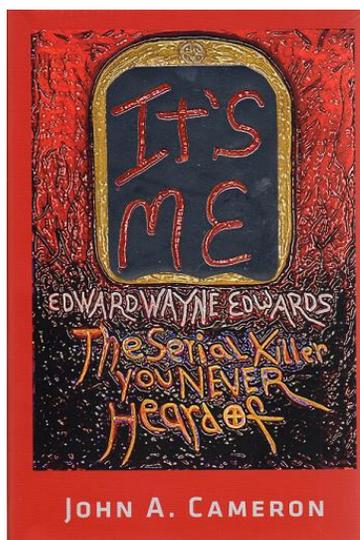


The Wrongful Conviction Of Barry A Beach



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Forward

In June of 1979, Kim Nees age 17 was brutally murdered in Poplar, Montana, a community of 800 people located on the [Fort Peck Indian Reservation](#) in the far northeast corner of the State of Montana.



Almost 4 years after the murder, 21 year old Barry Beach, a classmate of Kim Nees, confessed to the killing after a 3 day interrogation by police in Louisiana.



After his confession, Barry maintained his innocence but was found guilty at trial in 1984, and sentenced to 100 years hard labor without parole.

Barry has spent the last 32 years in Deer Lodge Prison claiming he was tricked and coerced into confessing. He has been trying to prove his innocence since 1983.

In November of 2014 a plea went out for Barry on Facebook:

November 10, 2014: POSTED ON FACEBOOK PAGE

Barry A. Beach #21520

Tonight Barry has asked for a request from supporters: Does anyone know a crime scene case profiler who may be willing to volunteer to do some work on this case in terms of profiling the

crime scene? Anyone who does please private message this page. Your assistance is deeply appreciated.

John A. Cameron, a retired Great Falls, Montana Police Detective, answered Barry Beach's request. He obtained the case file documents, court transcripts and official records and established a meticulous timeline of the last 48 hours of Kim Nees life.

The following timeline strengthens Barry Beach's stance that he falsely confessed to killing Kim Nees.

Introduction

Saturday, June 16th, 1979, 1:45 am, Poplar MT.

Kim NEES was murdered at the age of 17 in Poplar, Montana. Her body was found floating face up in the Poplar River west of town off of Highway 2. The area was known as the trestle and river bridge. It was a known meeting place for teens to park, swim and drink. Kim NEES had just graduated high school 2 weeks before she was killed and was the Valedictorian of her class.

The Kim NEES murder scene was discovered first, early Saturday morning at 4:00am. Police didn't respond to the scene until 7:15am. Kim had been dropped off at home 7 hours earlier at midnight by her 21 year old BOYFRIEND. Kim NEES had been out with her BOYFRIEND until midnight the night of her death, and left her house at 12:15 am, mad at her BOYFRIEND. She was last spotted at around 1:00 am, heading west towards the trestle and river bridge area by a witness named Kathleen MOE. She was never seen alive again.

Kim NEES was found at the trestle river bridge area Saturday morning at 7:15 am. She had been beaten in the face, head and shoulders, while sitting in her truck, dragged out, and beat again in the back of her head with a blunt rounded object as she lay on the ground. She was then

dragged 257 feet and thrown down a 20 ft. embankment into the Poplar River. Kim NEES had very few defensive wounds, mostly to the back of her arms and hands, and Dr. Pfaff, the pathologist who performed the autopsy, stated the attack was in fairly quick succession, with over 30 strikes to the face and head. The attack was frenzied and had the characteristics of being personal.

Early on in the investigation the boyfriend of Kim NEES became the primary suspect. He had dated Kim NEES at the time. FBI agent Brent Warberg, Sheriff Carpenter and Under Sheriff Dean Mahlum interviewed the BOYFRIEND twice, in 1979 and once again in 1983. The BOYFRIEND also testified at Barry Beach's trial as a hostile witness.

The BOYFRIEND and Barry Beach both took lie detector tests in 1979. The BOYFRIEND took 2 tests. Both Barry and the Boyfriend were primary suspects because one dated Kim NEES and Barry had dated Pam NEES, Kim's younger sister.

The BOYFRIEND was 21 years old and in college dating Kim NEES who was 17 and still in high school. Barry Beach was 17, dating Pam Nees who was 15.

Prior to her death, Kim NEES had an abortion in Glasgow, Montana and the BOYFRIEND found out about it. He thought the baby was his.

The FBI wrote thorough reports as did the two first responding BIA officers. There were over 10 law officers at the scene from 5 different agencies and nobody was placed in charge. Sheriff Dean Mahlum, who was the Under Sheriff in 1979, testified at Barry Beach's 1984 trial, that if the suspect or victim was white, the Roosevelt County Sheriff's Office would handle it. If they were Native American the FBI would handle the case. Barry Beach is Native American. Mahlum testified that the documents in the case were never assembled together from all the agencies involved until after Barry Beach's arrest and confession in 1983. In fact, during the

trial, The State turned over important documents to the defense, days into the trial. (Prosecutor Marc Racicot Testimony)

18 | the record. First of all, from Lt. Wilson, of the Roosevelt
 19 | County Sheriff's office, there are three -- no four, reports
 20 | that I believe would be classified as investigative reports
 21 | but they don't reflect the names or dates that are involved,
 22 | but I do want to make them available and I would like the
 23 | record to reflect that I am serving a copy of those particular
 24 | reports upon Mr. Moses; and also, I would also like the

Under Sheriff Dean Mahlum took part in some of the interviews in 1979. Those interviews were not transcribed, copied or furnished to him, until after Barry Beach's arrest and confession in 1983. Sheriff Dean Mahlum did not have all the information in the Kim NEES murder investigation prior to Barry's confession. (Prosecutor Marc Racicot Closing)

9 | evidence. You were further informed that it was quite unusual
 10 | for a prosecutor to stand up and say that the investigation
 11 | was all screwed up. Well it may be unusual, but that is the
 12 | truth, it was all screwed up. Just as Sheriff Mahlum testified.

It was the FBI'S 85 reports done by Agent Brent Warberg that were never shared with Roosevelt County Sheriff Dean Mahlum until after Barry Beach's arrest in 1983. Those reports documented Kim NEES and her BOYFRIENDS movements the days leading up to the murder, and the night it happened. Sheriff Mahlum testified in Barry's trial in 1984:

8 | Q Now in this particular case, the FBI generated
 9 | over 85 different documents, interviews and various reports
 10 | relating to this investigation?
 11 | A Yes sir.
 12 | Q And you didn't have those until shortly after
 13 | the defendant was apprehended, is that correct?
 14 | A That's correct.
 15 | Q And so there was no one really actually in
 16 | charge of this investigation, clearly pointed out as the
 17 | leader of this investigation from the very beginning?
 18 | A True.

The 85 FBI reports that Sheriff Mahlum did not have copies of contained information that led to another individual who had a motive to kill Kim NEES. The reports indicated Barry Beach was home asleep just as he has maintained, and had no motive or opportunity to kill Kim NEES.

The Kim NEES case went unsolved from 1979 until 1983. Nobody organized the case or took a fresh look during this time. Once Barry Beach confessed in 1983 and was arrested, tunnel vision took over and there was no looking back. The investigation focused on proving Barry Beach's confession, and they were having a hard time verifying it.

During the trial Prosecutor Marc RACICOT objected and attempted to discredit the 85 FBI reports done by FBI Agent Warberg. (Prosecutor Marc Racicot)

19 and which I could vouch for but I can't do that. Then we
20 talked about the statements taken by the FBI. More rank
21 speculation, and how they record their statements. What
22 happened here is that you go out, or the agent does, and
23 interviews people. That is not the witness's handwriting on
24 that statement, that is the FBI agent's handwriting, and so
25 when the witness tells the FBI something, he writes it down.

The 85 FBI reports and witness statements regarding the BOYFRIEND and his actions the night of the murder were damning, and the outcome of the Barry Beach trial may have been different had the jury heard all the evidence.

The Relationship

In the months before her death, Kim NEES was involved in a stressful relationship with her older BOYFRIEND. Kim NEES and her BOYFRIEND dated from sometime in 1978, until Kim NEES death, June 16th, 1979. The relationship was long distance because the BOYFRIEND

was attending college in HAVRE and was 21 years old. Kim NEES was still a senior in high school but graduated two weeks before her death. The NEES family and the BOYFRIEND'S family were neighbors, living on the West-Side of Poplar two houses apart. Poplar is a town of 800 people and about 1 square mile in size.

Prior to Kim NEES death, she had become pregnant while the BOYFRIEND was in college. Kim NEES had an abortion, and did not tell her father Harold Ted NEES. She did tell her mother Diane NEES, and her BOYFRIEND also knew. The BOYFRIEND thought he was the father of the child.

The BOYFRIEND received an anonymous letter just before returning to Poplar for the summer of 1979. The writer told The BOYFRIEND that Kim NEES was seen with other boys around town. (FBI Report)

Several weeks ago he got a letter while he was at school at Northern Montana College in Havre, Montana. This was an anonymous letter saying that KIM went out with TOMMY KIRN. He asked her about it and she admitted riding

On the day before Kim NEES death, she was caught by her BOYFRIEND out all night with another man named Steve SCHAGUNN.

The Timeline

The Timeline begins in May of 1979; one month before Kim NEES is murdered.

May, 1979. Havre, Montana: The BOYFRIEND was attending college in Havre. He received an anonymous letter letting him know his girlfriend Kim NEES had an abortion, and was seen with other men while he was away at college. (The FBI report)

He has been dating KIMBERLY ANN NEES for approximately one year, and they have been going on a steady basis for the last six months.

NORGAARD stated that he does know that KIM had an abortion some time ago in Glasgow, Montana. He stated that as far as he knows the baby was his.

Several weeks ago he got a letter while he was at school at Northern Montana College in Havre, Montana. This was an anonymous letter saying that KIM went out with TOMMY KIRN. He asked her about it and she admitted riding with KIRN and stated that she used to date KIRN. He stated that during this time, when he received the letter, he was residing with MARK DARRELL, who is from Great Falls, Montana, but is probably staying in Havre, Montana.

The Night Before the Murder

Thursday night, 9:00pm 1979, June 14th 1979: The BOYFRIEND had been home from college for two weeks. The BOYFRIEND was picked up at Poplar High School on his bicycle by Kim NEES. He had been riding around on his bike looking for her and found her at the high school. Kim had just graduated a few weeks before. (FBI Report)

NORGAARD stated that he had also been out with her on Thursday night. He had been out riding his bicycle when he ran into KIM in her pickup. He put his bicycle in the back bed of the pickup and they rode around until approximately 11:30 p.m. He was tired, so she drove him home.

See C3/conflicts

Thursday night, 11:00 pm 1979, June 14th 1979. Kim NEES and her BOYFRIEND drove around Poplar in her pickup until 11:00 pm. (1977 GMC) The BOYFRIEND said he was tired and had Kim NEES drop him off at home. NEES and her BOYFRIEND were neighbors, and lived 2 houses away from each other on the west side of Poplar, not far from the murder site.

Thursday night, 11:30pm. 1979, June 14th: Kim NEES went out after dropping off her BOYFRIEND, and drove around and got drunk with Steve SCHAGUNN. They drank Slo Gin together while parked. SCHAGUNN was dating Kim NEES' friend, Susie KIRN. The

BOYFRIEND was told by Kim NEES the day she was murdered, that she was out until 4:30 am with Steve SCHAGUNN. (FBI Report)

NORGAARD stated that after he picked KIM up that night, she told him that the night before, Thursday, June 14, 1979, she had been out with STEVE SCHAGUNN. She told him that she had gotten in that morning at approximately 4:30 a.m. NORGAARD stated that STEVE dates SUSIE KIRN. He stated that he had seen STEVE and SUSIE riding around Poplar, Montana, when he was with KIM on June 15, 1979.

The Day of the Murder

Friday aft, 5:30 pm 1979, June 15th: The BOYFRIEND saw Kim NEES pull up outside of her house in her pickup. The BOYFRIEND called her over while he was cleaning his car. (1973 Ford Mustang) (FBI Report)

NORGAARD stated that actually, on the afternoon, on June 15, 1979, at approximately 5:30 p.m., he was cleaning out his Ford Mustang. KIM drove to her house and got out of her pickup and he called her over to talk to him. She looked extremely tired and he brought this to her attention, and it was at this point that she told him that she had been out with STEVE and had gotten in at 4:30 in the morning.

Friday night: 6:30pm 1979, June 15th: After talking to Kim NEES, the BOYFRIEND and Kim NEES agree to go out together to the drive in movie theatre on the East end of town. Kim NEES told the BOYFRIEND to call her before he came over to pick her up. There was tension between the two because of the earlier confrontations and accusations of cheating.

The BOYFRIEND went downtown and bought a 6 pack of MILLER Beer at the Santee Store, and he purchased another 6 pack later on. Two full Miller beers were found at the scene

near the site of Kim NEES murder the following day. (The FBI Report)

He got ready and went downtown and bought a six pack of Millers Beer at the SANTEE STORE. He then went to the BOYFRIEND SMITHSON and talked with GARY ZIMMERMAN and
 A photo was also taken of a Millers bottle found in the grass up on the slope below the river bank.

Friday night, 7:30pm 1979, June 15th: On the way to pick up Kim NEES for their date, the BOYFRIEND ran into Susie KIRN, Steve SCHAGUNNS'S girlfriend, the man Kim had been with the night before. The BOYFRIEND tells Susie KIRN. (The FBI report)

NORGAARD stated that he did see SUSIE KIRN before he picked KIM up to go to the movie. SUSIE was with another girl, and they wanted GREG to buy them some beer. He purchased one-half case of bottled Bud Weiser for them. At this time, SUSIE and her friend were in SUSIE's blue and white Ford Bronco. At this time he asked her if she had heard about KIM going out with STEVE, and KIRN acted very surprised. At first she did not believe what he was telling her.

He stated that he flagged them down and told SUSIE, "Did you hear who KIM was with last night?" She asked who and NORGAARD told her, "STEVE." She told him not to lie to her, and he told her that this was the truth. He also told her, "I'm pissed a little."

Friday night, 8:30pm 1979, June 15th: The BOYFRIEND picks up Kim NEES at her house in his Ford Mustang. They drive to the drive thru movie theatre on the east end of town and drink MILLER Beer. The BOYFRIEND and Kim NEES are seen together by Steve SCHAGUNN and Susie KIRN who are also together driving around Poplar. The BOYFRIEND describes what he did that night to Sheriff Carpenter and FBI agent Warberg.

GREG NORGAARD, Poplar, Montana, was advised of the identity of the interviewing Agent. He is aware of the identity of Roosevelt County Sheriff DONALD L. CARPENTER. He furnished the following information:

He has been dating KIMBERLY ANN NEES for approximately one year, and they have been going on a steady basis for the last six months.

On the night of June 15, 1979, he picked KIM up about 8:30 p.m. and they went to the drive-in movie. After the movie they drove around for awhile, then he brought her home, arriving there at approximately 12:00 midnight or 12:30 a.m.

After leaving KIM off, he drove to the LEGION CLUB. He did not walk her up to the door. When they arrived at the NEES home, the NEES's' 1977 GMC Pickup was parked there at the time. When he let KIM out, she did not mention that she was going any place else, and he thought that she would probably stay at home.

Friday Night, 9:00pm, June 15th, 1979. Kathleen MOE see's the BOYFRIEND and Kim NEES together.

MOE continued that at approximately 9:00 p.m. or a little after, but she knows that it was before the movie started, she saw GREG NORGAARD and KIM NEES in NORGAARD's white over maroon Mustang. They were driving through town. She stated that she saw them again after the movie approximately 12:15 a.m., and they were still driving.

She was driving around town and at about 12:45 a.m., she sat KIM in KIM's pickup parked at the EXXON STATION. KIM was alone at the time and was the only one parked there. She was there for approximately ten or fifteen minutes.

MOE related that when she drove by the LEGION between 12:30 and 1:00 p.m., she observed GREG NORGAARD's car parked there. She saw GREG's car parked at the LEGION before she observed KIM parked at the EXXON STATION.

Friday night, 9:30 to 11:30pm 1979, June 15th: The BOYFRIEND and Kim NEES spent two and a half hours at The Chief Drive-In Movie Theatre on the east end of Poplar. When asked in his interview what they talked about the BOYFRIEND states: (The FBI report)

He picked up KIM NEES at approximately 8:30 p.m. and they drove around for awhile and drank a beer or two. He actually had two beers and KIM had one. He stopped and got another six pack, then they went to the drive-in movie, arriving at approximately 9:00 p.m. They waited for some time, about fifteen or twenty minutes, before the movie began. During this time, they talked a little with the conversation being general, just about the day's activities. He never mentioned her going out Thursday night.

When the movie was over at approximately 11:30 p.m., they drove around for about one-half hour, then he took her home and told her that he was going to the LEGION CLUB. She asked if he was mad at her, and he replied, "No."

Friday night, midnight, 12:00am, 1979, June 15th: The BOYFRIEND drops Kim NEES off at home and states in his interview: (The FBI report)

He stated that he wanted to go to the LEGION CLUB, so he did. She thought he was mad at her, when he said he was going to the LEGION CLUB, and she replied, "All right." He let her out after parking behind her pickup at her house. He did not walk her to the door, as he was still kind of hurt. This was at approximately 12:00 midnight.

Saturday morning, 12:15 am, 1979, June 16th: Legion Club: The BOYFRIEND had dropped Kim NEES off at home and gone out by himself to the American Legion Club. He had already purchased two 6 packs of Miller Beer and was headed to the bar to drink more. The BOYFRIEND ran into his mother, father and brother, at the bar. (The FBI report)

there. He stayed at the LEGION CLUB until about 1:30 p.m., then left alone. His parents were also at the LEGION CLUB and they left at approximately 1:00. His brother, KEN, was at the LEGION CLUB and stayed after he left.

Saturday morning, 12:15am, 1979, June 16th: Kim NEES left her house in her GMC pickup and she was mad. She told her sister Pam NEES she was upset at her BOYFRIEND: (Court Testimony Pam NEES)

1 Q Do you know what she was upset about?
 2 A Yes.
 3 Q And what was she upset about?
 4 A About her boyfriend.
 5 Q And who was her boyfriend?
 6 A Greg Norgaard.
 7 Q Who?
 8 A Greg Norgaard.
 9 Q Greg Norgaard?
 0 A Yes.
 1 Q I take it they had some argument or controversy?
 2 A Yes.
 3 Q Do you know what it was about?
 4 A Yes.
 5 Q What was it about?
 6 A She wanted to go into the bar and she couldn't.
 7 Q And there was also something about her staying
 out until 4:30 the preceding night with another boy, that was
 their argument, wasn't it?
 8 A Well I don't know.

Saturday morning, 12:30 to 1:00 a.m. June 16th: Steve SCHAGUNN and Susie KIRN (boyfriend-girlfriend) see Kim NEES parked at the Exxon Station in POPLAR, alone in her 1977 GMC truck as if she is waiting for someone. NEES had left her house after being dropped off by her BOYFRIEND. When she left she was mad. NEES had had been out with Steve SCHAGUNN the night before. Susie KIRN confronted SCHAGUNN and he stated: (The FBI Report)

In the pickup SUSIE told him that GREG NORGAARD had said that he, STEVE, was with KIM NEES the night before and he had taken her home at 4:30 a.m. She told him that NORGAARD acted like he was mad and told him that NORGAARD had "tore off" in his car.

Saturday morning, 12:45am, 1979, June 16th: After seeing Kim NEES at the EXXON station, Steve SCHAGUNN and Susie KIRN leave town and drive back to KIRNS house. They see Kim NEES parked alone and her BOYFRIENDS car at the Legion Club.

SCHAGUNN continued that he saw KIM NEES and GREG NORGAARD that night at about 9:00 or a little after in NORGAARD's Mustang. Later they saw KIM NEES parked at the EXXON STATION in her pickup. She was alone and he estimated the time to be around 12:30 or 1:00 a.m. They also observed NORGAARD's car parked at the LEGION CLUB at about 1:00 or 1:30 a.m.

Saturday morning, 1:00am: 1979, June 16th: Kathleen MOE sees Kim NEES driving her pickup West on Highway 2 near the high school and bus barns. (Near area where killed) MOE states it appears Kim NEES was going to meet someone west of town. MOE was the last person to see Kim NEES alive as she was heading out to the river bridge area on highway 2, following several cars. MOE saw NEES just an hour earlier at the EXXON Station. (FBI Report)

At about 1:00 a.m., she was traveling west on Highway #2 and she saw KIM's pickup two cars ahead of her. She turned at the school bus garage and KIM continued on. The car in the middle also turned. There were a couple of cars in front of KIM, but she did not recognize them nor did she recognize the car immediately in front of her.

When KIM NEES went on, MOE stated that it went through her mind that KIM was going to meet someone.

She related that SUSIE KIRN and KIM NEES are not good friends, but their families are very close. She described SUSIE KIRN as a very jealous individual and stated that SUSIE is better friends with KIM's sister, PAM, than with KIM. SUSIE dates STEVE SCHAGUNN.

SUSIE KIRN and STEVE were together Friday night after 12:00 and she saw them just before 1:00 a.m.

Regarding NORGAARD, she stated that on the outside she did not think that he would let his feelings show, although she does not know what his inner feelings would be. She stated that she does not know if NORGAARD has any extremely close friends.

Saturday Morning, 1:30 to 2:30 a.m. 1979, June 16th. Kim NEES was killed between these hours according to autopsy, pathologist testimony and eye witness accounts.

Saturday Morning, 1:30, a.m. 1979, June 16th: The BOYFRIEND tells FBI and Sheriff Mahlum that he left the bar at 1:30am: (Bar time of 1:30 equals real time of 1:15) (The FBI report) He stayed at the LEGION CLUB until about 1:30 p.m.,

After leaving the LEGION CLUB, he drove around town a few times and had a feeling that KIM would be out. When her folks are gone, she generally goes out, and her folks were at the LEGION CLUB. He drove by KIM's house about 2:00 a.m., or shortly thereafter, and noticed that KIM's pickup was gone. He drove around some more looking for her, then called her mother between 2:00 a.m. and 2:45 a.m. He called from a pay telephone by the motel in Poplar. When KIM's mother answered, he wanted her to see if KIM was home, as he did not want to drive by the house any more, as his car was too loud.

Going back to his activities on the night of June 16, 1979, NORGAARD stated that he left the LEGION CLUB at approximately 1:30 a.m. He drove by his home, which is located two houses from the NEES residence and noticed that the NEES pickup was gone. This was at approximately 2:00 a.m. Since the pickup was gone, he assumed that KIM was also gone, so he drove to a pay telephone and called KIM's mother to see if KIM was home. Mrs. NEES replied that KIM was not there and asked him to look for her. NORGAARD advised that he drove around for approximately one-half hour, but did not see KIM, so he drove home, arriving there at approximately 2:30 or 3:00 a.m.

During the time that he was driving around looking for KIM he did not see STEVE nor SUSIE.

Saturday morning, 1:30a.m. 1979, June 16th: The BOYFRIEND states he drove by Kim NEES house and saw that her truck was gone and she was out. The BOYFRIEND minimized his anger when interviewed. *"I drove around looking for her until 2:45,"* but then admitted in interviews later, to being mad and hurt about Kim NEES being out all night with Steve SCHAGUNN.

Saturday morning, 1:45am 1979, June 16th: The BOYFRIEND made an oddly timed telephone call to Kathleen MOE, the last person to see Kim NEES alive 45 minutes earlier. The BOYFRIEND states he made the call from a payphone near the Fort Peck Hotel which is across the street from the EXXON Station where Kim NEES was seen waiting for someone. Kathleen MOE'S father answered the phone, confirming the time 1:45am, and awoke his daughter. (The FBI report)

During the early morning hours of June 16, 1979, her father woke her up about 1:45 a.m. and stated that she was wanted on the telephone. She inquired who the caller was and he told her "GREG".

NORGAARD never did say why he had called and their conversation was extremely casual. He told her that he had gotten her telephone number from information and inquired if she had gone to the movie.

The Alibi is established by the BOYFRIEND

Saturday morning, 2:00 a.m. 1979, June 16th: After calling Kathleen MOE at 1:45 am while she was sleeping, The BOYFRIEND of Kim NEES then calls Kim NEES mother Diane. The

BOYFRIEND had seen Diane at the Legion Bar 2 hours earlier. The BOYFRIEND tells the FBI he called from the payphone of the Fort Peck Hotel. (The FBI Report)

After leaving the LEGION CLUB, he drove around town a few times and had a feeling that KIM would be out. When her folks are gone, she generally goes out, and her folks were at the LEGION CLUB. He drove by KIM's house about 2:00 a.m., or shortly thereafter, and noticed that KIM's pickup was gone. He drove around some more looking for her, then called her mother between 2:00 a.m. and 2:45 a.m. He called from a pay telephone by the motel in Poplar. When KIM's mother answered, he wanted her to see if KIM was home, as he did not want to drive by the house any more, as his car was too loud.

Mrs. NEES (DIANE) answered the telephone and said that KIM was not home and asked him to look for her. He drove around town, then to the park, then on the Indian highway, but did not see her, so he went home, arriving at approximately 2:45 or 3:00 a.m. He went right in and right to bed.

He still felt that KIM was out driving, although he was not worried, and he did not think that it was necessary to call Mrs. NEES back and tell her he had not found KIM. During this time he was in his Mustang.

The next morning his father woke him up and said DIANE NEES had called and said that KIM had been found dead.

1979, June 16th, Saturday morning, 1:45-2:00am. The BOYFRIEND had made 2 phone calls, apparently from a pay phone by the "Fort Peck Hotel" in Poplar. He made the calls to Kathleen MOE, a witness who saw several cars following Kim Nees, and the last person to see Kim NEES alive. Moe saw NEES at around 1:00a.m. headed towards the area she would be killed. In the phone call to MOE, The BOYFRIEND never mentioned Kim NEES and MOE felt it was strange. The BOYFRIEND then made a call to Kim NEES mother Diane, concerned that Kim wasn't home, and telling Kim's mom he would go look for her yet she wasn't missing.

OPINION: Why didn't the BOYFRIEND stop by Kim NEES house, which he said he had just driven by to see if she was home? Instead he spent money and used a pay phone further away to call the victim's mother. The BOYFRIEND claims he didn't want to drive by the NEES house because his car was too loud. But the BOYFRIEND lived next door, and would have had

to drive by the NEES home to go home. The BOYFRIEND said he left the bar at 1:30am. (1:15 bar time) Witnesses place him there at 1:00am. Kim NEES was parked at the EXXON in her pickup waiting for someone at 1:00am. The BOYFRIEND left the bar and drove around looking for Kim NEES from 1:15 until 3:30 a.m. and claims he never found her.

Kim NEES was killed within the hour of the BOYRIEND looking for her. Did Kim NEES break off the relationship with the BOYFRIEND? (Time of death 1:30-45)

After Kim NEES was killed, the BOYFRIEND called 17 year old Kathleen MOE while she was asleep, waking up her father also. MOE was the last person to see NEES alive at 1:00am heading towards the trestle. Why did the BOYFRIEND need to talk to MOE at 1:45A.M?

According to Kathleen MOE, the BOYFRIEND sounded calm during the call and the conversation was casual. (FBI Report)

NORGAARD never did say why he had called and their conversation was extremely casual. He told her that he had gotten her telephone number from information and inquired if she had gone to the movie.

Was The Boyfriend in the area of the murder?

1979, June 16th, Saturday morning, 2:00am: Two people see the BOYFRIEND driving down highway 2 in his Mustang and passing them on the right. Greg GOURNEAU and Darrel TRUEBLOOD are driving down highway 2 and see Kim NEES BOYFRIEND in his Ford Mustang, alone near the high school and EXXON station. The BOYFRIEND passes GOURNEAU and TRUEBLOOD illegally on the right side, and turns into Poplar High School. (FBI Reports)

At approximately 2:00 a.m. on morning of June 16, 1979, he was driving around in his Chevy Van with DARRELL TRUE BLOOD. They were headed west on Highway #2, just riding around. About this time, GREG NORGAARD passed them in his white over red Mustang Convertible. He passed them on the right and took the first turn-off to the right at the bottom of the hill by Poplar High School. They kept traveling west on Highway #2 and saw him no more.

GOURNEAU stated that he believes at approximately 11:00 p.m., on the night of June 15, 1979, he saw KIM NEES driving around in her green pickup. She was alone. He only saw her that one time, as he passed her on Highway #2.

Saturday Morning, June 16th 1979, 2:00-2:30 am: Joel Sparvier and his mother live above the Train Bridge area on a bluff, and hear screams and dogs barking. Joel left his home after hearing the dogs and drove to the east end of town. On the way, he saw the BOYFRIEND driving his Ford Mustang near the EXXON station, which is across from the high school, where the BOYFRIEND had been spotted earlier, pulling in and passing another car on the right. Joel and Mrs. Sparvier testify in court. (Barry Beach Court Transcript)

9 Q I understand that you were sick at the time.
 0 Now do you remember an FBI agent by the name of Warbert
 1 who interviewed you and did you say to him that you may have
 2 heard screams for help coming from the area of the river bridge?
 3 A I did hear screams, but I really don't know
 4 if it was from down there or from the front of the house.
 5 Q You couldn't tell if this was coming from
 6 the river bridge area?
 7 A Well I thought that it did, yes.
 8 Q Now, Mrs. Sparvier, to be sure that I understood
 9 you, you say that you thought that these screams for help was
 0 coming from the river bridge area?
 1 A Yes.
 2 MR. MOSES: Thank you, Mrs. Sparvier.
 3

20 Q And so you came out of your house, drove past
 21 the Exxon station and you seen Greg Norgaard's mustang and
 22 you went on over to the east of -- on the east side of Poplar?
 23 A Yes.
 24 Q And you did see at that time, Greg Norgaard and
 25 his Mustang turn around there at the Exxon station, is that it?
 1 A Yes.
 2 Q And so it could have been just a matter of
 3 minutes after you heard the dogs barking until you saw Greg
 4 Norgaard?
 5 A Yes.
 6 MR. RACICOT: Nothing further.
 7

During Barry Beach's trial, Prosecutor Marc Racicot confronted Barry Beach's attorney
 Timer Moses about attempting to put the murder on Kim NEES BOYFRIEND The Judge
 discredited the theory.

4 MR. RACICOT: Are you trying to present him as a possible
 5 suspect to this crime, is that your point? Is he to be
 6 suspected of this along with Goose Kirn.
 7 MR. MOSES: Of course.
 8 THE COURT: I think that is kind of
 9 wild.

In his closing statement, Prosecutor Marc Racicot gave the BOYFRIEND an "Absolute
 Alibi," in front of the jury. (Marc Racicot Rebuttal)

1 absolute alibi defense for Greg Norgaard. He said he saw
2 him within minutes after he heard the screams in the park
3 area, if he heard the screams, so all of that testimony
4 illustrated, on the cross examination of the state's witness
5 and Joanne Jackson, and there was Joel Sparvier and there
6 was Maybelle Sparvier, even though by good intentions, that
7 testimony illustrated just how the rumor mill in a small
8 town operates. One rumor stacked on top of another rumor.

In the Barry Beach trial Prosecutor Marc Racicot questioned the credibility of the actual witnesses interviewed by the FBI. Their testimony was damning against the BOYFRIEND. The JUDGE sided with Prosecutor Racicot in most objections regarding this issue.

1979, June 16th, Saturday morning, 2:00am until 3:00am. The BOYFRIEND states in his FBI interview that he drove around POPLAR looking for Kim NEES from 1:30 until 3:00 am. He furthered he had never seen her since midnight when he dropped her off at home.

Poplar, Montana is about one square mile in area, and 810 people in population. The BOYFRIEND was spotted several times during the night, from 9pm until 2:30am, and last seen driving around the area Kim NEES was last seen parked. Barry Beach was never seen by anyone during this time frame.

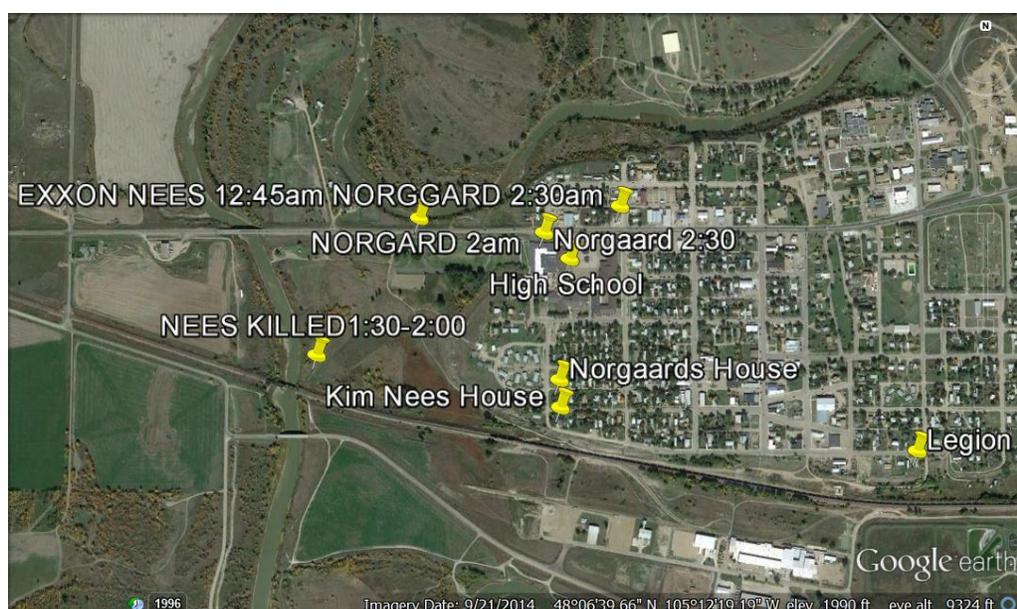
During his testimony in the Barry Beach trial, the BOYFRIEND said he drove around Poplar for 3 hours and claimed he never saw Kim NEES. 5 people saw the BOYFRIEND from 1:30 until 2:30 all over the West end of Poplar, where Kim NEES was killed. Nobody saw Barry Beach.

In the 85 FBI reports obtained by Sheriff Mahlum after Barry Beach's false confession and arrest, there is no mention of anyone seeing him the late night of Kim NEES murder. The

evidence suggests he was in bed just as he had said from the beginning. His car was stuck in the sand on a beach on the opposite end of town from where Kim Nees was killed.

The BOYFRIEND was spotted with the victim all night by several people and in the area of her killing. Besides her sister PAM, the BOYFRIEND was the last person to be seen with Kim NEES.

The yellow pins on the map represent the sightings of the BOYFRIEND and Kim NEES the night of her death. (Google Earth 1996 View of Poplar Montana)



The last sighting of the BOYFRIEND was around 2:30 am at the EXXON station doing a U-Turn in his car. Kathleen MOE was the last person to see the victim Kim NEES alive at the EXXON Station, and then saw her headed out Highway 2 West at about 1:00am.

The BOYFRIEND gave several versions as to why he called Kathleen MOE at 1:45 am. (From FBI Report)

NORGAARD never did say why he had called and their conversation was extremely casual. He told her that he had gotten her telephone number from information and inquired if she had gone to the movie.

After he first called Mrs. NEES, he did call KATHRYN MOE. He just wanted to talk to her, as he used to date her. He asked her if she wanted to come out and drink some beer. He was a little drunk at the time.

Going back to call to KATHRYN MOE, he did ask her to go out and wanted to do this to get even with KIM.

The BOYFRIEND did not keep his story straight as to what time he left the bar, and why he called Kathleen MOE at 1:45 am. He stated he had gone out with her and asked her out before. According to MOE they never dated, he never asked her out, and he had never called her before.

The BOYFRIEND Testifies

1984, February 12, Wolf Point, Montana. In Barry Beach's trial, the BOYFRIEND was forced to testify as a hostile witness about the phone call he had made to Kathleen MOE. Timer Moses, Barry Beach's defense attorney called the BOYFRIEND to testify about his actions on the night of Kim NEES murder. The phone call the BOYFRIEND made to Kathleen Moe was suspicious and out of character. Prosecutor Marc Racicot was concerned about the testimony and objected.

(Court Transcript)

10 | Q | Did you make any other phone calls that morning?
 11 | A | Yes.
 12 | Q | Who did you call?
 13 | A | Skule Moe residence.
 14 | Q | What was the purpose of that call?

2 | MR. RACICOT: Your Honor, I believe his answer to that
 3 | question is that he was going to invite Catherine Moe out on
 4 | a party and I just don't see any relevance in this line of
 5 | questioning and he seems to be getting further and further
 6 | afield, and so our objection is basically irrelevant.

The BOYFRIEND had told several stories to the FBI as to why he called Kathleen MOE at 1:45 am in the morning. At first he stated "I just wanted to talk. Then he stated, "I used to date her." These two statements were false. The BOYFRIEND actually had to use an operator on a pay phone at 1:30 am in the morning to obtain Kathleen MOES phone number because he had never called her before. (FBI Report 1979)

After he first called Mrs. NEES, he did call KATHRYN MOE. He just wanted to talk to her, as he used to date her. He asked her if she wanted to come out and drink some beer. He was a little drunk at the time.

NORGAARD stated that he never did go to the train bridge in the past except to swim. He was out there approximately one week ago shooting a pistol and that has been the only time he has been there this summer.

NORGAARD never did say why he had called and their conversation was extremely casual. He told her that he had gotten her telephone number from information and inquired if she had gone to the movie.

NORGAARD has never called her before. During this call he appeared sober and they talked for approximately ten minutes. He did tell her that he had been to the LEGION CLUB and had seen a fight.

In the interview, the BOYFRIEND at first distances himself from being out by the train bridge area where Kim NEES was killed, but in the next sentence he admits to shooting a gun there a week before the murder.

Prosecutor Marc Racicot objected to some of the BOYFRIENDS testimony but lost the objection to the question posed: *“What was the purpose of calling Cathy MOE?”*

The BOYFRIEND was forced to answer

23 Q What was the purpose of calling Cathy Moe?
24 A To ask her to go out.
25 Q You wanted her to go out that evening?
1 A Wanted to ask her if she wanted to go out, she
2 parties quite a bit.
3 Q You wanted to go out with her night, that
4 early morning?
5 A Yes.
6 Q Did she agree to go out with you?
7 A No.
8 Q Where did you go after that?
9 A I drove around a little while and then went home.
10 Q I take it that you were driving around Poplar,
11 Montana from 1:30 A.M., until around 3:00 o'clock A.M., or
12 afterwards?
13 A Yes, something like that.
13 Q Now you said that Cathy Moe likes to party a
14 lot?
15 A Yes.
16 Q Had you gone out with her before?
17 A Yes.
18 Q So that you called her to see if she wanted to
19 go out that evening?
20 A Yes.
21 Q And that was after you had gone to the Legion
22 Club?
23 A Right.
24 Q Now you stated on direct examination that your
25 relationship with Kim was that you were going with her ---

The BOYFRIEND was asked under oath about what time he left the legion Club. He gave different answer in two previous interviews back in 1979. The BOYFRIEND had left the

bar 1:15-1:30am and Kim NEES was killed between 1:30 and 2:30 a.m. (The BOYFRIEND

1984 Testimony)

1	A	Yes.
2	Q	And how long did you stay there?
3	A	Until it closed.
4	Q	And what time did it close?
5	A	Close to two o'clock I guess.
6	Q	Pardon?
7	A	Close to two o'clock.
8	Q	And then where did you go?
9	A	Drove around.
0	Q	And did you drive by Kim's house?
1	A	Yes.
2	Q	And what time was that?
3	A	Right shortly after two.
4	Q	What did you see there?
5	A	Nothing, the pickup wasn't there.

The BOYFRIEND distanced himself from the time frame that Kim Nees was killed.

(1:30-2:00) The BOYFRIEND told the judge and jury he left the Legion at 2:00am when in fact he left at 1:15 to 1:30. On the stand, he stated that after leaving the Legion Bar, he drove around looking for Kim NEES in a 4 square mile area of Poplar.

13 Q And all this happened during a period of thirty
 14 five or forty minutes after you left the Legion Club?
 15 A Yes.
 16 Q And where did you go during all of that period
 17 of time?
 18 A Drove around, looking for her.
 19 Q Where did you look?
 20 A Oh in about a four mile square, -- there used
 21 to be a road on the other side, where you go along the Indian
 22 Highway.
 23 Q Were you on Highway 2 at any time?
 24 A Yes.

In his interviews with FBI in 1979, the BOYFRIEND repeatedly told them he left the bar at 1:30. (FBI report)

He stayed at the LEGION CLUB until about 1:30 p.m.,

3-3:30 am, Saturday 1979, June 16th: The BOYFRIEND, in an interview with FBI, claims he went home and went to bed 3 to 3:30 a.m. A loud suspicious truck pulled up in front of the BOYFRIEND'S house at 3:30 am. It is unknown who was in it. The complainant was Johnny McClammy. (FBI Report)

He talked to JOHNNY McCLAMMY. McCLAMMY had a tractor parked in front of his house, and he got up to check it and looked out the window and saw a pickup pull up to the NORGAARD house. He looked at two clocks, one in each room, and one said 3:35 a.m. and the other said 3:45 a.m. He said the pickup had loud mufflers and some sort of rack or bar on the back.

This was as far as he could see, and he saw no individual get in or out of this pickup.

The BOYFRIENDS Mustang had a loud muffler. Many saw the BOYFRIEND in his MUSTANG after 1:30am, the night Kim NEES was killed.

Dr. Pfaff testified that Kim NEES was in the water less than 6 hours when removed. She was found at 7:15am. This would put the time of her death around 1-2am based on eyewitness MOE and Dr. Pfaff's testimony.

15 | Q I take it then when you are talking about the
16 | time of death, that there was nothing in your examination
17 | that could fix the time of death closer than within twenty-
18 | four hours, that would be the best general judgement that you
19 | would have?
20 | A Yes, except I believe she was probably in the
21 | water less than six hours but dead less than twenty four.

Time of death 1:30-2:30 a.m. This is the time frame the BOYFRIEND left the bar looking for Kim NEES, Nees left her house mad and looking for her BOYFRIEND, people heard screams, others heard whispering, dogs were heard barking, and the BOYFRIEND was seen driving near the area by two people.

Telephone calls made 1:45-2:30am. The BOYFRIEND then made 2 calls. One to the last person to see KIM NEES alive, and the other to Kim's mother after Kim was already dead. The BOYFRIEND established an ALIBI for 1:30 to 2:00, the time of death, by making the phone calls and testifying at Barry's trial that he left the bar at 2:00 a.m. Prosecutor Marc Racicot gave the BOYFRIEND and absolute alibi at Barry's trial.

Saturday June 16th, 1979. Poplar, Montana: FBI agent Brent Warberg interviewed the BOYFRIEND 12 hours after Kim NEES was killed. Agent Warberg had the BOYFRIEND take 2 polygraph tests. (The BOYFRIEND testimony Barry Beach Trial)

1 Q Nor Norgaard, you were also question quite
2 extensively concerning the death of Kimberley Ann Nees, were
3 you not?
4 A Yes.
5 Q Over and over again?
6 A Yes.
7 Q And your fingerprints were taken, were they
8 not?
9 A Yes.
10 Q And you were questioned by a number of different
11 individuals, correct?
12 A Yes.

The BOYFRIEND admitted he took 2 lie detectors back in 1979. The admission was made in a letter he sent to the Montana Board of Pardons and Parole, opposing Barry Beach's release. In 2013

The BOYFRIEND sends a letter to the parole board



CITY OF POPLAR

P.O. Box 630 Poplar, MT 59255 (406) 768-3483 (406) 768-3422

State of Montana
Date Received

OCT 11 2013

Board of Pardons
and Parole

October 9, 2013

Montana Board of Pardons and Parole
Attn: Fern Osler Johnson, Executive Director
1002 Hollenbeck Road
Deer Lodge, Montana 59722

Members of the Montana Board of Pardons and Parole,

I cannot believe the media and ministry group can persuade the Montana Justice System the way they have.

I have lived in Poplar, Montana for 56 years. I was dating Kim Nees at the time of her death. I even took two lie detector tests and passed them regarding her murder.

When Barry confessed to the murder of Kim he was asked numerous times if he was coerced, and he said no. That should have been the end of it right there.

Then this Centurion ministries group came to town and started pointing their fingers at 4 girls, 20 years after the fact. Don't you think Barry would have said something about these girls then?

This ministry group came to my house and lied to me and my wife on Beach's behalf. They then get 20/20 to come to town and take pictures of this shattered town and create a story with the perfect background for a murder.

what justice has the victim, Kim Nees and her family had? None! This case has never gone silent for the 30 years he's been found guilty, he has harassed her loved ones with this nonsense.

My wife, Billie McClammy Norgaard, was Kim's best friend at the time of her death. It devastated the both of us. We were even accused by this Centurion Ministry group for a time. Where is our justice?

Dean Mahlum said it best, "Barry put himself where he is" and that's exactly where he should stay for the public's best interest.

Let me encourage you to stay with your decision of placing Barry Beach back in prison to serve out his time without the chance of parole. Please give closure to Kim's mother and loved ones. You made the right decision! He should have never walked out of prison even for 18 months!

I am a busy person as Mayor of Poplar and Transportation Director for the Poplar Schools, and unlike the previous Mayor of Poplar, Jerry "Dallas" O'Conner, I am not looking for publicity and I do not believe Beach is innocent! but if you need to talk to me I will find the time. You can reach me on my cell phone [REDACTED] or my home phone [REDACTED] after 5:30.

Respectfully,

Greg D. Norgaard, Poplar Mayor and Transportation Director

BOARD OF PARDONS AND PAROLE
CONFIDENTIAL - DO NOT RELEASE

Inmate or third party privacy interest - individual privacy clearly exceeds the merits of disclosure
 Penological interest - legitimate penological interest is served by nondisclosure

June 16th 1979. The **BOYFRIEND** became a suspect to law enforcement immediately. Law enforcement felt Kathleen MOE, the girl the BOYFRIEND had called, was an important witness in the case and she was hypnotized. They were hoping Kathleen MOE could identify the cars or

individuals she saw near Kim NEES just before Kim was killed. She was never able to give a clear description of what she saw. Kathleen MOE did not testify at the Barry Beach trial.

1979, June 16th, Saturday, 4:00 am: Deputies drive by Kim NEES truck parked near the trestle area but don't check on it. They don't know she is already dead in the river.

1979, June 16th, Saturday, 7:30 am: Deputies return to the river bridge around 7:15am when they still see Kim NEES 1977 GMC truck parked. They find the truck with blood along the passenger side. Kim's purse and jacket are lying under the passenger door, knocked out during the struggle. The positioning of Kim's truck suggests she had pulled in to the area, and drove off the roadway, possibly alongside another car she was meeting. There was a 9ft 2 inch gap between the truck passenger door and the crescent shaped blood pool across the road. (< indicates blood)



A Personal Killing of Rage

A diagram of the scene is done, and the yellow indicates Kim NEES truck. The pool of blood deputies spotted is visible in the foreground across the driveway from the truck. Kim was drug out the passenger door and beat in this area. The blood is in a crescent shape pattern, and began at the beginning of the drag trail when she was dragged from her truck to the river.

The FBI report on the palm prints of the BOYFRIEND, Kim NEES, Barry BEACH and Pam NEES suggests the latent palm prints for comparison did not contain the entire area of the palm

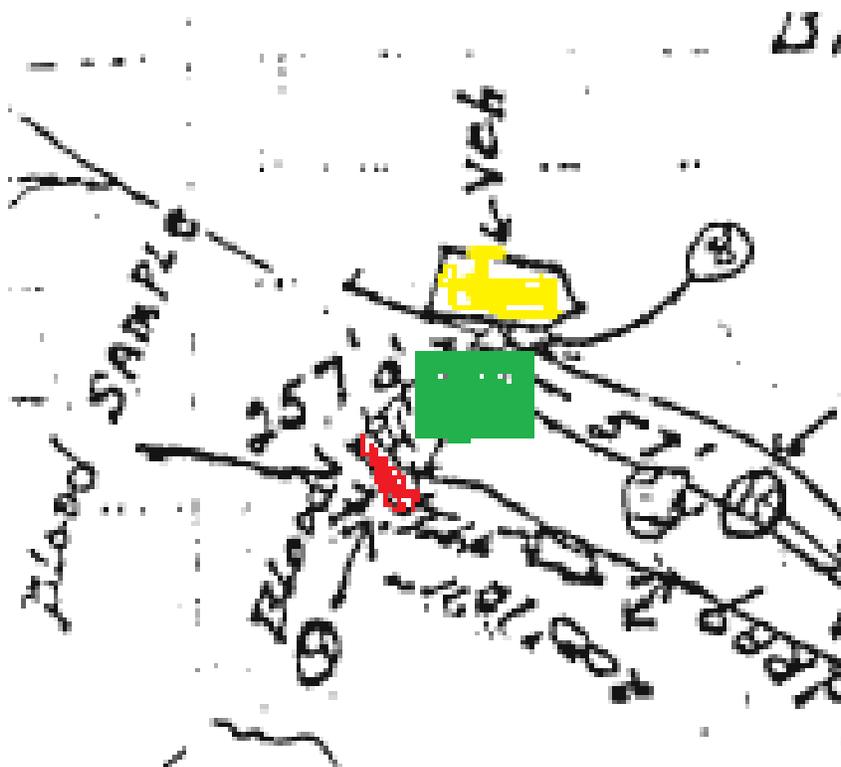
~~The remaining latent fingerprints are not identical with the listed inked fingerprints.~~ The remaining latent palm prints were compared with the listed inked palm prints, but no additional identifications were effected. Conclusive comparisons of these latent palm prints could not be conducted, as some areas are not completely legible or fully recorded.

Prosecutor Marc Racicot confirmed in his Rebuttal that the results of the FBI palm print examination were inconclusive because of a poor job of obtaining the palm prints. (Prosecutor Marc Racicot)

9 | evidence. You were further informed that it was quite unusual
 10 | for a prosecutor to stand up and say that the investigation
 11 | was all screwed up. Well it may be unusual, but that is the
 12 | truth, it was all screwed up. Just as Sheriff Mahlum testified.
 13 | Not ignored, but screwed up, and therefore the palm prints
 14 | which were compared has no probative value. Why? Because of
 15 | the fingerprints that were taken of Kimberly Nees, after the
 16 | autopsy, they were ^{not} taken correctly, but they were not complete,
 17 | and no comparisons could be made, and ---

The bloody palm print was most likely left as the killer pulled Kim NEES out of the truck and laid her down on the ground, closing the door. It could be hers or the killers. Better quality prints of Kim NEES can no longer be obtained. The BOYFRIEND is still alive and better prints could be obtained if the comparisons were inconclusive.

Kim NEES was carried across the driveway and the blood began to pool, which I have indicated in RED on the diagram. The YELLOW is Kim's truck. The killer appears to have walked around another car, which would have been next to Kim NEES truck, parked on the passenger side and to the front. (Green added for Car)



Officers took measurements, and the blood pool was 9ft, 2 inches across the road from the passenger door of Kim NEES truck. This indicates a car may have been parked alongside Kim NEES truck as she was carried out the passenger door. The suspect car was at least 9ft 2'' wide or 110 inch wheel base. The BOYFRIENDS 1973 Ford Mustang has a 109''wide wheel base. (Source Ford Motor Company 1973 Mustang Wheel Base)

The autopsy indicated 2 possible weapons, both causing crescent or lunar shaped wounds with abraded edges. Kim NEES was killed in a frenzied style. Dr. Pfaff, when asked how many times Kim NEES was struck stated:

1 A More than thirty. ✓
 2 Q And this would describe, in your opinion,)
 3 Doctor, a sort of frenzied striking of the victim?
 4 A It could. ✓
 4 Q Doctor Pfaff, I believe you have indicated that
 5 most of the injuries that Kimberley Ann Nees sustained, were
 6 to the head and neck area, with the exception of some wounds
 7 on the hands?
 8 A Yes.

Dr. PFAFF stated in court, and in his autopsy report. There were "Lunar" shaped wounds to her face and head, which could have been caused by a tire iron, a crescent wrench, possibly a hammer, or any similar item with rounded abraded edge, and of similar length and weight. (Centurion Ministries Post Hearing Memo)

4 In addition, the June 19, 1979 FBI report attached as Exhibit 12 as page 2 indicates that initially Dr. Pfaff
 5 believed that a tire iron or small light hammer was responsible for the wounds. Page 2 of Exhibit 12
 6 indicates: "Autopsy reveals victim died as a result of at least 20 blows to the head with either a tire iron
 7 or a small light hammer." Finally, although Ted Nees reported that his crescent wrench was missing,
Head and Neck:

There are three deep gaping lacerations involving the forehead near the midline and toward the right side; two superiorly extending

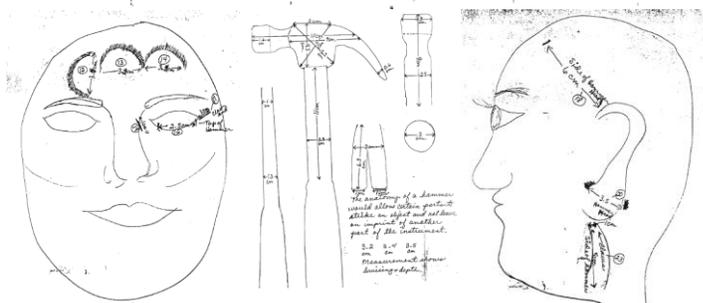
July 19, 1979, Poplar River. Shortly after the murder of Kim NEES, a claw hammer was found 30 ft away from where Kim NEES body had been found.

On July 19, 1979, Roosevelt County Deputy Sheriff, KEITH SCHENIMAN, a qualified scuba diver, searched the waters of the Poplar River in the area where the body of KIMBERLY ANN NEES was found. He did find a claw hammer lying on the bottom of the river approximately 30 feet from the area where the body was found.

June 1983, Poplar River. In Barry Beach's 1983 confession, he stated that he used a crescent wrench and threw the truck keys and wrench in the river. The river was searched in 1979 and 1983. No crescent wrench or keys were ever found in the river. The hammer found in the river near Kim NEES body in 1979, could have been the murder weapon.

On June 3, 1983, while diving for the Roosevelt County Sheriff's Office, Clay Berger and myself made another sweep search of the Poplar River. The site was west of Poplar in an area by the railroad bridge. The search was to double check our previous search on May 5, 1983. Nothing was found on June 3, 1983.

No crescent wrench, tire iron, or keys



Kim NEES was killed in a quick frenzied attack, most to her face and head, suggesting it was very personal by someone she knew and trusted. The claw hammer would have also caused the tears in the ceiling of Kim NEES truck, as the killer wielded it up and down in the enclosed cab.

1979, June 19th, Poplar, Montana. A bloody towel was found on a fence near Kim Nees and the BOYFRIEND'S homes. (Centurion Ministries Memo)

15 | incompetence. Racicot then dismissed any concern with regard to his telling the jury that he didn't know
 16 | where the towel was found or whether it was even found in Poplar. Mr. Racicot denied knowledge that
 17 | a June 19, 1983 FBI report shows that the towel was found on the morning of the murder approximately
 18 | one block from the victim's house. This is the same towel that Sheriff Mahlum at one point described
 13 | Mahlum recalled that a towel was recovered on the morning that the crime was discovered.
 14 | Mahlum in fact believed that Kim Nees' own hair was found on the towel based on Mahlum's own
 15 | investigation notes. Exhibit 12, the FBI crime scene report dated June 19, 1979 indicates at page 4:
 16 | "It should be noted that an extremely bloody towel was found on a fence one block away from victim's
 17 | home."

Type A blood and saliva were found on the towel. The blood is not Kim Nees or Barry Beach's.

CRIMINAL INVESTIGATION B
SUITE 115 - WILMA BUILDING
MISSOULA, MONTANA 59801

A-2

DATE RECEIVED: June 19, 1979 NOW DELIVERED: Clay Hopper (in person)

ANALYSIS REQUESTED BY: ROOSEVELT COUNTY SHERIFF OFFICE

DESCRIPTION AND WEIGHT OF ITEM RECEIVED: One cream colored floral pattern towel (with Cannon label) in a large plastic evidence bag with tag... found it hanging on fence.

THE STAINS ON THIS ITEM WERE LOCATED AND DIAGRAMMED BY VISUAL EXAMINATION AND THE RESULTS OF CHEMICAL TESTS. TWO STAINS WERE SAMPLED ORIGINALLY (A & B) AND WHEN FOUND TO DIFFER FROM THE TYPES FOUND IN LAB#B004 (KIMBERLY ANN NESS' BLOOD STANDARD) FOUR MORE STAINS WERE TYPED. ANALYSIS OF THESE STAINS BY THE OUCHTERLONY TECHNIQUE FOR SPECIES IDENTIFICATION, BY THE ABSORPTION-ELUTION AND LATTES CRUST TECHNIQUE FOR ANTIGEN SYSTEM TYPING AND BY ELECTROPHORESIS (BY WRAXHALL'S TECHNIQUE) FOR PROTEIN POLYMORPHISMS WAS POSITIVE FOR:

	Species	ABO	GROUP I			GROUP II			GROUP III	
			PGM	ESD	GLO	Ak	EAP	ADA	Hp	Gc
B005 A	Human (Hb)	*Inc.	2-1	2-1	2-2	1-1	A	1-1	1-1	2-1
B005 B	Human (Hb)	Inc.	2-1	2-1	2-2	1-1	A	1-1	1-1	2-1
B005 C	Human (Hb)	Inc.	2-1 (36)	2-1 (21)	2-2 (2-8)	1-1 (94)	A (37)	1-1 (88)	1-1 (14)	2-1 (42)

Types distinctly different from stains

*ABQ A, B & H substance was detected in B005A, A & H in blank materials, weak amylase was detected in the blank and stain C - all stains show the presence of strong anti B (i.e., from a type A or O blood) - for investigative use, my opinion would be the blood is probably type A mixed with sweat or saliva and other body fluids.

THESE RESULTS ARE POSITIVE FOR THE PRESENCE OF HUMAN BLOOD STAINS, ALL THE SAME TYPE AND DISTINCTLY DIFFERENT FROM THAT OF KIMBERLY ANN NEES (B004). THIS TYPE IS PRESENT IN ABOUT 0.09% OR LESS OF THE POPULATION. SINCE THE HAIR EVIDENCE SUGGESTS A POSSIBLE CONNECTION BETWEEN THE TOWEL AND THIS CASE, I WOULD RECOMMEND THAT ANY FURTHER STAINS LOCATED IN THIS CASE BE EXAMINED IN ONE OF THE FOUR SYSTEMS DETECTED WHERE THE STAINS ARE KNOWN TO BE DIFFERENCIABLE - ESPECIALLY THE EAP SYSTEM.

The bloody towel could have been used by the killer to stop a bloody nose. DNA was mixed in with the blood that was not Kim NEES or Barry Beach's. There was no reference found in any of the reports that the BOYFRIENDS car was searched, or his blood taken and compared. According to the report, the blood on the towel is most likely from a Type A blood donor.

The BOYFRIEND didn't confess to FBI or UnderSheriff Dean Mahlum after 2 interviews and 2 polygraphs. Police eliminated suspects by comparing the physical evidence at the scene; the fingerprints and palm prints. None of the fingerprints inside the truck or outside the truck matched the BOYFRIEND, or Barry Beach. The BOYFRIEND had been in Kim NEES truck just 24 hours earlier, and his fingerprints were not found in the truck. This is not unusual.

1979-1982, Roosevelt County, Montana. Official reports show Under Sheriff Dean Mahlum focused on Barry Beach as the killer of Kim Nees. Mahlum was undersheriff in 1979 and became Sheriff January 1, 1983. Barry was arrested 4 days later.

In the FBI reports there was no sightings of Barry Beach and Kim Nees together the night of the murder, but Barry was spotted with blood on his hand earlier in the day. In the witness statements taken by the FBI and Roosevelt County Sheriff, the only person seen with Kim NEES the night of her death was the BOYFRIEND.

Per his own testimony in 1984, Sheriff Mahlum did not have access to the 85 FBI reports done by the FBI until after Barry Beach's arrest. These reports were thorough and documented the timeline of Kim NEES and her BOYFRIEND leading up to the murder. After Barry's confession nobody looked back at the case. Prosecutor Marc Racicot discredited the reports during trial and did not call the FBI agent as a witness. In fact, Timer Moses attempted to contact agent Warberg during trial and an exchange occurred in the Judges Chambers about FBI agent Worberg:

15 MR. MOSES: Well then I will have to get Mr. Warberg to come
16 and testify.
17 MR. RACICOT: That's fine.
18 MR. MOSES: Do you know where he is?
19 MR. RACICOT: No, not really, but I don't think that you can
20 badger a witness into submission just because that is the way
21 you want it, rather than the way she remembers it.

Marc Racicot criticized the FBI reports at trial, and discredited the agents way of gathering evidence. The FBI agent who documented Kim NEES and her BOYFRIENDS whereabouts the days leading up to the murder was not available to testify.

Prosecutor Marc Racicot Rebuttal

19 and which I could vouch for but I can't do that. Then we
 20 talked about the statements taken by the FBI. More rank
 21 speculation, and how they record their statements. What
 22 happened here is that you go out, or the agent does, and
 23 interviews people. That is not the witness's handwriting on
 24 that statement, that is the FBI agent's handwriting, and so
 25 when the witness tells the FBI something, he writes it down.

3 like the one taken by Sergeant Via. Now you heard Shannon
 4 O'Brien, and I don't know why he called her, but he did and
 5 she was asked if Greg Norgaard had called her. It was in the
 6 statement. And as you can recall, do you remember I asked
 7 her if there wasn't another girl there with you and she said
 8 yes, Cathy Moe. And as you can recall, Greg Norgaard testified
 9 that he did call Cathy Moe, and so what has happened here is
 10 that the agent who is trying to do 85 interviews, taking
 11 down every rumor in Poplar, writes that down, and we all
 12 expect that what he wrote down is what the witness said, and
 13 they get up here on the stand and say, "well I didn't say
 14 that?. That is just another rank statement that shouldn't
 15 belong here. The consideration of the facts belongs here.
 16 It appears that there are a lot of people with a forked tongue.

1983, October. Poplar Montana: Three years after the Kim NEES murder, information came forward to Under Sheriff Mahlum stating Barry and a group of girls may have killed her. BARRY had been interviewed repeatedly and taken several polygraph tests over the years. The witness, Billie McClammy is the wife of the BOYFRIEND today. (Roosevelt County Report)

Interview with Billy McClammy
 10/12/82
 1400 hours

Billy advised that on Saturday, 10/2/82, she had a conversation with Ed Vandover of Poplar. She states Vandover was upset as of something was bothering him.

Vandover wanted Billy to promise she would never tell anyone what he told her even if she was called to testify under oath.

Vandover had heard several times that Joanne Jackson, Sissy Atkinson, Barry Beach and possibly Jordis Ferguson had killed Kim Nees.

1983, January 1st, Poplar, Montana: Undersheriff Dean Mahlum, the second in command of the Kim NEES investigation, ran for Sheriff in 1982 and won. Sheriff Mahlum became the lead investigator on the Kim NEES case.

The False Confession

1983, January 4th, Monroe, Louisiana: 4 days after Sheriff Mahlum was sworn in, Barry Beach's step mom Carolyn Beach, gave Monroe, Louisiana Police a letter. The letter from Roosevelt County, indicated Barry Beach is a suspect in the Kim NEES murder in Montana. (Interview Carolyn and Bob Beach 1983)

- Q. Okay, getting to this piece of paper that you are referring to that we have been looking at, this is a letter in regards to an investigation that was conducted where Barry was the suspect in a homicide, is that right?
- A. (Mr. Beach) Right.
- Q. And to your knowledge uh has that homicide been resolved or disposed of?
- A. (Mr. Beach) It's an unclosed case.

Pge. 5 INTERVIEW WITH CAROLYN AND BOB BEACH CONTINUED

- Q. So in other words that haven't taken any action against Barry?
- A. (Mr. Beach) No.
- Q. And uh would you have any objections if we retained a copy of this for our records?
- A. (Mr. Beach) No.

The letter and information provided to Sgt. VIA lead VIA to believe Barry Beach is a serial killer and may be responsible for 3 dead women in Louisiana.

1983, January 4th, Monroe, Louisiana. Louisiana police were already aware that Barry Beach was a suspect in a murder in Montana. He was arrested and held in jail on misdemeanor charges regarding a runaway girl, and his bail was denied so they could interview him. The arrest was a pre-cursor to interviewing him for the murders. Barry's step mom and father are called in and interviewed by Sgt. Jay VIA on January 5th.

1983, January 5th. Monroe Louisiana. Carolyn and Bob Beach are interviewed by Sgt VIA.

Throughout the interview, police suspect Barry Beach may be a serial killer that had preyed on Louisiana from 1979-1982, killing women the same age as Kim Nees. Sgt VIA'S questions indicate that he suspects Barry has killed in Montana and Louisiana. Bob and Carolyn Beach answer Sgt. VIA'S questions. (Louisiana Interview)

Q. Okay, quite frankly let me ask both of you this and you can answer individually-Do you think Barry is capable of murder? I know that is a hard question, especially for a parent or step-parent to answer but, just based on what you know about him

Q. Has there ever been a time when he has been with you that either one of you have felt that he has done something very wrong?

A. (Mrs. Beach) No, only yesterday.

Q. Okay, Bob I believe you were talking to us before we started this recorder again that sometimes uh Barry would go out of the house and come back with scratches on his back or something like that and you wouldn't know what had happened?

Q. Okay, have you ever noticed that while Barry was here if you would go to sleep at night and get back in your car the next day, would you ever notice that you didn't have as much gas or it had been driven around or something like that?

A. (Mrs. Beach) Well, I got a locking gas cap, so he couldn't get any out

Q. Right

A. (Mrs. Beach) and I've never missed any

Q. Once again I'm going to ask you this, has since Barry been here has he ever exhibited any type of indication to you that something dreadfully was wrong or that was, had done something other than simple thefts or burglaries that was puzzling him?

A. (Mrs. Beach) The only thing that ever puzzled me, the answer to that question is no. The only thing that has ever puzzled me is why, we try to be so good to him, have tried to do everything that we possibly could, but he always caught Bob gone and he always showed his hatred toward me, but he never did it in front of Bob.

Q. Did it ever occur to you or seem to you that he may have had problems trying to find girls to go out with him or anything like that?

A. (Mrs. Beach) No, girls loved him.

Q. Okay, if you never knew Barry or knew anything about him, what type of person would he appear to you when you first met him?

A. (Mrs. Beach) A Jim Dandy fine nice boy.

A. (Mr. Beach) One of the nicest mannered persons, yes sir, no mam

Q. So, in other words he would be the kind of person that you would just like right off the bat?

Q. Okay, showing nothing further the recorded interview is ended at 12:58 P.M. on January 5th, 1983.

SIGNED: Sgt. Jay Via
Deputy Richard Medaries

1983, January 4th, Monroe Louisiana: Barry Beach's repeated interviews began January 4th

(Court Records Sgt.VIA)

1 evening of the 4th of January.

2 Q And where had that interview taken place?

3 A At the Ouachita Parish Sheriff's Office.

4 Q And would that be in the interview room?

5 A Probably so, yes. I was not there on the first

6 interview, so I don't know where it was conducted.

1983, January 7th, Monroe Louisiana. Barry Beach's recorded confession end time is stamped 3 days after he was arrested. **DATE STAMPED** January 7th at 19:48 hrs. (7:48pm)

Q. Showing nothing further, this statement concluded. It is 1948 hours, p.m., on January 7, 1983. Signed, Commander Alfred Calhoun and Sgt. Jay Via of the Ouachita Parish Sheriff's Office.

Barry Beach gave a false confession after being held in jail 3 days, denied bail and then interviewed repeatedly and threatened with the death penalty in Louisiana for killing three women. The interviewing began on the evening of January 4th, 1983 with no recording, and ended January 7th at approximately 8:00pm with a recorded confession.

Sgt. VIA used Barry's step mom and father against Barry, pumping the parents with false information about Barry and his problems with women. (Interview Carolyn and Bob Beach)

Q. Okay, now these problems that we discussed I believe Bob that you told us that he has a very strong hatred toward his mother, is that correct?

A. (Mr. Beach) Right.

Q. Do you know if he ever transfers that hatred to his mother to other females?

A. (Mr. Beach) I don't know.

Q. Okay, have you ever exhibited any kind of violent tendencies toward another female?

Beach's confession does not match the details of how the crime occurred. The details of the murder were provided to the investigators before the confession, who in turn provided it to Barry and then taped a false confession. (Roosevelt County Sheriff Dean Mahlum Report.)

INVESTIGATING OFFICER(S) Sheriff Dean Mahlum REPORT MADE BY DEM DATE 1/7/83

On 1/5/83 at approximately 1230 hours, I was contacted by one Sgt. Jay Via, of the Ouschita Parish Sheriff's Office, Monroe, Louisiana, Phone #318-388-2222, P.O. Box 1803, Zip Code 71210-1803.

Sgt. Via advised me that he is presently investigating three unsolved homicides in his jurisdiction. All of these cases involve young females. Sgt. Via stated that through his investigation he has been able to establish a connection between Beach, Barry Allen and his three victims. Sgt. Via requested any and all background information this department could supply on Beach and Kimberly Ann Nees. I advised Sgt. Via that I would forward any and all pertinent information to him.

At approximately 1030 hours on 1/7/83, I supplied Sgt. Via with the following information regarding the Kimberly Ann Nees case:

1. Suspected type of murder weapon.
2. Location of murder weapon.
3. Location of missing keys and description of same.
4. Victim was dragged face down to the river.
5. Victim was dragged from the passenger door of the victim's pickup.
6. Victim was laying face down when most of the blows were administered.
7. Victim at some point received defense wounds to the back of her hands.
8. Victim wearing a blue and red pull-over sweater and blue jeans.
9. Victim's sweater pulled up over her breasts.

Were not found said. where statement said. Four divers

Barry Beach's arrest and confession to Sgt. VIA in 1983 was a false confession. Sgt. VIA had obtained false confessions from Serial killers [Henry Lucas](#) and [Otis Toole](#) in 1983 also. These two serial killers were tied to serial killer [Edward Wayne Edwards](#).

In June of 2014, I released a 4 year investigation of [Edward Wayne Edwards](#). Edwards associated with Otis Toole and Henry Lucas in 1983, the year Barry confessed. These three serial killers were all in jail from 1983 to 1986, pinning murders on others, and confessing to murders they couldn't have done.

The three murders in Louisiana that Sgt. VIA and Officer Maderies attempted to blame on Barry Beach in 1983, were proven by DNA to have been done by other killers. (Centurion Ministries Post Hearing Memorandum)

19 The Henry Lucas - Otis Toole Confessions

20 As a further indication of Sgt. Via's lack of credibility, one only needs to look at the Otis Toole
21 Henry Lucas confessions obtained from Via with regard to the murder of Kathy Wharton. Six months
22 after Barry Beach was questioned about the Kathy Wharton murder and six months after Via claimed
23 that Barry Beach had flunked a psychological stress evaluation test with regard to the murder of Kathy
24 Wharton, Via extracted detailed confessions and Toole and Lucas. Toole and Lucas were separated by
25 over 1,000 miles with Lucas in Texas and Toole in Florida at the time of the confessions. Via described
26 these confessions as so detailed, that only the killer could have known the facts that Lucas and Toole

1 revealed. At the hearing before this Board, Via claimed he was "92% to 95% certain" that the
2 confessions from Lucas and Toole were valid. Via now admits that those confessions were in fact false.
3 Via had no choice but to admit the falsity of these confessions given the new DNA evidence linking
4 another suspect to this crime. One has to wonder how both Lucas and Toole could have so many details
5 about a crime with which they were not involved.

1983-1986, Texas, Louisiana, Pennsylvania, Florida. During the time period Barry Beach was arrested and convicted, Serial Killers Ottis Toole, Henry Lucas and Edward Wayne Edwards were pulling a hoax on law enforcement all over the country. The MO worked like this:

Ed Edwards provided Ottis Toole and Henry Lucas details on murders Ed had actually committed. Lucas and Toole took the information and used it to obtain favoritism while being held on murders they were awaiting trial on. They were treated like royalty by police for 3 years.

Toole was in jail in Florida, Lucas was in jail in Texas, and Edwards was in jail in Pennsylvania, all at the same time. A nationwide task force was formed in 1983 to investigate the information the 3 serial killers provided law enforcement. Toole and Lucas became known as “The Most Prolific Serial Killers.” Sgt. VIA and Detective Mendaires in Monroe, Louisiana became part of the task force. After three years of investigating, it was determined that, Lucas and Toole were providing false information on murders in order to gain favoritism with the justice system.

Many of the murders LUCAS and TOOLE confessed to were committed by Edward Wayne Edwards. Edwards was released from prison in Pennsylvania for his cooperation in June of 1986, and continued to kill and set people up until his capture in July of 2009. LUCAS and TOOLE died in prison in 1996 and 2004. The entire event from 1983 until 1986 was labeled the biggest Hoax ever pulled on law enforcement. The information provided by the killers resulted in innocent people being arrested for their murders. [The Texas Attorney General issued a report in 1986 about the Hoax.](#)

2014, June. Great Falls, Montana. I, John A Cameron published my 4 year investigation into [serial killer Edward Wayne Edwards.](#) The investigation of Ed Edwards tied him to serial killers

LUCAS and TOOLE in 1983, the year Barry Beach confessed. The [1983 TIMELINE](#) on my website contains more information on Edwards, [Ottis Toole](#) and [Henry Lucas](#). Sgt. Jay VIA and Detective Maderies had been manipulated by all three serial killers from 1983-86, during the time Barry Beach was being falsely accused and tried.

Barry Beach's 1983 confession did not match the crime scene and there was no information in the original investigation that Barry was anywhere near Kim NEES the night of her murder. The only person seen with Kim NEES before her death was her BOYFRIEND.

The 85 FBI reports that the State of Montana discredited in Barry Beach's trial documented a meticulous timeline the night Kim NEES was killed. Of all the people interviewed, nobody saw Barry Beach and he had no access to his car. Barry also had no motive for killing Kim NEES. The State of Montana claimed Barry Beach killed Kim NEES in a frenzied, personal rage of hatred when all the evidence suggests the BOYFRIEND, who was mad and looking for her, who had motive and opportunity, and was seen in the area, had nothing to do with it?

It makes no sense.

Author, John A Cameron, owner of [coldcasecameron.com](#)