

STATEMENT SUMMARY

Name: Lawrence "Hoss" Red Eagle

Significance to Beach's Clemency Application:

Four Star claims that while working a shift at A &S Tribal Industries in the spring of 1984 after Beach's trial, he overheard a conversation between Sissy Atkinson and Stubby Balbinot, in which Atkinson told of her involvement in the Kim Nees murder. In his March 21, 2007 tape-recorded interview with the State, Four Star stated that Hoss Red Eagle was working next to him when he overheard Atkinson's and Balbinot's conversation. Four Star also stated that when he overheard Atkinson she was 15 to 20 feet away from his work area and there was very little noise in his work area.

The State's March 21, 2007 tape record interviewed of Red Eagle and A&S Tribal Industries employment records call into question the veracity of Four Star's claims.

Summary of Red Eagle's March 21, 2007 Tape Recorded Statement:

Red Eagle stated that he started working for A&S Tribal Industries in 1985. (3-4.) Red Eagle's statement is corroborated by his A&S Tribal Industries employment record, which provides that Red Eagle began working for A&S on January 7, 1985. (See Red Eagle's A&S employment record.) Accordingly, since Red Eagle first started working for A&S Tribal Industries in 1985, Red Eagle could not have been working next to Four Star in the Spring of 1984 when Four Star allegedly overheard Atkinson's conversation with Balbinot.

In addition, according to the A&S Tribal Industries employment record for William "Stubby" Balbinot, Balbinot first started working for A&S Tribal Industries on August 28, 1984. (See Balbinot's A&S employment record). Accordingly, Four Star could not have overheard a conversation between Atkinson and Balbinot in the Spring of 1984, as he claims in his written statement, because Balbinot first started working at A&S Tribal Industries on August 28, 1984.

Red Eagle did recall at one point working side by side with Four Star as a hex cutter at A&S Tribal Industries. (8.) Red Eagle stated the work area was busy and noisy, with machines and big ventilation fans going all the time. (6-8, 14-15, 17.)

Red Eagle acknowledged that fans were about 6 feet tall and had blades with a radius of 3 to 4 feet. (14-15.) He also stated that there were noisy forklifts moving through the area "24-7." (18.) Red Eagle explained that because of the noise one could not make out what anyone was saying unless you were standing right next to them. (7.) Because of the noise quite a few people wore earmuffs or plugs. When Red Eagle started with A&S Tribal Industries in 1985 he had no hearing problems. As a result of working at A&S Tribal Industries, Red Eagle suffered some hearing loss. (7. 13-14.)

Red Eagle stated that Sissy Atkinson worked 20 feet away from his work area in the edge cord department. (8.) When he worked with Four Star, Atkinson was working within 20 feet from where they working. (9-10.) Red Eagle stated that Atkinson and Stubby did not work in the same area, and he never knew them to work together when he was at A&S. (9-10.)

Red Eagle stated that he could not have overheard Atkinson if she was having a normal conversation with somebody in her work area. (11, 12.) Regarding hearing someone's conversation who was 20 feet away, Eagle stated: "You'd have to be listening really good because I, I didn't hardly hear anybody around us unless I was talking to right to 'em." (12.) Red Eagle added that a person would have to be right next to him for him to even know that the person was talking to him and for him to hear anything that person said. (12.) Red Eagle explained that if he wanted to get Atkinson's attention for her to do something he would have had to yell at her. (10.) Finally, Red Eagle could not recall Four Star ever saying to him "did you hear what she just said" or did you hear "what Sissy just said." (11, 12.)

MONTANA DEPARTMENT OF JUSTICE

INTERVIEW

State V. Beach

Lawrence Red Eagle

March 21, 2007

MONTANA DEPARTMENT OF JUSTICE

CASE NO: State V. Beach
DATE: March 21, 2007
TIME: 5:35 p.m.
AGENT: Ward McKay
LOCATION: Transitional Living Center, Poplar, MT
PRESENT: Agent Ward McKay (WM), Lawrence Red Eagle (LR), Tammy Plubell (TP), Mike Wellenstein (MW), Ritchey McDonald (RM)
INTERVIEWEE: Lawrence Red Eagle

WM: Today's date is March 21, 2007. The purpose of this recording is to document a conversation with... would you state your complete name please?

LR: Lawrence Red Eagle.

WM: And Lawrence, do you go by any nicknames?

LR: Hoss.

WM: H-O-S-S?

LR: Yes.

WM: And Red Eagle. Can I call you Hoss?

LR: Yes.

WM: The time now is approximately 1735 hours. The location of this interview is at the uh, Transitional Living Unit in Poplar, MT. Present during the conversation is myself, Hoss, Tammy Plubell, Mike Wellenstein from the Attorney General's Office and also Richie McDonald. Hoss, your name came up in an earlier interview today and I know we called you on short notice and, and you're kind enough to, to come in and spend a few minutes with us. Have you been threatened or coerced by anybody to come in here today?

LR: Hm-mm. (negative) No.

WM: And when you were called, was that by Deputy Richie McDonald?

LR: Yes.

WM: And are you here on your own free will?

LR: Yes.

WM: Hoss, what is your date of birth, please?

LR: August 23, 1965.

WM: And your SOC?

LR: [REDACTED]

WM: 0121?

LR: Yes.

WM: Okay. Don't be afraid to speak up so that we can get it on the tape recorder.

LR: Oh, okay.

WM: And you live in Poplar?

LR: Poplar. Yeah.

WM: Do you work now?

LR: Yes.

WM: Where... Where do you work at?

LR: Um, Ag-Land Coop.

WM: How long you been there?

LR: Uh, almost four years.

WM: So, since about '03 or so?

LR: Yeah.

WM: And prior to that, where did you work?

LR: Uh, A&S Tribal Industries.

WM: How long did you work at Tribal Industries?

LR: About...

WM: A&S?

LR: About ten years...1985 to '95, I think, but off and on. I was, I was at worked there in '97, no, yeah, '97 to '98, I believe.

WM: So, you worked there from '85 to '95?

LR: Yeah, and then I got laid off.

WM: Okay. And then you went there again?

LR: Yeah, '97 to '98.

WM: What was your job while you were there?

LR: Mmm...I worked in the netting department and in the deep draw apartment...department.

WM: Okay. And quite a few people worked there?

LR: Yes.

WM: Approximately how many?

LR: Mmm...geez, I couldn't tell ya.

WM: Was...are we talking 150 people...200 people?

LR: Yeah, around that...

WM: How many...

LP: ...in there.

WM: Was it all day shift or was...was there...

LR: Was a four eh, 8:00 to 4:30...4:30 to 1:00 and night shift came in till...from 12:00 till 8:00 in the morning.

WM: Okay. So, it was pretty much round the clock?

LR: Yeah.

WM: Did uh, let me rephrase that: While you were working there, how many people were there on a given shift?

LR: In just my area or the whole building?

WM: Well, let's start with the whole building. Do you know?

LR: Uh, around four...around 400 people.

WM: Okay. And then on a regular shift, how many people were there in your immediate area?

LR: Geez, I can't remember. There was a...quite a few, but, but I can't remember numbers.

WM: Can you, can you est-...estimation is fine.

LR: Estimation is around 30 to 40. There was the squaring, split nets, uh, hex cutting around the cutting screeners, edge cord, those were all in the area where I worked.

WM: And it...is it one big room?

LR: Yeah.

WM: And how, how, what's the dimension of the room? I've never been there, so...eh, eh, can you estimate how big that room was?

LR: Ohh...geez, uh, I can't.

RM: Would you estimate it to be about...what if you put three more rooms this size together, would it have been about that big?

LR: Bigger.

RM: Bigger?

LR: Uh-huh. (affirmative)

TP: Than that?

WM: Would you say if this room was...

LR: I'd say...

WM: This room is almost, almost 20 by...20 by 20. So, would you say, 50 by 50 or bigger yet?

LR: Let's see, it's that ESCO building. That's about 100 feet across and 50, maybe 60, 75 feet this...

WM: Wide?

LR: Yeah. It's around...

WM: So, we're, we're talking a pretty big area.

LR: Yeah.

WM: But and 30 to 40 people in there working?

LR: Yeah at uh, in that one area, yeah, on all those people were...

WM: Was it pretty busy place?

LR: Um-hum. (affirmative)

WM: Kind of a hub of activity going on?

LR: Um-hum. (affirmative)

WM: Different things going on?

LR: Yeah.

WM: You mentioned some of the things, I know...

LR: Yeah.

WM: ...so, there's people doing their own jobs...

LR: Yeah.

WM: ...a lot of people moving around and...

LR: Yeah.

WM: ...and stuff being moved and um, people talking...

LR: Um-hum. (affirmative)

WM: ...um...

LR: Noisy.

WM: Excuse me?

LR: Noisy.

WM: Noisy?

LR: Yeah.

WM: And where were the...what kind of noise are we talking about? Machinery type noises?

LR: Yeah.

WM: And what kind of machinery would be making noise?

LR: Sewing machines, uh, fans, um, oh, let's see, what else was going down? People chattering, talking, I can't really make out what anybody's saying down there unless you're standing right next to 'em. Then there's, I don't know what else was running down there, but there was a lot of noise.

WM: Okay.

LR: I got some of my hearing loss from down that place.

TP: Oh, really?

WM: Really? Did they, did they ever have...did you ever have a need to wear earmuffs or plugs or anything?

LR: Um, you could wear them, but I never...it wasn't recommended, but uh, you c-...you could have, but I d-...

WM: Was there some that did?

LR: There was some that did, yeah. There was quite a few people that did.

WM: So, there was enough noise to where it actually affected your hearing?

LR: Mm-hm. (affirmative)

WM: Um, when you came to work there um, do you know a guy named Carl Fourstar?

LR: I met him, I think in, I had to do some thinking on that one. They mentioned him to me today. Um...

WM: And who mentioned him to you today?

LR: Uh, Richie.

WM: And when he mentioned him to you today, did he tell you that uh, he wanted to talk to you about your place of employment and if you worked with Carl?

LR: Yeah.

WM: Okay.

LR: I was trying to remember and yeah, I do. I, I did work with him. I remember now that I...after it took me awhile. I worked with him for, I think it was maybe uh, six months to a year. Maybe. I can't really remember, but I know I...

WM: In the same area?

LR: In the same...we worked together.

WM: Okay.

LR: It took me awhile to remember, but yeah, I did work right with him.

WM: Side by side?

LR: Side by side on a...

WM: Doing basically the same things or something?

LR: Yeah, we were doing the same thing. We were uh, hex cutters.

WM: Okay. And what...in the work area that you were in, was it this noisy area?

LR: Oh, yeah. It was noisy in there. There was fans going all the time.

WM: Okay. Did you uh, did you remember Sissy Atkinson working there?

LR: She worked in edge cord department.

WM: And where was that in relation-...

LR: That was...

WM: ...ship to your area?

LR: ...about maybe 20 feet away from where we were working.

WM: Okay. And who did she normally work with?

LR: Uh, she worked with the...back then sh-...when I met her, she was working with uh, Howard Round Face. There was another guy, too, but I can't remember his name and there was a woman...another w-...another lady working with them.

WM: Do you remember a guy named Stubby?

LR: Uh, yeah.

WM: Did Stubby work in the same area as Sissy at times?

LR: No.

WM: Where did Stubby work?

LR: He worked with me in screening.

WM: Have I got the right name?

TP: Um-hum. (affirmative)

WM: And did you ever work there when Stubby and Sissy worked together in the same area?

LR: I worked there and they've...I worked there from '85 to '95 and I don't know of them ever working together.

TP: Okay.

LR: I mean...now, they knew each other. They were...they met and I think they were together, I think, if I remember right now. I think they were, ended up being together.

WM: Yeah.

TP: Do you mean...when you say, "together" do you mean dating?

LR: Yeah, together. Yeah.

TP: Okay.

WM: And at the time that...for the, for the months that you worked with Fourstar...

LR: Um-hum. (affirmative)

WM: ...was Sissy in the...within 20 feet of your working?

LR: Yeah, she was.

WM: Okay. And to your knowledge, Stubby never worked in that same area at that time?

LR: Not that I know of. Huh-uh. (negative)

WM: Okay. If you were working in your area...

LR: Um-hum. (affirmative)

WM: ...and you had to say something to Sissy, it w-...did that ever happen to where you had to say, Sissy, I need this or can we do this or...get out of the way or anything else? Did you...

LR: No.

WM: If you had to, could you say it in a normal voice?

LR: No.

WM: What would you have to do?

LR: I'd have to yell at her because she was that...edge cord table they were working on, they were going back and forth on it.

WM: So, they weren't in an idle position. They would be...

LR: No.

WM: ...moving back and forth?

LR: Yeah.

WM: Sometimes closer to you and sometimes further away, is that...

LR: Yeah.

WM: ...the thing?

LR: Um-hum. (affirmative)

WM: Plus, you're doing your work and you're in movement as well, right?

LR: Um-hum. (affirmative)

WM: Could you ever hear if Sissy was in a normal conversation with somebody in her work area, could you have heard what she was saying?

LR: Mm-mm. (negative)

WM: You're shaking your head.

LR: No.

WM: Okay. So, do you remember Carl Fourstar ever saying to you, regarding Sissy now...

LR: Um-hum. (affirmative)

WM: ...do you ever remember him saying, "Did you hear what she said?"...meaning Sissy?

LR: Nnn...no. 'Cause I've never...I've never talked to Sissy. I didn't really know her until geez, I don't know...

WM: Okay.

LR: I still don't really know her that well.

WM: Okay. Even if you didn't know Sissy, think of working with Carl though.

LR: Um-hum. (affirmative)

WM: Can you remember a time where Carl said something like if he overheard something or heard something from Sissy and him saying, "Hoss, did you hear what she just said?"?

LR: No, because me and him weren't that close.

WM: Okay.

LR: I wouldn't...

WM: You wouldn't...

LR: I wouldn't tell him nothing and he wouldn't tell me anything, so.

WM: So, would it be unusual for him to ask you even that question?

LR: Well, he'd...he'd probably say something, but I wouldn't pay attention to him.

WM: Okay. And, but, in any event, you don't recall him ever saying...

LR: No.

WM: ... "Did you hear what she just said...or what Sissy just said?"?

LR: No.

WM: Okay. What's the chances of Sissy being engaged with somebody in conversation in her work area...

LR: Um-hum. (affirmative)

WM: ...you guys working over here 20 feet away in the environment that you were in, what's the chances of you hearing those people's conversation?

LR: You'd have to be listening really good because I, I didn't hardly hear anybody around us unless I was talking right to 'em.

WM: Right next to you?

LR: Yeah. If I was like right here. Like if you came up to me and started talking to me, that's the only way I'd, I'd know you were talking to me or I'd hear you saying anything. Other than that, it was...

WM: Too much stuff going on?

LR: Yeah, too much stuff going on to pay attention to just one person.

WM: Okay. Um, had you, had you ever had a conversation...w-well, you said you didn't know Sissy very well.

LR: No, I still don't.

WM: And did you ever have any candid conversation with her at all?

LR: No.

WM: About anything? Did you ever have any conversation with Stubby about anything?

LR: Um, I worked with Stubby in screening, like I said before, and yeah, I've talked to him a few times, but uh, that was just mostly joking, laughing and joking around.

WM: Okay. Did he ever uh, get serious and talk to you about...anything about the Kim Nees homicide?

LR: Hm-mm. (negative)

WM: Did he ever...

LR: No.

WM: ...mention anybody that he thought was involved in it?

LR: No. Not to me.

WM: Does anybody have any questions?

TP: I just have one.

LR: One?

TP: Do you know...you said some people wore earplugs or whatever...do you know if Carl, when you worked with him, Carl Fourstar...did he or, ever wear earplugs or...

LR: I...I couldn't tell you. I didn't...

TP: Okay.

LR: ...pay any attention to him at all. I just wanted to get my job done and that was it.

TP: Right.

LR: And they were doing the same thing. It was...one stopped and started uh, talking, having a conversation with somebody, then it would slow us down.

TP: Right.

LR: The more we do, the more we got back then...

TP: Exactly. Okay.

LR: ...and so, I didn't...

WM: Hoss, in 1985, when you first started working there, did you have any hearing problems?

LR: No.

WM: So, your hearing problems developed as...from the employment?

LR: Yeah, like around uh, I think '91, '92 and then that's when I started...

WM: Having some problems?

LR: Yeah. I could start hearing buzzing in my ears.

WM: And did you ever get treatment for that...

LR: No.

WM: ...or how you doing with it now?

LR: Um...

WM: Have you got some hearing loss do you think?

LR: Yeah. I know I have.

WM: Are you married?

LR: Yes.

WM: I bet your wife could probably qualify that, huh?

LR: Yeah.

WM: Mine, too. Um, is there any other questions from anybody?

RM: Yeah.

MW: No, I'm...

WM: Richie, go ahead.

RM: Um, that, the smell and those nets that you guys worked on, that was pretty overpowering, wasn't it?

LR: Yes.

RM: And the fans you're talking about were the...they were about a six foot um, tall standing fan with a...the blade, the radius of the blade was probably about three or four feet, right?

LR: Yeah.

RM: And they ran those pretty much year round for the...to circulate the air, right?

LR: Yeah, they did.

RM: Take that smell away?

LR: It was...they had the doors open, you know, it was, it was noisy in there.

WM: So, that...we're talking big ventilation fans?

RM: They're, yeah, they're, they're tall standing fans with a big...

TP: Um-hum. (affirmative)

RM: ...big blade, you know, big...

WM: Big blades and a cage around 'em?

LR: Yeah, yeah.

TP: Those are pretty loud.

LR: Mmm...(affirmative?)

WM: And th...and were they running all the time?

LR: Yeah. That, that I know of.

WM: Big...exhausting what...uh, glue or something?

LR: The smell of the, the nets. There were...s-some people got sick just smelling the nets 'cause it has a chemical on it and well, I still got...my skin's still messed up from those. You can see it on there.

WM: Affected?

LR: Yeah.

RM: And um, you, you got paid a set rate, but if you did more than your set rate, you got an incentive...in-incentive pay, right?

LR: Yeah, we got like a quota.

RM: Yeah.

LR: Like a...the more we get done uh, the bigger our paycheck, so. I didn't have a lot of time to...

RM: Did you usually...when you worked, did you usually go above your quota?

LR: Yes.

RM: Uh...

WM: So, you were hustling?

LR: Um-hum. (affirmative) Yes.

RM: As far as you and Carl...do you think you made more or were you guys about equal? Do you think you had a little more over your quota or if he was over your quota or were you about equal?

LR: We were about equal unless he was off doing something else and then I got whatever I did. Like if...like maybe he took the afternoon off, you know, stuff like that or he had to go do something and I, I got there early in the morning and...

RM: But to your knowledge, you never ever had a time when uh, he, he more or less outworked you? Is that right?

LR: No. He never did.

RM: Okay. You guys were both about on the...on, on par about, about the same rate?

LR: Yeah.

RM: Okay.

WM: When...when you'd come on shifts, were the fans going?

LR: Yeah. Yes, they were.

WM: And they were going the whole time during your shift?

LR: Yes.

WM: And on your shift, was it, um, when you, in other words, what I'm asking is that, was there any down time where everything shut down and everything's quiet?

LR: Yeah...

WM: During your shift?

LR: ...when the power went off. If there was a blackout, yeah, where everything was shut off and there'd just be lights on and we'd just go stand in the break...break room and that was it.

WM: Till the stuff come back up?

LR: Yeah...until everything came back up.

WM: But in a normal working...on a normal work day, everything's running and you're in there doing your job and there's, there's basically no quiet down time?

LR: No.

WM: When you took a break...

LR: There was always someone...

WM: ...did you leave your work area?

LR: Um, yes, I did.

WM: Okay. And did things shut down then?

LR: No, there was always people working.

WM: Okay.

LR: There was always people working. There was...

WM: Always noise...

LR: Yeah.

WM: Always stuff going on.

LR: Um-hum. (affirmative)

WM: People chattering.

LR: Yes.

WM: Maybe some people yelling at somebody.

LR: Yeah.

WM: Okay.

RM: Was there a...were there forklifts moving in through the area?

LR: Yes.

RM: How often would that happen?

LR: Um, 24-7.

RM: (unintelligible) forklifts (unintelligible)?

LR: Yeah.

RM: Were those noisy, too?

LR: Yeah.

WM: And were the forklifts gas or electric?

LR: Some of them are gas. Some of them are electric. So, they...

WM: A little of both.

LR: Yep.

WM: Anything else?

TP: Nope.

WM: Is there anything you'd like to add, Hoss?

LR: No.

WM: Okay.

LR: I don't uh...no.

WM: Okay. Thank you very much. The time now is approximately 1755 hours. This'll conclude the conversation with Lawrence Hoss Red Eagle.



A & S TRIBAL INDUSTRIES, INC.

P. O. Box 308
INDUSTRIAL PARK, POPLAR, MONT. 59255
Phone (406) 768-5151

EMPLOYEE: Lawrence Red Eagle

DATE OF HIRE: January 7, 1985

EMPLOYEE NUMBER: 2768

POSITION TITLE: Production

HISTORY OF REVIEWS

DATE	AMOUNT OF INCREASE	NEW RATE	TYPE ACTION	NEW CLASSIFICATION
1-7-85		\$4.79	New Hire	Screening
4-21-86		\$4.87	Transfer	1st Shift Hex Cutting
4-19-88		\$5.34	Transfer	2nd Screener "B"
7-18-88			Reclassifying	Screener "A"
07/18/88			TRANSFER	2nd Squaring
9-19-88			Transfer	2nd Hex Cutting
8-26-90		4.91	Transfer	Squaring 1st
9-10-90		4.91	transfer	CUTTING 2nd
7-01-91			"	" 1st
7-15-91				Laid off
9-09-91		\$6.32	Return from lay off	Metal Handler DR 1st
10-08-91	162	\$6.94	Transfer	Smelter Op. "B" 2nd shift
1-7-92	58	7.52	Annual	
4-20-92			Transfer	1st Shift
9-08-92		\$5.22	Transfer	PN Inconcrete Op. "A" 1st shift
2-11-93	\$2.30	\$7.52	Transfer	Smelter Op. "B" 1st shift
1-11-94		\$5.22	Reclassifying	Job Pool (New Inconcrete)
3-04-94				Laid-off
5-01-95		\$7.52	Rehire	Smelter Op. (Temp.)

REVIEW MONTH:

NeMont Print

