

**ATTORNEY GENERAL**  
STATE OF MONTANA

Mike McGrath  
Attorney General



Department of Justice  
215 North Sanders  
PO Box 201401  
Helena, MT 59620-1401

August 7, 2007

Mr. Craig Thomas  
Board of Pardons & Parole  
300 Maryland Avenue  
Deer Lodge, MT 59722

Re: State v. Barry Beach

Dear Mr. Thomas:

Enclosed is a copy of the State's Closing Remarks for the August 1, 2007 Hearing on Barry Allen Beach's Request for Commutation of His Sentence along with Appendices.

I will also be sending you a copy of State's Closing Remarks for the August 1, 2007 Hearing on Barry Allen Beach's Request for Commutation of His Sentence by e-mail. Thank you for forwarding copies of the documents to the Board members.

Sincerely,

APPELLATE SERVICES BUREAU

A handwritten signature in cursive script that reads "Micheal Wellenstein".

MICHEAL S. WELLENSTEIN  
Assistant Attorney General

msw/gg

c: Peter Camiel



**STATE'S CLOSING REMARKS FOR  
THE AUGUST 1, 2007  
HEARING ON BARRY ALLAN BEACH'S  
REQUEST FOR COMMUTATION  
OF HIS SENTENCE  
Dated August 7, 2007**

At the outset of the August 1, 2007 hearing, the Board announced the sole issue in front it was whether Barry Beach received a fair sentence. Beach paraded a number of witnesses in front of the Board, but most ignored the Board's directive and never addressed the issue in question. Rather than addressing the fairness of Beach's sentence, Beach's supporters, in one way or another, proclaimed that he should be released because they believe he is innocent. Such a belief is based on their blind acceptance of Centurion Ministries' version of the events and one that ignores Beach's confession, the jury's guilty verdict, and the decisions of the Montana Supreme Court and federal courts that have reviewed and upheld the validity of Beach's confession and rejected his claim that he is actually innocent.

The issue of whether Beach received a fair sentence was addressed by Beach himself at the prior clemency hearing. The Board specifically asked him if he thought the sentence was unfair for the person who committed the offense, and Beach answered the sentence was **not unfair**. (Beach's testimony at 110-11, attached as Appendix [App.]. A.) This was a dramatic moment in the prior hearing since it clearly was the one question Centurion Ministries had not prepared Beach to answer. Beach answered the simple question that Centurion Ministries and his supporters would not. Beach's testimony that the sentence was fair silences the calls from Centurion Ministries and his supporters that he is entitled to a commutation of his sentence, and in large part made the latest hearing unnecessary.

Montana's sentencing scheme is founded upon judicial discretion. Integral to that discretion, Montana sentencing courts have broad authority to restrict parole eligibility. State v. Blake, 274 Mont. 349, 908 P.2d 676, 677 (1995). Generally, for many years, Montana sentencing courts have exercised their discretion and restricted parole eligibility. See, e.g. State v. Ayers, 2003 MT 114, ¶ 1, 315 Mont. 395, 68 P.3d 768; State v. Ford, 2001 MT 230, ¶ 6, 306 Mont. 517, 39 P.3d 108; State v. Swan, 2000 MT 246, ¶ 14, 301 Mont. 439, 10 P.3d 102; State v. Christianson, 1999 MT 156, ¶¶ 9, 30-41, 295 Mont. 100, 983 P.2d 909; State v. Race, 285 Mont. 177, 946 P.2d 641 (1997); State v. Blake, 274 Mont. 349, 908 P.2d 676, 677 (1995); State v. Aills, 250 Mont. 533, 534, 822 P.2d 87, 88 (1991); State v. Heit, 242 Mont. 488, 491, 493-94, 791 P.2d 1379, 1381, 1383-84 (1990); State v. Van Dyken, 242 Mont. 415, 424, 791 P.2d 1350, 1355 (1990); State v. Keefe, 232 Mont. 258, 259, 759 P.2d 128, 129 (1988); State v. Johnson, 233 Mont. 473, 474, 760 P.2d 760 (1988).

In his pursuit of the commutation of his sentence, Beach would like this Board to ignore the Board's discretion given to the sentencing court, and the fact that his lawfully imposed sentence has been reviewed and upheld by the Montana Supreme Court and the Sentence Review Division.

In rejecting Beach's claim that his sentence violated Mont. Const. art II, § 28 and Mont. Code Ann. § 46-18-401, the Montana Supreme Court stated:

[D]efendant argues that this [his sentence] is violative of Article II, section 28 of the Montana Constitution, which requires that "laws for the punishment of crime shall be founded on the principles of prevention and reformation," and section 46-18-101, MCA, which provides that the policy behind sentencing is the rehabilitation, if possible, of convicts. In the defendant's mind, his sentence was not based on any principle of prevention, reformation, or rehabilitation, and [was] thus an abuse of discretion by the District Court.

We find no merit in defendant's argument. First, Article II, section 28, Mont. Const. allows a district court in its discretion to base a sentence upon the principle of prevention of future crimes. This includes the power to remove a person from society, as the District Court found necessary here.

Secondly, the District Court's sentence was within the permissible statutory range, and, in the absence of clear abuse of discretion is properly reviewed by the Sentence Review Division. There was no clear abuse of discretion in this case and thus this is a matter for the Sentence Review.

State v. Beach, 217 Mont. 132, 153, 705 P.2d 94, 107 (1985).

Beach followed the Montana Supreme Court's sentence review suggestion, and filed an application for sentence review in 1985. The Montana Supreme Court's Sentence Review Division is the judicial forum that reviews whether the sentences are inequitable or unfair. See State v. Dahms, 252 Mont. 1, 13, 825 P.2d 1214, 1221, 124 (1992); State v. Evans, 247 Mont. 218, 231, 806 P.2d 512, 520 (1991); State v. Metz, 184 Mont. 533, 535, 604 P.2d 102, 104 (1979.) At his sentence review hearing, Beach was represented by attorney Dick Carstensen. The three district court judges on Beach's sentence review panel unanimously decided

not to change the original sentence given to Beach by District Court Judge James Sorte. (Sentence Review Decision attached as App. B.) The Sentence Review's decision further erodes any basis for Beach's claim that he is entitled to a commutation of his sentence because his sentence was unfair.

At the latest hearing, Beach acknowledged that he previously told this Board that his 100 year sentence was fair, but this time, Beach stated the parole restriction was not fair and "uncommon" compared to the sentences received by other defendants. The issue of whether Beach's parole restriction is fair has been resolved by the Sentence Review Division when it decided not to change Beach's sentence, and this Board should abide by that Sentence Review Division's decision. Moreover, Beach's contention that his parole restriction is unfair because other murderers, similar in age to himself, have not received such a restriction is not compelling because each sentence is based on the unique facts and circumstances surrounding the offense, the absence or presence of a plea agreement, the presentence investigation report, the presentence investigation report's recommendation, the recommendation of the prosecutor, and the characteristics and propensities of the individual defendants. Accordingly, there will always be a wide range of sentences even for the same offense committed by defendants similar in age, some which may have a parole restriction while others will not.

While Beach apparently only seeks to have the Board lift the parole restriction from his sentence, Jim McCloskey, from Centurion Ministries, wants the Board to commute Beach's entire sentence to time served and order his immediate release. In attempt to assuage any fear the Board may have about releasing Beach, McCloskey emphasized the lack of violent crimes and felonies in Beach's criminal record. McCloskey also emphasized that Beach had only 14 prison "write ups," none of which McCloskey viewed as major infractions, and none in the last seven years.

McCloskey has painted a whitewashed version of Beach's character regarding violence. His portrayal of Beach ignores the savage and vicious manner in which Beach killed Kim Nees. Beach bludgeoned Nees to death, hitting her over thirty times. In imposing Beach's sentence, Judge Sorte clearly considered the savage and vicious manner in which Beach killed Nees and that fact should not be overlooked by the Board. (Sentence attached as App. C.) Moreover, in reviewing Beach's character, the Board should not forget that Beach threatened to kill his stepmother after she had him arrested for contributing to delinquency of his stepsister. In addition, Beach's own father, Bob Beach, stated Beach was capable of murder when his mood changes.

McCloskey and Beach's supporters have offered a portrayal of Beach as a model prisoner, who has mastered a number of trades while in prison and is active

in the prison ministry. Beach's prisoner conduct record reveals that Beach has received write ups for a number of prison infractions, including possession of dangerous contraband, disobeying direct orders, conduct which disrupts, sexual misconduct, indirect insolence and fighting. Beach has not had any write-ups for prisoner infractions in the last seven years, but his overall prison record is hardly that of a model prisoner. Interesting enough, Beach's good conduct in prison appears to have coincided with Centurion Ministries involvement with his case, and one has to wonder whether Beach's behavior will deteriorate once Centurion Ministries moves on to its next case at the conclusion of these proceedings.

Corrections Officer Greg Budd was unable to attend the latest hearing, but he has submitted a memorandum for the Board's consideration regarding his experience with Beach at the prison. (Gregg Budd's Memorandum attached as App. D.) Budd has a different view of Beach's character than that espoused by Centurion Ministries and Beach's supporters. Budd has worked for the Department of Corrections for 27 years. He was Beach's unit manager from 2004 and 2007, and has known Beach from the time he has been incarcerated. Budd describes Beach as manipulative and very smooth at conning prison staff. As evidence of his manipulative and conning behavior, Budd notes that Beach has compromised female correctional staff at Montana State Prison and at Crossroads Correctional Center in Shelby. Beach's actions with the female staff resulted in



the dismissal of the two women. (App. D.) In addition, during a discussion several months ago with Beach concerning his current issues regarding his incarceration and his claim that he is innocent, Budd felt, based on his experience with inmates, that Beach “portrayed an attitude of ‘I am getting one over on the state.’” (App. D.)

While the presumption of innocence is the foundation of our criminal justice system prior to the entry of the jury’s verdict, it has no place in a clemency proceeding. The presumption of innocence especially has no place in a clemency proceeding when the convicted person requesting clemency has been afforded every possible avenue of appeal, and when given the opportunity to make a showing of actual innocence in a court of law, wholly failed to do so. Yet, that is what Beach and his supporters base their plea for a commutation of sentence upon--a presumption that Beach is innocent.

The perceived injustice by Beach’s supporters is that Beach was coerced into giving a false confession ultimately resulting in the wrongful conviction of an innocent man--a man, who according to his supporters, is a “solid” citizen, devoid of criminal attributes. Centurion Ministries has assured the Board that it is convinced of Beach’s innocence. At the August 1, 2007 hearing, Jim McCloskey repeated this belief. Beach’s supporters’ belief in his innocence is no doubt based

largely upon McCloskey's and Centurion Ministries' unfaltering assurance that Beach is innocent and Centurion Ministries' methods of supporting its conclusion.

At what point did Centurion Ministries become sure? Was the sureness based only upon the reading of the trial transcript? Was it based upon the persistence of Beach's mother who years ago claimed to have information to exonerate her son but refused to share that information with law enforcement? Was it based upon Calvin Lester's admittedly untrue claim of being an eyewitness to Kim's murder? Or was it based upon McCloskey's six-hour meeting with Beach in August of 2000? It would be interesting to know, since it has never been disclosed, at what point Centurion Ministries' objectivity gave way to a certainty in Beach's innocence.

What we do know, however, is despite McCloskey's certainty in Beach's innocence, he has been certain of a convicted murderer's innocence before, and he was wrong. As a Washington Post article entitled, "Burden of Proof" by Glen Frankel describes, McCloskey's certainty in Roger Coleman's innocence was somehow misplaced. (Article attached as App. E.) Roger Coleman, who was also a "model" prisoner, was convicted of and executed for the rape and murder of his sister-in-law in Virginia. As the article notes, post-execution DNA testing conclusively proved Roger Coleman's guilt and that McCloskey's belief in his innocence was incorrect. (App. E.)

The reference to Coleman's case is not meant to discredit the fine work Centurion Ministries has done in other cases, it is only meant to demonstrate the inherent risk in disregarding a jury's verdict, a sentencing court's exercise of discretion and the well-reasoned decisions of the state district court, Montana Supreme Court, federal district court and Ninth Circuit Court of Appeals.

One of Beach's witnesses remarked during his statement that the "system" had failed Beach. To the contrary, the system has bent to the breaking point to accommodate Beach. If the system has failed anyone, then it has failed Kim Nees and her parents Ted and Diane. Even after Beach's conviction, there has been no closure for the Nees family. In one way or the other they have had to relive the murder of their daughter for the last 28 years. In her letter opposing Beach's request for commutation of his sentence, Diane expressed the turmoil to her family caused by "this horrible crime." In her January 25, 2007 letter to the Board opposing Beach's release from prison, Billie Norgaard, Kim's best friend, also clearly expressed the trauma Beach has caused, and continues to cause, to Kim's family and friends.


Everyone who knew Ted Nees, knew that if he were still alive he too would have been opposed to Beach's request for freedom--just as his letter to Judge Sorte stated back at the time of Beach's sentencing. While Richard Hepburn of Centurion Ministries assured the Board that Ted Nees's concern for the safety of

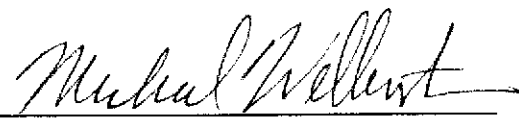
his family and the community was not a legitimate one, it was legitimate to Ted Nees when he wrote to Judge Sorte and Hepburn cannot presume to speak on his behalf.

Beach received a fair sentence from Judge Sorte for murdering Kim Nees, and the State respectfully requests that the Board deny his request for commutation of his sentence.

Respectfully submitted this 7th day of August, 2007.

MIKE McGRATH  
Montana Attorney General  
215 North Sanders  
P.O. Box 201401  
Helena, MT 59620-1401

By:   
TAMMY K. PLUBELL  
Assistant Attorney General

By:   
MICHEAL S. WELLENSTEIN  
Assistant Attorney General

**CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and accurate copy of the foregoing  
State's Closing Remarks for the August 1, 2007 Hearing on Barry Allan Beach's  
Request for Commutation of His Sentence to be mailed to:

Mr. Peter Camiel  
Mair & Camiel, P.S.  
710 Cherry Street  
Seattle, WA 98104

Mr. Craig Thomas (also sent via e-mail)  
Executive Director  
Board of Pardons & Parole  
300 Maryland Avenue  
Deer Lodge, MT 59722

DATED: August 7, 2007 Michael Wilhite

RECEIVED

JUL 23 2007

ATTORNEY GENERALS OFFICE  
HELENA, MONTANA

BEFORE THE BOARD OF PARDONS & PAROLE  
STATE OF MONTANA DEPARTMENT OF CORRECTIONS

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IN THE MATTER OF:

BARRY ALLAN BEACH  
-----

PARTIAL TRANSCRIPT OF EXECUTIVE CLEMENCY HEARING  
TESTIMONY OF BARRY ALLAN BEACH

Heard at Montana State Prison  
500 Conley Lake Road  
Deer Lodge, Montana

June 15, 2007  
8:03 a.m.

REPORTED BY:

CHERYL ROMSA  
CHERYL ROMSA COURT REPORTING  
P. O. BOX 1278  
HELENA, MONTANA 59624  
(406) 449-6380

COPY

A P P E A R A N C E S

ON BEHALF OF THE STATE OF MONTANA:

MICHAEL WELLENSTEIN

TAMMY PLUBELL

Montana Attorney General's Office

215 North Sanders

P.O. Box 201401

Helena, Montana 59620-1401

ON BEHALF OF BARRY ALLAN BEACH:

PETER CAMIEL

Attorney at Law

Mair & Camiel

710 Cherry Street

Seattle, Washington 98104

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EXECUTIVE CLEMENCY HEARING - TESTIMONY OF BARRY ALAN BEACH

1 WHEREUPON, the following proceedings were had:  
 2 CHAIR McCANN O'CONNOR: We will come to order.  
 3 We will note for the record that attorneys for both the  
 4 Attorney General and Centurion Ministries are present.  
 5 Mr. Camiel, you may call your witness.  
 6 MR. CAMIEL: Thank you.  
 7 Barry Beach.  
 8 (The witness was sworn.)  
 9 CHAIR McCANN O'CONNOR: You may proceed.  
 10 BARRY ALLAN BEACH,  
 11 a witness, having been first duly sworn, testified upon  
 12 his oath as follows:  
 13 DIRECT EXAMINATION  
 14 BY MR. CAMIEL:  
 15 **Q. Barry, before we get started with my direct**  
 16 **questions, you told me that you wanted to say something to**  
 17 **the Board as we start.**  
 18 A. Yes, sir.  
 19 I'd like to -- you know, it's kind of hard for me to  
 20 say, but not because it's not that I don't mean it. I've  
 21 been in this prison for 24 years, and I understand how  
 22 extraordinary this hearing is, and I want to thank the  
 23 parole board members for giving me this chance to come  
 24 here today and tell you face-to-face I did not kill  
 25 Kim Nees.

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1 Not only that, but the family of the victim, it's the  
 2 first time in 28 years as of today that they've had the  
 3 chance to hear some of the truth that they've heard here  
 4 this week. They've never heard some of this information  
 5 before. The people from Poplar, a lot of them didn't even  
 6 know me, and yet, they traveled all the way over here to  
 7 see me and you people and to tell you what they have to  
 8 say.  
 9 The attorney general's office, the prison  
 10 administration, I understand how extraordinary this, and I  
 11 don't take none of this lightly. I don't disrespect  
 12 anything that has happened here these last couple days,  
 13 and I just want to thank you for this opportunity and  
 14 thank the prison administration for allowing it to take  
 15 place like this.  
 16 CHAIR McCANN O'CONNOR: Very well.  
 17 You may proceed.  
 18 **Q. (By Mr. Camiel) Barry, how old are you?**  
 19 A. I'm 45 years old.  
 20 **Q. In 1979, where were you living?**  
 21 A. In 1979, I was living in Poplar, Montana.  
 22 **Q. And how old were you in June of 1979?**  
 23 A. In June of 1979, I was 17 years old.  
 24 **Q. Were you attending Poplar High School?**  
 25 A. Actually, I was a junior in Poplar High School.

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1 **Q. And -- and back then, where did you and your**  
 2 **family live in Poplar?**  
 3 A. We actually lived on what they called The Hill.  
 4 And in Poplar, Montana, if you were going down Highway  
 5 No. 2 headed east from the high school and took a right,  
 6 you'd go all the way to the end of that street, and there  
 7 was a hill that was actually a cliff. We lived right up  
 8 on the top of that hill in a corner house on that main  
 9 street.  
 10 **Q. Did you live near Kim Nees and her family?**  
 11 A. Yes. We actually lived about -- I would say  
 12 there was probably six houses between us and Kim Nees.  
 13 Directly next to our house was Kim Nees's uncle and aunt  
 14 and cousins, then there were a couple houses, including  
 15 the Norgaard house, and then on the other side of the  
 16 Norgaard house was the Nees house.  
 17 **Q. And did you know Kim and her family members as**  
 18 **you were growing up as a boy?**  
 19 A. Yes. We all grew up together playing on the same  
 20 block, playing kick-the-can and other, you know, child  
 21 games as we were kids. We all grew up together.  
 22 **Q. Barry, in 1979, you're 17 years old. What -- how**  
 23 **big were you then? What was your height and weight?**  
 24 A. At that time, I believe I was about 5'8", and if  
 25 I'm not mistaken, I weighed probably about 155 pounds,

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1 145 pounds.  
 2 **Q. Who lived in your house with you?**  
 3 A. There was my mother, my stepfather, Silas  
 4 Clincher, myself, my sister Barb, and my brother Brad.  
 5 **Q. Now, in June of '79, school had just let out.**  
 6 **Did you have any plans for the summer?**  
 7 A. Yes. In fact, not only did I have plans for the  
 8 summer, but just before school got out, I made  
 9 arrangements with a local farmer by the name of  
 10 Jim Wolaconis (phonetic) to actually go to work for him to  
 11 earn some money in preparation for my trip to Louisiana.  
 12 And my plans were to return to Louisiana and actually live  
 13 with my father, Bob Beach, which was the first time in my  
 14 entire life that I actually would have lived with my  
 15 father, and that was at the age of 17.  
 16 **Q. Did you -- did you own a vehicle then?**  
 17 A. At that time, I owned a 1970 Ford Ranchero. It  
 18 was a blue Ford Ranchero.  
 19 **Q. How did you plan to get down to Louisiana to stay**  
 20 **with your father?**  
 21 A. I actually was going to trade the Ford Ranchero  
 22 in, and I'd already been to the Ford garage in Poplar,  
 23 Montana, and made arrangements to purchase a car from them  
 24 with that Ford Ranchero. I knew the Ranchero wouldn't  
 25 make that type of a trip, so I needed a better vehicle to

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EXECUTIVE CLEMENCY HEARING - TESTIMONY OF BARRY ALAN BEACH

1 do that.

2 **Q. So in the days before June 15th after school let**  
3 **out, had you been working?**

4 A. Yes. I actually spent three weeks working for  
5 the Wolaconis family doing summer fallowing and other  
6 farming chores around their farm to earn money for this  
7 trip.

8 **Q. I want to take you back now to June 15th of 1979,**  
9 **and I'd like you to walk us through your day, starting in**  
10 **the morning, if you could.**

11 A. I'd actually come in from the Wolaconis farm  
12 about two days prior to that and had been doing a lot of  
13 partying out all night and stuff. But I still, I woke up  
14 about 9 o'clock on the morning of June 15th, I believe it  
15 was, about 9. I got up, I ate some breakfast, and I  
16 actually went swimming down at a place called Dago Bend in  
17 my Ford Ranchero. I was by myself when I went down there,  
18 but there were some other kids down there when I got down  
19 there, and we actually swam around and played for, I don't  
20 know, a couple hours, two to three hours down there at  
21 Dago Bend.

22 And then on the way back from Dago Bend, and I don't  
23 know from whom or where, but somewhere, I actually picked  
24 up some beer, some Budweiser and went back to my house.  
25 And I called a friend of mine by the name of Caleb Gorneau

1 During that time that we were riding around, I  
2 actually ran into Pam Nees in her father's pickup at the  
3 school, over in the school parking lot. And I asked her  
4 if she wanted to go swimming with us, and she said no.

5 Then I asked her if she was interested in going out to the  
6 movie that night, and again she said no; which at that  
7 time in my relationship with Pam Nees, we weren't actually  
8 boyfriend and girlfriend at that time, so it didn't mean  
9 nothing to me that she said no. You know, it was just  
10 something I was asking her if she wanted to go do.

11 **Q. The two of you had dated for a while?**

12 A. We had actually dated for a couple of months  
13 prior to that, yes.

14 **Q. So you end up going out to Sandy Beach with**  
15 **Caleb Gorneau and Shannon O'Brien?**

16 A. Yes. We actually -- about 1 o'clock or 1:30, we  
17 went out to Sandy Beach, yes.

18 **Q. And when you went out there, what did you do?**

19 A. We swam. We finished off the beer that I had  
20 found that -- located that morning. I'm not sure how I  
21 come across that. We actually -- I can't remember who had  
22 the marijuana, but we actually smoked some marijuana while  
23 we were out there swimming and just messed around for  
24 three or four hours out there at Sandy Beach, because it  
25 was just the three of us. And Sandy Beach is kind of an

1 to see what he was doing, and we were going to go riding  
2 around and drink that beer.

3 **Q. And did you -- did you hook up with Caleb?**

4 A. Yes. I actually went out to Caleb's house and I  
5 got Caleb from his house out of town.

6 **Q. So you and Caleb are in your car?**

7 A. Yes, sir.

8 **Q. And do you know what time of day it was that you**  
9 **hooked up with Caleb?**

10 A. I would say it was probably about noon or a  
11 little after noon when I got Caleb.

12 **Q. And what do you guys do?**

13 A. One of the first things that we did is we went  
14 and picked up Caleb's girlfriend, a girl by the name of  
15 Shannon O'Brien, and then we just went riding around  
16 drinking. We decided we'd actually go swimming again down  
17 at a place called Sandy Beach.

18 **Q. And is Sandy Beach on the Poplar River?**

19 A. Yes, sir. It's actually northeast of Poplar, the  
20 community of Poplar.

21 **Q. And before you went out to Sandy Beach, what did**  
22 **you do?**

23 A. We just rode around a little bit, cruised the  
24 main drag of Poplar and drank a little bit, tried to  
25 decide what we was going to do.

1 isolated swimming hole northeast of town. It's a couple  
2 miles out of town.

3 **Q. Did there come a point in time where you decided**  
4 **it was time to leave?**

5 A. Yes. It's my recollection, and I don't know  
6 exact time because I didn't have a watch or anything, but  
7 somewhere about 4 or 4:30 that afternoon, we actually  
8 tried to leave. And in the process of leaving  
9 Sandy Beach -- To describe Sandy Beach, you go down over  
10 this little sandy knoll into this swimming hole, and  
11 there's a little sandy area. And I'd actually pulled too  
12 far down into the sand, and when I tried to come up out of  
13 that sandy area up over that knoll, the back tires of my  
14 Ranchero actually got stuck.

15 **Q. So what happened?**

16 A. Caleb and myself spent quite a bit of time trying  
17 to get the vehicle unstuck. And finally, I asked  
18 Caleb Gorneau to get into the vehicle and drive it and  
19 rock the vehicle back and forth by going from reverse to  
20 drive while I tried to push the vehicle out. As we were  
21 doing that, Caleb started just slamming the gearshift up  
22 and down, and it actually locked up the linkage of the  
23 automatic transmission and froze the transmission to where  
24 it wouldn't go anywhere. We couldn't shift it at all from  
25 forward to reverse or anywhere.

1 **Q. How did you react when that happened?**  
 2 A. I was -- I was upset. You know, I was angry.  
 3 Not at any person, I was angry at the fact that here was a  
 4 car that I'd already been down to the Ford garage and made  
 5 arrangements to trade in to get a newer car, and now I  
 6 just tore the transmission out of it. And it was the  
 7 situation that had happened -- I mean, because I had been  
 8 planning that trip to Louisiana for a long time. I'd been  
 9 to Louisiana the year before and met my dad, but this was  
 10 a chance to go down there and live with him. And so I had  
 11 been planning that for almost a full year, and yet, I just  
 12 found myself in a situation where the vehicle I was going  
 13 to trade in was destroyed.  
 14 **Q. In terms of how you exhibited being upset or**  
 15 **angry, what did you do?**  
 16 A. I took it out on my vehicle. I kicked the door  
 17 of my vehicle, I slammed my fist down on the hood of the  
 18 vehicle. I can't remember if I hit the windshield or not,  
 19 but -- You know, I was angry at the situation. I was  
 20 angry at the vehicle and the situation that I found myself  
 21 in. You know, because to me, in a lot of ways, there went  
 22 my plans once again, and I'd just spent three weeks summer  
 23 fallowing and working some pretty long hours on a farm to  
 24 earn the money to trade that vehicle in the next day. You  
 25 know, and it was the next day that I was supposed to take

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1 that vehicle in and trade it in so that I could leave to  
 2 Louisiana.  
 3 **Q. Did you end up leaving Sandy Beach?**  
 4 A. I actually left after a while. After I had an  
 5 argument with Caleb Gorneau, I left Sandy Beach on my own  
 6 and walked into town, which was about a two-mile walk.  
 7 **Q. Do you have any idea what time you left**  
 8 **Sandy Beach?**  
 9 A. No, I don't. I'd say somewhere between 5 and  
 10 5:30, is my best estimation.  
 11 **Q. On the way into town, did you run across anybody**  
 12 **that you knew, talk to them?**  
 13 A. No. In fact, on the way into town, it's nothing  
 14 but hay pastures and fields going from Sandy Beach up to  
 15 town. And you have to come up the hill -- there's another  
 16 bluff there, it's actually a cliff, and you have to go up  
 17 that cliff. But there used to be a trail that came up  
 18 that cliff right behind the jail, and that's the trail  
 19 that I took coming up there.  
 20 **Q. How long did it take you to get into town?**  
 21 A. I would say at least five or ten minutes, because  
 22 I was walking fairly slow, you know. Because I was also  
 23 trying to analyze how I was going to get my vehicle fixed  
 24 and how was I still going to be able to carry out my plans  
 25 to go to Louisiana.

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1 **Q. Now, when you left -- when you left Sandy Beach,**  
 2 **you were pretty angry?**  
 3 A. I was angry at Sandy Beach. You know --  
 4 **Q. Were you still angry when you got back into town?**  
 5 A. No, not at all.  
 6 **Q. Did you run into anyone in town?**  
 7 A. I didn't run into anybody in town until I got all  
 8 the way over to the Tastee Freeze. You know, and don't --  
 9 you know, there were people driving by on the streets, but  
 10 the first time I seen anybody was stopped and parked and I  
 11 personally stopped and talked to anybody was when I got to  
 12 the Tastee Freeze, which is all the way over by the high  
 13 school on the other side of town. And I stopped and  
 14 talked to three people there.  
 15 Nancy Steele was in her mother's car. Larry Rowe and  
 16 Norm Steele were in Larry Rowe's father's pickup. And I  
 17 first asked Nancy Steele if she could give me a ride, and  
 18 because she was in her mother's car, she said no. So I  
 19 turned and I asked Larry Rowe if he could give me a ride  
 20 home, the rest of the way home. Because I was tired by  
 21 then and just wore out from the sun, the swimming, the  
 22 heat, the drinking. And Larry Rowe told me that he would  
 23 give me a ride home, but he first had to go to the  
 24 baseball diamond where his father was umpiring and take  
 25 him these soda pops that he'd just bought him from the

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1 Tastee Freeze. So I waited at the Tastee Freeze while  
 2 Larry did that, and then he come back and got me and took  
 3 me home.  
 4 **Q. Now, when you were at the Tastee Freeze, in terms**  
 5 **of the time of day, it's still light out?**  
 6 A. It was light, but the sun was beginning to come  
 7 down. You know, I don't know what time in the evening,  
 8 you know, but it was still plenty of light, yes.  
 9 **Q. Okay. And did you end up getting a ride with**  
 10 **Larry Rowe?**  
 11 A. Yes, I did. Larry Rowe is the one who took me  
 12 home and dropped me off at my house.  
 13 **Q. When you got to your house, what did you do?**  
 14 A. When I got to the house, I don't remember my  
 15 mother's car being there. In fact, I know I didn't see my  
 16 mother's car. So I didn't assume that anybody was home,  
 17 so I just went into the house and I went upstairs.  
 18 When you enter our house, there's a side door to the  
 19 house right off of the driveway, and then you step into  
 20 kind of like a little four-foot-by-four-foot area, and  
 21 there's a door off to the side that actually went into the  
 22 house, and the stairs were right there. So I just went in  
 23 and went straight up the stairs because I assumed that  
 24 nobody was home. And then right at the top of the stairs  
 25 was my bedroom, so I just went straight upstairs and went

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1 home and went to bed. And at that time, I was so tired I  
 2 didn't take my clothes off.

3 **Q. Okay. And when did you -- when did you next get**  
 4 **up?**

5 A. I remember waking up the next morning because I  
 6 heard a bunch of noise down in the kitchen. And the night  
 7 before, I knew that I was supposed to go branding the next  
 8 day out at my grandfather's farm. That was something --  
 9 that was another event that we'd been planning. I mean,  
 10 it's a big branding party, you know, on the ranch. So I  
 11 knew that I had to go -- So when I heard the noise  
 12 downstairs, I knew that I had to get up.

13 So I got up and I went downstairs. And my mom looked  
 14 at me, and I was still in swimming trunks and my T-shirt,  
 15 and my mom says, "What are you doing in your swimming  
 16 trunks? You need to go get ready to brand. Your  
 17 grandmother is here." And sure enough, my grandma was  
 18 standing there, and she's the one that was there to pick  
 19 me up and take me out branding. And so I went back  
 20 upstairs and I put on a pair of blue jeans and a red  
 21 flannel shirt that I had at that time with no sleeves in  
 22 it and I went branding with my grandmother.

23 **Q. All right. Where is the ranch where you went**  
 24 **branding?**

25 A. My grandfather's ranch is actually 18-and-a-half

1 **Q. At some point during the day while you're out at**  
 2 **the ranch branding, do you learn that Kim Nees had been**  
 3 **murdered?**

4 A. Yes, sir. It was at lunchtime. We'd already  
 5 been out in the hills and got all the cattle out of the  
 6 badlands and out of the pasture lands and down into the  
 7 corral, and we'd broken to take our lunch break when my  
 8 sister came into the trailer and told all of us -- we were  
 9 all kind of standing there talking, you know, and she come  
 10 and told all of us that Kim Nees had been killed.

11 **Q. Is that the first time that you heard that**  
 12 **Kim Nees was killed?**

13 A. Yes, sir. That was the first time I had any  
 14 knowledge of Kim Nees's death.

15 **Q. How did you react when you heard that?**

16 A. I was shocked, I mean, because Kim -- You know,  
 17 even though she was of a different social class than I,  
 18 Kim just wasn't the type of person that you would have  
 19 expected something like this to happen to.

20 **Q. Did you stay at the ranch the rest of the day**  
 21 **branding?**

22 A. Yeah. We actually spent the afternoon doing the  
 23 branding part of the -- you know, branding the cattle and  
 24 separating the calves.

25 **Q. Did you go home that evening?**

1 miles southeast of Poplar. And in fact, my grandfather's  
 2 ranch is not on the reservation; it's on the opposite side  
 3 of the Missouri River. So you had to cross the  
 4 Missouri River Bridge from Roosevelt County into  
 5 Richland County to get to my grandfather's ranch.

6 **Q. Now, before you went out to the ranch, did you**  
 7 **tell your mother what happened with your -- with your**  
 8 **vehicle?**

9 A. Yes. I not only explained to my mother what had  
 10 happened with the vehicle, but I'd asked her to call a guy  
 11 by the name of Keith Erickson, who worked at the Moe  
 12 (phonetic) garage. He was a good mechanic down there that  
 13 lived right down the street from us. And asked her if she  
 14 would have him go get my vehicle, because I knew that it  
 15 had to be towed. There was no way to drive it or  
 16 anything.

17 **Q. When you were out branding, who else was out**  
 18 **there?**

19 A. It was a large branding party, but when I  
 20 actually got to the ranch to brand, they'd already -- I  
 21 was late and they'd already had all the horses up and  
 22 saddled. And there was Dennis Simons, Clint Linthicum, my  
 23 uncle, Calvin Hines, a guy by the name of Tony Jacobs, and  
 24 a guy by the name of Clete Leinen, who helped us round up  
 25 the cattle and brand.

1 A. I would say somewhere between 7 o'clock and 7:30  
 2 that evening, I actually went back into town with  
 3 Dennis Simons and Clint Linthicum, yes.

4 **Q. And when you went back into town, did you hear**  
 5 **anything more about Kim Nees's death?**

6 A. Actually, when I went back into town that  
 7 evening, I ate supper again at the house and I cleaned up.  
 8 And I decided I'd go out to town that night. Being that I  
 9 didn't have a vehicle, I actually walked. And at that  
 10 time, I actually walked from our house straight up the  
 11 street to the school and then down on what they called  
 12 "the loop," which was down through Main Street. And when  
 13 I got up to the loop, I noticed that there was absolutely  
 14 nobody around, and then I got that eerie feeling and it  
 15 started -- that's when it really started to dawn on me,  
 16 you know, about Kim's death, is because there was nobody  
 17 out and about. And at that time, nobody's parents were  
 18 letting them go out, you know, et cetera. And so I just  
 19 went back home and went back to -- went up to bed.

20 **Q. And so the next day would be Sunday?**

21 A. Correct.

22 **Q. Okay. What did you do that day?**

23 A. On Sunday, I spent most of Sunday trying to  
 24 locate a transmission for my Rancho. It had a 302 in  
 25 it, and it was a 1970, and I was having a hard time

1 finding a transmission. But I knew that in order to trade  
 2 this in and get the car that I needed to go to Louisiana,  
 3 I would have to fix that transmission. So I spent most of  
 4 Sunday going to different places that I thought I could  
 5 get a transmission. I went to Sabey's (phonetic)  
 6 junkyard, et cetera, and I finally -- there was a guy by  
 7 the name of Raymond Yellow Owl, who was what we called a  
 8 backyard mechanic, and I got a transmission from him out  
 9 of a 1968 Falcon, I believe it was.

10 **Q. Now, during that weekend, particularly that**  
 11 **Sunday, were people talking about Kim Nees's death?**

12 A. Yes. Everybody around town was already talking  
 13 about different rumors. There was -- at that point, even  
 14 on Sunday, there were already different stories going  
 15 around town about the crime, as well as different  
 16 information about the crime scene. I never did this  
 17 myself, but many, many citizens of Poplar actually went  
 18 down to the crime scene and looked at different things  
 19 from the crime scene. I never went down there myself, but  
 20 a lot of people did.

21 **Q. Did some of your friends go down there?**

22 A. Yes. Almost all of my friends, as far as  
 23 Caleb Gorneau and Shannon O'Brien, went down to the crime  
 24 scene at different times.

25 **Q. Now, at some point, were you with Shannon and**

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1 **Caleb and Joanne Jackson when something happened?**

2 A. That actually was on Monday evening. I spent  
 3 most of my day on Monday installing the transmission into  
 4 my 1970 Ranchero. On Monday night, after I got the  
 5 transmission fixed, I went out riding around and I went  
 6 and picked up Shannon O'Brien and Caleb Gorneau, and we  
 7 were out riding around. But Shannon had to go home early  
 8 because her mom didn't want her out and about. So we  
 9 actually took her home pretty early that night. And my  
 10 plan was to take Joanne Jackson and Caleb Gorneau home,  
 11 but before we left, we were going to go smoke some  
 12 marijuana.

13 So we went out of town, and I can't remember exactly  
 14 where it was out of town, but it was out towards Sabo  
 15 (phonetic) somewhere around the four-mile square. And I  
 16 had kind of a rule in my car, because I smoked a lot of  
 17 dope and stuff, that I didn't like people telling secrets  
 18 around me. And I noticed that -- And Caleb knew that.  
 19 And I noticed that Caleb and Shannon were whispering to  
 20 each other, so I said something to them. I says, "Hey,"  
 21 you know, "if you got something to say around me, you  
 22 know, say it."

23 So they quit for a while. And then we were parked,  
 24 and I think I was rolling the marijuana into joints. And  
 25 when I was doing that, I noticed that they were whispering

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1 to each other again, and I seen Joanne hand something to  
 2 Caleb. And I kind of got a little bit adamant about it at  
 3 that point in time, that if you've got something to say or  
 4 something secretive, you know -- And at that time, Caleb  
 5 told me that Joanne was explaining to him that she'd been  
 6 in a fight the night before, is what I was told. And in  
 7 his hand, I noticed that there was a chain hanging off the  
 8 side of his hand, what I thought was a beaded key chain.

9 But I didn't think nothing about it at that time  
 10 because I didn't have any knowledge of the facts of the  
 11 crime. And for us to get into a fight in Poplar, Montana,  
 12 there was nothing unusual about that at all, you know. So  
 13 to me, it didn't register at that point in time the  
 14 significance of that situation. You know, it just didn't  
 15 dawn on me.

16 **Q. Did you end up taking Caleb to the police**  
 17 **station?**

18 A. Yes. The next day, I actually got a phone call  
 19 from Caleb Gorneau, and he asked me if I would come get  
 20 him. I said, "Why?" He says, "Well, I need to go up to  
 21 the tribal police department." Well, to take Caleb up to  
 22 the tribal police department was no big deal to me,  
 23 because his mother was a tribal judge and, quite often, I  
 24 took Caleb up there to see his mother.

25 So I went and I got him at his house and I took him up

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1 to the tribal police department, and it was only later on  
 2 after he came back out of the tribal police department  
 3 that he informed me that he had turned in a piece of  
 4 necklace to the police department.

5 **Q. Barry, how long was it after Kim's murder that**  
 6 **you left for Louisiana?**

7 A. In my memory, it was somewhere between ten days  
 8 and two weeks after Kim's death that I actually got  
 9 everything arranged with the vehicle. I had actually  
 10 gotten the 1975 Cutlass Supreme and traded in my Ranchero,  
 11 got it licensed, got insurance on it, got the rest of my  
 12 financial situation stabilized enough. I went and took  
 13 the Cutlass Supreme and got new tires on it and left for  
 14 Louisiana. And in my memory, that was about ten days to  
 15 two weeks after Kim's death.

16 **Q. Now, before you left for Louisiana, did any of**  
 17 **the police officers from any of the various police**  
 18 **agencies come to talk to you?**

19 A. No, sir. At no time during that period was I  
 20 ever questioned by any authorities at all.

21 **Q. During that ten days to two weeks, did there**  
 22 **continue to be a lot of talk about Kim's murder around**  
 23 **town?**

24 A. Man, the talk about Kim's death was -- I mean,  
 25 you couldn't go anywhere without people talking -- That's

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EXECUTIVE CLEMENCY HEARING - TESTIMONY OF BARRY ALAN BEACH

1 all people were talking about. And I'm not talking just  
 2 general conversations of the fact that she was dead.  
 3 There were -- there were stories about who may have done  
 4 this. There was a lot of information about the crime  
 5 scene floating around town, different bits and pieces of  
 6 information, you know, from people going down there and  
 7 looking at the crime scene.  
 8 There were a lot of people that were talking about  
 9 they'd been on the train bridge and seen the body. I  
 10 mean, just all kinds of information. Everybody --  
 11 everywhere you went. If you went to the Tastee Freeze or  
 12 to the grocery store or to the school or anywhere you may  
 13 end up going in Poplar, everybody was talking about it.  
 14 **Q. You so left and you headed down to Louisiana to**  
 15 **stay with your father?**  
 16 A. Yes, sir. That's correct.  
 17 **Q. And you worked down there while you were down**  
 18 **there?**  
 19 A. I actually went back to work for a person -- a  
 20 cousin of mine that I'd worked for previously by the name  
 21 of Ron Houck (phonetic). He did construction work, which  
 22 I found very fascinating. And in fact, at that particular  
 23 time in 1979 when I got back to Louisiana, he had  
 24 subcontracted to a guy by the name of Brad Tullis to build  
 25 a Holiday Inn on Interstate 20. And I spent that summer

1 working on that Holiday Inn as a construction carpenter.  
 2 **Q. Now, did you -- When did you come back to Poplar**  
 3 **after working the summer of '79 and going down to see your**  
 4 **dad?**  
 5 A. My intentions were to return to Poplar for the  
 6 beginning of the school year. I was just going to go down  
 7 there for the summer and live with my dad. But  
 8 unfortunately, when I first got to Louisiana, I got  
 9 two DUIs in my Cutlass Supreme when I first got down  
 10 there. And as was the custom of our family, the  
 11 responsibility for those DUIs fell on me to pay the fines,  
 12 to do the time, or whatever it took to straighten that  
 13 out. So I -- being that I had a construction job, I made  
 14 the decision that I was going to drop out of school for  
 15 that semester and pay off these fines. And if I remember  
 16 correctly, I had to pay off almost \$1200 worth of fines in  
 17 those two DUIs.  
 18 **Q. Now, back in that time period of your life, it**  
 19 **would be fair to say you were drinking a lot and you were**  
 20 **smoking a lot of dope?**  
 21 A. Yes, sir. I was definitely an alcoholic and drug  
 22 addict.  
 23 **Q. When did you come back to Poplar?**  
 24 A. I returned to Poplar just before Christmas in  
 25 December of 1979, because I -- one of the reasons I came

1 back at that time, not just because of Christmas time, but  
 2 I had to enroll in school for the next semester prior to  
 3 the break.  
 4 **Q. You came back and stayed with your mother?**  
 5 A. Yes, sir. I moved back in with my mother in  
 6 Montana. Yes.  
 7 **Q. When you came back up to Poplar, then, in**  
 8 **December of '79, did you have contact with any law**  
 9 **enforcement people about Kim Nees's murder?**  
 10 A. I had been back in Poplar for probably about a  
 11 month and a half before I was ever informed that the law  
 12 enforcement wanted to talk to me. I remember coming home  
 13 from school sometime in early January of 1980 and being  
 14 informed by my mother that Dean Mahlum of the sheriff's  
 15 department wanted to talk to me. And we actually made  
 16 arrangements, my mother had made arrangements for me to go  
 17 and talk to him the next morning, which I did. And it was  
 18 at the Poplar tribal jail that I went and seen  
 19 Sheriff Dean Mahlum and undersheriff -- or Deputy Sheriff  
 20 Ron Wilson.  
 21 **Q. Did your mother take you up there?**  
 22 A. Yes, sir.  
 23 **Q. And did you meet with Sheriff Mahlum and**  
 24 **Deputy Wilson with your mother present, or was she not**  
 25 **present?**

1 A. Actually, Mom just took me up there. She was in  
 2 the building, and in fact, she was in the hallway right  
 3 out of the room -- outside of the room that I talked to  
 4 Mr. Mahlum and Mr. Wilson in, but I talked to Mr. Mahlum  
 5 and Mr. Wilson on my own.  
 6 **Q. How long did they talk to you?**  
 7 A. We probably talked for about a half an hour or  
 8 better, just about my general activities on June 15th and  
 9 June 16th.  
 10 **Q. Did they ask you whether you -- you killed Kim?**  
 11 A. Yes, they did.  
 12 **Q. What did you say?**  
 13 A. I told them that, no, I did not kill Kim Nees.  
 14 **Q. Did they ask you whether you knew anything about**  
 15 **her death?**  
 16 A. Yes. They asked me if I knew anything, and I --  
 17 I actually had repeated to them some of the rumors that  
 18 I'd heard around town, but that I had no direct knowledge  
 19 of Kim Nees's murder.  
 20 **Q. Did they ask you to do anything while you were at**  
 21 **the police station?**  
 22 A. Yes. They asked me if I'd be willing to submit  
 23 what they called major case prints, which I did. I gave  
 24 them fingerprints. I gave them a palm print where they  
 25 actually put ink on my palm and then they taped the paper

1 over, I believe it was a Folger's can and had me roll my  
 2 palm over this Folger's can. And then they did the same  
 3 thing with my foot, where they inked the bottom of my  
 4 right foot and had me roll my foot over the top of that  
 5 same coffee can.

6 **Q. Did they ask you to do anything else?**  
 7 A. Yeah. They also asked me to submit a skin sample  
 8 that they scraped off the inside of my -- my arm.

9 **Q. Okay. How about a polygraph exam?**  
 10 A. It was actually several days later that they  
 11 asked me if I would submit to a polygraph exam. I'd like  
 12 to say three or four days later, I was informed by  
 13 Mr. Mahlum that none of the physical evidence had matched  
 14 me, you know, or did not match the crime, but he wanted --  
 15 just to completely eliminate me as a suspect, he asked me  
 16 if I'd be willing to take a polygraph test, which I said  
 17 yes, I would.

18 **Q. And did you go to do that?**  
 19 A. Yes, I did. Sometime in February of 1980, my  
 20 mother and my stepfather, Silas Clincher, actually drove  
 21 me to Glasgow, Montana, which is 73 miles away, and we  
 22 went up to the FBI office in Glasgow, Montana, to do the  
 23 polygraph test.

24 **Q. Do you remember who gave you the test?**  
 25 A. Yes. It was an FBI agent by the name of

1 Bob West, is the one who administered the polygraph test  
 2 to me in Glasgow.

3 **Q. Was Sheriff Mahlum present?**  
 4 A. Yes, he was. He was in the room with Mr. West  
 5 prior to the taking of the polygraph test and then  
 6 afterwards during the post-test interview.

7 **Q. Did they talk to you after you took the test?**  
 8 A. Yes, they did.

9 **Q. What did they tell you?**  
 10 A. I was informed -- And in fact, my mother was back  
 11 in the room at that point in time. I was informed that  
 12 the polygraph test showed that I did not commit the crime,  
 13 but that I had hot spots or knowledge about the crime.

14 **Q. Did they interview you further about any  
 15 knowledge you might have about Kim's death?**  
 16 A. Yes. Actually, Mr. West himself asked me if I  
 17 had any direct knowledge about the Kim Nees murder, and at  
 18 that point in time, I didn't think that I did. I honestly  
 19 didn't think that I did. I thought the only knowledge I  
 20 had was just what was public knowledge or general  
 21 knowledge, because everybody in town was talking about it.  
 22 There's no way that anybody living in Poplar, Montana,  
 23 could not have knowledge about the Kim Nees murder. There  
 24 was just too much talk about it.

25 **Q. Now, this is -- You took this test sometime in**

1 **February of 1980.**  
 2 A. Yes.

3 **Q. You're back in school, then?**  
 4 A. Yes, sir, I was.

5 **Q. It was your senior year?**  
 6 A. It was my senior year in high school, yes.

7 **Q. During your senior year, at some point, did you  
 8 have contact with Pam Nees?**  
 9 A. Yes. Actually, Pam Nees, at that point in time,  
 10 had moved from Poplar, Montana, to Billings, Montana, but  
 11 her and I were still in touch. Pam and I had a, kind of a  
 12 strange relationship in the aspect that even though we  
 13 were girlfriend and boyfriend at one time, we just didn't  
 14 really fit, you know, as far as going steady and stuff,  
 15 but we did stay in touch with each other quite a bit.  
 16 And there was a time, sometime, I would like to say  
 17 March of 1980 -- and I'm not exact about that. All I can  
 18 remember is it was a cold, snowy day that I was asked to  
 19 go to Billings, Montana, with Caleb Gorneau. And at that  
 20 time, Shannon O'Brien had also moved to Billings, and she  
 21 was going to school at the university there in Billings,  
 22 and she had an apartment in Billings. And so Caleb and I  
 23 went to Billings and we were at Shannon O'Brien's  
 24 apartment there in Billings, and Pam come over to see me.

25 **Q. Now, the trip -- the trip down to Billings, who**

1 **asked you to go down there?**  
 2 A. If I'm not mistaken, it was actually Pam that  
 3 asked me if I would come and talk to her.

4 **Q. And did you spend some time with Pam while you  
 5 were in Billings?**  
 6 A. Yes, I did. We spent about three or four hours  
 7 together that evening just sitting and talking, just her  
 8 and I.

9 **Q. And did the subject of her sister's death come  
 10 up?**  
 11 A. That actually was the majority of our  
 12 conversation that night. Because at that point in time,  
 13 Pam was really -- really having a hard time and struggling  
 14 with the death of her sister. She felt like she didn't  
 15 have nobody, you know, that -- that she could really talk  
 16 to. And her and I spent several hours that night talking  
 17 about the death of her sister, yes.

18 **Q. Did she talk to you about some of the things she  
 19 knew about the death of her sister?**  
 20 A. Yeah. That was -- that was the first time that I  
 21 can remember in my own mind piecing the whole situation  
 22 with Caleb Gorneau together. Because I remember Pam  
 23 telling me that night that her sister's diamond necklace  
 24 had been stolen from her body and that the diamond  
 25 necklace was important to the family. And that's the very