

1 MR. MOSES: Call Mrs. Clincher to the stand.

2 WHEREUPON,

3 MRS. ROBERTA CLINCHER

4 having been called as a witness by the Defendant and having
5 been first duly sworn upon her oath, testified as follows:

6

7 DIRECT EXAMINATION

8 By Mr. Moses:

9 Q State your name please?

10 A Roberta Clincher.

11 Q And where do you live, Mrs. Clincher?

12 A Poplar, Montana.

13 Q And what is your occupation?

14 A I am a Head Start Educational Counsellor.

15 Q And how long have you occupied that position?

16 A Four years.

17 Q Are you related to Barry Allan Beach?

18 A Yes sir.

19 Q And what is that relationship?

20 A He is my son.

21 Q There has been testimony by Mr. Tim Beach, the
22 preceding witness, and have you been in the courtroom here
23 this morning and hear that testimony?

24 A Yes.

25 Q And he testified with respect to a call that

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P. O. BOX 978

WOLF POINT, MONTANA 59201

1 you made that you wanted him to bail Barry Allen Beach out
2 of jail, and do you recall that date, the date of that call?

3 A Yes sir, that was on January 5th, 1983.

4 Q And what was your purpose for calling him?

5 A Barry was in jail with charges of misdemeanor
6 -- misdemeanor charges against him, that his father had
7 requested and Barry the way the situation was between him and
8 his father was such that there was no one else to turn to
9 and I said did you call Uncle Tim and he said no, and he said --

10 Q I don't want to ask you about that conversation
11 all I am asking you now is what was the purpose was for calling
12 Tim Beach?

13 A To ask him to see about this, about seeing his
14 brother about the charges and to see if he could get Barry
15 out of jail and send him back to Montana.

16 Q Was it for the specific purpose in having Mr.
17 Tim Beach to post bail on the misdemeanor charges which were
18 filed against Barry Beach regarding contributing to the
19 delinquency of a minor?

20 A Yes sir.

21 Q And the date of that was?

22 A January 5th.

23 Q 1983?

24 A Yes.

25 Q And what time of day was that?

CALMER A. ERSNESS

OFFICIAL COURT REPORTER

P. O. BOX 978

WOLF POINT, MONTANA 59201

1 A Well the time was about 8:55.

2 Q And was that PM or AM?

3 A PM.

4 Q And could you tell me then whether you advised
5 Mr. Beach, Tim Beach, your brother in law, or former brother
6 in law, to attempt to post bail?

7 A Not that day.

8 Q And were you advised that he was attempting to
9 post bail?

10 A Yes sir.

11 Q And who advised you?

12 A He did.

13 Q And did he advise you that he was not successful?

14 A Yes he did.

15 Q And did you request him to go to see your son?

16 A Yes.

17 Q And were you advised by Mr. Tim Beach that he
18 was successful in seeing your son?

19 A He said he was not.

20 Q There has been testimony here in this case,
21 Mrs. Clincher, about some understanding that Barry -- that
22 they wouldn't accept bail and he would stay in jail. You
23 remember that?

24 A Yes sir.

25 Q Were you involved in that?

1 A Yes sir.

2 Q Was it your understanding, conveyed to you
3 during that period of time or a day later, that Barry was
4 going to be released?

5 A Yes sir.

6 Q And I take it then that he was going to be
7 released on the 7th day of January, 1983?

8 A Yes sir.

9 Q So that -- I take it then that he would be
10 staying in jail over night and then be released, how was that
11 again?

12 A Well they were going to let him out on the
13 night of the sixth as that was when I received the call from
14 Sgt. Via and -- Oh, I am sorry, it would have been, because
15 he said he would have him out by that Friday, which was on
16 the 7th.

17 Q And so Sgt. Via told you he would be out on the
18 7th, which was before any statement was given by Mr. Beach?

19 A Yes sir.

20 MR. MOSES: No further questions.

21

22 CROSS EXAMINATION

23 By Mr. Racicot:

24 Q Mrs. Clincher, you stated it was about 8:55 PM
25 on January 5th, 1983 that you placed a call to Mr. Tim Beach?

1 A Yes sir.

2 Q How is it that you recall that time?

3 A Because I remember dates, times and numbers,
4 and I also got the telephone bill.

5 Q Did you refer to that telephone bill?

6 A Yes.

7 Q And checked the time?

8 A Yes sir.

9 Q Now when you talked to Tim Beach, that was the
10 first telephone conversation, on the 5th?

11 A Yes, with Tim, that was the 5th.

12 Q And you had had a conversation earlier with
13 your son?

14 A Yes.

15 Q And on what date was that?

16 A The same day.

17 Q On the 5th?

18 A On the 5th, yes.

19 Q And was he in custody at that time?

20 A Yes he was.

21 Q And he was calling you from the detention Center
22 in Monroe, Louisiana?

23 A I don't know for sure where he was, because I
24 tried to call in there and they wouldn't tell me where he was
25 and I made three or four calls trying to find him and everyplace
that I called, they said, "No, he is not here, he is somewhere
else".

1 Q How did you know he was there, didn't he tell
2 you where he was at when he was arrested?

3 A Well, he had called and left a message with my
4 husband and then when I came home from work, I tried to call
5 him and he wasn't there.

6 Q But he was in jail?

7 A Yes.

8 Q And he had called from jail the first time?

9 A Yes, he must have.

10 Q And then you tried to call back and you couldn't
11 get him and so you couldn't talk to him at that time?

12 A Right.

13 Q And then did he call you again from jail,
14 returning your message?

15 A Yes.

16 Q All in the same day?

17 A No, I wasn't able to talk to Barry on the 5th.

18 Q Oh, this was the day before he talked to you,
19 that he called?

20 A Yes.

21 Q And do you remember what time?

22 A My husband had talked to him at 4:30 and --
23 it would be around 4:30 and I didn't get him until 6:30 so
24 it would have been between 4:30 and 6:30.

25 Q And at that point in time, you didn't talk to
him?

1 A No.

2 Q The next morning you called again?

3 A (No response)

4 Q Excuse me, he called back?

5 A Right. The next afternoon, or early evening.

6 Q What time was that?

7 A It was about 6:30.

8 Q And you were home that time?

9 A Yes.

10 Q And so he returned the message that you had

11 left for him the day before?

12 A Yes.

13 Q And so you knew then that he was in jail on

14 the 4th, because he had left a message?

15 A Yes.

16 Q And did you call your former husband, Bob

17 Beach, to talk to him about it?

18 A No.

19 Q Did you know why he was in jail?

20 A No, not until the 5th.

21 Q When he called you back?

22 A Yes.

23 Q And then you found out there was a problem

24 between he and his father?

25 A Yes.

1 was that Tim Beach would go on the 6th and attempt to get a
2 release for your son?

3 A Yes he said it was his day off the next day
4 and that he could not go that night, it was too late he said,
5 and that he would go there the next day.

6 Q Okay, in fact, that whole day he spent working
7 on this thing, talking to his father and Caroline Beach and
8 going to the facility to try to post bail and it wasn't until
9 early evening on that next day that he attempted to post bond,
10 you heard his testimony, did you not?

11 A Yes.

12 Q And so the conversation that you had with Tim
13 Beach then, when he advised you that he had attempted to post
14 bail was the evening hours of the 6th?

15 A Yes sir.

16 Q And where was he calling you from?

17 A He was calling from the courthouse, from the
18 jail, but he did not call, it was Sgt. Via that called, we
19 had a three way conversation.

20 Q Okay, and he told you that he had attempted to
21 post bail but he was not successful?

22 A Yes.

23 Q And that the bail was refused?

24 A Yes sir.

25 Q That they would not let him post bond in any
form to get your son out of jail?

1 A He told me that they wanted to talk to me first
2 and see what I would say, because I had asked him to go and
3 get him out of jail and he said that he had agreed and Sgt
4 Via -- they both had agreed to leave Barry there and I then
5 did agree to that.

6 Q And you did agree to that?

7 A Yes, after Sgt. Via told me that he had a lot
8 of psychological problems and that if I would agree that night
9 to leave him there, that he would make sure that Barry was
10 released under the stipulation that he would get psychological
11 counseling for one year following that and that he would then
12 have him out by Friday, because I asked them when they would
13 have him out, and he said he would have him out by Friday.

14 Q Which was the next day?

15 A Yes, and that would be the conditions of his
16 release.

17 Q And did you believe that he had psychological
18 problems?

19 A Sgt. Via reminded me that I had not seen Barry
20 for several months, which was true and so I didn't know at
21 that point.

22 Q Did you understand it that -- about the feeling
23 that Caroline and Bob Beach had about his release?

24 A Ah ---

25 Q In fact, didn't you express something to Sgt.

1 Via on that, along that line?

2 A No I did not. Sgt. Via asked me how I would
3 feel if Barry got off the bus a mile down the road and came
4 back and killed them, that they would be dead the next day,
5 how I would feel about it.

6 Q Didn't you express some of your own feelings
7 and experiences with Sgt. Via at that time?

8 A No sir.

9 Q And some of your own feelings about him being
10 released?

11 A Not on my part, no sir. What I did express
12 to him, was when he asked me if Barry had ever hit me, and I
13 told him that he did one time, when I got between the two
14 sons fighting and I had received the blow instead -- from
15 Barry, instead of my other son.

16 Q Didn't you express that in the form of fear
17 and justification for not wanting bond posted?

18 A No sir. I did not feel that way, Sir.

19 Q And so he promised you that the defendant would
20 be released the next day?

21 A Yes sir.

22 Q And that he would leave him in over night?

23 A Yes.

24 Q And it was your understanding that he would be
25 released the next day and that he would then travel to Montana?

1 A Yes sir.

2 Q Did you talk to your son that night?

3 A No, -- Oh, yes I did.

4 Q You did talk to him that night?

5 A Yes, after that, after Sgt. Via and I talked
6 and after Tim and Barry talked, right, Barry then called me.

7 Q He did call you?

8 A Yes.

9 Q And he agreed that he should be released from
10 jail at that point of time and also so did you?

11 A Ah ---

12 Q That he remain in jail for the evening?

13 A He said that he would stay in, yes.

14 Q And he was calm and understanding of the
15 situation at that point in time?

16 A He was calm, but sad; I would expect that.

17 Q But he agreed nevertheless that he would stay
18 in jail that night?

19 A Yes.

20 Q And you agreed that he would stay there that
21 night?

22 A Yes.

23 Q And so really when we talk about Tim Beach's
24 efforts to post bond not being successful, it was just as
25 much a choice by you, Tim Beach, Bob Beach and the Defendant

1 that bond wouldn't be tendered on the 6th of January, 1983?

2 A It would be rather pointless to put up \$1500.00
3 if they were going to release him the next day.

4 Q My question -- please answer my question?

5 MR. MOSES: She answered the question.

6 A Yes it was my choice because of the way Sgt.
7 Via expressed it to me.

8 Q He made you feel that you would be responsible
9 for a possible homicide if your son was released?

10 A Yes.

11 Q And you didn't want to be responsible for that?

12 A Of course not.

13 Q And did you talk to him on the evening of the
14 6th of January?

15 A With whom?

16 Q Your son?

17 A Yes.

18 Q By phone?

19 A Yes.

20 Q And he called you?

21 A Yes.

22 Q From whatever detention facility he was in?

23 A Yes.

24 Q And Sgt. Via had given you a specific promise
25 that he would be released on the 7th?

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P. O. BOX 978

WOLF POINT, MONTANA 59201

1 A Yes sir.

2 Q And that was less then, what, twelve hours away?

3 A Yes because this was late in the evening, by
4 that time.

5 MR. RACICOT: May I have a moment please?

6 THE COURT: Yes.

7 (Following some discussion between the state's counsel
8 etc., the following was had)

9 MR. RACICOT: Nothing further.

10 MR. MOSES: No further questions from Mrs. Clincher.

11 THE COURT: Thank you, you may be
12 excused.

13 WHEREUPON this witness was EXCUSED.
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1 IN THE COURTROOM - 10:50 o'clock A.M.

2
3 THE COURT: Please be seated. Will
4 counsel stipulate that the jury is
5 all present?

6 MR. RACICOT: We so stipulate.

7 MR. MOSES: Yes, Your Honor.

8 THE COURT: Also let the record show
9 that the Defendant is present. You
10 may proceed.

11 MR. RACICOT: Call Roberta Clincher.

12 WHEREUPON,

13 MRS. ROBERTA CLINCHER
14 having been called as a witness by the State of Montana, and
15 having been first duly sworn upon her oath, testified as
16 follows:

17
18 DIRECT EXAMINATION

19 By Mr. Racicot:

20 Q Your name is Roberta Clincher, is that not
21 correct?

22 A Yes sir.

23 Q I would ask that you speak up loudly, so that
24 everybody in the jury box, including the lawyers and the Judge
25 can hear you. Now you are the mother of Barry Allan Beach,
are you not?

1 A Yes.

2 Q Now on the morning of June 16th, 1979, did you
3 see your son come home, into your home, with blood on him?

4 A No.

5 Q Did you tell Deputy Sheriff Red Wilson that in
6 fact you had seen him come home with blood on himself that
7 morning?

8 A No.

9 Q Did you in fact, have a conversation that
10 morning with Red Wilson?

11 A Yes.

12 Q I ask that you speak up loudly. Did you have a
13 conversation that morning with Red Wilson?

14 A Yes.

15 Q And at that point in time, did you give Red
16 Wilson certain information concerning your son?

17 A Could you be more specific?

18 Q Yes, could you tell us, that you -- whether or
19 not you told Red Wilson that your son came home on the morning
20 of June 16th, 1979 with blood on his hands?

21 A No I didn't.

22 MR. MOSES: Your Honor, I am going to object to this line
23 of questioning as being hearsay and I would like to make a
24 formal objection in Chambers, outside the hearing of this
25 jury.

1 THE COURT: All right.

2 IN CHAMBERS, outside the hearing of the Jury, with the jury
3 still remaining in the jury box in the courtroom, and with
4 all counsel and the defendant present in the Chambers:

5 THE COURT: Go ahead with your
6 objection.

7 MR. MOSES: If the Court please, comes now the Defendant
8 and objects to this entire line of questioning with respect
9 to this conversation between Officer Wilson and the mother of
10 the Defendant, Roberta Clincher upon the following grounds:
11 ONE: That it is obviously hearsay; Number TWO: That no
12 foundation has been laid for this questioning; Number THREE:
13 That it is a statement against interest and not in matter of
14 fact outside the presence of the Defendant and any conclusion
15 or any statement that any witness might make in a conversation
16 with a law enforcement officer is not admissible evidence.
17 This does not come within the rule as to acceptable hearsay
18 with respect to the fact that a statement was made -- it is
19 sought to be adduced for the purpose of establishing the truth
20 of the fact and for that reason it is clearly hearsay and does
21 not come within any of the exceptions.

22 THE COURT: What she said is not
23 hearsay.

24 MR. MOSES: As to the Defendant it certainly is hearsay.
25 Judge what you and I say out on the street ---

1 THE COURT: But she can certainly
2 testify as to what she said.

3 MR. MOSES: She cannot testify as to what she said, because
4 it is hearsay to -- as to the Defendant.

5 MR. RACICOT: No it ain't. Hearsay is defined in Rule 801
6 and if statements are made by one other than the client while
7 testifying at a trial or hearing ---

8 THE COURT: And the fact that he -- that
9 she gave that statement to a law
10 enforcement officer doesn't change the
11 rule insofar as hearsay.

12 AT THIS TIME, a general discussion of the law regarding
13 hearsay is had between counsel and the court.

14 MR. MOSES: What I am saying that if a witness talked to a
15 law enforcement officer and says to that law enforcement
16 officer certain facts -- they can testify as to the fact, but
17 not as to the conversation, because testifying as to a
18 conversation is hearsay. If you were to ask this witness
19 "didn't you tell the law enforcement officer such and such
20 a thing, for impeachment purposes, but that is impeachable.

21 THE COURT: But she is the declarant,
22 she can say what she said.

23 MR. MOSES: No.

24 MR. RACICOT: That is absolutely right.

25 MR. MOSES: Well that is fine, Judge, anybody can get on the

1 stand and say I told the police officer that I think that
2 somebody was in my house last night and I've got some stuff
3 missing and I thought that it was Pete Smith, and that he is
4 a dirty son-of-a-bitch and if you say that, then he is the
5 declarant and he can say that as an exception to the hearsay
6 rule. If I think that the Defendant here smoked marijuana
7 and I told the peace officer that the Defendant smokes
8 marijuana, the question is, did you see the defendant smoke
9 marijuana, not saying I think he did.

10 MR. RACICOT: I will ask her if she saw the defendant come
11 home with blood on him and I will ask her if in fact she told
12 the police officer that. That in now way is hearsay.

13 MR. MOSES: I don't seem to be getting my point across.
14 Every statement made by a witness to anyone, is admissible
15 under your theory.

16 AT THIS TIME, further general discussion relative to
17 this matter by counsel and the court.

18 MR. RACICOT: We will simply ask her if she saw that and if
19 she says no, then we will ask her if she told the police
20 officer that.

21 THE COURT: I think so.

22 MR. MOSES: Now we're cooking and that is the basis of my
23 objection because then we get into impeachment situation and
24 the hearsay then is not relevent because it gets into the
25 impeachment situation.

1 THE COURT: All right, I can go along
2 with that. Let's get back in there.

3 IN THE COURTROOM: (All counsel, the Jury and the Defendant
4 being present)

5 THE COURT: Go ahead.

6 DIRECT EXAMINATION now continued by Mr. Racicot:

7 Q On the morning of June 16th, 1979, did you see
8 your son come home with blood on him?

9 A No.

10 Q Did you tell the deputy sheriff, Red Wilson,
11 that you in fact said to him, that you saw your son come home
12 with blood on him?

13 A No.

14 MR. RACICOT: No further questions.

15 MR. MOSES: No questions of this witness.

16 WHEREUPON this witness is Excused.
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1 MR. MOSES: Yes I think so.

2 IN THE COURTROOM - 10:40 o'clock A.M., with all counsel, the
3 Defendant and the Jury being all present.

4 THE COURT: Please be seated. May we
5 stipulate that the jurors are all
6 back in the jury box?

7 MR. RACICOT: Yes, Your Honor.

8 MR. MOSES: Yes sir.

9 THE COURT: For the record, the
10 defendant and his attorney are in
11 court, and attorneys for the State
12 of Montana. You may proceed, Mr.
13 Moses.

14
15 DEFENDANT'S CASE

16
17 MR. MOSES: Call Mrs. Roberta Clincher.

18 WHEREUPON,

19 MRS. ROBERTA CLINCHER

20 having been previously sworn in, was now called as a witness
21 on behalf of the Defendant.

22
23 DIRECT EXAMINATION

24 By Mr. Moses:

25 Q Would you state your name please?

A Roberta Clincher.

1 Q Please speak up Mrs. Clincher?
2 A Roberta Clincher.
3 Q And where do you live?
4 A Poplar, Montana.
5 Q And what is your occupation please?
6 A I am a coordinator for the Fort Peck Headstart
7 program.
8 Q And how long have you been so employed?
9 A I am going on five years now.
10 Q And can you tell me how long you have lived in
11 the Poplar area, Mrs. Clincher?
12 A Since 1961 for most of the time.
13 Q And what is your relationship to Barry Allan
14 Beach?
15 A He is my son.
16 Q Now in the summer of 1979 and I am particularly
17 directing your attention to the spring and summer of 1979,
18 was Barry Allan Beach living at your home?
19 A Yes he was.
20 Q And who was living at the home there in Poplar?
21 A My husband and I, Bradley and my little
22 grand daughter.
23 Q Could you tell me, Mrs. Clincher, who did the
24 laundry?
25 A I do.

- 1 Q And was Barry working?
- 2 A No, he was going to school.
- 3 Q Now on ---
- 4 A Excuse me please, ---
- 5 Q Go ahead.
- 6 A He was out of school and was working out at --
- 7 he had been working after he got out of school.
- 8 Q Were you particularly acquainted with his
- 9 clothing, involving a shirt -- well shirts and pants?
- 10 A Yes sir.
- 11 Q And did he have -- how many pants did he have
- 12 and how many shirts did he have?
- 13 A He had about two pair of blue jeans and maybe
- 14 four or five shirts.
- 15 Q That is all that he had?
- 16 A Yes.
- 17 Q Did he, at any time on the 15th or 16th of
- 18 June, 1979, or any time thereafter, did you find that you
- 19 was missing any of his shirts or pants?
- 20 A No sir.
- 21 Q Would you know because of the limited clothing
- 22 apparel that he had, whether he was missing any items?
- 23 A Yes I would.
- 24 Q And you say he did not have any missing items?
- 25 A That's right.

1 Q Now with respect to flannel shirts, could you
2 describe the type of shirts that he had?

3 A In regard to flannel?

4 Q Yes?

5 A He had a red flannel shirt, a blue flannel
6 shirt and a brown flannel shirt and the brown flannel shirt
7 had sleeves that were too short and he didn't wear that one,
8 and he had a red one and a blue one that were wore out at the
9 elbows and so they were cut off to be made into sleeve-less.

10 Q So that the shirts that he had, there were no
11 sleeves at all?

12 A No.

13 Q Okay, now with respect to his bathroom
14 facilities in your home during that period of time, can you
15 describe whether there was an upstairs bathroom?

16 A Yes there was an upstairs bathroom.

17 Q And was it working?

18 A No sir.

19 Q Was there any water up there?

20 A No sir.

21 Q How long had that condition been existing?

22 A About a year and a half or two years.

23 Q Why wasn't there any water up there?

24 A Because there was a leak in the pipes and my
25 husband had not fixed it, so he turned off the water up there.

1 Q And so it would not be possible for anyone
2 to use the bathroom upstairs because there was no water up
3 there, is that right?

4 A That's right.

5 MR. MOSES: No further questions of Mrs. Clincher.

6
7 CROSS EXAMINATION

8 By Mr. Racicot:

9 Q Mrs. Clincher, you are the Defendant's mother?

10 A Yes sir.

11 Q Do you recall at this time that you were
12 interviewed by Under Sheriff Ron Wilson of the Roosevelt
13 County Sheriff's office?

14 A You would have to give me a date, because Ron
15 has talked to me several times.

16 Q Well did you initially have a conversation with
17 Sheriff Mahlum on January 9th, 1983?

18 A Yes I did.

19 Q And then did you have a conversation with Under
20 Sheriff Ron Wilson on January 11th, 1983?

21 A Yes I did.

22 Q And did you tell him that any information that
23 you had about this incident that it was your information and
24 you would not make it available to him?

25 A That's right because I told him that was between
my attorney and me.

1 Q And he told you that he would work to determine
2 the innocence of your son as well as of his guilt, did he
3 not?

4 A I don't recall that.

5 Q But you would not provide any information to
6 him?

7 A No sir.

8 Q Now, Mrs. Clincher, have you talked to any of
9 the other witnesses in this case?

10 A I don't understand what you mean by talking to
11 them?

12 Q Have you talked within the last year to several
13 of the witnesses involved in this case?

14 A You mean the witnesses that will be testifying
15 here?

16 Q Well any witnesses who might be associated with
17 this case?

18 A Yes, I have, I talked to Jay Via on the
19 telephone -- yes I've talked to people on both sides.

20 Q And did you talk to Bob Atkinson?

21 A Yes I did.

22 Q Did you ever mention to Bob Atkinson that you
23 would like him to talk to his sister?

24 A In what regard?

25 Q About you having a conversation in relationship
to his sister?

1 A Yes I did.

2 Q And what was it that you mentioned to Bob
3 Atkinson?

4 MR. MOSES: Your Honor, I am going to object to the cross
5 examination of this witness as being outside the scope of the
6 direct examination and that accordingly, it would not be
7 relevant or material.

8 THE COURT: It is outside the direct.
9 MR. RACICOT: Your Honor, we would like to be heard on this
10 outside the presence of the jury.

11 THE COURT: All right.

12 IN CHAMBERS, with all counsel and the defendant present,
13 and outside the presence of the Jury:

14 THE COURT: Okay, we are in Chambers
15 now and there is an objection to the
16 question that it was outside the
17 scope of the direct examination. Go
18 ahead.

19 MR. RACICOT: Your Honor, we are probing bias and, -- well
20 namely bias on behalf of the defendant's mother and also have
21 evidence that she was prevailing upon other persons to confess
22 to this particular crime and I think that affects her
23 creditability ---

24 MR. MOSES: If you get that information I want it. I want
25 that information.

1 MR. MOSES: No, she asked somebody to confess and I believe
2 we should be able to probe bias.

3 THE COURT: The only thing that she
4 has testified to was the clothing and
5 about the water in the upstairs bath
6 room, I don't know, but it seems to
7 me to be terribly prejudicial to the
8 defendant for some conduct of his
9 mother and who didn't have anything to
10 do with it, and only to attack the
11 creditability as to testimony only as
12 to the clothing and the water.

13 MR. RACICOT: Well, we will withdraw the question.

14 IN THE COURTROOM, with all counsel and the defendant present,
15 as was the jury in the jury box.

16 THE COURT: Go ahead.

17 CROSS EXAMINATION continued by Mr. Racicot:

18 Q Mrs. Clincher, I believe you testified that the
19 defendant had three pair of blue jeans and four or five shirts?

20 A Yes sir.

21 Q And that was his entire wardrobe?

22 A Yes sir.

23 Q And he was not missing any items after Kimberley
24 Nees was found dead?

25 A No sir.

1 Q And did he leave shortly after that?

2 A Yes, he left for Louisiana to visit his father
3 down there.

4 Q So that he left within a short period of time
5 after Kimberley Nees was found dead, is that correct?

6 A Yes sir.

7 MR. RACICOT: No further questions.

8 MR. MOSES: No further questions of Mrs. Clincher and I
9 ask that she be excused.

10 MR. RACICOT: That would be fine.

11 THE COURT: You're excused.

12 WHEREUPON this witness was EXCUSED.
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