

STATEMENT SUMMARY

Name: Carl Four Star

Significance to Beach's Clemency Application: On February 8, 2007, Carl Four Star gave a written statement to Beach's counsel, a copy of which Beach attached to his February 15, 2007 response. Four Star claimed that while working A & S Tribal Industries in the "spring of 1984 after the Barry Beach trial was over and Barry had been convicted," he "overheard a conversation between Sissy Atkinson and William Stubby Balbinot." Four Star claimed that he was 20 feet away from Atkinson and Balbinot when he overheard Atkinson tell Balbinot that "they got the wrong man" in response to Balbinot's comments regarding Beach. Four Star also claimed Atkinson had said that she was there with Maude, Rose and another girl whose name Four Star cannot recall. According to Four Star, Atkinson said: "It was a perfect crime, we got away with murder." Atkinson then supposedly walked over towards Four Star, and while looking at him, said "got away with a capital crime." Beach relies on Carl Four Star's statement to support his allegation that Kim Nees was killed by a group of women, and Four Star is one of the witnesses Beach intends to call at his clemency hearing.

Summary of March 21, 2007 Tape Recorded Statement:

Four Star agreed 100 percent with the content of his February 8, 2007 statement. (29.) However, unlike in his February 8, 2007 statement, Four Star did not know the year Beach went to trial. When asked about Beach's trial date, Four Star stated "in the early '80s'" and he was "not quite sure when it was." (9)

Four Star stated that Atkinson and Balbinot were working in an area at A&S Tribal Industries that was right next to his work area. (14.) Four Star explained that he was 15 to 20 feet away from Atkinson and Balbinot when he overheard their conversation regarding Beach and the Nees murder. (14.) During the conversation, Four Star could see Balbinot's face and the profile of Atkinson's face. Even though Atkinson was not looking directly at him, he could hear what she was saying. (28.) Four Star overheard Atkinson tell Balbinot that they caught the wrong guy and that Atkinson, Maude Greyhawk and Rose were involved. (15.) According to Four Star, Atkinson stated that the women were at the park, and they had dragged Kim out. They at first pushed Kim around, but then started hitting her, and they took turns hitting and kicking her. (16, 19.) Four Star recalled Atkinson mentioning that she or somebody else had grabbed something and they were hitting her with it, but he did not know what it was. (19.) Four Star also added he thought it was odd that "they

made sure that they had folded her clothes, or her jacket, and set it aside somewhere.” (16.) After the conversation, Four Star stated that Atkinson walked by him, looked at him and said “we got away with a capital crime and it was a perfect crime.” (16.)

Four Star mentioned that he was working with Hoss Red Eagle when he overheard Atkinson’s and Balbinot’s conversation. (22, 23.) Even though Four Star and Red Eagle were working at the same table, Four Star thought that Red Eagle did not hearing anything. (28.) Four Star stated that at the time, he said to Red Eagle “Did you hear that?” and Red Eagle replied “What, what, what.” (28.)

Regarding the industrial noise at A&S Tribal Industries, Four Star stated there was some noise in his work area, but it was pretty quiet. (14.) Four Star explained that the only machine in the area was a clamping machine and it wasn’t very loud. (26.) Other than the clamping machine, Four Star stated that the only other thing around was hand scissors. (26.) He explained that there were only 4 or 5 people working within 30 feet of his work area. (26.)

Based solely on what he overheard Atkinson say in 1984, Four Star believes that Beach may be innocent. Four Star did not come publicly forward with this information until approximately 2001, at which time he provided Centurion Ministries with his account of what he had overheard. (13, 20, 22.)

MONTANA DEPARTMENT OF JUSTICE

INTERVIEW

State v. Beach

Carl Four Star, Junior

March 21, 2007

MONTANA DEPARTMENT OF JUSTICE

CASE NO: State v. Beach
DATE: March 21, 2007
TIME: 12:21 p.m.
AGENT: Ward J. McKay
LOCATION: Roosevelt County Sheriff's Office, Wolf Point, MT
PRESENT: Agent McKay (WM), Carl Four Star (CF),
Assistant Attorney General (AAG) Tammy Plubell (TP),
AAG Mike Wellenstein (MW), Roosevelt County Deputy Sheriff
Richie McDonald (RM)
INTERVIEWEE: Carl Four Star

WM: This is Agent Ward J. McKay of the Division of Criminal Investigation. The date is March 21st, 2007; the time is approximately 1221 hours. The purpose of this recording is to document a conversation with Carl Four Star.

CF: Junior.

WM: Junior.

CF: Make sure that's on there.

WM: Okay. This conversation is taking place in Wolf Point, Montana at the sheriff's office in a conference room. Also present is Tammy Plubell and Mike Wellenstein from the Attorney General's office and Roosevelt County Deputy Sheriff Richie McDonald. Carl, would you state your complete name, please?

CF: Yes, Sir, it's Carl Edwin Four Star, Junior.

WM: And your date of birth, please.

CF: 03-19-65.

WM: Just had a birthday.

CF: Yes, Sir.

WM: And your social security?

CF: [REDACTED]

WM: Carl, are you under the influence of alcoholic beverages now?

CF: No, Sir.

WM: Have you been under any medication at all today?

CF: My antidepressant...

WM: Okay.

CF: ... Albutrin; that's it.

WM: Is that prescribed by a doctor?

CF: Yeah, it is. I – everything – anything I take is prescribed by a doctor.

WM: And is that something you take daily?

CF: Uh huh (affirmative).

WM: How you feeling, Carl? Is everything okay?

CF: Oh, I'm a little nervous. I mean I didn't expect to be speaking with the Attorney General's office but...

WM: Okay.

CF: I understand why. I mean I...

WM: Well, you were – let's talk about that, though. Uh, Richie McDonald gave you a call a little earlier today.

RM: Yes, Sir.

WM: And during that conversation, did you agree to come down and speak with us?

CF: I did agree, yeah. I, I was kind of expecting sometime for – you know, I – you guys would be following up so...

WM: Okay. And, uh, do you understand that you're not obligated to be here? Uh, you're free to go if you don't want to talk to us.

CF: I understand that now, yeah.

WM: Okay. Um, and that's – in all seriousness, if you don't want to talk, you don't have to. We would appreciate talking to you, though.

CF: I understand.

WM: Okay. And are you here of your own free will?

CF: Yes, Sir.

WM: Do, do you recall, uh, providing a statement to the Centurion Ministries?

CF: Yes, I do.

WM: Okay. And I've reviewed the statement and in it, you talk about the, the spring of '84 and you were working at the A&S Tribal Industries. Where is that located?

CF: Located in the Industrial Park, uh, south of Poplar, Montana.

WM: And what does that Tribal Industries do?

CF: At that time, they made, uh, camouflage netting for the government and, uh, some sort of medical or food chest.

WM: Okay. Out of metal?

CF: Yeah.

WM: Okay. And...

CF: I worked in the camouflage department.

WM: Okay, and at that same time, is that when Sissy Atkins worked the same shift as you?

CF: Yeah, she, uh, got hired on sometime while I was there. I, I'm not sure when she started.

WM: Okay, I, I said Si... Sissy Atkins. I mean Sissy Atkinson.

CF: Sissy Atkinson, yes.

WM: Yes. And had you known her prior to that?

CF: No. No.

WM: How long did you work there?

CF: I worked there since 1983 – June.

WM: So you had been there about a year?

CF: Yeah.

WM: Is that right?

CF: Yes.

WM: And how long did you work there – '83 till what?

CF: Uh, late '85 – November, I believe. I, I couldn't give you the specific date.

WM: That's okay. That's okay. Now, uh, you said Sissy came to work after you had already started there.

CF: As far as I know.

WM: Okay.

CF: I mean I don't know when she began working there.

WM: Did you know her prior to her going to work there?

CF: No, I didn't. Nope.

WM: And what's your age right now, Carl?

CF: I just turned 42. It's been few – quite a few years since this happened.

WM: Yeah, according to my calculations, it was about 23 years ago, and you were about 18 at the time.

CF: Nineteen.

WM: Coming 19 maybe, or just turned 19.

CF: I was 19.

WM: Just turned 19?

CF: Yeah.

WM: Okay.

CF: A couple months prior.

WM: Okay. Did you ever know Barry Beach?

CF: No. I don't know him; I – the only thing I know of him or anything of this is what happened and what was in the news.

WM: Okay. Do you know any of the Barry Beach family – his mother or...?

CF: No, I don't. I, I don't know any of them.

WM: Have you ever talked to Barry Beach or any family members?

CF: No. Haven't.

WM: Never?

CF: Never.

WM: Carl, what's a capital crime?

CF: Murder. Uh, I don't – I'm not educated in law but I would assume there's other classifications that would fall under a capital crime.

WM: Uh, how far along did you get in school?

CF: I've got bachelor's degree in business administration with a finance option.

WM: Okay.

CF: So I, I do have my bachelor of science and I've got some graduate work.

WM: Okay. And is that in Montana?

CF: Yes.

WM: And according to what I've read, you've lived in the Wolf Point area since '76 or thereabouts.

CF: Yeah. After my dad retired from the military, we moved here, and, uh, I lived here from '76 until about '79. And at that time, I moved to Williston, North Dakota and lived with my mother. And in 1980; 1981, I moved to, uh – I, I went to school in Chimawa, Oregon. Well, the name of the school of Chimawa; it's, it's on the outskirts of Salem, Oregon.

WM: Okay. And when did you come back to Wolf Point then, after leaving in '79 and hitting Williston and Oregon?

CF: In, uh, 1982.

WM: Have you been here since then?

CF: Late 1982. Uh, I've - well, from '82 until '86, I was here, living in Wolf Point. Uh, I was working at A&S Industries. And then when - uh, I got another job working as a seismograph person and, uh, well, I kind of traveled around with that job...

WM: Okay, so...

CF: ... until '88 - August of '88. And then I came back here and, uh, I've been here since.

WM: So...

CF: ... off and on. I've been to Missoula and Billings, going to school.

WM: So '88 to present, you've basically home based out of Wolf Point now?

CF: Uh huh (affirmative), yes.

WM: But been to school and stuff.

CF: Yeah.

WM: Okay. Carl, are you Native American?

CF: Yes.

WM: And enrolled?

CF: Yes, Sir.

WM: In, in what nation?

CF: Uh, well, Fort Peck Tribes; I'm an Assiniboine Indian.

WM: Okay.

CF: Enrolled as an Assiniboine.

WM: Okay. Who – you said that you heard things about the Beach case or the Nees case – the Nees homicide in which Beach was tried and convicted of. Uh, what all have you heard about it? I mean where, where did you get your information from?

CF: Well, when it first happened, uh, everybody knew about it. I mean it was – this is a small town; a small area; not very populated. And that was a very big thing that happened. And, uh, my stepmother, who lives in Poplar, uh, knew about it...

WM: You were...

CF: ... the next morning. I, I mean I woke up and I was kind of surprised that something like that had happened.

WM: And how old were you at the time of the...

CF: That was – I, I was about 14; 13; 12.

WM: Okay. And you heard about the incident like the morning after?

CF: Yeah.

WM: And kind of the talk of the town-type thing.

CF: Well, not really any details or, you know, any rumors, other than the fact that she had been beaten to death.

WM: Okay.

CF: And that was pretty much all I really heard at that time.

WM: And after that, did you hear or read any newspaper articles about what might have happened to the girl, or who might have been involved?

CF: Just, uh – you gotta understand at that time, I wasn't into current events or anything like that. I, I would read the sports section. Uh, I do recall seeing Mr. Beach's name in the *Wolf Point Herald*. Uh, I didn't read the articles thoroughly; I just kind of skimmed through the headlines and that's about it.

WM: Were you aware at some point that he got convicted of the crime at trial?

CF: Yes, I was.

WM: And approximately when was that, that, that he went to trial, do you know?

CF: It's my understanding that, uh, it was some – in the early '80's. Uh, I'm not quite sure when it was. I – like I said, I – you know, I mean this type – there's been other homicides on this reservation; I don't keep track of...

WM: There's homicides everywhere.

CF: Well, but yeah, it's kind of – yes, you're right, there is everywhere. Uh, and I don't necessarily keep track of all this.

WM: I understand. There's a comment that you didn't have any confidence in the police. What did you base that on?

CF: It's my experience. Uh, I – they asked – the Centurion Ministries asked why I didn't go to the police after, uh – with, uh, what I had heard Sissy say, and I didn't think that it would do any good. Uh, I'm not knocking Mr. McDonald or anything but I, I didn't really have any faith in the tribal police at the time.

WM: Did you know that the Roosevelt County Sheriff's Office and the FBI were involved in the investigation?

CF: Yeah, I'm – I believe I was aware of that but as I said, I didn't follow the papers or I don't know any real details of the investigation or...

WM: The reason I ask that Carl is if you didn't have any confidence in the local police, did you...?

CF: I'm talking about all levels of the police at that time.

WM: All levels.

CF: Yeah.

WM: You didn't have any confidence in any level.

CF: No.

WM: Okay.

CF: And the reason is because I'm an enrolled tribal member and, as far as I knew, anything that I had to do with the law would have to go through tribal court, or to the tribal police. And I was – I didn't know anything about the structure of the law enforcement at the time. Uh, at that time, the only thing I really knew is that there were policemen, the courts and judges. You know, I, I didn't know any of the structure or the chain of command between.

WM: Okay.

CF: So to answer your question, I did not – and I'm making an assumption here because you didn't really ask this – but I didn't know where else to go with this information.

WM: Well, that's what I was getting at, Carl. And thank you. By the way, anything you – if I say something that's not clear or correct, you correct me if I'm wrong.

CF: I will ask. I will ask.

WM: Yes, and you're certainly allowed and it's appreciated.

CF: That...

WM: We want to make it real clear.

CF: That's why I want to make sure that I said that I assumed that that's where you were...

WM: And you bet, you're welcome to do that.

CF: Thank you.

WM: When, uh – as far as the chain of events of how your statement came to being, uh, do you recall – you said that you'd talked to your priest, and apparently you're Catholic.

CF: Yes, Sir.

WM: And spoke, and spoke to your priest and told him what you heard, is that correct?

CF: I didn't necessarily – I didn't say everything that I heard. I just – I had talked to him about bearing false witness – you know, if I was asked about this, if I should come forward with it or anything. You know, I, I felt really weird. I don't know how to explain this to you but growing up as a Catholic, you know, you're – at that time, the church liked to lay a lot of guilt on people.

WM: I'm completely aware of that.

CF: Okay. So any other Catholics? Uh, anyway...

TP: I became Methodist.

CF: Oh, I...

TP: I didn't need the guilt.

- CF: Okay. Well, I'm kind of Lutheran; Native. I...
- WM: Well, I guess the main question is, Carl, what, what did the – what kind of advice did the priest give you then?
- CF: Well, the conviction had already taken place.
- WM: Okay.
- CF: Mr. Beach had already been convicted and, uh, he just said to pray about it and to follow my conscience. He said, "I've got faith in you." I, I had been an altar boy; I had known Father Jim through catechism and so forth; CCD. And, uh, he just said to pray and to follow what I thought was right. And at that time, uh, I was not really – I didn't think that the tribal police were very reliable. And that's my own opinion.
- WM: Okay. And so in a nutshell, you kept it within yourself. Did you ever tell anybody else besides Father Jim?
- CF: No, I – it's something I kept within myself and it, it – I never even thought about it until one day, some people from the Centurion Ministries were trying to find my step-cousin, William Balbinot, Junior. Stubby is what they called him. And they were at my mother's house, uh, and I just came up to get some coffee and I overheard the conversation and I, I sat down and introduced myself and listened to what they had to say. Uh, and at that time is when I made the statement that I did.
- WM: Okay.
- CF: I told them what I had overheard Mrs. Atkinson say.
- WM: And what did they have to say? Prior to you telling them about it, what did they – what kind of things did they talk about? Did they tell you then that...
- CF: Just that they believed that Mr. Beach wasn't guilty. He had been – I – in contact with them and they were taking up the case on his behalf.
- WM: And...
- CF: And they were trying to find any information that they could.
- WM: How many times have you talked to Centurion Ministries representatives, by phone or in person?

- CF: I couldn't give you a definite answer. Uh, after that initial meeting with them, I have not – there was a period of time that I was not in any contact with them whatsoever, and then, uh, they called me just last year and asked if I would make a statement as to what I had heard.
- WM: So have you talked with them only a total of two times?
- CF: I – it's been more than two. Or it had to have been at least four or five times. I – like I said, I, I couldn't give you a definite answer. I...
- WM: If, if you told them your story the first time, why would they come back four or five times to talk to you?
- CF: They didn't necessarily come back to talk to me. Uh...
- WM: Well, can you tell me how four or five conversations took place with them? Go ahead.
- CF: Well, the last few conversations did pertain to me; the first few did not. The first couple didn't. The first few – the last couple did pertain to me. Uh, how it came into being is like I said, they were trying to find...
- WM: Stubby.
- CF: ... Stubby Balbinot. And, uh, they looked in the phone book and they seen Robert and Dorothy Balbinot and they called and they came up and were having coffee with my mom. So...
- WM: That's the first time you talked to them, and you told them about what you heard.
- CF: Yes.
- WM: And then – that's one.
- CF: That's one. And then they had been in contact before, uh, Richard – I – and I'm having a hard time remembering his name. Uh, one of the representatives for the ministry – Centurion Ministries – uh, he had been in contact, uh, between our first time and the last time I spoke to him. Uh, he had been to my mother's house to speak with her and trying to contact Mr. Balbinot – Stubby – a couple times after that. And, uh, that's about it.
- WM: Did you talk to him again during those times?
- CF: Other than to, uh, just say hello and see how everything was going with him - uh, which they didn't really go into any detail with it – uh, it was just a casual...

WM: Did they ever tell you what other people were saying about this?

CF: Did they ever tell me? No. No. I...

WM: Did they ever say so and so said this; so and so said that? Did they ever...

CF: Not to my recollection they never did. Uh, as far as what they were doing, I, I wasn't aware of any interviews or of anything that they were doing.

WM: Did you type up your own sworn declaration?

CF: I dictated it to, uh, the attorney and he wrote it; he typed it up. And I read it carefully and then I signed it.

WM: Did he type it on the spot?

CF: Yeah.

WM: Okay. So you, you talked to him, he took notes, he typed it up, you read through it and signed off on it.

CF: I read a hard copy; I didn't read the digital copy.

WM: Okay, you read a hard copy and signed off on it.

CF: Yes, Sir.

WM: And, and that was not too long ago. So the...

CF: February, I believe.

WM: Right. Of '07.

CF: Yeah.

WM: So you told them initially about it in approximately 2001.

CF: Uh huh (affirmative).

WM: And then they come back and did a typed statement from you.

CF: Not - well, yeah, there was a spread of a few years there but yeah.

WM: Yeah, six almost. Now in the work area at A&S Industries, is there equipment and noise going on?

- CF: At that time, where I was, uh, there was some noise but it, it was pretty quiet – the area that I was in.
- WM: Did Stubby work there, too?
- CF: Yes.
- WM: And were Stubby and Sissy going together at that time?
- CF: Not initially. Not at the time that I heard what she had to say. I, I don't think that they were. Uh, eventually they, they were, and I was kind of surprised that it happened.
- WM: And you said that you were about 20 feet away.
- CF: Yeah, about 15 to 20 feet away from where she was when she was talking. My area of work was stationary, okay. Uh, I was what you call a hex cutter; I would just pull the net over and then cut it with a pair of scissors. And, uh, it – my entire work area was about 12 feet wide and, uh, you know, I just stayed in that one – about a ten square foot area.
- WM: What was Sissy's job?
- CF: She – at that time, her and Mr. Balbinot were what was called a edge cord. They pulled edge cords down a long table and marked it off, uh, for the two different size nets that A&S was producing. And they would cut it and clamp it together.
- WM: And was that in a work area adjoining your work area then, you're saying?
- CF: It, it was right next to mine.
- WM: That's what I meant.
- CF: Yeah. Yes, Sir.
- WM: Okay.
- CF: Right next to mine; there was no barriers; there were no one else, uh, around within 30 to 40 feet. We were - the net cutters and the edge cord personnel were in one area.
- WM: And what did you hear?
- CF: Well, uh, I heard Stubby say that it was a bad thing that happened - uh, uh, the whole situation with, uh, Kim Nees. You know, it was – he said it, it was a bad

thing that had happened to Kim Nees and the – that at least they had caught the person and so forth. And at that point, I, uh...

WM: Was he talking to you or Sissy?

CF: He was talking to Sissy.

WM: Okay.

CF: And, uh, when he was saying that, I was facing him. And, uh, I heard Sissy say that well, they caught the wrong guy. They, they, they, uh, they put the wrong person in jail. The - and she went on and said a few other things.

WM: Go ahead.

CF: Described what happened. And she said that there were her and a few other people that were involved and...

WM: Who did she name?

CF: I remember her saying Rose, Maude and there was – she was using last names, or first names, excuse me. Uh, she did say Maude Greyhawk and, uh, Rose.

WM: Did you know these people that she mentioned?

CF: No, Sir, I didn't.

WM: But you remembered their names.

CF: Yeah, I remembered their names. I mean I eventually came to know more and more people around the Poplar area. Uh, but at that time, I – the only people I knew in Poplar were, uh, my family. I've got some relatives living there.

WM: Did you hear these same names from Centurion Ministries? They didn't confirm their names?

CF: They didn't, uh – as far as I – what I can recollect, after I gave them my initial statement and after I gave them the final statement that I signed, uh – I mean they didn't guide anything that I had to say. Uh, they did confirm what I said. They said well they have other people that, that are witness to whatever and they had mentioned the same names.

WM: Are you sure it was after or was it before that they mentioned the names? Was it after or before?

- CF: It was, it was after. I am – and I'm positive about that. The only – about – let me retract that and let me make this very clear. The only name that they had mentioned was Sissy Atkinson at the initial time that I had met them. Uh, they were looking for Stubby, to contact Mrs. Atkinson. That is the only name and that's the only thing I really knew about it. And then I asked them, you know, what – why – what they were looking for him for, and they said that they were going to look into - investigate and see if there's any credibility to Mr. Beach's case.
- WM: What else did you overhear, Carl? You overheard Sissy talking about they got the wrong man or something to that extent. And, uh, did you hear her say anything about herself?
- CF: Yes, I did. I mean everything that I heard her say was pretty much pertaining to her and the other girls that she had mentioned. Uh, (unintelligible)
- WM: Go ahead.
- CF: She had also pretty much described what, what took place. Uh, and one thing that kind of really struck me as odd was that she, uh, said that she – they had made sure that they had folded her clothes, or her jacket, and set it aside somewhere. Um, she did go into some detail about what had happened and...
- WM: Go ahead; tell us the detail.
- CF: She said that, uh, they were at the park and they drug her out; they began to – first began to push her around and then started hitting her, and that things got carried too far and I, I don't know any details about any, any – who may have used any weapons or so forth, but, uh, she did say that, uh, they took turns kicking and hitting her and that things got carried away too far. And, uh, you know, she said that they had convicted the wrong person and that it was a perfect crime.
- WM: And what did – after you overheard this conversation, what did Sissy do?
- CF: She walked – she pulled the edge cord from the end of the table where the, uh, roll – spools of the edge cord were kept, and she pulled them down to the end of the table and as she was walking by, she said – she looked at me and she said, uh, "We got away with a capital crime and it was a perfect crime."
- WM: She said capital crime.
- CF: Yeah. And at that time, I, I just said, "Hey, you keep away from me, and just stay the hell away from me." And I didn't really go around her anymore or, you know, I didn't – I chose to stay away from her and my, and my friend William – Stubby.

WM: Did you and Stubby ever talk about what you heard?

CF: No. No. I, I kind of – he kind of, uh – we both took different paths. You know, he continued with his relationship with Sissy and, uh, I went my own way.

WM: What was...

CF: And I kind of lost contact with him for quite a few years after that.

WM: What was Stubby's response or what was Stubby doing while, while she was saying this stuff?

CF: He was looking at her and ki... it looked like he was in disbelief, just like I was. Um...

WM: So was she saying it in a joking manner, like – or bragging, or, or just kind of nonchalant, like joking like they think we were there and I got away with a perfect crime-type thing?

CF: It was more like...

WM: They think Beach did it; in actuality, we did it.

CF: She – it was more like she was bragging about it. Okay, at first I didn't know how to respond or how to take, you know, the information she was saying. I, I didn't know what to think.

WM: Okay.

CF: But when she walked by me and looked at me and said that, I, I knew that there was something wrong.

WM: She was older than you, wasn't she?

CF: She's a couple years older than me. I'm not quite sure how much older.

WM: And pretty tough lady, right?

CF: Intimidating.

WM: Yeah. Yeah.

CF: In her mannerisms and I didn't, I, I didn't know – like I said, I didn't know what to think. And at that point in time, the reason I didn't have a lot of reliability in the law enforcement – the tribal police – is there was a lot of crimes going on at that time. Uh, and this was even after, uh, Mrs. Nees was murdered. There were

a lot of other murders that took place - I mean people that I knew that had been killed. Uh, and essentially, the crimes weren't being solved so...

WM: Okay, let's get back to Sissy, though. She, she was older than you.

CF: Uh huh (affirmative).

WM: Was she saying that for the benefit of kind of scaring you or something?

CF: You mean the statement she made as she was walking by?

WM: Yes. Where it's kind of...

CF: I don't know.

WM: like a braggadocio type thing

CF: I, I don't know if she was directing it at me or - well, she had to have been directing it at me because - but I don't think she knew I overheard what she was saying. I just acted like I didn't know what the hell was going on. I just said, "Keep away from me."

WM: But if...

CF: "Keep the hell away from me."

WM: ... if you were in the same area; she's talking loudly enough for you to hear it from 20 feet, then she comes walking at you and says, "We got away with the perfect crime," she probably assumed that you overheard her. Was she saying this just...

CF: She said it loud enough so that the people at the end of the table - Mr. Balbinot - could hear her. And, uh, I've - you know, I, I, I couldn't tell you what her intentions were at that time, but that's just what happened and - I could not tell you what her intentions were, what was going through her head or anything else like that. Or I...

WM: Do you have any reason to believe that Barry Beach is innocent?

CF: Other than the statement that Mrs. Atkinson made, I believe that you folks have the wrong guy in jail. I mean she went on to continue - I mean during her - when she first made that statement, she had said things that had happened that I didn't know what to think about it, other than she had to have been there when things occurred.

WM: How do you know she had to be there? From just what she said, right?

CF: Yeah, because of...

TP: What are those things?

CF: Well, how, how they took turns beating her.

TP: And how they took turns beating her and that would be, I guess, presumably Rose and Maude.

CF: Yes, and there was one other person that she had mentioned, that I don't – I cannot recall her name.

TP: And did she mention weapons or a weapon or...?

CF: She had mentioned that, uh, herself or somebody else had grabbed something. I, I don't know what they were using and they were hitting her with it.

WM: That's not in your statement, is it?

CF: I don't believe it is.

WM: Is that something you heard her say or that you read, or heard from somebody else?

CF: No, it's something that I heard her say. Uh, but there, there were just...

TP: (unintelligible)

CF: ... things that she had said that I, I didn't know how to take it. I mean it was pretty strange.

TP: And you indicated that she said they were all kicking her. They were all kicking Kim?

CF: They had takin' turns beating and kicking her.

WM: So you think because of these statements, that Barry Beach is innocent.

CF: I believe there may be some room for doubt.

WM: Then...

CF: I don't know either of them. I don't know – I – like I said, I, I – after I heard her say that, I chose not to even get to know her, even though she was, uh, dating in a relationship with my – well, he was essentially my cousin, okay. And we were

pretty close going through school. Uh, but as soon as they began their relationship, I chose to stay away.

TP: Were they dating when she made this statement?

CF: Um, no, they weren't dating at that time. They were just essentially flirting, I guess; I don't know.

WM: Carl, you, you say that you think an innocent man might be convicted of a crime he didn't commit, right?

CF: Yes.

WM: And you based that on what she said that day, right?

CF: Yes, Sir.

WM: What about the confession that Barry Beach made? What would you think of that?

CF: (unintelligible) uh, okay. Part of the reason I don't – didn't have any reliability in the law enforcement around here is the harassment that I had gone through; the duress that they put me through a few times when, when I was in Poplar. Uh, and I had, you know, been minding my own business and I had been picked up and put in jail a few times...

WM: Okay.

CF: ... in Poplar.

WM: He didn't confess to Poplar police.

CF: Okay.

WM: Well...

TP: Did you know that?

CF: Now I – I mean now I do.

TP: Well, did you know that before?

CF: Not at the time, no, no, Ma'am, I didn't. I, I didn't.

WM: But when you say that, that you hold it against her and you think she might have been involved in this thing and he might be innocent, what about him making a confession to killing Kim Nees? What do you think about him?

CF: Where did he make this confession at? It was in Louisiana – am I right?

WM: Uh huh (affirmative).

CF: Okay. Well, I don't know what took place; how they came about getting this confession from him.

WM: Well, let me tell you the...

CF: I don't...

WM: ... confession was voluntary; it went to the Supreme Court.

CF: Okay. Well, you can't...

WM: (unintelligible)

CF: ... you can't continue to try to tell me what - everything that took place and happened to put Mr. Beach in jail.

WM: And you heard what you heard.

CF: And if that's the facts, then that's the facts, but this is just what I heard Mrs. Atkinson say.

TP: And you're basing – just so I understand this, okay, and if I'm wrong, please correct me.

CF: Yes, Ma'am.

TP: That you, you are telling us, who – we represent the state, okay.

CF: I understand.

TP: And we didn't have anything to do with Beach's prosecution.

CF: I understand that.

TP: But we handled appeals since his prosecution.

CF: Uh huh.

TP: And you're saying, "I think you have the wrong man in prison," right? Is that what you're telling us? Is that what you just said a few minutes ago?

CF: That, that is what I said.

TP: And you...

CF: And I believe that it may be very possible, but I, I'm not the jury; I'm not the judge.

TP: But you're basing that – this is my question – you're basing that...

CF: I'm basing – I'm gonna make this clear.

TP: ... on you heard that day.

CF: I'm basing this upon what Mrs. Atkinson said that day. And...

TP: Back in 1984.

CF: Yes.

TP: So from 1984 until you signed the statement in 2007, you've walked around believing that the wrong man has been in prison. Is that right?

CF: I've not spent a lot of my time thinking about it. After I heard what she had said, I kind of – well, I spoke to my priest about it and I tried to just put it out of my mind and go about my own business and make sure that nothing happened to me or my family in any manner, because like I said, there was a lot of crimes going on then.

TP: Uh huh.

CF: And as far as carrying this belief, uh, yes, but it's not something that I've dwelt on.

TP: Okay. Um, was there somebody else – you talked about, um, who all was in the area – was it - was there someone else there besides...?

CF: There was a fellow; his name is Hoss Red Eagle. Uh, I'm not sure of his real first name. Is it Lawrence?

RM: I don't, I don't know either, I know who you're talking about.

CF: You know who I'm talking...

TP: You don't know...

CF: You know Hoss. You know who I'm talking about.

TP: And where was he at?

CF: He was, he was the individual I was working with.

TP: So he was at the same...

CF: He was at the same hex cutting table.

TP: Okay.

CF: But I don't know if he heard anything or not. Uh, I mean I...

XX: He was in just about the same proximity as you were, Carl?

CF: Yes, Sir.

TP: Okay.

RM: Carl, at, at A&S, you know, when you walk in, those big plastic deals that hang down from the (unintelligible) to the net. And then there was a – think there was a paint shop there.

CF: Uh huh.

RM: Right when you went to your right, and that would go into the...

CF: Sewing area?

RM: Yeah. How far was your area from that – those big plastic doors that came down?

CF: Do you remember the, uh, far edge of the building, after you came in; walked down through the deep draw; took the right through the sewing area; after they had rearranged everything? Remember the, the thumbers used to be up front by the deep draw?

RM: Yeah.

CF: Okay, that's initially where I, I had began to work at A&S.

RM: Okay.

CF: Well, then they moved them into the back and they were in that back area of – where I worked was you came through the sewing area; you walked into the back building, past the sewing area, which was to the right at that time, as you were going to the back. Uh, the tables were in the back by the garage door. There was a door that, uh, that they would open to let some air in. And, uh, it was in the back, so it, it was pretty quiet...

RM: Well...

CF: ... where I worked.

RM: Well, about how many yards from that deep draw area were you?

CF: I was nowhere near the deep draw area.

RM: Well, you were about 50 yards from there, right? About half a football field maybe? Maybe not even that far? When I worked there....

CF: Yeah, I, I know you did. It, it was probably about that far. Uh, but it was in a completely different building, and there were barriers from where I was working to deep draw. I mean you could hear the deep draw machinery in the distance, but I wasn't right there...

RM: Yeah.

CF: ... you know.

RM: Yeah, and... How many people worked there, about then, do you figure, on your shift?

CF: On my shift?

RM: Yeah.

CF: Probably about a hundred and... Oh, in the sewing part?

RM: Uh huh (affirmative).

CF: I don't know how many sewers there were but in the back where netting department was, where we worked on sewing the nets together – you know, thumbing them together...

RM: Yeah, all that...

- CF: screening them, to fix any holes or anything and then, you know, the split net people – all the vat personnel, including the edge cord and the hex and omni cutters, there was probably...
- RM: (unintelligible) 100 people - easily 100 people, I bet, in that area.
- CF: It was probably more like, uh, 40 or 50 in that specific area.
- RM: Okay.
- CF: But I mean including the, the deep draw and the sewing department, there was probably close to 200 people that worked...
- TP: When you're talking about the area with the 40 to 50 people, how big a area was that?
- RM: Well, okay, I would say it was about four times this big, wasn't it?
- CF: It was pretty wide. It was, uh – I wish I could take you folks down there. Maybe Mr. McDonald can do that.
- TP: Okay.
- CF: But I was in – Richard, if you remember, uh, they moved things around a few times.
- RM: Yeah.
- CF: And then they finally eventually got that netting machine back there, okay. And then they moved things around again. But at that time, the only people that were in the area that I – in the building that I was working in were the hex cutters; uh, the (unintelligible) cutting staff; the people that split the net – split netters is what they called them – uh, thumbers and the screening people.
- WM: Let's ask this question this way – how many people – when you heard this conversation, how many people were within 20 feet of you?
- CF: There was H... Hoss, Sissy and Stubby; there were about four to five people in my area, that I can account for, that I remember being in that specific area.
- WM: W... could there have been other people nearby?
- CF: There were other people nearby, but given the dimension that you just said...
- WM: Okay.

CF: ... 20 feet.

WM: Well, I'm not done yet.

CF: They were beyond 20 feet.

WM: Okay. Within 20 feet, you're saying four or five people.

CF: Uh huh (affirmative).

WM: How many people were within 30 feet, including those four or five people?

CF: The same amount. Like I said, we had a pretty big area to work in because of the stuff...

WM: Okay, how many people, how many people were within 40 feet?

CF: The other people that may have been anywhere near and the closest proximity that they could have been was probably about 60 feet. And that would have been, uh, the people that sewed the (unintelligible) - the smaller nets together and cut - I mean excuse me - cut the smaller nets. The (unintelligible) cutters is what they were called.

WM: When, when you were in your work area, was it all handwork or did you have machinery or what?

CF: The only thing that was a machinery was a clamping machine that the, the edge cord people would use to step on it and clamp the cords together. Other than that, the only thing that was around were scissors.

WM: Hand scissors?

CF: Yes, Sir.

WM: And this clamping machine - was it ran by air or electricity, or do you know?

CF: No, it was a standalone machine. I know 'cause I, I...

WM: Operated it?

CF: ... did edge cord, yeah. It was...

WM: Any noise involved?

CF: A little bit; not - I mean metal hitting metal; that's it. It wasn't very loud.

WM: Okay.

CF: I mean I've heard louder noises coming from the deep draw, but I mean that was mechanical.

RM: At any time. I mean cuz that place used to hop. I mean you worked there quite awhile. At any given time, there could have - say not that particular moment, but say 20 minutes later, there could have been ten more people in your area, though, huh? You think that ever happen?

CF: Not at the - that point in time.

RM: Oh, no. No.

CF: ... the setup of the area was...

RM: No, no, but that, that potentially could happen, though, right? There could be like ten more people could all be doing something else in, in that - in and around that area, right? Not at that given moment but say like - say half an hour later, that could have...

CF: I understand your question. Uh, not at that time. There were - they were still in the process of moving.

RM: Oh.

CF: You know, rearranging everybody.

RM: Okay.

CF: So...

WM: Carl, would you give me the name again, please, of the person who was, that was standing near you?

CF: Uh, Lawrence Red Eagle.

RM: Yeah, it's Lawrence. I'm - I know him; I know, I know where he lives.

WM: Did you ever talk to Lawrence about this?

CF: No, I - not in anything - not in any detail. I just...

WM: Not in any detail or not at all?

CF: I, I just said, "Did you hear that?" and he said, "What? What? What?" You gotta understand that Hoss was always lagging behind me. I mean it was a production work, so I tried to get things done as quickly as I could so that my pay would increase. And...

WM: So what you're implying is when he says, "What? What? What?" is that he didn't hear.

CF: Yeah. He didn't hear. I don't think he heard what was being said. When I initially heard it, uh...

WM: So she wasn't saying loud – it loud enough to where it interfered with your work. You were just listening to other people's conversation.

CF: She said it loud enough that I could hear her from where I was at.

WM: I, I know. But it didn't interfere with your work. You were able to hear what she was saying.

CF: Yeah.

WM: And you were – she wasn't talking to you; she was talking to Stubby.

CF: Yeah.

WM: And could you see her face the whole time she was talking to Stubby?

CF: I could see her face, yeah. I couldn't see her entire face.

WM: So could you see Stubby's face?

CF: Stubby was standing at the back of the edge cord table. If this is – was the edge cord table, I would have been standing to the area of this map.

WM: So Stubby was facing you?

CF: Stubby was standing behind the spools and I could see his face, yes.

WM: Okay, where was she?

CF: She was standing in the front of the spools, uh, at the end of the table, looking at Stubby. And I, I could see her face – I mean from the profile, I, I could see her face. I mean she wasn't looking directly at me but I, I could hear what she was saying; I could hear Stubby's responses.

WM: She's still, though, addressing Stubby; not you.

CF: Yes, Sir.

TP: What were Stubby's responses?

CF: Disbelief, as far as I know. I never talked to him about any of it.

TP: You just said that you heard Stubby's responses to her.

CF: He didn't really say anything. All he -- he initiated the conversation and that's all I really paid attention to.

TP: How long did the conversation last?

CF: About five minutes.

WM: When you say Stubby looked like he was in disbelief, how do you put that label on it?

CF: How do I put that label on him?

WM: Yes.

CF: That's just the impression that was on his face. Uh, that's the only way I could put that on him.

WM: Did -- when's the last time you read your sworn declaration?

CF: About a week or so after I signed it.

WM: Did they...

TP: Do you have a copy of it?

CF: Yeah, I do.

TP: They gave you a copy of it?

CF: Yeah.

WM: Do you agree -- you said you read it carefully -- do you agree 100% with the content?

CF: Yes, I do.

WM: Does anybody have any questions?

TP: Are you aware of the hearing in front of the parole board?

CF: I was under the – I had the understanding that there was going to be one. Uh, however, it was postponed...

TP: Uh huh.

CF: ... for whatever reasons I don't know.

TP: Are you, are you planning on attending and being a witness at the hearing?

CF: I was asked to be.

TP: And so are you going to be?

WM: Did you agree to be?

TP: Did you agree to be?

CF: Yes, I did.

WM: Have they contacted you recently?

CF: I, I believe I'm going to because of my... Have they contacted me since? They contacted me and told me that it was put off for – and they didn't give me a specific reason. I just said, "Okay, well get ahold of me whenever it's scheduled."

TP: I think that there was a lot of information for the parole board to look at, that...

CF: Oh, yeah.

TP: ... they want to do a good job.

CF: That was, that was my impression.

WM: Carl, do you have any questions of us or any comments that you'd like to make about this?

CF: No, Sir. I...

WM: If there is, it's okay to make them now.

CF: I understand what you folks are doing and why I'm here. Uh, I don't have any questions for you. Uh, I mean you guys are doing your job.

WM: Okay. The time now is approximately 1317 hours. This'll conclude the conversation with Carl Four Star.