

## STATEMENT SUMMARY

**Name:** Calvin Lester

### **Significance to Beach's Clemency Application:**

Prior to giving his tape recorded interview to the State, Lester gave at least three different accounts regarding the murder of Kim Nees. On November 2, 2002, Calvin Lester gave a statement to Rich Hepburn from Centurion Ministries, in which Lester provided an "eye witness" account of the murder. Lester claimed that when he was 10 years old he saw Kim Nees being murdered. Lester claimed that Sissy Atkinson, Maude Greyhawk, Joanne Jackson, Jordis Ferguson and Roberta Jackson were involved in the murder. He claimed to have seen Caleb Gourneau, and "perhaps Shannon O'Brien and Ed Van Dover" at the scene.

On February 10, 2005, Lester confessed to FBI polygraph examiner Stacey Smiedala that his previous statements about witnessing the murder were false and that he had not witnessed anything regarding Nees's murder. Lester provided FBI Agent Smiedala with a handwritten statement in which he stated he did not know who killed Nees.

On April 4, 2005, Lester met with Hepburn and admitted to Hepburn that he had told FBI Agent Smiedala that he had made up his eye witness account of Nees's murder, but he assured Hepburn that he did witness the murder.

### **Summary of March 22, 2007 Tape Recorded Statement:**

Lester stated that his seeing Nees being murdered never happened. (6, 7.) After admitting to not see anything, Lester stated that he did not want to say anything else. Agent Ward McKay granted Lester's request and ended the interview. (7.)

MONTANA DEPARTMENT OF JUSTICE

INTERVIEW

State V. Beach

Calvin Lester

March 22, 2007

MONTANA DEPARTMENT OF JUSTICE

CASE NO: State V. Beach  
DATE: March 22, 2007  
TIME: 9:50 a.m.  
AGENT: Ward McKay  
LOCATION: Transitional Living Unit, Poplar, MT  
PRESENT: Agent Ward McKay (WM), Calvin Lester (CL), Tammy Plubell (TP), Mike Wellenstein (MW), Ritchey McDonald (RM)  
INTERVIEWEE: Calvin Lester

WM: Today's date is March 22, 2007. The time is approximately 0950 hours. This is Agent Ward J. McKay of the Montana Division of Criminal Investigation. The purpose of this recording is to document a conversation with Calvin Lester. The location of this interview is at the Transitional Living Unit in Poplar, MT, in a conference room. Also present are Assistant Attorney Generals for the State of Montana, Tammy Plubell and Mike Wellenstein and also Roosevelt County Deputy Sheriff Richie McDonald. Calvin, would you state your complete name please?

CL: Um, Calvin...Calvin F. Lester, Sr.

WM: And your date of birth, please?

CL: 1-29-69.

WM: And your social security?

CL: 517...

WM: 517?

CL: Yeah.

WM: Okay.

CL: [REDACTED]

WM: [REDACTED]

CL: Yeah.

WM: Geez...that's interesting. Well, Calvin, are you here on your own free will?

CL: Yeah.

WM: Has anybody forced you to be here today?

CL: No. Not, I don't know, whatever that...that phone call was yesterday. Like he said, if I didn't show up today, maybe if you guys had to come look for me, he said it wouldn't look pretty good, I guess.

WM: Well, that was me that said that.

CL: Um-hum. (affirmative)

WM: And I remember the conversation as well.

CL: Yeah.

WM: And I know that you told us previously you didn't want to ride in a police vehicle or anything.

CL: Yeah.

WM: And if we had to come and give you a ride or pick you up, it might not look good for you to your friends or people or family or whatever.

CL: Um-hum. (affirmative)

WM: We didn't want to disrupt your day. We wanted you to come in voluntarily and by you own means rather than us trying to force you. We wouldn't do that anyway.

CL: Yeah.

WM: Calvin, I know that you have talked to various people about this and we're talking about the Barry Beach case and the Kim Nees homicide.

CL: Uh-huh. (affirmative)

WM: Um, all this paperwork you see right here are different contacts with you by various people and these are stories that you have told and they all change a little bit. Within here somewhere, I think the truth is of what happened, Calvin, and that's what we'd like to do today is establish what the truth is.

CL: Um-hum. (affirmative)

WM: I know from material I've read that uh, you and your family members uh, were raised with the help of some people.

CL: Yeah.

WM: And I know that you've had some uh, problems in your life. Everybody does. I know that uh, you've been arrested and uh, that you even spent time in the federal penitentiary, isn't that true?

CL: Yes.

WM: Okay. And I'm not saying that to, to demean you in any way and I'm not saying that because I disrespect you. I have no reason at all to disrespect you, Calvin. Nobody here does. What we're interest in is the truth. There's been people that have been accused of things and I don't think it's right and we'd like to give you the opportunity to talk to us about it. Again, somewhere in here is the truth. What is the truth?

CL: Huh?

WM: What is the truth?

CL: The truth?

WM: Yep.

CL: I don't know. Just...you mean from the...from the time it happened or?

WM: What is the truth? When you were ten years old, did you see anything or not, Calvin? I know that at times you say you did and there's times that you say you didn't.

CL: Yeah, well, you know, it's...you know I was scared 'cause you gotta live here, you know.

WM: Yeah. Yeah.

CL: Plus, you know the family and stuff.

WM: Yeah.

CL: And y-you don't know what's gonna happen to you.

WM: I know, but you still told a story and you named names.

CL: Um-hum. (affirmative)

WM: It's your statement not mine.

CL: I know. Well, I know I shouldn't even... I should have just kept it in to myself instead of just saying, saying, tellin' people w-what I seen and stuff. But I know just that's something you have to live with and then like now, all these stories and um...

WM: Well, again, what we're interested in is the truth, Calvin.

CL: Um-hum. (affirmative)

WM: And I know at one time, you said to an investigator in Colorado...

CL: Yeah.

WM: ...that it didn't happen that way at all. That...

CL: Was he out of Great Falls or, or...Glasgow?

WM: No. He was an FBI agent down in Colorado.

CL: Um-hum. (affirmative)

WM: I know that...it's called recanting a story, meaning that you tried to clarify that that what you said before wasn't necessarily the truth and that's what we're after today is what the truth is. Whatever the truth is, is what we want to put on record.

CL: Uh-huh. (affirmative)

WM: So...is it the truth that, and like I'm saying, no disrespect for you at all, and nobody's gonna condemn you unless you don't tell the truth. So, whatever the truth is, that's what we need to know. If, If because of pressures or because of where you were living or who you knew or whatever uh, you were encouraged to tell a story, it's okay. If you tell the truth here today, that's all we care about. It should help you finally put this to bed that you finally get to tell the story...the truth, the whole story and nothing but the truth. If it, if it happened that it wasn't entirely the truth what you said, it's okay. We're here to help everybody understand what went on and for everybody to get closure, Calvin, on this. There's been people that have been hurt by bad talk about them...bad looks. We would like to be able to help them, too.

CL: Um-hum. (affirmative)

WM: We don't want you to be under the microscope either. We, We want to be able to tell, Calvin came in here and told us the truth. Would you tell me what the truth is, Calvin?

CL: Well, I might as well just go with that...what that agent said.

WM: I don't want you to go with anything, Calvin. Again, if it's the truth, it's okay.

CL: Um-hum. (affirmative)

WM: Is that the truth?

CL: Yeah.

WM: It's a made up deal?

CL: I guess.

WM: No, is it or ain't it? Was it a made up deal? Did somebody put you up to it? I know you were just a little kid, Calvin, in '79...like about 10 years old, I think. Well, you had to be maybe a little over 10. Isn't that right?

CL: Yeah.

WM: And I...I know where you were living at the time, up on the hill there. Um, it...it's okay to talk about if somebody put you up to it and stuff or if, if you heard so much about it that you actually believed it, that's okay, too, but deep within you...dig deep, buddy. Grab on and do the right thing here. Whatever the right thing is, do it now. Think about your pride and your heritage and dig deep. Just tell me what the truth is. Don't go by what anybody else says. Don't go by what I say. You dig deep within you. You've gotta live this thing. You tell the truth...whatever the truth is.

CL: I'll just say that it never happened.

WM: Is that the truth, Calvin?

CL: Yes.

WM: Now, if...if you want to, we can expand on it a little bit.

CL: Like what?

WM: Meaning that um, it, I know that it was the talk of the town. It still is, this whole thing. Um, you were probably flooded with information and people talked to you about it. Um, were you pressured by anybody to tell a story?

CL: No.

WM: Did you come up with story to look good in somebody's else's eyes?

CL: Huh-uh. (negative)

WM: Why did you come up with this story then?

CL: How does this interview last anyways?

WM: This one?

CL: Yep.

WM: For as long as you want it to. You can end it at any time. We can stay and talk or you can end it at any time. You don't...you're not obligated to be here, Calvin.

CL: Well, yesterday, I thought I was.

WM: What I tried to impress upon you is that we wanted to talk to you. We wanted to hear the truth and hear your story. That's all we're here for.

CL: Well, you got the truth then.

WM: Okay. Is...is there anything that you want to...

CL: (unintelligible)

WM: ...tell about?

CL: No, there isn't, I don't want to say any more.

WM: Okay. If, If you want to end this right now, we sure can. Is that your choice?

CL: Yep.

WM: The time now is approximately 1003 hours. This will conclude the conversation with Calvin Lester.