

1 MR. MOSES: I will call Calib Gourneau.

2 WHEREUPON,

3 MR. CALIB GOURNEAU

4 having been called as a witness on behalf of the Defendant,
5 and being first duly sworn upon his oath, testified as
6 follows:

7

8 DIRECT EXAMINATION

9 By Mr. Moses:

10 Q Would you state your name please?

11 A Calib Gourneau.

12 Q And where do you live, Mr. Gourneau?

13 A Poplar, Montana.

14 Q And what is your occupation?

15 A I'm working on an oil crew.

16 Q And where do you live in Poplar, Montana?

17 A Right in my house.

18 Q And where is that house located?

19 A On the Fort Peck Reservation.

20 Q And where in relationship to Poplar is that,
21 is it west or east of Poplar?

22 A East.

23 Q And were you living in that house in 1979, in
24 that house?

25 A No.

1 Q And were you living, in 1979, in a house that
2 was west of Poplar, Montana?

3 A Yes I was.

4 Q And do you remember the events that occurred
5 on June 15th, and 16th, 1979?

6 A Well that is kind of a long time ago.

7 Q I understand that. Did you -- were you at home
8 that evening? During the early morning hours?

9 A Early morning hours?

10 Q Yes?

11 A Yes I was.

12 Q And would that be a short distance where -- from
13 where the Nees vehicle was parked?

14 A About a half a mile.

15 Q Closer to a quarter of a mile, isn't it?

16 A Yes.

17 Q And did you hear screams in the early morning
18 hours of January 16th, 1979?

19 A No I didn't, just whispers.

20 Q You heard what?

21 A Whispers.

22 Q Did you hear specifically, "No, Goose, No"?

23 A No I didn't.

24 Q Did you ever tell anyone that is what you
25 heard?

1 A I told Joanne that I heard whispers.

2 Q Did you tell Joanne Jackson that you heard
3 screams, "No, Goose, No"?

4 A No I didn't.

5 MR. MOSES: All right, thank you very much. I have no
6 further questions of this witness.

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8 CROSS EXAMINATION

9 By Mr. Racicot:

10 Q Mr. Gourneau, do you know the Defendant?

11 A Yes I do.

12 Q And at the time, you were close friends, is that
13 right?

14 A Yes I was.

15 Q Now you recall when you talked about Joanne,
16 you were referring to Joanne Jackson, is that right?

17 A Yes.

18 Q Now isn't it true, Calib, that your conversation
19 with Joanne Jackson occurred on Sunday, the 17th of June?

20 A Sometime in that area, yes.

21 Q And isn't it true that you and Joanne and a
22 bunch of your classmates and friends all got together and was
23 discussing the possibilities of who might have killed Kimberley
24 Nees?

25 A No sir.

1 Q Well why were you talking about that you heard
2 whispers?

3 A Because I did.

4 Q I am not questioning that, that you may have
5 heard whispers, but my point is, that you were talking about
6 these whispers that you had heard and that you were sitting
7 around talking about Kimberley Nees? Why else would you be
8 talking about that?

9 A I don't understand your question.

10 Q Well, weren't you talking about Kimberley Nees
11 when you mentioned that you heard whispers?

12 A Yes, everybody was talking about her.

13 Q And that was what was going on, everybody was
14 talking about that?

15 A The whole town was talking about it, yes.

16 Q Because it is a small town?

17 A Yes.

18 Q And everybody knew about it?

19 A Yes.

20 Q And everybody was sitting back speculating as
21 to who may have done it?

22 A Yes.

23 Q And everybody was trying to check their minds
24 to determine what may have happened that may be important?

25 A Yes sir.

1 Q And when you and Joanne Jackson were sitting
2 there talking, was there anybody else sitting there talking
3 with you?

4 A No there wasn't. I don't remember anyone at
5 least.

6 Q How about Robert McClamney?

7 A He could have been.

8 Q He could have been there?

9 A Yes.

10 Q And Mona, Mona Jackson?

11 A I don't think so, no.

12 Q And you were all kind of sitting around,
13 thinking about who could have done it, right?

14 A We were all talking about it, yes.

15 Q And you were all talking about it, and
16 speculating who could have done it?

17 A Yes.

18 Q And while you were doing that, you mentioned
19 that you heard whispers?

20 A Yes I did hear whispers.

21 Q And do you recall about what time that was, Calib?

22 A Around twenty five to one. Twelve thirty, some-
23 thing like that.

24 Q Twenty five to one or twelve thirty?

25 A Right, somewhere in there.

1 Q And you were at home then?
2 A I just got home.
3 Q And you were watching a program on TV?
4 A Yes, midnight special.
5 Q A musical program?
6 A Yes.
7 Q And I believe you testified that you lived about
8 a half a mile or so from where Kimberley Nees was found?
9 A Quarter of a mile to a half a mile, yes.
10 Q And while you were there sitting at home watching
11 TV, twenty five minutes to one, or twelve thirty, sitting in
12 the confines of your home, that you heard whispers?
13 A Well there was this big lab dog.
14 Q Well isn't that what really happened, Calib,
15 that you heard the dog so you assumed there was something
16 doing around there, but you really didn't hear anything in
17 particular?
18 A Nothing specific, no.
19 Q And you were watching a TV program?
20 A Yes.
21 Q So that the bottom line is that you really didn't
22 hear anything outside, other than the dog?
23 A Yes.
24 Q Which side of the Poplar River did you live on
25 at that time, Calib?

1 A On the right.

2 Q Would that be after you crossed over the
3 bridge, going out of Poplar?

4 A Yes.

5 Q So that you would be living at that time on
6 the west side of the river?

7 A Yes.

8 Q And then as you came off that bridge on the
9 west side of Poplar, you lived over to the right of the
10 highway as you go west?

11 A No, left.

12 Q To the left?

13 A Yes.

14 Q But nevertheless, you were on the other side
15 of the river?

16 A Yes.

17 Q And that your home at that time was about a
18 half a mile west of Poplar?

19 A Yes.

20 Q And what time did you come home that night, Calib?

21 A About twelve thirty, twenty five to one.

22 Q And you had been with Shannon O'Brien earlier
23 that day?

24 A Yes.

25 Q And you had been with the Defendant earlier that
day?

1 A Yes.

2 MR. RACICOT: We have nothing further.

3 MR. MOSES: Nothing further, and may this witness be
4 excused?

5 MR. RACICOT: That's fine.

6 THE COURT: You're excused, thank you.

7 WHEREUPON this witness was EXCUSED.

8 THE COURT: It is almost noon, and I
9 believe this would be a good time to
10 recess for lunch. (Court admonishes
11 the Jury)

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