

1 MR. RACICOT: We would call Detective Richard Mederies  
2 please.

3 WHEREUPON,

4 DETECTIVE RICHARD MEDARIES

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

8

9 DIRECT EXAMINATION

10 By Mr. Racicot:

11 Q Please state your name?

12 A Richard Medaries.

13 Q And your occupation and address?

14 A I live in West Monroe, Louisiana, and I am a  
15 Deputy Sheriff, employed by the Ouachita Parish Sheriff's  
16 Office.

17 Q Mr. Medaries, I would like to direct your  
18 attention to January 6th, 1983, being involved with the  
19 Defendant Barry Allan Beach in the investigation in Monroe,  
20 Louisiana. Do you recall that day?

21 A Yes.

22 Q And do you recall being present during an  
23 interview of the defendant on that particular day?

24 A Yes sir.

25 Q Do you recall what time that interview began?

1           A           The beginning of the interview was approximately  
2 10:55 A.M., and concluded at approximately 12:00 PM.

3           Q           So it lasted about an hour and five minutes?

4           A           Yes sir.

5           Q           In the morning?

6           A           Yes sir.

7           Q           On January 6th, 1983?

8           A           Yes sir.

9           Q           To the best of your information, the defendant  
10 was not taken to the classroom or the trailer house as the  
11 defendant referred to at 7:30 A.M., on January 6th?

12          A           No sir, that would have been a difficult time.  
13 Our working hours at the time was eight in the morning until  
14 five in the afternoon, so we wouldn't have been at work at  
15 7:30 in the morning.

16          Q           Were you present when the defendant was advised  
17 of his rights?

18          A           Yes sir.

19          Q           And can you explain to us how he was advised  
20 of his rights?

21          A           Sgt. Via verbally advised the defendant of his  
22 rights, and he advised him that he had a right to remain  
23 silent and explained that he didn't have to talk to us unless  
24 he wished to talk to us; he also advised him that anything  
25 that he said, verbal, written or otherwise, would and could be

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WOLF POINT, MONTANA 59201

1 used against him in court, and Sgt. Via explained to him that  
2 this meant that if he confessed to participation in any  
3 crime in our presence we could testify in court as to what he  
4 told us; he was also advised that he had the right to have an  
5 attorney present and the attorney could be of his choosing  
6 and if he was unable to have an attorney, the court would  
7 appoint one for him at no cost. Sgt. Via explained to him  
8 that he could have an attorney of his choice present and if  
9 he didn't have the money to hire one, that the courts will  
10 appoint one for him and it wouldn't cost him any money and we  
11 would not talk to him if he wanted an attorney, and if he had  
12 money to hire one we would wait until he had his attorney  
13 present. Sgt. Via also explained to him that anytime during  
14 the statement, if he wanted to stop talking to us, he could  
15 stop talking to us without offering any explanation to us  
16 and we would not question him any further.

17 Q And did the defendant appear to understand  
18 those rights?

19 A He stated that he did.

20 Q Did you notice whether he was free of any  
21 intoxicants?

22 A Yes sir.

23 Q Were any threats or promises made by either you  
24 or Sgt. Via?

25 A No sir.

1           A           Yes sir.

2           Q           And would those calls all be logged in the

3 normal course of business by the records section and maintained

4 by the Ouachita Parish Sheriff's office?

5           A           Yes sir.

6           Q           And they would be available upon request?

7           A           Yes sir.

8           Q           And we could secure certified copies of those

9 documents?

10          A           Yes sir.

11          Q           Could you assist us in securing those certified

12 documents?

13          A           Yes sir.

14          Q           Now do you recall, Mr. Medaries, that after

15 talking with the defendant about -- you talked about a

16 variety of things on the 6th of January, didn't you?

17          A           That's correct.

18          Q           In fact, you talked about psychological profiles

19 and all different sorts of things?

20          A           Yes sir.

21          Q           Did the defendant make any statement to you

22 at the conclusion of that interview that would indicate to

23 you that he felt good about the interview?

24          A           He did not make that statement to me, but he

25 made it to Sgt. Via, and I believe it was before the end of

1 the interview, Sgt. Via asked him at one point of the inter-  
2 view, if he felt like continuing with the interview, and --  
3 or something to that effect, if the defendant for instance,  
4 felt the questions were too personal, and Mr. Beach stated  
5 that they weren't and he enjoyed talking about it, his  
6 background and his feelings and so forth.

7 MR. RACICOT: Nothing further from Mr. Medaries.

8 MR. MOSES: I have nothing.

9 THE COURT: Thank you.

10 WHEREUPON this witness was EXCUSED.  
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1 IN THE COURTROOM - 9:00 o'clock A.M., April 12th, 1984:

2 THE COURT: Please be seated. Court  
3 is in session. I will ask the clerk  
4 to call roll of the jury.

5 AT THIS TIME, the Clerk of Court, called the names of  
6 the jurors, and all being present, the court continued:

7 THE COURT: Let the record show also  
8 that the Defendant is present with  
9 his attorney, Mr. Moses; and that the  
10 state is present represented by Mr.  
11 Racicot and Mr. McCann. You may  
12 proceed.

13 MR. RACICOT: Call Richard Medaries.

14 WHEREUPON,

15 MR. RICHARD MEDARIES

16 having been called as a witness on behalf of the State of  
17 Montana, and being first duly sworn upon his oath, testified  
18 as follows:

19  
20 DIRECT EXAMINATION

21 By Mr. Racicot:

22 Q Could you please state your name for the record?  
23 A Richard Medaries.  
24 Q And your occupation? Give me your address also.  
25 A I live in Monroe, Louisiana and I am employed

1 by the Ouachita Parish Sheriff's office.

2 Q Deputy Medaries, do you know the defendant in  
3 this case, Barry Allan Beach?

4 A I have met him before, yes sir.

5 Q I would like to direct your attention to  
6 January 6th, of 1983 meet the defendant?

7 A Yes I did.

8 Q And would you tell us where that occurred?

9 A It occurred in the Ouachita Parish Sheriff's  
10 office.

11 Q And is that where your office is located?

12 A Not there, no sir, it is not.

13 Q How far away from your office is that?

14 A Approximately five miles.

15 Q And you were with who, if anybody?

16 A Sgt. Jay Via.

17 Q Now physically, where did you interview the  
18 defendant on January 6th, 1983?

19 A The interview occurred in a house trailer that  
20 served as a library and a classroom and meeting hall.

21 Q And what time of day was this, that you talked  
22 to the Defendant?

23 A It was in the morning, at approximately 10:55  
24 A.M.

25 Q Now upon arrival at the correctional center, in

1 that classroom, when the defendant entered the room, was he  
2 advised of his rights?

3 A Yes he was.

4 Q And by whom was he so advised?

5 A By Sgt. Via.

6 Q And could you tell us exactly what Sgt. Via  
7 advised him of?

8 A Sgt. Via advised him of the rights that are  
9 shown on the rights waiver form.

10 Q Well, could you tell us of what rights he was  
11 advised?

12 A The defendant was told that he could remain  
13 silent, that he didn't have to talk to us unless he wanted  
14 to do so and Sgt. Via advised him that if he did talk to  
15 us, that anything that he said, either verbal or written  
16 or otherwise could be used against him in a court of law; that  
17 if he decided to talk to us, at anytime after that, if he  
18 decided to remain silent, he could do so without any  
19 explanation as to why he did so; he was advised that he could  
20 have a lawyer present and if he couldn't afford a lawyer,  
21 that the court would hire one for him, without cost to him.

22 Q And when these rights were given to him, was  
23 the defendant asked if he understood those rights?

24 A Yes I was.

25 Q And did he waive those rights?



1       A           Yes he did.

2       Q           Did the defendant seem to be free of intoxicants?

3       A           Yes sir.

4       Q           Did anyone make any promises to the defendant?

5       A           No sir.

6       Q           Were there any kind of threats or any tricks

7 imposed upon the defendant?

8       A           No sir.

9       Q           And the defendant did in fact, waive his rights?

10      A           Yes, he did.

11      Q           And how long did this interview take place?

12      A           A little over an hour.

13      Q           During this interview, what kind of a discussion

14 took place, could you give us a brief account of that?

15      A           Barry was questioned about his childhood, his

16 school years, his home life, relations or friends, things of

17 that nature.

18      Q           And you were present during that time?

19      A           Yes sir.

20      Q           And did he appear to be, you might say, free

21 and easy, and talked about those things?

22      A           Yes sir.

23      Q           And I believe you said that the interview

24 concluded about noon?

25      A           Yes sir.

1 Q Now Deputy Medaries, I would like to direct  
2 your attention to a period of time around the 20th of January  
3 of 1983. At that time, were you a member of the special  
4 homicide task force of Ouachita Parish?

5 A Yes sir.

6 Q And who was your commander or superior?

7 A Lt. Joe Cumming. ✓

8 Q And as part of that assignment with that task  
9 force, did you have a discussion with the defendant's lawyer,  
10 Paul Henry Kidd?

11 A Yes sir.

12 Q And who was present, besides yourself?

13 A Well, there was Lt. Cummings, Sgt. Via and also  
14 myself.

15 Q Now then, at that point in time, had you been  
16 furnished information that concerned the defendant, Mr. Beach,  
17 to the effect that he supposedly had confessed to three other  
18 homicides in the State of Louisiana?

19 A Yes sir.

20 Q And by whom was that information related to you?

21 A By Mr. Kidd.

22 Q Just what exactly, did he relate to you in that  
23 regard?

24 MR. MOSES: Your Honor, I would like to make an objection  
25 to this, outside the presence of the Jury.

1 IN CHAMBERS - out of hearing of the Jury, and the Defendant  
2 and all counsel present:

3 THE COURT: Go ahead.

4 MR. MOSES: Your Honor, comes now the Defendant, Mr. Beach,  
5 and objects to the questions now being put to the witness,  
6 Mr. Medaries concerning a conversation on January 20th, 1983  
7 between Mr. Beach's attorney, Mr. Kidd, and Mr. Via and this  
8 witness now on the stand. The objection is that such a  
9 conversation would be hearsay, and there has been no foundation  
10 laid as to authorizing Mr. Kidd to him by Mr. Beach to discuss  
11 this, and it is therefore privileged communication between  
12 the defendant and Mr. Kidd as to this conversation on January  
13 20th, 1983 and we are referring now to a subsequent conversation  
14 or conference between these three people and it is not  
15 admissible, no showing has been made that Mr. Beach has ever  
16 waived that privilege.

17 MR. RACICOT: It is the same conversation, the exact same  
18 area the defendant brouched with Sgt. Via yesterday.

19 MR. MOSES: It is not.

20 THE COURT: Well even if it is the  
21 same conversation, this is hearsay.

22 MR. RACICOT: But this is an area that is subject to  
23 development and I believe we've got a right to go into it.  
24 He explained it thoroughly.

25 MR. MOSES: He brought up the subject.

MR. RACICOT: Oh no.

1 MR. MOSES: He brought up the subject with respect to the  
2 report. I brought up the report as to what the attorney had  
3 said and now he is going to go to January 20th, which is a  
4 private conversation between these three people.

5 MR. RACICOT: The report reflects the conversation of the  
6 20th.

7 MR. MOSES: It does not reflect this conversation.

8 MR. RACICOT: Yes, the same thing that you asked Sgt. Via  
9 about.

10 MR. MOSES: No, this is some kind of a ploy and pertains to  
11 a different time.

12 MR. RACICOT: You asked the -- you brought this up yesterday.

13 AT THIS TIME, an off-the-record discussion was had  
14 be counsel and the Court.

15 THE COURT: Well we will allow it.  
16

17 IN THE COURTROOM with all counsel and the defendant present,  
18 in the presence of the Jury.

19 THE COURT: Go ahead.

20 DIRECT EXAMINATION by Mr. Racicot:

21 Q Mr. Medaries, do you recall a conversation with  
22 Paul Henry Kidd?

23 A Yes.

24 Q And at that point in time, what was related to  
25 you by Mr. Kidd concerning the defendant's confession to the  
three Louisiana homicides?

1 MR. MOSES: Your Honor, may we have a continuing objection  
2 to this line of questioning?

3 THE COURT: Yes.

4 A What was that question?

5 Q What was related to you by Mr. Kidd, concerning  
6 the three homicides in Louisiana and in relation to the one  
7 here in Montana?

8 A Mr. Kidd told us that he had discovered, during  
9 his interviews with Mr. Beach, and he told us that he related  
10 to Mr. Beach that if he confessed to this -- these homicides  
11 in Louisiana, he could enter some sort of -- some kind of an  
12 insanity plea to these murders that he confessed to.

13 Q And this alternate personality was suggested by  
14 Mr. Kidd?

15 A Yes.

16 Q And do you -- did he give a name to that  
17 alternative personality?

18 A Yes sir, he did.

19 Q And what was that?

20 A Ray Woods.

21 Q So that he was suggesting that the defendant  
22 had an alternative personality by the name of Ray Woods who  
23 had actually committed all four of these homicides?

24 A Yes sir.

25 MR. RACICOT: Nothing further of this witness.

1 THE COURT: Mr. Moses?

2  
3 CROSS EXAMINATION

4 By Mr. Moses:

5 Q I am Timer Moses and I am the attorney for Mr.  
6 Beach and when you talked about this conversation with Mr.  
7 Kidd, you were aware at that time that a search warrant had  
8 been issued under oath by Mr. Via for a search of the  
9 property or premises of Mr. Beach, you knew that?

10 A Yes sir.

11 Q And in your state of Louisiana, an application  
12 for a search warrant has to be done under oath?

13 A Yes sir.

14 Q And a person has to sign his name and state that  
15 these are true facts that he has given?

16 A Yes sir.

17 Q And that had been done in the search warrant  
18 for Mr. Beach's premises?

19 A I knew that a search warrant had been obtained.

20 Q And this was prior to the date that you have  
21 been talking about?

22 A I don't know recall what the date of the search  
23 warrant, when it was issued.

24 Q But it was shortly after January 6th, long before  
25 January 20th, the date you are now referring to as to the  
conversation had on that date, on January 20th?

1           A           I really don't remember the date, Sir.  
2           Q           Okay, and there was a report made by Mr. Via,  
3           dated January 26th, 1983?  
4           A           Yes.  
5           Q           And have you seen that report?  
6           A           I am not sure. (Examines the same) Yes sir, I  
7           have read it.  
8           Q           And did you make out a report?  
9           A           I don't recall making out any report.  
10          Q           So that you are relying on the report made by  
11          Mr. Via?  
12          A           Yes sir.  
13          Q           And these reports, are they truthful and  
14          accurate and represent what was said and done?  
15          A           That is correct.  
16          Q           Now is there anything in these reports, does it  
17          appear that Mr. Kidd saying anything, giving any information  
18          about the three murders -- the confession on these three  
19          murders was just a ploy?  
20          A           I don't know.  
21          Q           Does it appear there?  
22          A           I don't recall, I haven't reviewed the report  
23          for several months. Do you want me to read it?  
24          Q           Just as to the January 20th conversation.  
25          (Examined by the witness)

1 A Okay.

2 Q Nowhere in that report does it appear that  
3 there was any conversation between Mr. Via, yourself and Mr.  
4 Kidd with regard to any observation made by Mr. Kidd that it  
5 was any kind of a ploy?

6 A No, that is not reflected in the report, no.

7 Q Do you have any kind of a report in which that  
8 is reflected?

9 A I have written no report, Sgt. Via did.

10 Q And you haven't looked at this report for six  
11 or seven months, is that correct?

12 A Several months, yes.

13 Q Now, Mr. Medaries, with respect to the Sherry  
14 Alfred murder in Louisiana, who was charged with that murder,  
15 what is his name?

16 A Otis Toole.

17 Q How do you spell that?

18 A O-T-I-S.

19 Q And Toole, T-O-O-L-E?

20 A Yes sir.

21 Q And where has he been charged?

22 MR. RACICOT: Objection, Your Honor, this is irrelevant.

23 THE COURT: It is.

24 MR. MOSES: Pardon?

25 THE COURT: It is irrelevant.



1 Q With respect to Cathy Horton, who has been  
2 charged with that murder?

3 MR. RACICOT: Objection, your Honor, irrelevant.

4 THE COURT: Yes it is.

5 MR. MOSES: I do not believe that the name of any of these  
6 persons that have been charged with these murders have been  
7 in the record here.

8 THE COURT: It is not relevant here.

9 MR. MOSES: Well this defendant apparently appears to have  
10 confessed to three murders that is now conceded to have no  
11 connection with him. I want to ask who these murders were  
12 charged to.

13 THE COURT: You know off-hand?

14 A Yes sir.

15 THE COURT: Go ahead.

16 Q Cathy Horton who is charged with her murder?

17 A Henry Lucas and Otis Toole,

18 Q And Angela Hill?

19 A No one has been charged.

20 MR. MOSES: No further questions.

21 MR. RACICOT: Nothing further.

22 THE COURT: Thank you.

23 THIS WITNESS IS EXCUSED.  
24  
25