

MONTANA DEPARTMENT OF JUSTICE

TELEPHONE INTERVIEW

State v. Beach

Rose Failing Atkinson

May 15, 2007

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CASE: STATE V. BEACH  
DATE: May 15, 2007  
AGENT: Ward J. McKay (WM)  
INTERVIEWEE: Rose Failing Atkinson (RA)

WM: This is agent Ward J. McKay of the Montana Division of Criminal Investigation. The date is May 15, 2007. The time is approximately 7:37 a.m. This will be an attempt to have a phone conversation with Rose Failing Atkinson. I'll be calling Montana number 768-5230.

(Dialing noises)

RA: Hello.

WM: Hello, could I speak to Rose Atkinson?

RA: Yeah, this is Rose.

WM: Rose, my name is Ward McKay. I work for the Montana Department of Justice in Helena, Montana. How are you?

RA: Just fine.

WM: Rose, the reason for my phone call is that, um, we're responsible here for making some inquiries regarding the Barry Beach investigation and upcoming clemency hearing.

RA: Okay.

WM: And could I make arrangements to speak with you? By phone would be fine. I know it's early now, ...

RA: (Laughter.)

WM: ... and I ... and I know you work and stuff, so all I wanted to do this morning is to make arrangements with you for a good time to call you back. I'd need about 15 minutes of your time is all.

RA: Um, it'd probably be better to talk to you here since I ... have a ... my open room at my office has four people in it, so ...

WM: Okay.

BEACH R ATKINSON INT

- RA: ... I can talk to you right now.
- WM: Oh, that would be good ... that'd be good. Uh, Rose, apparently you have talked to the Centurion Ministries prior, is that correct?
- RA: Yeah. Yep.
- WM: And, do you remember the, the evening prior to Kim Nees being killed?
- RA: Somewhat.
- WM: Okay. Do you remember where you were that evening?
- RA: Yeah, I do.
- WM: And where was that?
- RA: It was the night before, ... wait, hang on a second (background voices). Yeah, it was the night before ... Every summer they have the Wild West Days in Poplar.
- WM: Yeah.
- RA: ... and that's like ... that was on a Saturday and Sunday, so Friday night I went to town and I was on this ... I ended up going and was in a car with Maude Kim, Sissy Atkinson, ... gosh, I can't really ... I think Jordis Ferguson and Joanne Jackson. I believe Sissy had got us some beer because we were ... we were all underage still ...
- WM: Uh-huh.
- RA: We drove around for awhile and drank maybe just a 12-pack or something like that, if even. I don't really ... I never really liked drinking beer, but I was with them ...
- WM: How long were you with them, Rose?
- RA: Oh, it was probably from like, maybe 8 to 9 or something like that.
- WM: For just ...
- RA: And then there was a dance going on at the, like the Burn Steer or ... Dad's, Don's Bar. Hang on a second.
- WM: Okay.
- RA: Just moving out of the room where somebody else is at.

- WM: Okay.
- RA: Anyway, since my whole plan was to wait and save up for Saturday 'cause the rodeo was going to be that day, so I really didn't want to party or anything, so being that I was 18, I could bar tend but I couldn't drink in the bar, so we all ... we pulled into the Bum ... ah, they changed the name of that bar so many times, I think it was probably the Bum Steer then ... pulled in there, and everybody kind of was going in or going their ways, and the Bank Shot was open at that time and it was a bar that my husband had helped build, and this was a old Quonset, and I was there during the whole construction of it and the people that owned it, I knew them, and I bar tended there. So, I just went and walked down there. My husband was drinking down at... well, he wasn't husband then, but he was drinking at the Legion and ...
- WM: And is ... is that Denver?
- RA: Denver, yeah. There's no way they would let me in there, in the Legion. They knew how old I was, and the lady that bar tended in there. I remember her distinctly being Bev Oldenburg, and no way could I step foot in there.
- WM: Okay.
- RA: So, um, he was there drinking with one of his friends, and so I just made my way over to the Bank Shot. I left those guys, and I wasn't with them very long. And, I left them and I went down there and then I bar tended the rest of the night 'cause I could hang out behind the bar and, um ...
- WM: Okay, so you left the group of girls ...
- RA: Yeah.
- WM: ... and you went down to the bar and bar tended and stayed there 'til closing?
- RA: 'Til closing time. And then at closing time, somehow or another ... I mean I really can't distinctly remember this part, Maude ended up showing up there, you know ...
- WM: Okay.
- RA: ... at closing time, and then my ... and then Denver showed up and one of his friends, John Prescott, they showed up there and then we were going to go, you know, drive up north, or go somewhere ...
- WM: Are you sure it was Maude that showed up?
- RA: Yeah. Yeah, it was. See, she was my next door neighbor for ... since I was ... Well, we moved to Poplar when I was five, and she's a year older than me, so they lived ... they lived probably like 12 feet away from my house, so I, you know, I grew up with

her. And ... So, yeah, she showed up, you know, and I can't ... You know, she had her car pulled ... You know, and Denver's mom lived right next door to Barker's Bar. She had a trailer there, and the Bank Shot is just kitty-corner across the street where I was, ...

WM: Uh-huh.

RA: ... so I just kind of met up right there. She pulled in, and she wanted to snag this guy that was with Denver who was, like, not really new in town, but he hadn't lived around here for years, and so we said, yeah, let's, you know, all jump in together and we'll go somewhere, and ... He followed us in his vehicle because we had two vehicles when we got up to that ... where we went. We went up north of Caleb Shields house, there.

WM: Uh-huh.

RA: But initially, when we were going to turn at the highway, ...

WM: Yeah.

RA: Everybody always just went down by the train tracks down there, down by the ... We didn't always drive down by the tracks, but we'd go right down at the end of the football field and there's a little place where you could just drive down there, and people always went down there and smoked pot, or drink, or party, or whatever, right there, just right off the highway.

WM: Right.

RA: So we said let's just head down by the football field, and then Maude said, no, let's don't go down there, you know, let's go up north. Him and I always remember that part of her saying no, let's don't go down there, you know, let's go up north. So we went up north, and then we sat up there and whatever we did, and ...

WM: What time was that that you left town, do you reckon. Was it after two?

RA: Yeah, after two o'clock.

WM: Okay.

RA: Yeah.

WM: And how long were you gone up north, Rose?

RA: Shoot, I don't know. Maybe an hour? I don't even know. An hour, something like that, I would say.

- WM: Okay. And then ... and then you came back to town?
- RA: And then we came back to town and we went over to his house, and he lived with his mother, and we would always go over there and sleep on the couch at his mother's house and then ...
- WM: Who was that?
- RA: Denver's mother, Belle Atkinson.
- WM: Yes.
- RA: But she didn't like me spending the night there 'cause she always thought my mom would get mad about it, but, like I'd just graduated. See, that happened 30 days after we graduated.
- WM: Yeah.
- RA: And, um, so, we laid on the couch or slept on the couch for maybe a couple hours or three hours, or something like that. His mom would always wake me up and make him take me home, you know. And, so she was sitting on the ... sitting on the coffee table shaking us, you know, Rose you better go home now, and everyone to leave, and then he drove me home, and got home and my ... or to my parents house and I slept on the couch 'cause I had ... my bedroom was down in the basement. And my mom woke me up like maybe an hour later, and she always listened to the scanner, you know?
- WM: Uh-huh.
- RA: Like ... And she woke me up and said something had happened, and then the whole town was abuzz of what was going on.
- WM: So, what time was it do you think when you got home?
- RA: I probably went to my mom's house at like six in the morning, I suppose.
- WM: Okay.
- RA: Yeah. And then Sissy, she came home sometime ... she stayed there too at that same house ...
- WM: Uh-huh.
- RA: And then ... But I don't remember her going there because she always said, Rose you remember me coming home, but I didn't. I didn't remember her ...

WM: Did you see Sissy the next morning?

RA: I probably ... Yeah, I did. I just don't ...

WM: After you heard about ... Did your mother tell you about a murder or somebody getting killed?

RA: They found ... they found a pickup down there, and like Kim had this green ... a weird green pickup that only one person in this whole county probably had, you know...

WM: Yeah.

RA: And she said they're pretty sure it's Kim Nees's pickup down there. And, then it was like, oh no, you know. Like, what's going on, you know. And every car in town was driving down the highway trying to see what was going on, and ... Just really a bad deal, you know.

WM: Uh-huh. So, did you ... did you go down by the scene at all, or?

RA: You know, I don't ... I'm not ... no ...

WM: The next morning?

RA: I never did go down to that area right there ...

WM: Now, did you look at it from some distance or from some location?

RA: Well, every time you drive down the highway and look over there and wonder what happened to one of your best friends, you just wondered and wondered, and then, you know, just wonder what happened, and ...

WM: Yeah.

RA: You know, it was always like, the weirdest thing. You know, they always said Barry's knuckles were all beat up and him scratched, and then his mother getting him out of town right away. That was always pretty darn suspicious, but my own theory on the whole thing was that he could not ... he couldn't have done that to her alone because she was a strong girl. She was, like ... every summer she worked in the field, or like worked hauling bales and you know do the shot put or whatever. Was always in track ...

WM: Yeah.

RA: You know, did all that stuff. I know she was strong ...

WM: Okay.

- RA: ... and I always said that there was no way he could have did it by himself, but you never know what ... if a person gets hit the first time and knocked out, maybe he did, I don't know.
- WM: Yeah. Do you have any reason to believe that he didn't do it?
- RA: No. Nope.
- WM: Now, the next morning, do you remember specifically going ... uh, going down, um, like on the highway or on the railroad or anything and looking down by the pickup?
- RA: No, never.
- WM: Okay.
- RA: I mean, I don't ... I don't remember, no, and I would ...
- WM: Could that have happened, or ...
- RA: No. I just ... I'm not ... I'm just like funny about things like that, you know?
- WM: So you didn't care to go down or look or anything?
- RA: Nope, no I wouldn't ...
- WM: Okay. When did you speak with Centurion Ministries, Rose?
- RA: You know, the first time they came, I was in my other building, and I think we moved into this building like in 2000, where I work ...
- WM: Yes.
- RA: That was probably ... so maybe in 99 or so? But I remember them ... Maude called me from the clinic, she worked over at the clinic then. She said Sis, there's these guys here, they are Centurion Ministers, or whatever they're ... and they're going to come over and talk to you about Kim's murder, and I was like, you know, have them come over. I mean, what do I know. I don't know anything. I wish I did. I'd be the first one to tell, you know. And, she was well, they're coming over. And she was very upset about it. But to me, it's like, hey, I'll say anything I can remember. I used to even wish I could bet hypnotized ...
- WM: Yeah.
- RA: ... to remember exactly what people were wearing, what was happening ...

WM: Well, it's tough to remember some of that stuff.

RA: Yeah.

WM: How many times did you speak to Centurion Ministries?

RA: Oh ... that guy's really a pest. Like two or three times, probably. You know, if he seen you in a Frosty's, like you seen him in there, he's always trying to twist your words, always trying to, you know, get you to say something, like, you know, like I don't know that ... you know, I just talked to one of our friends from Billings the other ... she's lived there since she graduated ... she graduated from high school here a year before me, and went to school there, and she came back and had her mother's anniversary dinner last week. And she said, Sis, do you think, um ... See, I have four brothers, so I grew up with my name being Sissy or Sis, too, you know ...

WM: Yeah.

RA: Anyway, she said, Sis, do you think Maude did it, you know, she asked me, 'cause everybody knows I was good friends with Maude all these years and stuff. And, I said, you know, as many times as I smoked pot with her, you know ... We didn't drink that many times together, 'cause I really wasn't a drinker, you know. But I did drink at times, you know, but I'm not somebody that drank all the time and partied, and, you know, how when people get drunk they say everything ...

WM: Yeah.

RA: Or they say things ...

WM: Yes.

RA: I said, all them years of us being friends, never once did she ever say, you know ...

WM: Well, there's ... there's a statement here ... well, first of all ...

RA: That's right. Okay. Here's the one thing that I told that guy, that Centurion Minister, that they picked me up one time ... or her and Sissy picked me up one time from my house here, and I can still remember exactly going around the corner at the end of my block here, and something must have been going on, like somebody ... and when the questioning all comes in and everybody always gets all suspicious, and ...

WM: Right.

RA: You know, what's going on, who was there, fingers get pointed, they always said, you know, had all the names, you know, like Maude and Sissy, and Joanne Jackson and Shannon O'Brian was always a name. 'Cause, what his name. Gary was supposedly with Shannon and Caleb that night, you know. And Shannon never would ever talk to

anybody about it. Never ... you know, that was always suspicious. Now you look at her, five feet tall, two hundred pounds, you know.

WM: Yeah.

RA: It's like, Shannon if you knew something or know something you should say, you know, you should tell, or whatever, but I don't know if she ever did. But I'll go back to that other story, going around the corner down here, they said, yeah, I guess they're saying that Joanne and Jordis ... or Jordis was there or something like that, and Maude said ... either Maude or Sissy said oh, Jordis wasn't even there. And then I looked back at her like how would you know if she was there if you were, you know ... But I didn't say anything, 'cause I thought, oh man, does that mean you were there?

WM: Well, you could take that a couple different ways, though, right?

RA: Um, I don't know ...

WM: Either she was there or she knew that she wasn't there, or ...

RA: Yeah. You know, I just ...

WM: Well, do you have any reason to believe that any of these girls were involved in the murder of Kim Nees?

RA: You know, I don't know that other than, you know, I know like Maude didn't like Kim because of Kim had made a remark about her baby, you know she had said something about her having a big head or something stupid. And then Sissy had had a baby, like a one-night stand with this guy and had a baby, and Kim had been dating that guy and she didn't like it. But, you know, Sissy was never going to get with this guy, but she didn't like the fact that Kim was going out with him, so they both ...

WM: That's Alex?

RA: Yep. They both had a reason not to like her, but you know, I wish that I could say, you know one way or another on Kim's behalf, 'cause that's always been ... like, that's my dying wish, that ... You know, when you die and you know everything, ...

WM: Right.

RA: That, I want to know what happened to her.

WM: Yeah. And I can understand that ...

RA: You know, it was such a senseless ...

- WM: Well, do you remember after you and Maude got home, or back to town, or wherever you stayed at ...
- RA: You know, I don't know if she ... you know, like right now, thinking about it, did she ride back with that guy, or did she get back in with us. 'Cause she rode out there with us, Denver and I, and then he followed us ...
- WM: Yeah. In a separate vehicle?
- RA: Yeah.
- WM: And then you don't know if she came back in the same vehicle or with the other guy?
- RA: Yeah, see ...
- WM: Did she come to the same house that you were at?
- RA: No. No, she didn't come in there.
- WM: So, when somebody says that you, um, you witnessed Maude showering at your place ...
- RA: No, she didn't shower there.
- WM: Okay.
- RA: No. That was something that ... that never ... it never happened. My mom ... my parents were really strict, and nobody would ... they wouldn't come to my house and we wouldn't bother Denver's mother either, you know. That wouldn't happen. And I would never cover up for anybody, you know. It was like ... I never really thought about it this way until I became friends with Margie Campbell, and it's like that Catholic guilt, you know?
- WM: Yeah, yeah I understand.
- RA: I was raised, you know, having to go to church all the time, and I have this ... I have a major conscience and I would never cover anything up or ...
- WM: Yeah.
- RA: Or not tell anything, or ...
- WM: Well, that's another thing in here is that they ... they're ... they suggest that ... that Sissy over the years has asked you to alibi her.

- RA: That was ... you know that ... you know that night when she said, Rose, you remember when I came home, and I was like no I don't. 'Cause if you know me, when I fall asleep, I am out.
- WM: Okay.
- RA: And that's what I always said, I don't know when you came home, so, you know ...
- WM: But, did she ask you to alibi her, or just ask you to try to remember that she came home?
- RA: No. She just always said Rose, you remember when I came home, and I was like, no, I don't. I don't.
- WM: Okay.
- RA: You know.
- WM: Did she ever ask you to lie for her?
- RA: Nope, never. Never.
- WM: Okay. Let me look through my notes here, real quick. Um, you've already talked about Alex a little bit, Trottier, and apparently there was some animosity of some kind between Sissy and Kim, regarding Alex ...
- RA: Yeah.
- WM: But, apparently you don't know all the details involved in that either ...
- RA: Well, just ...
- WM: ... or do you?
- RA: Well, I do. It was like, you know, he was ... I don't remember if he was even still married then. He might have been married still. But he was like one of those guys, you know, kind of took her off on these little secret rendezvous, and, you know, that she would snag him, Nobody really knew him, as kind of a ... I shouldn't say nobody really knew what, but it was kind of fun and crazy, but it was ...
- WM: Trying to be secret?
- RA: I mean, it was the 70s, the end of the 70s. People were having ... you know, there wasn't aids. Aids wasn't out there yet, so people were having sex and being out there, and you know she was with him, and um, and it wasn't like people didn't know, but ... And she ... Sissy came back, and the only ... She got pregnant from Alex, and I don't

know, and I don't even know how they ended up together, but it was probably like a one-night stand, is what I always thought. And she always had a fantasy of being with him or having him.

WM: Yeah.

RA: And she had that one baby, got her tubes tied, and you know, and then kind of haunted the poor guy for, you know, it wasn't like he was hers, but she didn't like it that he was with somebody else.

WM: Yeah. Well, did you know, was Kim Necs also messing around with Alex?

RA: Oh, yeah. Yeah, Kim was.

WM: Okay.

RA: Yeah, she was. But it wasn't ... You know, Sissy got pregnant, and then he offered to pay for an abortion and, um, she didn't want to do that, so she moved to California and had the baby and then came back when ... maybe like in ... Maybe in April, maybe. I can't remember for sure. I was a senior that year, and so she was ...

WM: She's a little older?

RA: Oh, she's like five years older than me.

WM: Yeah.

RA: So, she came back, and I mean, to this day she's still sixteen, you know, in her mind. I mean, she's never matured to ...

WM: Yeah.

RA: You know, I don't have ... Since the death of Maude's husband, I've never talked to her. Maybe ... I mean, she called me after I had surgery and said she was thinking about me and stuff, but, you know, after she went haywire and her husband got killed and stuff, I don't talk to her, nor do I talk to Sissy anymore, because of her drug use and, you know, is always still willing to offer drugs to kids, and you know, I just really don't have anything to do with her.

WM: Okay. Now, do you recall, did Sissy ever tell you that she resented Kim Necs for fooling around with Alex?

RA: Um, I don't remember that.

WM: Okay.

RA: I was almost like ... you know, she ended up marrying ... Or, Alex ended up marrying one of my, you know, another one of my friends, and she tormented her, you know. So, it was almost like he wasn't going to be hers, but she didn't want anybody else to have him either, you know.

WM: Okay. Well, do you have any reason to believe that Barry Beach did not kill Kim Nees?

RA: No. There was, you know, the hands ... Caleb and Shannon not coming forward and saying whatever happened. I mean, this is just my own speculation on it, you know, that ... you know, that him having his hands beat up and scratched, and whatever. And Kim had fought Barry's sister before. They lived on the same block. I was right there when she fought Barry's sister and ... Barbara, and, um, no, I just ...

WM: Do you have any reason to believe that anybody else, including all these girls, or any other man, or do you have any reason to believe that anybody else was involved in Kim Nees's homicide?

RA: You know, as small of a town as this is, and I always think my boss can get mad at me 'cause I always think I know everything, even though I don't know everything, I always wished I knew, I always wished somebody would say, you know, just confess ...

WM: Well, you'd think that somebody would have made a slip up somewhere ...

RA: Yeah. Or been scratched up ...

WM: Right.

RA: ... had something, 'cause like I said, I watched her fight a few times, and you know, I always knew she had ...

WM: She could hold her own ...

RA: I always knew she had these good arms on ... good strong arms on her, and she was strong, so ... yeah, but it was just like such a devastating thing. I ... my whole class. We've never had a class reunion, just kind of, you know, devastated everybody ...

WM: Oh, that's shame isn't it?

RA: Yeah. How everything happened.

WM: Okay. Well ...

RA: She did ... he did, you know, how his mom kind of hurried up and got him out of here and everything, and he had beat up his mother before, you know, that Barry ...

WM: Oh?

RA: And, the way they whisked him out of here, of course it looked suspicious, you know ...

WM: Yeah.

RA: ... getting him going and stuff, and then he ... when they came back, we ended up, Denver and I ended up getting this apartment over at Delane Alt's, you know, probably six months later or something, and that was when Barry first came back from ... he'd been gone for so long, for ... I don't know how long it was... anyway, Caleb and Shannon brought him over to the apartment, and I told those Centurion Ministers the same statement, that we were watching, I used to like watching that Quincy M.D. ...

WM: Yeah.

RA: And they had this thing on there and they were trying to detect these guys who murdered who, and he was sitting there, and I was feeling weird about him being there 'cause everybody knew he was a suspect, you know ...

WM: Yeah.

RA: I was, like, I wish ... why'd you guys bring him over here? He's like ... this is really weird. And he sat there and he said, if I ever killed anybody I could never live with myself. And I was thinking, oh, you're like the main suspect here and then them two are ... and why'd you guys even bring him over here.

WM: Yeah.

RA: But, then it was kind of like, well, if you didn't do it, then why'd you confess, you know?

WM: Exactly. Well, apparently he couldn't live with himself, because he wound up confessing to it.

RA: Yeah. See, that's what I always thought, too, you know ...

WM: Yep.

RA: But, my thing for years, I used to say was I wish I could go to the prison and talk to him and say, who was with you, Barry. Just tell the truth. Who was with you ...

WM: Right.

RA: You know ... And then, now, this whole thing started getting to where, oh, he didn't even do it. He wasn't even there. You know how they can ... that guy can sure twist and turn everything around, and ...

WM: Sure.

RA: And then with the advancements in forensics, and you know, everything, 'cause they did ... they had people come forward and fingerprint, if you were ever in the vehicle, you know ...

WM: Right.

RA: And I went right over there and ... when they were collecting the evidence, and it's like here, I was in her car before, I rode around with her before, and all. I gave them a statement. You know, they had everyone at the old BI ... the old jail there, and there were some people that wouldn't go through, some that wouldn't give their fingerprints, and some people that wouldn't cooperate. You know, so, you just always, always wished he would have said ... if there was somebody else, and he was there, like, you know, say it ...

WM: Yeah.

RA: It was almost like it was ... like he was ... like he was afraid to say who was with him. I don't know. But then it turned all the way around where he was saying he wasn't even there. So, how these guys are trying to say, you know, he wasn't even there, he was framed, and this whole bit.

WM: Yeah.

RA: So, I don't know. I think he needs to stay where he's at, and, you know...

WM: Well, and I can't say a lot about what's going on, but what we're trying to do is make sure that the right guy is where he's supposed to be, and it sure appears that way.

RA: Yeah.

WM: But ... Now, is there anything else that you think we should know, Rose?

RA: Gosh, I wish I had something that pinpointed it, you know, something, but ...

WM: Has Centurion Ministries contacted you lately?

RA: No, they haven't.

WM: Have they asked you to come to the clemency hearing?

- RA: No. Nope.
- WM: Well, Rose, thank you very much. Can I leave you with my phone number in case you have any questions or comments?
- RA: Oh, let me see if I see a pen here. Now, I'll find one that doesn't work here.
- WM: Yeah. That's my problem half the time, too.
- RA: I'll look out here. Yeah, there was ... I know that Catherine Moe, she was one of our classmates, one of the smartest ones in our class, pretty much. You know, we were such a small class that everybody was friends. Small town. Everybody knows each other ...
- WM: Yes.
- RA: ... spent all our time in the summers in the river, and all these things, and she was ... Of course those Centurion Ministers can turn everything around and try to make ... You know they tried to make it like Catherine was a bad person, and she was a nice girl ...
- WM: Yes.
- RA: And, so I don't know ... Okay, now I have something to write with.
- WM: Okay. My name again is Ward, W-A-R-D, last name McKay, M-C-K-A-Y, and I work for the Attorney General's Office.
- RA: Okay.
- WM: And the phone number here in Helena is 444-2026. And, if you have any questions or comments or think there's something we should know, Rose, it doesn't matter what it is, if you want to talk to me about it, you're surely welcome to call.
- RA: Okay.
- WM: Rose, thank you very much for the time.
- RA: You're welcome.
- WM: Have a good day.
- RA: You too.
- WM: Bye.

RA: Bye.

WM: The time now is approximately 8:07 a.m. This will conclude the conversation with Rose Failing Atkinson.