

1 Q. Okay. Are you -- you're currently in custody;
2 is that right?

3 A. I'm at Alternatives in Billings.

4 Q. You're finishing up serving a sentence?

5 A. Yes. I've got about three months left.

6 Q. Okay. And where are you from?

7 A. Poplar, Montana.

8 Q. How long -- how much of your life has been
9 spent in Poplar?

10 A. Fifty-seven years.

11 Q. And how old are you?

12 A. Fifty-seven.

13 Q. And you're the older brother of Sissy
14 Atkinson?

15 A. Yes, I am.

16 Q. Let me start out first and ask you about
17 testifying today. A couple days ago, did you get a call
18 from an investigator with the attorney general's office,
19 Ward McKay?

20 A. Yes, I did.

21 Q. And that was a call at the, at the facility
22 that you're staying at right now?

23 A. Yes, it was.

24 Q. Okay. And when Mr. McKay called you, did you
25 feel threatened by that call?

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10 CHAIRWOMAN O'CONNOR: Thank you for
11 testifying.

12 You may call your next witness.

13 MR. CAMIEL: J.D. Atkinson.

14 CHAIRWOMAN O'CONNOR: Will you raise your
15 right hand, please?

16 JACK DOUGLAS ATKINSON, WITNESS, SWORN

17 CHAIRWOMAN O'CONNOR: You may proceed.

18 MR. CAMIEL: Thank you.

19 DIRECT EXAMINATION

20 BY MR. CAMIEL:

21 Q. Mr. Atkinson, can you tell us your full name
22 and spell your last name for the record?

23 A. Jack Douglas Atkinson, A-T-K-I-N-S-O-N.

24 Q. Do you go by "J.D."?

25 A. That's since I was a little kid, yes.

1 A. Yes, I did. I thought that's what it was, is
2 a threat.

3 Q. Okay. And what did he tell you?

4 A. He brought up my statement that I made for
5 this -- for Centurion Ministries and asked me if I was
6 aware of the penalty for perjury, and that he was with the
7 DCI, and that he worked with Gary Cedar who I did a
8 session with a year and a half ago, and that he just
9 wanted to make sure I knew what the penalty for perjury
10 was.

11 And I said, "Well, I haven't said anything that I
12 know that's perjury or lying."

13 Q. So he's asking you about the statement that
14 you gave to us. And did you, did you interpret what he is
15 saying as, "If you come into this hearing today and
16 (testify consistent with this statement, that that would be
17 perjury"?)

18 A. That's kind of what the point he was trying to
19 make to me, is that I was to be aware of the penalty for
20 perjury.

21 Q. Did that scare you?

22 A. I didn't -- I wasn't, I wasn't very settled
23 with it. I didn't like it. I felt threatened.

24 Q. But you're still here today.

25 A. Yes, I am.

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1 **Q. Okay. Now, over the years -- let's go back**
2 **to: Were you living in Poplar in 1979?**

3 A. Yes, I was.

4 **Q. At the time of the Kim Nees murder?**

5 A. Well, I didn't live right in the town of
6 Poplar. I lived out of Poplar on a little place, a house
7 I built. I lived out in the country. But I was -- my
8 wife worked in town, so I was in town pretty much every
9 day.

10 **Q. And you were married at that time and had**
11 **children?**

12 A. Yes, I was.

13 **Q. Okay. And do you recall the morning of Kim**
14 **Nees's death hearing about the fact that she had been**
15 **killed?**

16 A. Yes. We heard there was something happened in
17 Poplar, and so I drove into town. And I happened to drive
18 through town and went up by the school to turn around, and
19 I seen the cop cars and -- a cop car and Kim Nees's pickup
20 sitting down by the train bridge. I drove on down the
21 hill by the school to look, and they had it roped off so I
22 couldn't get there. So I went across the bridge and went
23 down to the train bridge on the other side of the river
24 and walked up onto the ridge and looked down. And I could
25 see a body lying in the water.

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1 **Q. Were there a lot of people around watching?**

2 A. Well, there was a -- not a lot of people, but
3 there was a cop car, my brother Bobby's cop car, and Kim
4 Nees's pickup, and maybe one other car.

5 **Q. Over the years since Kim Nees's murder, have**
6 **you heard the rumors that suggested that your sister,**
7 **Sissy, was involved in some way with Kim Nees's murder?**

8 A. Well, I've heard through certain people she
9 had knowledge.

10 **Q. Okay.**

11 A. And I mean that's just kind of the story
12 around -- that went around. Poplar is a small town, so
13 there's -- you hear stories and, you know --

14 **Q. In 2003 or 2004, was Sissy living in Great**
15 **Falls?**

16 A. Yes, she was.

17 **Q. And did you visit her at her apartment?**

18 A. Yes, I did.

19 **Q. What was the purpose of the visit? Just a**
20 **casual visit, or --**

21 A. I just happened to be in Great Falls, and just
22 something -- Mom always told us to check on her, and I
23 just happened -- every time I'd be in town, I would stop
24 by and visit her and see how she was. She had a terrible
25 drug problem, and so I just kind of always checked in on

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1 her whenever I was around.

2 **Q. Okay. And when you visited her in Great Falls**
3 **either in 2003 or 2004, did she start to talk to you about**
4 **being down at the train bridge, that area, in Poplar on**
5 **the night that Kim Nees was killed?**

6 A. Yes, she -- you know, back through the years,
7 she had brought it up quite a few times; and that night I
8 was visiting her in Great Falls, she happened to bring it
9 up, too. In my own opinion, I always felt she kind of had
10 something on her back. You know, I mean she -- something
11 about her always bothered her. I believe that -- you
12 know, I believe, I believe it made her older before her
13 time because of carrying something with her that she had
14 bothering her.

15 **Q. You said over the years, several times she**
16 **brought this up?**

17 A. Well, we've talked about it, you know,
18 different times. It just happened to -- the point came
19 up, and we'd get to visiting about it. And like I say, I
20 always felt she had something that was kind of bothering
21 her about it.

22 **Q. And so on this occasion when you were visiting**
23 **her in Great Falls, she told you some more things that she**
24 **hadn't told you before.**

25 A. Well, she, she was kind of -- like I said, you

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1 know, she had a bad drug problem. And she was sitting
2 there pretty wacked-out and started talking to me and
3 telling me stuff about it. And she happened to mention
4 that night, that she was down at that party, that she was
5 there. And she mentioned different ones, Maude and
6 Joanne. And she mentioned that kind of a fight broke out,
7 or something, and she thought somebody was chasing Kim
8 around with a wrench, or something. But, of course, I
9 mean she was -- she just talked so far and then clammed
10 up, and then that was it, you know. I mean she --
11 (pause.)

12 **Q. When she was telling you this, she was**
13 **describing having witnessed this happen; is that right?**

14 A. Well, yes. I mean more in the sense that she
15 seemed to be aware of what, what was taking place. I mean
16 she said something about someone chasing somebody around
17 -- Kim around the pickup with a wrench, or something. And
18 I don't remember exactly how she said it, if it was -- if
19 she saw them chasing them around or they said somebody was
20 chasing Kim around the pickup, but I mean that was the
21 point that was being brought up that was --

22 **Q. When she said "somebody chasing Kim" --**

23 A. Her.

24 **Q. -- she said -- she was describing a female**
25 **chasing Kim, wasn't she?**

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1 A. Pretty much, yeah. She said somebody was --
2 some girl was chasing Kim with a wrench, or something.
3 And like I said, I mean it was --

4 **Q. Did it appear that she was trying to unload,**
5 **like relieve herself of this burden when she was talking**
6 **to you?**

7 A. To tell you the truth, I thought she was going
8 to. I actually thought that's what it was leading to.
9 But after she got to a certain point, she just clammed up
10 and that was the end of it.

11 **Q. And did you press her for more information, or**
12 **did you let it drop at that point?**

13 A. I never said another word to her about it.

14 **Q. And there had been earlier conversations where**
15 **she had mentioned parts of it but not as much?**

16 A. Well, back when Sissy was living at my mom's
17 trailer and I used to take her -- the then boyfriend with
18 me to work all the time, and me and him would talk about
19 it different times.

20 MS. PLUBELL: Madame Chairperson?

21 CHAIRWOMAN O'CONNOR: Yes.

22 MS. PLUBELL: I'm going to object to anything
23 that he's going to relay about what Stubby Balbinot may
24 have said since Stubby Balbinot is dead.

25 THE WITNESS: With what?

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1 CHAIRWOMAN O'CONNOR: I think that's valid.

2 **Q. (By Mr. Camiel) Let me ask you not about what**
3 **her former boyfriend said; but on other occasions when**
4 **Sissy would start to talk about this, what did she say?**

5 A. Well, she just always seemed to know whenever
6 someone was up and around investigating it, or -- she
7 seemed to know most of the facts about, you know, the --
8 every time something was happening on it, being
9 investigated, she would always know when something was
10 going on, I guess. And it would bother her. She would
11 always bring it up.

12 **Q. Mr. Atkinson, why are -- why did you come**
13 **forward with this conversation that you had with your**
14 **sister in 2003 or 2004?**

15 A. Well, to tell you the truth, you know, for a
16 good many years, Sissy's been so out of it on drugs,
17 there's something driving her to doing what she's doing.
18 And I just always thought that was kind of a part of the
19 reason or some of the reason that maybe -- I always had
20 the feeling that she knew more than she ever told me. And
21 I'm just kind of Big Brother looking out for her, and --
22 (pause.)

23 **Q. Were you afraid, were you afraid for her, for**
24 **her health because of your belief that she was carrying**
25 **this around?**

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1 A. I believe it's going to take its toll before
2 long.

3 **Q. Did you think that coming forward would help**
4 **her in some way?**

5 A. Well, I'll tell you what, what I thought was
6 that maybe somehow, somehow she could get some help to, to
7 get rid of the problem and be able to get it off her chest
8 and do whatever it is that's bothering her as bad as it is
9 to keep her drugged up for the past 20 years, you know,
10 maybe longer.

11 **Q. Did you think that she'd be better off in**
12 **prison than on the streets because of how bad she was with**
13 **her drug problem?**

14 A. Well, it sure couldn't hurt her.

15 **Q. Mr. Atkinson, did you at some point suffer**
16 **from some kind of a head injury or brain injury?**

17 A. Friday the 13th of December, 1996, I got hit
18 by a train, and I broke my head 9 inches, and my neck, my
19 chest. I had quite a few injuries out of it.

20 **Q. So pretty severe injuries?**

21 A. Yes.

22 **Q. Has that in any way, do you think, clouded**
23 **your memory of what your sister told you, or do you have a**
24 **good memory of that?**

25 A. I tell you, I -- sometimes I fight with my

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1 memory problems; but other times, I'm pretty good. You
2 know, it's just -- on a good day -- you know, what I'm
3 saying? I have good and bad days. I have problems once
4 in awhile.

5 **Q. But you do remember your sister telling you**
6 **the things that you put in your statement?**

7 A. Pretty much, yes. I mean that's something
8 I --

9 **Q. You tried to be as truthful as you could in**
10 **that statement?**

11 A. I mean I have no reason to lie about it. I'm
12 trying to maybe get to the bottom -- and give her some
13 help one way or another, you know.

14 **Q. You're not getting anything from anybody for**
15 **coming forward?**

16 A. Not a thing.

17 **Q. In fact, it's caused you some grief, hasn't**
18 **it?**

19 A. Yes, it has.

20 **Q. In what ways?**

21 A. Just, I don't know, I felt pretty threatened
22 over this last deal where I got called that, called that
23 day. And I've had my own share of problems, and I'm
24 trying to get through them and don't need any more
25 headaches, you know.

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1 **Q. In addition to what you just testified about**
 2 **concerning what your sister told you, she told you that**
 3 **Barry was innocent, didn't she?**

4 A. She mentioned a couple different times through
 5 the years that she thought an innocent man was serving
 6 time for it.

7 **Q. Did she tell you why she thought that?**

8 A. Well, just not really why, but she made the
 9 statement to me before.

10 **Q. (More than once?)**

11 A. More than once, yeah.

12 **Q. Now, just a couple of other questions. Now,**
 13 **your sister, Sissy, is she known in the Poplar community**
 14 **as "Sissy Atkinson"?**

15 A. Yes.

16 **Q. Now, was there another -- was there a Rose**
 17 **Failing that at one time went by Sissy?**

18 A. That's my brother's wife, my brother Denver.
 19 She was a young girl, and Denver and her was just going
 20 together, Sissy Failing. But after she got with Denver, a
 21 lot of people would call her "Sissy Atkinson". And she
 22 just kind of -- because of Sissy's wild ways, she just
 23 didn't want to be called "Sissy Atkinson" no more; she
 24 wanted to be called "Rose Failing". That was her name. I
 25 guess you can't blame her.

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1 MR. CAMIEL: Thank you.

2 CROSS-EXAMINATION

3 BY MS. PLUBELL:

4 **Q. J.D., my name is Tammy Plubell. I'm with the**
 5 **attorneys general's office.**

6 A. Okay.

7 **Q. Were you having a good memory day or a bad**
 8 **memory day the day you wrote your statement?**

9 A. That was out here when I did my statement.
 10 I'll tell you, I was -- they've had me taking some
 11 medicine for posttraumatic stress disorder, and I think I
 12 was having a pretty good day. I mean for a long time, I
 13 was -- they just took me off of all my medicine and, and I
 14 did go through some bad times for a couple months. I was
 15 here two or three months, and then I -- the doctor finally
 16 got me on new medicine.

17 **Q. So you also suffer from posttraumatic stress**
 18 **disorder in addition to those terrible injuries you**
 19 **sustained in that accident?**

20 A. Well, yes, I kind of have ever since I come
 21 back from Vietnam.

22 **Q. And you've also had a drug problem, haven't**
 23 **you?**

24 A. I did drugs, cocaine, in 1997 and '98. And I
 25 quit in '98, and I haven't ever touched it since.

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1 **Q. And you haven't used -- ever used any drugs**
 2 **since then?**

3 A. I quit smoking pot in 2000, and I don't do no
 4 drugs now.

5 **Q. All right. And do you have a copy of your**
 6 **statement with you?**

7 A. Yes.

8 **Q. Did you write everything in there, J.D.?**

9 A. Did I what?

10 **Q. Did you write everything in there?**

11 A. No.

12 **Q. Who wrote that statement for you?**

13 A. Mr. McCloskey.

14 **Q. And did you say every one of these words to**
 15 **Mr. McCloskey that's in that statement? Can you say that**
 16 **for certain?**

17 A. No. I talked to him, and he went back home.
 18 And a few weeks later, I got this letter from my counselor
 19 about it. And had me come over, and I read through it and
 20 signed it.

21 **Q. And you're -- so how many times did you talk**
 22 **with people from Centurion Ministries, J.D.?**

23 A. Twice.

24 **Q. Just two times?**

25 A. Yeah.

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1 **Q. Was it the same person?**

2 A. I talked to people from NBC News Dateline, and
 3 then I talked to Mr. McCloskey the next time.

4 **Q. So you're saying you only talked to**
 5 **Mr. McCloskey one time?**

6 A. One time, and then on the phone.

7 **Q. Now, I understand that you and Barry Beach**
 8 **have spent some time in prison together. Is that**
 9 **accurate?**

10 A. No, not really together. I seen Barry
 11 probably a total of three - four times while I was in
 12 prison.

13 **Q. Well, I've got both of your movement records,**
 14 **and they indicate that you've at least had the ability to**
 15 **interact. Would you "quabble" with that -- quibble with**
 16 **that?**

17 A. Oh, I could just about tell you to the -- I
 18 don't suppose I actually seen Barry or talked to him maybe
 19 half a dozen times.

20 **Q. Do you have a girlfriend or did you have a**
 21 **girlfriend named Annie Cattrell?**

22 A. Yeah.

23 **Q. And you and she had a child together; is that**
 24 **right?**

25 A. That's right.

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1 **Q. And while you were in prison, you wrote Annie**
2 **letters, didn't you? Do you remember that?**

3 A. Up until, up until about December. And then I
4 quit writing her. I quit having any contact with her at
5 all.

6 **Q. December of this year, J.D.?**

7 A. Of 2006, right before Christmas.

8 MS. PLUBELL: Madame Chairman, if I may
9 approach.

10 CHAIRWOMAN O'CONNOR: Yes.

11 **Q. (By Ms. Plubell) J.D., I'm handing you that.**
12 **Do you recognize that?**

13 A. (Perusing document.)

14 **Q. Does that look like a letter that you sent to**
15 **Annie Cattrell?**

16 A. Yes, it does.

17 **Q. So that looks like your letter?**

18 A. Yeah. I was getting -- trying to put together
19 paperwork to go in front of the Board of Pardons.

20 **Q. And in that letter, do you indicate that Barry**
21 **Beach was helping you out with something?**

22 A. He showed me a form over at the library that
23 you put where you're going to work, where you're going to
24 live. And we got the form from that library one day.

25 **Q. So what was the reason that you couldn't --**

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1 **you had to be secretive about that sort of help? Because**
2 **in the paragraph where you indicate Barry's helping, you**
3 **also indicate that you want to talk to Annie but you can't**
4 **talk on the phone and you can't put anything in the letter**
5 **because people might read it.**

6 A. Where did I put that at?

7 **Q. Would you like me to show you?**

8 A. Okay -- (perusing document.)

9 **Q. Let me ask you a couple other questions, J.D.**
10 **In some other letters to Annie, you weren't very nice to**
11 **her, were you?**

12 A. No.

13 **Q. And, in fact, she got a restraining order**
14 **against you, didn't she?**

15 A. Yeah, she did.

16 **Q. And you were sort of abusive to her in the**
17 **letters, weren't you?**

18 A. No more than she had coming.

19 **Q. Well, is it a fair -- fair to assume, J.D.,**
20 **that if Barry Beach was going to be helping you out, as**
21 **you indicated in your letter, that you were going to do**
22 **something to help him out in return?**

23 A. The only thing he was helping me with is get
24 them forms that I needed for the Parole Board.

25 **Q. (So do you remember why you needed to be**

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1 **secretive about that to Annie?)**

2 A. I don't think that's what I was talking to
3 Annie about.

4 **Q. Oh, okay. I'd like to go through some of the**
5 **matters you have in your written -- well, not your written**
6 **statement but the statement someone else wrote and you**
7 **signed. You described your relationship with Sissy as a**
8 **caring brother/sister relationship, right?**

9 A. (Nodding head affirmatively.)

10 **Q. And both -- well, we've heard testimony about**
11 **an incident where you were intoxicated and physically**
12 **assaultive of Sissy. Do you deny that?**

13 A. When was this?

14 **Q. I can't recall exactly when it happened. It**
15 **was an incident where you pushed her to the ground and had**
16 **a brick that you were hitting her on the head with.**

17 A. Oh, I don't believe that.

18 **Q. You don't believe that ever happened?**

19 A. No.

20 **Q. Well, if it had happened, that wouldn't be a**
21 **very caring sister/brother relationship, would it?**

22 A. No, it wouldn't, but I don't have any --
23 remember it ever happening.

24 **Q. And would you have -- and would you agree,**
25 **then, that your caring sister/brother relationship was**

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1 **caring back in 1979?**

2 A. You know something? I haven't drank since
3 about that time.

4 **Q. But Sissy didn't tell you anything in 1979**
5 **related to Kim Nees's homicide, did she?**

6 A. Well, to tell you the truth, not back in those
7 days, but I believe that's about when she kind of crawled
8 in her shell.

9 **Q. And you wouldn't have anything to do with**
10 **that, would you, her crawling in her shell?**

11 A. No.

12 **Q. In your statement, you claim that over the**
13 **years, you have heard talk of Sissy somehow being**
14 **involved, correct?**

15 A. (Nodding head affirmatively.)

16 **Q. But can you remember who you heard that from?**

17 A. To tell you -- through the years, I've heard
18 many statements from many different people.

19 **Q. And would you agree with me that there's been**
20 **a lot of gossip and rumor --**

21 A. Sure.

22 **Q. -- in the Poplar community about this**
23 **homicide?**

24 A. Yeah. It's a small town, so you hear a lot
25 of --

73 (Pages 289 to 292)

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1 Q. Now, are you aware that your sister, Sissy,
2 cooperated with law enforcement's investigation in Kim's
3 homicide? Back in 1979, she talked to the FBI and she
4 talked to the sheriff's office. Are you aware of that?
5 A. I think so, yes.
6 Q. And are you aware that she gave fingerprints
7 and she gave palm prints and a hair sample? Are you aware
8 of that?
9 A. Yeah.
10 Q. And that seems to look like someone who has
11 nothing to hide, right?
12 A. Well, yeah.
13 Q. You claim your sister, Sissy, is a
14 pathological liar because of drug usage; is that correct?
15 A. Sure, I've --
16 Q. And do you have any problem with lying because
17 of your drug usage?
18 A. I haven't. I quit drugs, and that's it.
19 Q. Now, are you aware that Mike Wellenstein and
20 Ward McKay and I actually traveled to Poplar unannounced
21 and we asked Sissy to give us a statement --
22 A. I'm not.
23 Q. -- and she agreed to do that, and we
24 tape-recorded that statement?
25 A. I haven't talked to Sissy for about a year and

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1 a half.
2 Q. When you talked to Centurion Ministries, they
3 didn't tape-record your statement, did they?
4 A. I don't believe so, no.
5 Q. Now, in Paragraph 7 of your statement, you
6 claim that Sissy told you during these conversations --
7 and we're not sure when they happened, and we're not sure
8 if the last one happened in 2003 or 2004, right?
9 A. Right.
10 Q. But she told you that certain people were at
11 the scene of Kim's murder, right?
12 A. Right.
13 Q. And you claim that she said Maude Grayhawk was
14 there, right? Or is that not right?
15 A. Well, she said she -- at the time, she told me
16 she was with those girls.
17 Q. Just "those girls"? She didn't identify any
18 of them?
19 A. Well, Joanne and Maude was usually the two
20 names that came up.
21 Q. Well, in your statement, I think you say --
22 A. Jordis.
23 Q. And Jordis, Maude. So are you remembering
24 that clearly, those names that she gave you?
25 A. Well, pretty much, because I -- you know, I

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1 mean I have a problem.
2 Q. You have some problems with memory?
3 A. (Nodding head affirmatively.)
4 Q. Do you know Calvin Lester, J.D.?
5 A. Calvin Lester -- yeah, I think I remember
6 Calvin pretty good.
7 Q. Are you aware that Calvin Lester claimed to
8 have witnessed the homicide and people at the homicide?
9 Are you aware of that?
10 A. No, I'm not.
11 Q. You're not aware of that? So you're not aware
12 of the fact that he named these same people that you're
13 naming now?
14 A. No.
15 Q. And are you aware that he later indicated that
16 he had not been truthful about that and he really didn't
17 witness anything?
18 A. No, I don't.
19 Q. You're not aware of that?
20 A. I'm not aware of that, no.
21 Q. So you don't find it curious at all that now
22 your statement seems to mirror Calvin Lester's?
23 A. (Shaking head negatively.)
24 Q. Now, according to what you say -- oh, one
25 thing I wanted to ask you: Are you aware that -- Rose is

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1 your sister-in-law, right?
2 A. Right.
3 Q. Are you aware that Rose has provided an alibi
4 for Maude?
5 A. No, not at all.
6 Q. And are you aware that, that -- do you know
7 who Bear Jones is?
8 A. Yes.
9 Q. Are you aware that he provides an alibi for
10 Jordis?
11 COURT REPORTER: I'm sorry, I didn't hear your
12 answer.
13 THE WITNESS: No, I'm not.
14 Q. (By Ms. Plubell) Now, according to what you
15 say, Sissy told you -- that is, that these girls were all
16 partying outside the truck together, right?
17 A. Well, that they -- I mean she just said there
18 was a party. I don't know where it was really taking
19 place. Down at the train bridge is all I knew.
20 Q. Well, doesn't your statement say they were all
21 partying outside the truck together?
22 A. (Perusing document.)
23 Q. Well, at any rate, a fight broke out. That's
24 what she told you, right?
25 A. Right.

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1 Q. And that someone began chasing Kim, a girl
2 began casing — chasing Kim, excuse me, around the truck,
3 correct?

4 A. Supposedly, yes.

5 Q. And are you aware that the physical evidence
6 at the crime scene demonstrates that Kim's killer first
7 attacked her inside the truck? Are you aware of that
8 fact?

9 A. No. I'll tell you, I really don't know much
10 about the scene. I never did know nothing.

11 Q. But if that's what Sissy told you, that may
12 not be consistent with what the physical evidence showed,
13 right?

14 A. Possibly.

15 Q. You now claim that Sissy also mentioned Caleb
16 Gorneau and Eddie Van Dover, right?

17 A. Yes.

18 Q. Now, did she mention them in that last
19 conversation or was that in some prior conversation?

20 A. Just back through the years, I've heard her
21 mention it; not necessarily that night, no.

22 Q. And where — those names came from Sissy,
23 right? They didn't come from the other stories you've
24 heard over the years about the homicide? You're really
25 sure those names came from Sissy?

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1 A. Pretty much, yes.

2 Q. You're pretty much sure, even though you've
3 heard a lot of stories.

4 Do you know Carl Four Star?

5 A. (Shaking head negatively).

6 Q. Are you aware that he also gave a statement?

7 A. Oh, Carl Four Star?

8 Q. Yes.

9 A. I know Carl, Sr., I guess. That's the, the
10 older man who works for BIA.

11 Q. Right now, are you aware of the fact, J.D.,
12 that every person who gave a tape-recorded statement in
13 preparation for this hearing who had any contact with
14 Centurion Ministries indicated that the investigators
15 twisted or turned or put words in their mouths? Are you
16 aware of that?

17 A. Not -- no.

18 Q. But you suffered a very traumatic brain
19 injury, didn't you?

20 A. (Nodding head affirmatively.)

21 MS. PLUBELL: No further questions.

22 REDIRECT EXAMINATION

23 BY MR. CAMIEL:

24 Q. J.D., did anybody put words in your mouth
25 about what you said today?

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1 A. Did who?

2 Q. Did anybody put words in your mouth about what
3 you testified to today?

4 A. No.

5 Q. Did you testify based on what you recall your
6 sister telling you?

7 A. Pretty much, yes.

8 Q. Did you try to tell the truth as best you
9 could?

10 A. Best as I can remember it, yes.

11 MR. CAMIEL: Thank you.

12 MS. PLUBELL: Just a couple quick questions.

13 RECROSS-EXAMINATION

14 BY MS. PLUBELL:

15 Q. Now, J.D., you indicated that the reason you
16 gave the statement was --

17 CHAIRWOMAN O'CONNOR: Excuse me. Would you
18 please not put your letter in your pocket. We've got to
19 make a copy of that.

20 THE WITNESS: (Complying.)

21 CHAIRWOMAN O'CONNOR: That's right. Now, go
22 ahead. I just didn't want it already to be deposited in
23 his pocket.

24 MS. PLUBELL: All right, let me get my train
25 of thought back here.

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1 CHAIRWOMAN O'CONNOR: Sorry.

2 Q. (By Ms. Plubell) You indicated that the
3 reason you came forward was because you loved your sister
4 and you wanted to help her, right?

5 A. Yes.

6 Q. Yeah. And are you aware that your sister has
7 been clean and sober now for about four months?

8 A. God bless her.

9 Q. Do you have any information about who she sees
10 for a counselor?

11 A. (Shaking head negatively.)

12 Q. Do you know how many times she goes to AA?

13 A. I haven't talked to Sissy for a year and five
14 months.

15 Q. So it appears that without making any sort of
16 confession to a homicide, Sissy on her own has gone out
17 and gotten the help that she needed to beat her drug
18 habit.

19 A. I hope she can stick with it.

20 Q. I do, too.

21 MS. PLUBELL: No further questions.

22 CHAIRWOMAN O'CONNOR: You may be excused.
23 We'd like to have this letter marked as an exhibit.

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