

STATE OF LOUISIANA

NOV 11, 1980

PARISH OF OUACHITA

BEFORE ME, the undersigned authority, personally appeared Paul Henry Kidd, who being duly sworn deposed:

I have been a duly licensed attorney in the State of Louisiana since August, 1966. I have handled many criminal defense cases since being admitted to the practice of law.

Sometime in early January, 1983, Barry Beach's father contacted me on a Saturday morning about representing Barry on possible murder charges in Ouachita Parish. I do not remember the date of the month, but I do recall it was on a Saturday because I was rearranging some carpet on some stairs in the back of my office. Barry's father told me that Barry had just made a statement implicating himself in a murder case.

I do not remember the sequence of events following that day until Barry was given a lie detector test, in which I was in attendance. I think I went over to the Ouachita Parish jail (it is right across the street from my old law office located at No. 1 Wood Street in Monroe, Louisiana) which was, and still is, in Monroe, Louisiana, immediately after Barry contacted me. I took a great deal of interest in Barry's case and talked to him numerous times during the period of time he was in the Ouachita Parish jail.

I learned that Barry had been arrested on some juvenile charge involving his sister, who was a minor, and another juvenile friend of his sister. It had something to do, I think, with Barry taking his sister to her girl friend's house. Barry, to my recollection, was never charged with any crime in this connection, but he was booked into Ouachita Parish jail on this charge.

If my memory serves me correctly, a computer search was run on Barry and it turned up that he was a suspect in the Nees murder case in Montana. I really have no knowledge of just how the local authorities gained this information.

More importantly, there was a local task force investigating the murders of three young women in Ouachita Parish. Barry, because he was a suspect in the Montana murder, became a potential suspect in the local murders. I say a potential suspect because he was questioned about the three local murders, and in particular, about the last of the young women to be killed. The last of the three local victims was killed near Swartz (in Ouachita Parish), which was in fairly close proximity to where Barry's father lived. It is my recollection that Deputy Jay Via was of the firm opinion,

after questioning Barry about the Montana murder, that Barry had killed the young lady near Swartz and was likely involved in the murders of the two other women in Ouachita Parish.

When I questioned Barry about his giving a statement about his involvement in the Nees murder in Montana, he gave me a very bizarre story of his interrogation by Deputy Jay Via. Barry told me Via questioned him about the Montana case and when he (Barry) denied same, Via told him to imagine or envision how the murder took place. Barry told me Poplar was a very small town, that everyone knew about the case, that he dated the victim's sister, and that there was an actual display of the murder scene in the window of a local store (I think he told me it was a drug store, but I am not sure). In any event Barry said he gave Via a vision of how the murder took place. During this period of questioning, the interrogation was not being recorded. What amazed me was that Barry told me that Via actually held Barry's hand during this interrogation and prompted Barry at opportune moments, "Don't disappoint me." Finally, according to Barry, Via then told Barry to substitute himself for the perpetrator of the Nees murder and Barry's statement was then recorded. I do not know if this procedure took place or not, but such method is not unusual for the Ouachita Parish Sheriff's office. Former investigating commander Alfred Calhoun has acknowledged praying with suspects during interrogation.

After repeated conferences with Barry, I became convinced of Barry's innocence in all of the murders. I, of course, had no way of knowing whether he was or was not involved. But the reason I say I was convinced of Barry's innocence was because I agreed to submit Barry to a lie detector test. I never do that when I think my client has some guilty knowledge. When I don't know I have my client submit to a private lie detector test where the local authorities have no knowledge of the results. In Louisiana, lie detector tests are not admissible at trials on the merits.

In any event, I agreed for Barry to take lie detector tests (the date of which I do not remember). Ouachita Parish deputies were in attendance at these tests. However, I arranged for Hoyt Moncrief of J & M Investigations to run the tests. Mr. Moncrief was a former Ouachita Parish Sheriff's Deputy and is well regarded by law enforcement officers and defense lawyers. These tests were the only occasions that Barry was ever questioned by anyone in my presence. Barry denied any involvement in the Montana murder (Nees). Barry denied any involvement in the Ouachita murder cases. After the tests were run, Mr. Moncrief advised both the Sheriff's Department

and me (at the same time and while we were together) that he believed that Barry was telling the truth about having no involvement in the Ouachita Parish cases. Mr. Moncrief also advised that Barry had a couple of hot points on the Montana case and felt that he knew too much about the details of the murder scene in the Montana case to clear him. After the lie detector tests, Barry was no longer a suspect in the Ouachita Parish cases. It is my understanding that one or more of these cases have been cleared by confessions of Henry Lucas.

Sometime after the tests were run, the court appointed attorney, Mr. Francis J. McCarvel, came to Monroe to visit Barry, while he was still in jail here. The information about these tests was made known to Mr. McCarvel when he visited with me when he was in Monroe. I believe he will be able to verify same.

In any event, Barry was eventually extradicted to Montana. The next thing I knew about Barry was when Mr. McCarvel sent me a copy of the Montana Supreme Court's decision on Barry's case. See attached copy of Mr. McCarvel's letter.

It goes without saying that I was outraged over Jay Via's alleged testimony that Barry confessed to the Montana murder in my presence. Obviously, the January 11, 1983 confession in my presence had to refer to the lie detector tests date. That is the only occasion that Barry was ever questioned by anyone in my presence. Since beginning the practice of law, I have never permitted a client of mine (absent immunity or something close to immunity from prosecution), to confess anything to anyone. It just isn't the way I practice law.

After receiving the copy of the Montana Supreme Court case, I called Mr. Moncrief to confirm my recollection. He did confirm my recollection. I asked him if he still had the tests. Mr. Moncrief had the tests when I talked to him and it is my belief he still has them. I have not, however, talked to him in some time.

I then talked to former City of Monroe Police Officer Joe Cummins to inquire what had happened up in Montana. It is my recollection that Mr. Cummins told me initially that he had told Jay Via that he had better be careful. I do not want to repeat what I recall Mr. Cummins told me because he later declined to give me an affidavit. I believe Mr. Cummins will testify truthfully about what occurred at the lie detector tests.

PAUL HENRY KIDD

SHORN TO AND SUBSCRIBED before me this _____ day of May, 1987.

NOTARY PUBLIC
(LIFE TERM)

LAW OFFICES
KIDD & KIDD
233 SOUTH GRAND • POST OFFICE BOX 3165
MONEE, LOUISIANA 71210

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RECEIVED
DO



OPENED IN MY PRESENCE
DATE: _____
BY: *[Signature]*

Mr. Barry A. Beach
A021520
700 Conley Lake Road
Deer Lodge, Montana 59722

