one place, let each other know what the other two are doing. If this is at all possible, I feel it is nessacary! Thank Y^Ou for your thoughts about the money it would cost, but I feel that money can't buy my life, and to me that is all that is being wasted at the present time. It has been over 2 $\frac{1}{2}$ years sence my case was in court!

Please take this matter into consideration as I will await your reply! Thank Y^Ou for your time and consideration in this, and if you can supply me with any information as to what you have read in all of these statements & new evidence I would appreciate it very much.

cc: Craig Christie
File

Respectfully Submitted
Barry
Barry A. Beach AO21520

January 18, 1988

Mr. Robert Zimmerman
Deputy United States Attorney
316 North 26th Street
Billings, Montana 59101

Dear Mr. Zimmerman,

I have received the letter that Mr. Craig Christie wrote you on January 11th 1988, and would like to add my thanks to all you are trying to do on my behalf. After approximately eight years of fighting against such odds as the judicial and local Police Force while they done me wrong, it is nice to feel it has a chance of being turned around by the very people I lost all trust and respect for.

The reason I am writing you is to hopefully develop some sort of the mutual understanding of one another I feel this case will require between us. Being that all the dealings so far have been between you and Mr. Craig Christie who I hired, my understanding of your efforts are limited.

Before I go any further, I would like to share with you my personal feelings about the situation I am in. These feelings are based upon some of the things I have experienced, the treatment I have received by the courts of Montana, as well as the extended amount of effort I and my mother have put forth to try and get people of the Courts, F.B.I., and other Law Offices in Montana to help. If they seem to be a little prejudiced against the Law Officers or Courts, please forgive me.

In 1980 when I was first questioned I told the Roosevelt Sheriff's Office that I was innocent, and that I shared in the common knowledge of the people in Poplar about the crime. I gave skin samples, hair samples, foot prints, palm prints, finger prints, blood samples, and a lie detector test. All of it showed that I was not at the scene of the crime, and I was told so by then Sheriff Don Carpenter. I was questioned on three occasions despite this fact and harassed by local Official as well. Not only privately but on one occasion I was taken out of the classroom under Police escort to be taken and questioned, only to be told again that " We know you didn't do it, but we have to completely eliminate you as a suspect."

By the end of 1980, I was supposedly removed from even being a suspect by a preponderance of evidence. I began to pursue my life long dream of being a Military Man by joining the Navy in Aug. 1981. When I was given a security check at classification it came back clear, but eight months into my Navy Career when I was going for my clearance for Electronics school it did'nt. That time they received a letter from Dean Malum stating that he had two eye witnesses that made me the prime suspect in the murder of Kim Nees. I was given a choice by Master Chief Smith of Desron 10 Division, I could allow him to write Dean, and if he received the same letter again I would be charged and prosecuted by the Navy, or I could take an Honorable Discharge and return to Montana to set things straight.

Upon returning to Montana and confronting Dean Malum I was told that " Barry I have never seen that letter, and I could prove you did'nt do it easier than I could even try to prove you did." I had lost my Career by a letter with his signature and this was his response.

My efforts since then have been against great odds, and to this point I feel I am loosing. The last time I was in court or had my case in Court was August 27th, 1985, which is the day I received the decision from the Montana Supreme Court up-holding my conviction even though they found eight (8) issues of my Appeal to be worthy of overturning the case.

Mr. Zimmerman I have shared all this with you not to receive sympathy or create any opinion that I am not taking credit for my own mistakes, but so you can understand where I am coming from.

As I stated earlier, all of the communications between you and Mr. Christie have been between the two of you so I am limited in what I know about your efforts. I would like to add to this by saying it has also been totally on a verbal basis so far, nor am I aware of any promises being put on the table other than my word to Mr. Christie that I would wait for you to try and make progress, without me going into Court or to the Media.

Mr. Zimmerman your efforts in this case are very important to me as I only want the truth to be known so I can go on with my dreams to have a life and family. At the same time I need the evidence I need to at least present a very convincing outline of the truth in this matter, including some of the things that were done by Law Officers to make sure I ended up here at M.S.P. as I did.

I am ready now to present my case to the District Court in Wolf Point requesting a new trial on the Basis of New Evidence, Perjury, and Legal issues that have been raised. This would also include releases to the Media of the documents that I plan on using to prove my case. Please don't take this as a threat or a means of pushing the issue, it is only an aspect of my plan of attack to gain my freedom and reveal the truth.

Again I have been asked to delay this procedure in order to give your Office a chance to complete it's efforts to, obtain the hair samples, and develop a suspect other than myself. Mr. Zimmerman I can agree to do this, but in return I feel I need to receive something other than a verbal agreement that you will do whatever it is you have stated to Mr. Christie you would do. I don't even know if you have stated you plan on assuring my freedom in any way or not. Other than the fact you will try and match the hair samples with the proposed suspects, is there any guarantee of your help?

Now that I have taken a considerable amount of your time let me get to my point. If I am to continue to delay my Court Proceedings any longer I'd like to have something more definite from you as to what I would gain by my doing so. I would also like to have this agreement in a written form so I may be assured of your efforts and word of honor, not that I don't trust you as I don't even know you nor have I dealt with you before. The truth is I don't fully trust anyone but myself these days! I lost a considerable amount of my life do to trusting people at their word, and not getting it in a written form also.

If it would be possible or even feasible in your opinion, I would be willing to meet directly with you or your Office. This would be done here at M.S.P. as I don't believe they would allow me to go elsewhere! I would also have to allow my attorney to be present at my request as I have experienced a few bad days by not requesting ones presents.

I hope that you will consider my request and offer with great openness as I am trying to be open myself. Please feel free to correspond with me by whatever means are available. Thank You for your time and consideration in this matter!

cc: File
Craig Christie

Jerry A. Beach A021520
700 Conley Lake Road
Bear Lodge, Montana 59722

MEMORANDUM

TO: Network Producer, Investigative Reporters, and Other Key Personnel

FROM: Barry Allan Beach, ^{BAB} Family Members, and Concerned Friends

SUBJECT: Law Enforcement Conspiracy, Corruption, and Political Favoritism

Realizing that you often have letters and requests from people who are incarcerated and claim innocence, I pray, even so, that you will give some time and attention to my claim.

I am 27 years old and have been in the Montana State Prison since May 11, 1984 for a homicide of which I am innocent. It concerns the beating death of an 18 year old girl on June 16, 1979.

I, along with many others in our small town, was questioned and gave fingerprints, hair samples, footprints, and skin samples for comparison to the crime scene evidence. My reports all returned with negative matches. I also voluntarily took a polygraph test and was told I was cleared as a suspect in February of 1980.

I went on with my life and joined the Navy. Serving in the Military was a life-long dream of mine. In March of 1982, I was scheduled for electronics school so a second background check for security clearance was necessary. Even though the first check was clear, the second stated that I was supposedly still a suspect in the 1979 homicide. This was a shock to me! I was given an Honorable Discharge at the "Convenience of the Military". I was devastated and went to Louisiana to visit my father. I got a job and started working there so never returned to Montana to clear up the allegations of my still being a suspect, after having been told that I had been cleared of being a suspect in this matter.

In January of 1983, I was arrested on a misdemeanor charge and from that point on, a nightmarish type situation snowballed. Now I realize I was immature, vulnerable and knew I was innocent when I waived my rights to an attorney, which was disastrous to my situation. Since then, there have been six attorneys and thousands of dollars involved, but the deceit and deception had already been accomplished.

I have included a partial file of reports, evidence, correspondence, and information to support my claims of:

- 1) Illegal and warrantless arrest in my home
- 2) Failure to read my rights until arrival at the police station
- 3) Held for two days on non-existent charges
- 4) Failure to be taken before a magistrate within 72 hours
- 5) Refusal by police officials to accept bail bond when presented

- 6) Lengthy time of interrogation
- 7) "Mutt and Jeff Routine" used during interrogation
- 8) Conspiracy to gain confession
- 9) Police corruption
- 10) Coerced confession
- 11) Tampering with evidence
- 12) Failure in "Burden of Proof". Sheriff testified, "not a shred of evidence to match" Barry Beach
- 13) Political favoritism
- 14) Refusal for change of venue to a non-contingent county as deemed necessary by the prosecuting attorney
- 15) Story published in TRUE DETECTIVE magazine before appeals were filed
- 16) Unfavorable pre-trial publicity in both state-wide highly read newspapers
- 17) Inaccurate information of defendant's name, birthdate, and location of homicide on typed confession
- 18) No tape recorded statement to substantiate typed confession which was used as only grounds for conviction
- 19) Investigative officer testified to evidence at the crime scene pointing to female individuals as the perpetrators of the crime
- 20) Attempts to establish whereabouts during homicide were ignored by police officials
- 21) No second confession in presence of attorney as testified to by law officers
- 22) Eight additional deaths of persons believed to be connected to the case
- 23) Court admittance of perjured evidence

Most of these allegations are supported in the enclosed materials. Others are supported by transcripts, investigative reports, police logs, and other legal material. They are in the possession of my attorneys and legal investigator. They are available upon request.

I have found that my case parallels the Randahl Adams case in Texas of "The Thin Blue Line" fame in many ways, but is more bizarre in many areas. For instance, after my trial the sheriff even admitted to my family that he knows I am innocent.

Please review the enclosed pertinent information and feel free to contact my legal investigator for further information and his willing cooperation. I am trusting you will find my case of interest and will be able to use it in some of your network programming and/or investigative presentations. You may contact me at:

Barry A. Beach
A021520
700 Conley Lake Rd.
Deer Lodge, MT 59722

Other contact persons are:

PAGE 3 of 3

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202 W. 12th Street
Laurel, MT 59044
Phone: (406) 628-6854

enclosures/bab

Thank you for your time and consideration in reviewing the material. I am expectantly awaiting your reply. ~~BAB~~

My mother and I were talking this weekend and discussed the chance of you coming to Deer Lodge and talking to myself and several others in here that I would want you to talk to. One of those being Larry Owens, and the other being Eugene Big Leggins #AO _____ of Close Unit III.

Eugene is from Frazer, he was in the Butte Pre-release center last year with a guy that I went to school with by the name of Larry Abbott. When Eugene was sent back here to M.S.P. he told me that Larry Abbott had told him (Eugene) and several other people that he knew I was innocent and that I should of never been here to begin with.

I have talked to Eugene several times about what Larry had told him but Eugene refused to go into depth other than to tell me that Larry had told him some stuff that made him believe what he was saying. Today I went and talked to Eugene about the chance of him talking to you if you come to see me and he said he would like to.

I can't say what he may be able to tell you, but being that Larry went to school with me and all the people involved, and has been in places that may of given him a chance to hear something it could be worth a try. Larry has never left the Poplar area!

The other thing that I wanted to write you about is the events of the day I gave the confession or supposed confession. Out of all the times I've been in court, or talked to people about it, I have never been asked about the events of that day.

There are so many details I can remember about that day, who was questioning me about what, some of the pictures I was shown, the approach that I was approached with by each guy, etc...

January 1, 1977

Richard J. Jarstensen
116 North 19th Street
P.O. Box 2093
Billings, Montana 59105-2093

Dear Richard,

This is in response to your letter of January 13, 1977. I apologize for the misunderstanding between us and hope that this letter will set my intentions and understanding straight for you.

First of all I wish to address the issue of "status of limitations" on Perjury. I was wrong in my understanding of this issue and its applicance to my case and situation. I still feel it applies, only not in the sense I was thinking it did. I was thinking it was up to us to raise the claim of Perjury before the five (5) year limitation, this is not true. The limitation applies only to charges being filed by the Prosecutor which must be done within five years of the committing of the perjury.

At the same time we do have the right to claim Perjury as one of our issues on Post Conviction Relief, and I feel this claim as well as several others I will list need to be raised in your brief.

Now I fully agree that if the Deputy United States Attorney is going to file charges or raise the issue of Perjury on my behalf, then I need to sit back and shut up so he can do so. Therefore I have written him and I asked him to put it in writing what he planned on doing in my behalf. I'm willing to meet with him in your presence, and willing to sit back if he is going to pursue this matter to the end, or until I gain my freedom.

My claims of Perjury are true, but I am aware of the fact they are on the slim side of support, being that each claim rest on one or two statements which were found in the file. This is enough to consider each as evidence according to M.C.A. 45-7-201 (6) which states in part " Where the Defendant made inconsistent statements under oath or equivalent affirmation, both having been made within the period of the status of limitations, the Prosecution may proceed by setting forth the inconsistent statements in a single count alleging in the alternative that one or the other was false and not believed by the defendant. In such case it shall not be necessary for the prosecution to prove which statement was false and not believed by the defendant." **EMPHASIS ADDED**