

Taped telephone conversation between Sheriff Dean Mahlum and Sgt. Jay Via, Monroe La.

This is Sheriff Dean Mahlum in Wolf Point, Montana. Is Sgt. Via there please?

Yes sir, he is. Could you hold for a moment?

Sir, I'm going to go ahead and transfer you back and then I'll pick it up and talk.

That will be fine.

Sgt. Via - Hello

Sheriff Mahlum - Jay.

Sgt. Via - When are you going to give me my steak dinner?


Sheriff Mahlum - Whenever you think you need it.

Sgt. Via - Dean, we have got a beautiful recorded confession.

Sheriff Mahlum - Okay -

Sgt. Via - When he left the river and went home, took off his clothes, laid down and went to sleep, he woke back up and went out to get something to eat. He walked down past the Catholic Church, past the school house by the Exxon Station and Kimberly was there. She was talking to somebody. He went over and talked to her and asked her to go riding around, and got in the car with her. They rode around and went out to the river by the railroad bridge, smoked two joints, and they started talking and it got a little intimate and he asked her to go to bed with him and she objected and he got pissed and he kept insisting and he grabbed her and a fight started. He reached down on the floor board and grabbed a 12 inch nickle plated or silver crescent wrench and started hitting her with it. She managed to get out on the driver's side, he dropped the crescent wrench and started hitting her. She ran around the truck and he tackled her in kind of a little type grassy area with some gravel and stuff. And he just started hitting her until she didn't move. And here's what he says about the garbage bag. He says that he found a garbage bag in the truck, tried to put her all the way in it and couldn't, so he put it around her shoulders and drug her down and dumped her off and the garbage bag came off of her. Now he does not remember putting the purse or anything else by the truck. He says he remembers seeing it on the ground outside. He also remembers that afterwards he went back to his house and at the bottom of the hill where he was, there was a box car there. He said he was covered with blood and took off his clothes and burned them in that box car. He went home and sneaked upstairs and washed in the sink in his room and dried with a towel and threw that away somewhere, threw his tennis shoes away somewhere, he know where. But, the details he ran down are almost identical to what you found at the scene. He's only got one thing wrong. The clothes the victim was wearing. You said she had on a brown plaid shirt. And he said she had on a brown or tan colored sports coat. But he said he took the sports coat thing off her and

None of this is in the confession

- Sheriff Mahlum - Well, I'm just uh - the sweater that was there at the scene that was folded up, I believe was light colored. I'd have to go back into the report on that Jay, to find out exactly.
- Sgt. Via - I believe when I talked to you earlier, you said it was a dark blue v-neck pullover shirt.
- Sheriff Mahlum - Now that's the one that she was wearing that <sup>was</sup> on the victim when she was in the water. But the sweater that was found by the pickup, if my memory serves me correct, was light colored.
- Sgt. Via - Okay. Now I understand. Cause he wouldn't come off that. He said See what we did is we ran a - what's called a
-  Then we ran him on what's called a "truth vs lie" Where you tell the absolute truth the first time and the second time you tell an absolute lie. And he bombed the shit out of that. Then we went in and started interviewing him till he broke down and the statement we got from him is a damned good statement.
- Sheriff Mahlum - I'm looking at, Ronnie is handing me the photograph of the side of pickup and the sweater that's laying there is a light colored button up or cardigan type sweater that you know, conceivably he could confuse for a sports type jacket or whatever.
- Sgt. Via - Now he said the shirt she was wearing though was polyester plaid. See he's off on that but there's more details in it that he couldn't have made up or fabricated.
- Sheriff Mahlum - Now when I say sweater of a pull over type, it's not a heavy bulky type sweater. It's a one of these light weight, you know, thin type sweater materials.
- Sgt. Via - He's saying that the shirt that she was wearing was a plaid type light colored shirt. And you're saying a dark blue v-neck and he's off on that but I think that's very very minor.
- Sheriff Mahlum - After we talked Jay, after our last conversation, and looking or think about it and looking at the crime scene pictures, from the point where our victim was beaten on the ground, there is a large quantity of blood and we've got a drag trail from there to the edge of the river, where you can see something was drug along the ground, but there's absolutely no blood from the point where she was beaten until we get right to the edge of the river.
- Sgt. Via - There's the grabage bag.
- Sheriff Mahlum - You bet.

Sgt. Via - Listen, he wanted to talk to you. Do you want to talk to him?

Sheriff Mahlum - Well, how do you think that's going to set you people? Are you going to go ahead and continue into your cases now or -

Sgt. Via - Right. We're not going to bring that he's not even aware right now at all. He's very cooperative right now and signed waivers and waived attorneys and everything else. But when I told him I was going to talk to you, I'm sure you want me to arrest him on this charge don't you?

Sheriff Mahlum - What I'm going to do and there's no problem with that Jay but I want to contact my prosecuter on it and get the go from him so I'll be back to you within minutes after we hang up. If you don't feel that its going to be any problem from where your going now, I don't mind talking with Barry.

Sgt. Via - Here's the thing about it. I have enough probable cause anyway to charge him with or without your say so. He's only up here on misdemeanor charges.

Sheriff Mahlum - Well, theres no problem. As soon as I talk with my County Attorney here, you'll have a deliberate homicide charge. I'm sure of that.

Sgt. Via - I'll tell you what. It would probably help our situation out a little if you would just talk to him. So let me get him, if you'll hold on just a second.

Sheriff Mahlum - Sure.

Sgt. Via - I'm just going to transfer you and I'm going to stay on the phone. Sheriff, this is Barry.

Sheriff Mahlum - Barry are you on the line?

Beach - Yes sir. I just wanted you to kinda keep it away from my mother till I get a chance to talk to her, you know.

Sheriff Mahlum - You know we've been in contact with Sgt. Via there Barry, and one of the things that I'd considered is however you wanted to handle it. As far as, rather than her getting it any other way, I was going to go down and talk to her in person but if you'd rather we just stayed away from her -

Beach - I'd rather wait till I was there and rather stay out of the Wolf Point or Poplar area, which would be up to you.

Sheriff Mahlum - I'm sure we can handle that and arrange it. As far as with your Mom, when you talk with her if there's anything that I can do or anything or any questions or anything, you tell her just to get ahold of me and we'll help you on that end.

Beach- If I can just wait till I get there. She'll take it pretty hard.

Sheriff Mahlum - I'm sure of that. Barry, it's been something that's been packed around a long time inside, so just keep running with Sgt. Via there Barry. The conversations I've had with him I think you've placed your trust in a good man there.

Sheriff Mahlum - So we'll get it worked out. Is there anything else I can do for you Barry?

Beach - Until I get there you know. We'll sit down and discuss it when I get there. Just let me phone Mom, but at the same time I'd like to have you there. Me and Mom both put our trust in you.

Sheriff Mahlum - Well, we have had some involvement there and things like that and I've always shot square with you so I think the time is right if whatever is there just to get it out and continue to go that route, because that is the best policy right now and what ever I can do, we'll get the thing taken care of and out of the way and as far as my feelings Barry, I'm there with you.

Beach - I appreciate that.

Sheriff Mahlum - We'll get it done, okay?

Beach - Yes sir.

Sheriff Mahlum - You just continue to help those people out down there the best way that you can, and the policy that you have taken now and the things that you have done, just stay with them, okay?

Beach - Yes sir.

Sheriff Mahlum - Is there anything else Barry?

Beach - No Sir, not that I can think of.

Sheriff Mahlum - Okay, why don't you go ahead and hang up on your end there Barry and I'll be in touch with you and we'll go with her, Okay?

Beach - Yes sir.

Sgt. Via - I think we're fixin to take Barry out and get him something to eat  
He said he could eat a horse. This proves perjury as at the hearing they  
all said they fed me before the confession. Supposedly 40 to 50 min  
 Sheriff Mahlum - Well he's packed it around a long time and just in talking with him earlier.  
 right now as compared (Tape turned off) is compared to what? Earlier interrogations?

Sheriff Mahlum - Sheriff Mahlum in Wolf Point, Mt. again. Calling for Sgt. Via please.  
 Hold on for just a minute. I'll transfer you and if I loose you, just call us back.

Sgt. Via - Hello

Sheriff Mahlum - Jay? I've got my prosecutor here in the office. We've got a Deliberate Homicide charge, \$500,000.00 recommended bond. You people can use that however you see fit but we do want that on him. Jay, just a couple of questions that came to mind as we talked here in the last half hour. Did he make any reference to the keys to that vehicle?

Sgt. Via - He threw the keys in the river with the wrench and tire \_\_\_\_\_.

Sheriff Mahlum - Did he give you any indication from the location of where the body

where those went in?

Sgt. Via - I'd have to play the tape back to find out. I can go in there and ask him right now though, if you want me to.

Sheriff Mahlum - Would you?

Sgt. Via - Hold on just a second. He said that when he faced the body, it would be to his right. As far as he recalls.

Sheriff Mahlum - That would be upstream?

*is West upstream?  
of the Body AS thru A*

Sgt. Via - That's what he said, upstream.

Sheriff Mahlum - Now, one other question. Does he make any mention and possibly you can include this, I don't need the answer immediately to it but, if he observed or knew of anyone else in the area at the time this was going on. We're talking that's probably from U.S. highway #2 to the railroad bridge that he mentioned is probably a quarter of a mile.

Sgt. Via - Now he says, we asked him if he saw or came in contact with anyone either during or after the homicide and he said no.

Sheriff Mahlum - Okay, good. Now, does he have or do you think there's anything there - can he identify the person that Kim was talking to at the Exxon station?

Sgt. Via - He said his name was Steve. Hold on just a second and I'll get you his name. Sheriff, he thinks the guys name, but he's not real certain the guys name is Steve Shogun. Shogun Transcript say no name.

We asked him that on the tape also which is included in the report.

Sheriff Mahlum - Good. Now the last thing that I had I guess for this evening Jay, Can we have, or when will you have the transcription available of the tape?

Sgt. Via - Probably Monday. Sometime Monday, because our secretaries are all off on the week ends. It will be transcribed and then you will definately get a copy of it.

Sheriff Mahlum - The second part of that question - You will or the tape of this particular interview will be treated as evidence.

Sgt. Via - That is correct. Sheriff, one thing I need you to do for me, is teletype the warrant number, the authority judge, the amount of bond and the charge for this individual up here. Our NCIC identifier is LA0370000. *Tape was erased (see D-6 & D-7)*

Sheriff Mahlum - Jay, the last thing that we have, we will hold off as far as anything with the press or his mother. The only people that I am going to notify are the parents of our victim. We will just hold that in reserve for your case.

Sgt. Via - I do not think that that is going to hamper us now. We've got into a little bit of ours and I think we're going to come up dry on ours.. right at this particular time. At least one of them. The latest and most current one, we can put him on a <sup>ship</sup> ~~ship~~ in Norfolk, Va. then but we'll do some further checking into that. As far as the parents of the

victim is concerned, that's up to you. If you want to make a press release, that's fine with us down here. Because once he's allowed to make a phone call to the street, word is going to be out anyhow.

Sheriff Mahlum - When would he be able to contact his mother up here?

Sgt. Via - When do you think it's convenient?

Sheriff Mahlum - Well, just suit yourself on it I guess, Jay.

Sgt. Via - *If they were tired they must of been at it for sometime now. We may do that tonight, we're tired men. He wants to talk to his father here and we may let him do that briefly before we ~~put~~ him up across the street. Then 4 1/2 hrs as said at hearing & trial*

Sheriff Mahlum - I would say that if you think there is a chance that he is involved with any of your cases if he talks with his mother, I think that she may supply him with a little bit of concrete and he may be a little tougher to deal with. That is just the involvement that I have had with the two of them.

Sgt. Via - I'm glad to know that.

Sheriff Mahlum - Even there is some anomosity there between the two of them she is a little possessive of the thing and Barry will listen to what she has to say.

Sgt. Via - I talked to her briefly last night and she was willing to go along with what we were going to do at the time. She doesn't know anything about the homicide, this is on the other deal when they were trying to get him bonded out last night.

Sheriff Mahlum - She was the one that was attempting to get him bonded out? His real mother?

Sgt. Via - *This all supports my Uncle Tim's testimony about trying to bail me out*  
What had happened. She had called his uncle here and told the uncle to talk to him and find out what was going on. She felt that he ought to be left in jail. And the uncle got bent out of shape and went off the handle and was fixin to bond him out. So we had to convince him to let us talk to the mother first, because he said he was doing it at her request and when I got on the phone her, she said I told him I didn't want him out. So that's how that thing went last night.

Sheriff Mahlum - *it also disputes Jay Via's testimony where he said my Uncle volunteered did not bond me out!*  
I guess were at the point now Jay, that whatever fits you people the best on this end, as far as notifying her or press releases or whatever, you guys just dictate that to us. I'm not in any big push or whatever. We've been looking at this thing since June of 1979 so whatever think you will fit best for your chances on these other cases, you just dictate the thing and thats the route we'll go.

Sgt. Via - Okay, and when you talk to the parents of the victim, if they have any questions from us down here, tell them to feel free to call. We'll make every effort to help them out.

Sheriff Mahlum - I think I have enough information form you now that I can pretty well fill them in on the thing and -

Sgt. Via - Let me say this, it just crossed my mind. He has already stated that he will waive extradition to come back to Montana.

If we get to the point where we see that he is not going to be involved in ours I will be back in touch with you along those lines. I believe my commander was going to talk to you anyway along those lines on another aspect of it.

Sheriff Mahlum - You're going to be in the office tomorrow Jay?

Sgt. Via - I do not know what time I will be in the office. Let me give you my home phone # 318-343-5330. My wife is a nurse and she is on call in the morning, and we have a small child in the house and she has about 5 cases scheduled at the hospital in the morning, so I know if I can't find a babysitter, I'm probably to have to babysit till she gets free.

Sheriff Mahlum - I understand the problem.

Sgt. Via - I've got a commitment I've got to take care of there first; but I've got to come in and do some paper work anyway if nothing else. I'm going to try and get some detailed reports written up on the examinations and everything else. Let me ask you this. Are polygraph tests admissable in Montana?

Sheriff Mahlum - No. I suspect that we will be looking at the statement that you have taken, you'r testimony, now whether or not the tests that you were running during the course of that interview are admissable or not we'll have to look at, but I doubt that they will be.

Sgt. Via - They claimed at my trial there was only one I doubt very seriously if they will be either because they're not admissable down here. We can use them as investigative tools but not as - but that's no problem, we're covered on either end.

Sheriff Mahlum - Now it may be tomorrow morning before you have that teletype in your hands as far as the - what I will do is I will send you a teletype copy of our warrant verbatim, including recommended bond and as far as any press releases I will hold off until - Do you think that you will be interviewing Barry anymore like tomorrow or over the week-end as far as your case is concerned?

Sgt. Via - It is a good possibility.

Sheriff Mahlum - We won't make any releases here outside of the victims parents until we have heard from you.

Sgt. Via - Did you want one of your investigators down here when we talk with him?

Sheriff Mahlum - Well, I've been kinda banging that around in my head also. In fact if I could have found a jet that would have had me there, I'd be sitting in your office right now. Let us kick that over just a little bit. You people run with where your at now. We're firm'd up on our end. If you think that for any reason, like Barry made comment there on the phone that he and I have had some dealings on it, plus with his brother, If any of that ties together or if there's anything there we'll run with where you guys are at, I guess is bottom line.

Sgt. Via - Anything you need or want, don't hesitate to call and ask, cause if we can't get it we'll find someone who can. What is meant by this except they meant to make me confess?

If you want to send an investigator, that's fine. I think its turned out pretty good so far and all we have to do is keep hoping. Let me get back in here with him and see what direction we're going and I'll get back in touch with you sometime tomorrow.

Sheriff Mahlum - I know the tire iron and wrench did go in the river, but "you also did state that the keys also went in the river, is that correct?

Sgt. Via - The keys also went in the river. And he states that after he threw the tire tool in the river he went back to the truck and tried to clean the evidence up, and he found the wrench and took it and the keys and threw them in the river. He also said he tried to wipe the truck down for prints by using his shirt sleeve.

Sheriff Mahlum - If you go back in there Jay, would you ask him, we've got one partial bloody print on the exterior of the pickup.

Sgt. Via - Where at?

*Confession say drivers side*

Sheriff Mahlum - It's along the passenger door, its not on the door, you're familiar with a pickup truck, okay? As you close the door the part of the cab that is not, what I'm trying to say is, its not the door, its -

Sgt. Via - The quarter panel behind the door?

Sheriff Mahlum - There you go. By the glass. The partial print that we have is the area directly below the thumb. If you just looked at your hand its in the web of the hand, right in there. We have a set of prints and they have been compared by the bureau and they don't match Barry's print. This goes back to what I was telling you a little while ago. It is our feeling that we've had somebody at the scene between the time that she was killed and the time the body was found. But would you specifically ask Barry where, or pursue that line a little bit, whether or not he messed with that pickup, plus the passenger's door, when we found the pickup the door was locked. Whether or not he closed the door and locked it or what,



*is there  
a tire in the  
passenger's side?*

Sgt. Via - The passenger's side?

Sheriff Mahlum - Yes. If you could check on that just a little bit for me.

Sgt. Via - If you'll hang on just a second, I'll go ask him. He says that he did shut the door, and he was not sure if he locked it. He said he was so scared after it happened, he could have locked it.

Sheriff Mahlum - You advised me earlier that he doesn't remember or can't answer as far as the purse or sweater that are stacked up under the pickup, is that correct?

Sgt. Via - Right. And he says that he remembers that the purse was on the front seat between him and Kim. That after the fight and after he had killed her he remembers seeing the purse on the passengers side of the vehicle on the ground. And I asked him if he did anything with it and he says he doesn't know.



*This proves they were changing the confession to fit*  
Jay, this is the County Attorney. On those things that you just went back in and questioned him on, when you write out your report, be sure and include those in them.

Sgt. Via - That's no problem. Every bit of that is included in his recorded confession.

McCann - The part about the course being on the ground and whether he might or might not have locked the door? Just so he can't come back and deny, if we do have a problem with that.

Sgt. Via - I agree with you 100%. That is what I was telling the Sheriff. Everything that I have gone back and asked him is covered in this recorded confession. I have just couldn't remember what his answers were. We're covered there, but in my report, I will summarize this confession to make sure there is no discrepancies. *again this shows they changed the confession or planned to anyway!*

McCann - I really want to thank you very much for all your assistance. I would try to keep him away from Roberta as much as you can if your going to question him about those others. She might give him some strength, you never know.

Sgt. Via - Okay, because I do not want his Uncle finding out about it now. His uncle has already tried to bond him out last night.

McCann - Well, \$500,000.00 Bond, he might have a little difficulty there.

Sgt. Via - Well, that's true but on a capital murder charge here, we can hold him without bond. He is an adult in the state of Louisiana and can be treated as one.

McCann - Good. I am aware of that and it poses just a little bit of a problem here, and as long as it was okay where you are it's okay here, and are hoping that the courts will see it that way too.

Sgt. Via - I had thought that when we started this thing I checked with the D.A. and he said as long as he is an adult in this jurisdiction, you can treat him as an adult as long as you have him here. Now once he crosses the line, then he has to be treated as a juvenile.

McCann - Right.

Sgt. Via - *Why so many waivers for just one confession?*  
But we're pretty solid as far as his rights and all that. We have several signed rights waivers on the confession and that he has been advised of his rights 5 or 6 different times and he fully understands his rights, he can pick up a newspaper and understand what's in it. He's not under the influence of any alcohol or intoxicants so we're covered pretty well on that as far as his confession is concerned.

McCann - Sounds like you did a marvelous job.

Sgt. Via - I hope we're doing something good anyway. Right now I lost my voice and everything else, but we're still kicking.

McCann - *He was yelling all the time he would "try me!"*  
I can appreciate that, and I hope that if he is involved in yours you find that out too.

- Sgt. Via - *It must of been pretty long already*  
 I think we'll know something pretty definite in the direction that we need to go. I don't know how far we're going to go because we don't want to cross the border line of lengthy interrogation to the point of intimidation. So we're just playing it by ear right now. Of course he's been allowed to leave and go to the restroom we went out and got him dinner and he's eaten dinner and all that good mess.
- McCann - That's all documented too, I hope. *as stated earlier was in 40 minutes he was starving*
- Sgt. Via - Yes. It will be by the time I report it. We're going to cover everything down here as if it were a case that we had presented to our court system here. We have a pretty tough system and we get convictions down here so, we're not going to do anything shady or anything to jeopardize the case.
- McCann - Well, I really appreciate all your efforts. I'll give you back to my Sheriff and he'll probably just say good-by.
- Sheriff Mahlum - *any kind of payment is bribery!* *Victim's father?*  
Jay, lets go back to work on you guy's stuff. Before I got him on the line he said that the check would be in the mail with the warrant for your steak supper.
- Sgt. Via - Tell him to hold off on the check. We'll probably see him up there and he can take us out on the town. In fact if you want to pay our way up there when he waives extradition, we'll fly up there with all this stuff in hand and see you in person.
- Sheriff Mahlum - Well, I'll tell you what, You're going to get a trip up here and I've never really walked around the state of Louisiana, so I may come get him but, we'll bring you up here anyway. Appreciate it. I'll be in contact with you sometime tomorrow just to firm up and if there's anything we've forgotten about.
- Sgt. Via - That will be fine Sheriff.