

7 You may call your next witness, Mr. Camiel.
 8 MR. CAMIEL: Our next witness is Dunn
 9 O'Connor.
 10 CHAIRWOMAN O'CONNOR: What?
 11 MR. CAMIEL: Dunn O'Connor.
 12 DUNN O'CONNOR, WITNESS, SWORN
 13 CHAIRWOMAN O'CONNOR: You may proceed,
 14 Mr. Camiel.
 15 DIRECT EXAMINATION
 16 BY MR. CAMIEL:
 17 **Q. Can you state your name for us and spell your**
 18 **last name?**
 19 A. Dunn O'Connor, O-apostrophe-C-O-N-N-O-R.
 20 **Q. Mr. O'Connor, where do you live?**
 21 A. Poplar, Montana.
 22 **Q. How long have you lived there?**
 23 A. Life.
 24 **Q. How old are you?**
 25 A. Fifty-four.

Page 356

1 **Q. What do you do for a living?**
 2 A. I farm and ranch on a place that has been
 3 there for two to three generations.
 4 **Q. In your family?**
 5 A. Yes, sir.
 6 **Q. You've been in some trouble before?**
 7 A. Yes, sir. I was incarcerated in the federal
 8 system for six years for conspiracy of -- to distribute
 9 marijuana.
 10 **Q. What years was that?**
 11 A. From '93 to '98.
 12 **Q. And in 1979, how old were you?**
 13 A. Well, I'll have to calculate that. Where
 14 would that put me -- '52, about 27.
 15 **Q. Did you know Sissy Atkinson?**
 16 A. Yeah, I've known her for life.
 17 **Q. You've known her your whole life?**
 18 A. Yeah, pretty much.
 19 **Q. And you're several years older than her?**
 20 A. Yeah.
 21 **Q. And did you know other members of her family?**
 22 A. Yes, sir, all of them.
 23 **Q. And you know Barry Beach?**
 24 A. Yeah, I know of him. He worked for me one
 25 time for about, I don't know, maybe a week in his younger

89 (Pages 353 to 356)

Page 357

1 days.

2 **Q. Working on your ranch?**

3 A. Yeah, throwing hay bales.

4 **Q. And I want to take you back to 1979. Do you**
5 **recall how you first heard about Kim Nees being murdered?**

6 A. Yes. I was -- we were out that night.

7 **Q. Who's "we"?**

8 A. I and my girlfriend --

9 **Q. What's her name?**10 A. -- at that time. It was Faith McClammy, which
11 she is my wife now.12 **Q. Okay.**13 A. And we were at the American Legion Club, and
14 we closed the place down. And I suppose I got home
15 anywhere from two-thirty to three o'clock in the morning.
16 And, of course, we went to bed, went to sleep. And later
17 on that morning, early that morning, I got -- the
18 telephone rang, and I got --19 **Q. Now, let me stop you for just a minute.**

20 A. Yes, sir.

21 **Q. You said you were home. Can you describe your**
22 **house at that time?**

23 A. I lived in a trailer house, 14 by 72 feet.

24 **Q. And where's the phone at in your house?**

25 A. Oh, it's in the -- located in the kitchen in

Page 358

1 the middle of the trailer house. And towards the back of
2 the trailer house, it was my bedroom.3 **Q. Okay. Now, you said that after you got home,**
4 **you went to bed. And at some point, you got a phone call?**

5 A. Yes, sir.

6 **Q. And when the phone rang, what did you do?**7 A. I got up out of bed, reluctantly, of course,
8 and went and answered the phone.9 **Q. In the kitchen?**

10 A. Yes, sir.

11 **Q. Okay. And when you answered the phone, did**
12 **you notice the time?**13 A. Well, I sat down at the table, and the phone
14 -- and I answered the phone. And the o'clock is in very
15 plain sight. And I looked at the time, and it was five
16 o'clock in the morning.17 **Q. Why would you make any note of the time?**18 A. Well, naturally you look if somebody wakes me
19 up that early in the morning.20 **Q. Okay. When you answered phone, who was**
21 **calling?**

22 A. It was a lady by the name of Sissy Atkinson.

23 **Q. And you knew her?**

24 A. Yes.

25 **Q. You talked to her on the phone before?**

Page 359

1 A. Yes.

2 **Q. No question that it was her calling you?**

3 A. Yes, it was her.

4 **Q. Okay. What did she say?**5 A. She told me that they found Kim Nees's body
6 ¹down by the train bridge.7 **Q. And did she say anything else?**8 A. Not much. I pretty much said "goodbye" and
9 hung up and went to bed.10 **Q. Did it mean anything to you that -- when she**
11 **said that?**12 A. Well, of course I was kind of shocked, but, I
13 mean, at five o'clock in the morning after partying all
14 night, I really wasn't thinking about anything much more
15 than going back to sleep.16 **Q. Okay. What time did you get up that morning**
17 **-- or when you did get up?**

18 A. Oh, I suppose I got up around eight o'clock.

19 **Q. That day, did you hear that, in fact, Kim Nees**
20 **had been found murdered?**21 A. Yes, sir, I believe that day. Of course, it
22 was the talk of the community.23 **Q. How did you hear it?**24 A. I heard it from an acquaintance of mine by the
25 name of Alex Trottier.

Page 360

1 **Q. Do you remember where you were when you heard**
2 **it?**

3 A. On my place.

4 **Q. Did it mean anything to you at the time that**
5 **Sissy Atkinson had called you at 5 a.m. that morning to**
6 **say that Kim Nees was in the river?**7 A. No, I wasn't placing any time on anything.
8 Just it was -- we heard the news.9 **Q. Okay.**10 A. I didn't really think in depth or -- about it,
11 no.12 **Q. Okay. Well now we're, you know, about 28**
13 **years later since 1979. When did you realize that the**
14 **fact that Sissy Atkinson had called you at 5 a.m. was**
15 **significant?**16 A. Well, as time went along and they tried the
17 case and convicted Mr. Beach for it, a person kind of
18 forgets about it. And then I was speaking with
19 Mr. Richard Holen, and he mentioned it to me that
20 Centurion Ministries was investigating this case, and we
21 were talking about it. And I mentioned to him about the
22 phone call.23 And he said, "Would you like to -- would you talk to
24 these people?"

25 And I said, "Yeah."

Page 361

1 **Q. When you talked to Mr. -- when did you learn**
2 **that the police had discovered, had discovered Kim Nees's**
3 **body at 7 a.m.?**

4 A. Oh, probably later on in that year.

5 **Q. When you learned later -- you mean the year**
6 **1979?**

7 A. Yeah.

8 **Q. Okay. So you knew that Sissy Atkinson had**
9 **called you at 5 a.m.?**

10 A. Yeah.

11 **Q. And you had heard later on that year that Kim**
12 **Nees's body wasn't discovered by the police until 7 a.m.?**

13 A. Yeah.

14 **Q. So didn't that, didn't that cause you some**
15 **concern? She's calling you two hours before the police**
16 **have found the body.**

17 A. Well, I suppose I thought about it, but I
18 never really put two and two together, or --

19 **Q. Did you go to the police with that information**
20 **back in 1979?**

21 A. No.

22 **Q. Did you trust the police back then?**

23 A. Well, I really didn't have too much to do with
24 the police back then.

25 **Q. Okay. You mentioned that more recently, you**

Page 362

1 **talked to Mr. Holen and he asked you to talk to the people**
2 **at Centurion Ministries?**

3 A. Yeah. He asked me if I would, and I said
4 "yes".

5 **Q. Okay. And when you talked to the**
6 **investigators at Centurion Ministries, did you tell them**
7 **what you just testified to?**

8 A. Yes, sir.

9 **Q. Okay. And did you sign a statement about**
10 **having received this phone call from Kim Nees at 5 a.m.?**

11 A. Yes, sir.

12 **Q. Did you review it before you signed it?**

13 A. Yes, sir.

14 **Q. Do you have any doubt in your mind that during**
15 **the early morning hours of June 16th of 1979, you got a**
16 **call from Sissy Atkinson at 5 a.m.?**

17 A. Come again?

18 **Q. The morning -- I'm just asking whether you're**
19 **certain that it was 5 a.m. that Sissy Atkinson called you**
20 **with this news that Kim Nees was in the river.**

21 A. Yeah, I'm certain.

22 **Q. Now, were you friendly with the Atkinson**
23 **family?**

24 A. Yeah.

25 **Q. You're friends with Denver?**

Page 363

1 A. Yeah.

2 **Q. Did you go to school with him?**

3 A. Yes, sir.

4 MR. CAMIEL: Thank you.

5 CHAIRWOMAN O'CONNOR: Any questions?

6 MR. WELLENSTEIN: Just a few.

7 CROSS-EXAMINATION

8 BY MR. WELLENSTEIN:

9 **Q. Are you friends with Richard Holen?**

10 A. Yeah, we've known each other quite some time.

11 **Q. The night that Kim Nees was killed, or the**
12 **16th, is 28 years ago. But the night when you went to the**
13 **Legion Club, you were -- you said you were partying?**

14 A. Yes, we were at the Legion Club; yes.

15 **Q. Okay. And you had a lot to drink?**

16 A. Yeah, I was there drinking; yes.

17 **Q. Okay. And you were drunk?**

18 A. Yeah, I had plenty to drink.

19 MR. WELLENSTEIN: Okay. No further questions.

20 CHAIRWOMAN O'CONNOR: Do you have more
21 questions?

22 MR. WELLENSTEIN: I have no more questions.

23 CHAIRWOMAN O'CONNOR: Any questions?

24 MS. BOWMAN: No.

25 CHAIRWOMAN O'CONNOR: Do you have questions?

Page 364

1 MR. CURTISS: You know, I can't -- and I don't
2 want -- I'm the only one speaking here, and I don't want
3 you to think that I'm leaning one way or the other. But
4 there are some questions here about -- you know, if I, if
5 I found out the information that you had and a person was
6 sitting in the pen, so to speak, for that information,
7 that maybe I could help him out if he's innocent. How
8 come everyone is not reporting this to the law
9 enforcement?

10 I would like to know that if I can find it
11 out. I would be running down screaming in the middle of
12 the Main Street. Now, is there some reason that you don't
13 contact the law enforcement in Poplar? I don't know.

14 THE WITNESS: Well, at that time, the young
15 man made a confession four years later - three years
16 later, whatever. And why I never contacted the law
17 enforcement? I don't know why.

18 MR. CURTISS: Well, sir, you mentioned that
19 you knew it at the end of the year after that happened.

20 THE WITNESS: Yeah.

21 MR. CURTISS: And you didn't report that to
22 law enforcement, and I just am wondering why. Honest to
23 God, I would be down, I would be down in the middle of the
24 street in Poplar trying to help that guy out if I really
25 believed what I was hearing, type of thing, you know.

Page 365

1 THE WITNESS: Yeah.

2 MR. CURTISS: I just was wondering. That's
3 why the Board is going to make decisions on all the
4 information that we can between Mr. Holen, you, and all
5 these other witnesses. So I appreciate you telling me
6 just what you have. Thank you. That's all I have.

7 CHAIRWOMAN O'CONNOR: Anything more?

8 MR. CAMIEL: No. Thank you.

9 CHAIRWOMAN O'CONNOR: Anything more?

10 MR. WELLENSTEIN: No.

11 CHAIRWOMAN O'CONNOR: You may be excused.
12 Thank you.

13 THE WITNESS: Can I say one thing to the
14 Board?

15 CHAIRWOMAN O'CONNOR: You may.

16 THE WITNESS: You know, I mean everybody asks
17 -- asked a lot of questions here, so I want to say one
18 thing. I don't know if that young man did or did not do
19 it, and I don't know if them so-called "band of girls" did
20 or did not do it, but I know one thing: I got the phone
21 call.

22 CHAIRWOMAN O'CONNOR: We heard that.

23 THE WITNESS: Sure.

24 CHAIRWOMAN O'CONNOR: Thank you for
25 testifying. You may be excused.