

STATE OF MONTANA
BOARD OF PARDONS AND PAROLE

1002 HOLLENBECK ROAD, Deer Lodge, MT 59722
(406) 846-1404 ~ (406) 846-3512 (fax)

APPLICATION FOR EXECUTIVE CLEMENCY

(§46-23-301 – 46-23-316, MCA, and 20.25.901 – 20.25.904, A.R.M.)

USE A SEPARATE SHEET OF PAPER WHEN NECESSARY

Name: Barry Allan Beach Date: 9/12/13

Address: Montana State Prison, Deer Lodge Montana Phone: _____
(street, city, state, and zip) (include area code)

Aliases used: None

Type of Executive Clemency requested (see Page 3 for descriptions):

Pardon Commutation Other

Reason and Justification for request: At the time of the offense Barry Beach was age 17. He has now served over 30 years in prison. For the reasons outlined in the attached documents a commutation of his sentence is sought.

PERSONAL DATA:

Sex: Male Female Date of Birth: Feb. 15, 1962 (now age 51)

Race: Caucasion and Cherokee and Choktaw Social Security Number: [REDACTED]

Marital Status: Single Number of Dependents: None

Occupation: Maintenance, Construction, Electrical, Carpentry

Name and address of employer or school (include city, state, and zip): _____

Until May 15, 2013 employer was Stephen C. Wahrlich, Best Western ClockTower Inn Billings 2511 1st Ave N. Billings, MT (406)238-1793

Parents (name, address, and phone): Roberta " Bobbi" Clincher

[REDACTED]

Give a summary of your social history and accomplishments that qualify you for Executive Clemency: _____

Mr. Beach was age 17 at the time of the offense. He is now age 51. On December 7, 2011 he was released on Bond pursuant to an order of District Judge Phillips and for 18 months resided in Billings, establishing residence and employment and integrating into the Billings community. Upon the Supreme Court reversing Judge Phillips ihe turned himself in to the Yellowstone County Sheriff. He has now served 30 years for this offense.

LEGAL DATA:

*List the following information for all offenses for which you are requesting relief.
A certified copy of the sentencing judgment(s) must accompany this application.*

Offense: Deliberate Homicide

Sentence: 100 years no parole

Date Sentenced: May 11, 1984

County: Roosevelt County

Judge: Judge Sorte

Plea: Not Guilty

Circumstances of the Crime(s): On June 16, 1979 Kim Nees was murdered Her body was found in the Poplar River. Barry Beach was arrested in Monroe, Louisiana in January 1983. The evidence against Barry Beach was a confession obtained by Ouchita County Louisiana officers. There was no physical evidence connecting Barry Beach to the crime. There were no witnesses to the crime who came forward. No witnesses saw Barry Beach with the victim, Kim Nees on the night of the murder. Since that time evidence has been developed showing that a group of Poplar woman have indicated that they are the ones who killed Kim Nees, not Barry Beach.

Type of Discharge – Prison, Parole, or Probation (give dates and type of discharge): _____

Released on December 7, 2011 pending State appeal to Montana Supreme Court.

May 15, 2013 voluntarily surrendered to Yellowstone County Sheriff.

Parole Expiration Date: _____

Sentence Expiration Date: _____

List any prior arrests or convictions (give circumstances, dates, court action, etc.): _____

1982 Fighting- U.S. Navy, Norfolk VA 100 days

10/82 Theft 2 counts, Monroe, LA-100 days.

List any arrests or convictions subsequent to the offense for which you are requesting relief (give circumstances, dates, court action, etc.): None

Any person convicted of a crime after 7-1-73 will automatically have all civil rights restored that may have been lost, if any, upon termination of state supervision.

Application must be SIGNED AND NOTARIZED and accompanied by three letters of recommendation from reputable persons acquainted with you.

The Board of Pardons and Parole advises you that all information relating to your crime is public record and may be released to the public.

I state that the information presented in this application is true and correct to the best of my knowledge.

Barry A Beach
Applicant's Signature

PARDON: A declaration of record that an individual is to be relieved of all legal consequences of a prior conviction.

COMMUTATION: Substitution of a lesser sentence for a greater one.

OTHER: Remission of fines/forfeiture of a temporary suspension or reprieve.

NOTE: You may submit any additional information or copies of documents you believe would be of value to the Governor in making a determination on your case (for example, character reference letters, certificates of achievement or any other information not sufficiently covered in the questionnaire). Do not send original documents as all materials are retained in the case file and are not returned.

Certification

All answers to the foregoing are true and complete to the best of my knowledge. I understand that any omission or misstatement of facts in the questionnaire may cause cancellation of my application for a pardon.

SIGNATURE
DATE

Barry A Beach
9-10-13

RELEASE AND WAIVER

I hereby authorize any representative of the Board of Pardons and Parole or any other authorized representative of this Agency bearing this release, or a copy of it, to obtain any information in your files pertaining to my employment, credit, or educational records including, but not limited to, academic achievement, attendance, athletic, personal history, performance reports, background investigations, polygraph examination results, psychological examination results, any and all internal affairs investigations, and disciplinary records, and credit records.

I hereby direct the Board of Pardons and Parole to release this information upon request of the bearer. This release is executed with full knowledge and understanding that this information is for the official use of the Board of Pardons and Parole.

Consent is granted for the Board of Pardons and Parole to furnish the information described above to third parties in the course of fulfilling its official responsibilities. I further understand that I waive any right or opportunity to read or review any background investigation report prepared by the Board of Pardons and Parole.

I hereby release the Board of Pardons and Parole as the custodian of such record and any employer, school, college, university or other educational institution, credit bureau, lending institution, consumer reporting agency, or retail business establishment including its officers, employees, or related personnel, both individually and collectively, from any and all liability for damage of whatever kind, which may at any time result to me, my heirs, family or associates because of compliance with this authorization and request to release information, or any attempt to comply with it. Should there be any questions as to the validity of this release, you may contact me as indicated below.

I understand that I have the right to receive a copy of this authorization should I request it.

DATE: 9-10-13

SIGNATURE: Barry A Beach

FULL NAME (Print): Barry Allan Beach
First Middle Last (Dr., Sr., II, III, etc.)

ADDRESS: 700 Couley Lake Rd

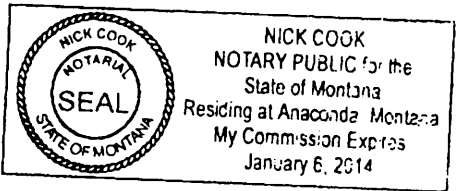
TELEPHONE: (Home) 406-846-1320 (Work) 2300

STATE OF Montana
COUNTY OF Powell

On this 10 day of September, 2013, before me personally appeared the above name individual, personally known to me, or proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed to this instrument, and acknowledged that he/she executed it.


WITNESS my hand and official seal
My commission expires: 1-6-2014

Phil Croll
Signature - Notary Public



Peter K. Mair
Peter A. Camiel

Law Offices of
Mair & Camiel, P.S.
710 Cherry Street
Seattle, Washington 98104

 FAX: 623-5951

September 12, 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, Montana 59722

RE: Application for Executive Clemency for Barry Allan Beach

Dear Members of the Montana Board of Pardons and Parole:

Introduction

This letter accompanies an application for executive clemency pursuant to M.C.A. 46-23-30 and Montana Board of Pardons & Parole Administrative Rule 20.25.901 on behalf of Montana State Prison inmate Barry Allan Beach, No.21520.

Relief Requested

This application requests commutation of Mr. Beach's 100-year, no parole sentence, which would allow him to be immediately eligible for parole. The sentence was imposed by Roosevelt County District Court Judge Sorte on May 11, 1984. (Ex. 1) Mr. Beach had already been in custody over one year, having been arrested in January 1983. The grounds for this application are further detailed herein, and include the fact that Mr. Beach has now served over 30 years in prison for a crime that occurred when he was a juvenile, and that Mr. Beach has demonstrated he is not a danger to the community but rather is an asset to the community.

Mr. Beach acknowledges that this Board has previously stated that:

Unless the board otherwise orders or there has been a substantial change in circumstances, as determined by the board, an offender whose application for Executive Clemency has been denied, may not reapply for Executive Clemency.

Mr. Beach is not asking the Board to recommend a pardon, as did his previous application, but rather only to mediate Mr. Beach's 100-year, no parole sentence by making Mr. Beach immediately eligible for parole.

There has been more than one substantial change in circumstances since 2007. First, the law has changed with regard to the imposition of life without parole sentences for offenders who were under the age of 18 at the time of the crime. Mr. Beach's 100-year, no parole sentence is for all practical purposes a life without parole sentence. Barry Beach has now served over 30 years in prison. Second, Mr. Beach demonstrated that he is rehabilitated by having lived an exemplary life during the year and a half he spent living and working in Billings until this past May. During this time he gained additional supporters because of his behavior and attitude while living and working in the community. Third, there is new evidence about the crime that was not available to this Board in 2007. This new evidence casts even more doubt on the conviction.

Recent United States Supreme Court Rulings Regarding Life Sentences for Juveniles

Barry Beach was 17 years of age when Kim Nees was murdered in 1979. He was tried as an adult. He was sentenced to 100 years with no possibility of parole, no matter how well he did in prison, no matter how long he served. For all practical purposes this is a sentence of life without parole.

In *Miller v. Alabama*, 567 U.S. ____ (2012), in a decision issued on June 25, 2012, the United States Supreme Court held that a life sentence without the possibility of parole for a person who was a juvenile at the time of the crime was unconstitutional under the Eighth Amendment to the United States Constitution. The Court reasoned that because of a juvenile's lessened culpability, juvenile offenders cannot be sentenced to life imprisonment without being afforded a meaningful opportunity to obtain release based on their demonstrated maturity and rehabilitation.

Were Barry Beach to come before a Montana court today, having been convicted of this crime that occurred when he was 17 years old, he would not receive a 100-year no-parole sentence. Indeed, Judge Phillips noted this when he ordered Mr. Beach released pending the state's appeal of his decision.

I will release him on his own recognizance. The Court believes that there is a possibility that if a jury were to find Mr. Beach guilty, that after having already spent twenty-nine years in jail, it is possible that a district judge somewhere would release him on time served because he has served so much more than most people have ever served for this kind of, even horrific crime." (Transcript of bond hearing of December 7, 2011 p. 70).

Prior Board Ruling of Application for Clemency

In August of 2005, Barry Beach, acting *pro se*, filed an application for a sentence commutation or a pardon with the state of Montana Board of Pardons. That application was denied without a hearing in a decision issued November 30, 2005. Mr. Beach then wrote to Governor Schweitzer who forwarded the request to the Board.

In November of 2006, the Board of Pardons and Parole granted Mr. Beach's request for a Clemency hearing. The Board held a bifurcated hearing, with the first part convening at the Montana State Prison between June 14-16, 2007 on the issue of Mr. Beach's guilt or innocence. The Board held the second part of the hearing on August 1, 2007 at the Community Center in Deer Lodge on the issue of commutation of Mr. Beach's sentence. The Board issued a written decision dated August 20, 2007 declining to make a recommendation to the Governor for an order of Clemency for either Commutation or Pardon.

Subsequent Legal Proceedings

On January 18, 2008 Mr. Beach filed a post-conviction petition in the Roosevelt County District Court. On March 28, 2008 the District Court issued an order dismissing the petition without a hearing. Mr. Beach appealed to the Montana Supreme Court. On November 24, 2009 the Montana Supreme Court issued a decision remanding Mr. Beach's post-conviction petition to the District Court for an evidentiary hearing.

The Honorable E. Wayne Phillips, then a District Judge in Lewistown, Montana held the evidentiary hearing from August 1-3, 2011. Numerous witnesses testified at the hearing. A number of those witnesses had come forward *after* the clemency hearing held before this Board in 2007. Judge Phillips allowed testimony from these new witnesses who had not appeared before the parole board, after he decided that their testimony constituted actual and relevant new evidence about the crime.

On November 23, 2011 Judge Phillips issued a 30-page ruling ordering a new trial on the basis of the new evidence. (Ex.2). In so ruling Judge Phillips found that Mr. Beach's new evidence was indeed "new" in that the evidence was discovered since the trial, it could not have been discovered sooner by the exercise of due diligence, it was material to the issues at trial, and that it was neither cumulative nor merely impeaching. Most importantly, Judge Phillips found that a new jury hearing this new evidence would unlikely convict Mr. Beach.

Finally Judge Phillips found that:

Here the clear and convincing evidence demonstrates that a jury could find Beach is actually innocent of his crime, Beach, ¶ 48. E.g. at least one juror acting reasonably and properly instructed would not have voted to find him guilty beyond a reasonable doubt. (Judge Phillips' decision p.29)

On December 7, 2011 Judge Phillips denied the State's motion to stay his decision. Judge Phillips then released Mr. Beach on his own recognizance and with restrictions including that he reside in Billings with Ziggy and Stella Ziegler, that he abstain from alcohol use, and that his travel be restricted. Mr. Beach was released that day.

The State then appealed to the Montana Supreme Court. On May 14, 2013 the Montana Supreme Court issued its decision. The court was divided 4-3 in favor of reversing Judge Phillips.

On May 15th this year Barry Beach walked into the Yellowstone County Sheriff's Office to surrender and be returned to the Montana State Prison in Deer Lodge, where he is currently incarcerated.

Mr. Beach filed a petition for rehearing in the Montana Supreme Court on May 28, 2013. The court denied his petition on June 30, 2013, again in a divided 4-3 decision.

For over three decades Barry Beach has consistently proclaimed his innocence. In the past two years four judges have ruled that Mr. Beach is not entitled to a new trial, and four judges (three Supreme Court justices and one district court judge) have ruled that Mr. Beach's new evidence so seriously calls into question the conviction that a new trial should be granted.

This case has generated strong public feelings both in favor of Mr. Beach's claim of innocence and against his return to prison. This case has divided the courts, but it appears that a significant number of the citizens of Montana question the validity of Mr. Beach's conviction and the length of his sentence. More than 150 people, including current and former public servants of the State of Montana, wrote letters in support of commuting Mr. Beach's sentence. (Ex. 5)

DNA Evidence Is Not Available To Support Mr. Beach's Claim of Innocence

Unlike other well publicized cases of actual innocence, Mr. Beach, through no fault of his own, cannot present DNA evidence to prove his innocence. The State has lost or misplaced all of the physical evidence that could have exonerated Mr. Beach. On May 17, 2005 Mr. Beach filed a petition for DNA testing which was granted by the Honorable David Cybulski, judge of the Roosevelt County District Court. In attempting to test the physical evidence, however, it was then discovered that all of the victim's clothing was missing. The hair evidence that had been collected from the truck and from Ms. Nees's clothing was also missing. The only remaining item available to test was a blood-stained towel located not far from the crime scene. The DNA test results from the towel showed the DNA on the towel came from neither Mr. Beach nor Ms. Nees.

The Evidence at Trial

The trial and the subsequent post-conviction litigation has centered on the validity of the confession of then 20-year-old Barry Beach, taken over the course of several hours by detectives

of the State of Louisiana versus the validity of the confessions of three women who made statements of their own involvement in the murder of Kim Nees to several friends, acquaintances and relatives. Mr. Beach is not connected to the crime or the crime scene by physical evidence. No physical evidence to-date has connected the other suspects to the crime.

A bloody palm print found on the passenger-side door of the Nees truck was left by a participant in the crime, according to the FBI. The FBI excluded both Mr. Beach and Ms. Nees as having made the palm print.

Additional newly disclosed evidence calls into question the veracity of the Louisiana detectives who interrogated Mr. Beach. The Board previously heard testimony from former Detective Jay Via who was the lead detective in the interrogation of Barry Beach. What the Board did not hear, because the information in his personnel file had not been disclosed at that time, was that Detective Via was not the person he presented himself to be. Rather, as Detective Via's personnel file shows, he has been found by his own police department to have serious credibility problems, having been caught lying on official reports, lying to supervisors, stealing funds from the department and money seized in evidence and mismanaging cases. He had been suspended from duty several times and came close to being fired on more than one occasion. Not one word of these misdeeds was revealed to the Board at the 2007 hearing. To the contrary, the State presented Mr. Via as having been an outstanding law enforcement officer.

The Board did previously hear that the same detectives who interrogated Mr. Beach including former Detective Via had extracted false confessions in other Louisiana cases. Had a new trial taken place, in accord with Judge Phillips's decision, the credibility issues discovered in Detective Via's personnel file, as well as his history of obtaining other false confessions would have been presented to challenge his version of what occurred during the many hours-long interrogation of 20-year-old Barry Beach.¹

¹The personnel file for Mr. Via shows:

February 27, 1978: placed on one year of probation for misappropriating a ring taken in to evidence.

September 1, 1987: suspended 2 days without pay for misusing government property including a department credit card.

April 11, 1991: written- up in personnel file for lying to superiors regarding his activities (claimed to be working on a case when actually playing golf-when initially confronted he lied to his superiors).

August 30, 1991: suspended without pay regarding failure to document his time on numerous occasions.

June 11, 1992: write up in file for missing drug fund moneys (\$900 in Via's care "disappeared," Via was later transferred out of the narcotics division due to unauthorized use of a department credit card.

August 25, 1993: investigated for prowling-advised to seek counseling and told he could be terminated if there were any future occurrences.

March 6, 2001: suspended for failure to document investigations.

The Factors to Be Considered By the Parole Board In A Clemency Request

This Board has described the factors it considers in determining whether to recommend a commutation as follows:

In weighing the evidence of exceptional and compelling circumstances presented by the applicant, clemency officials will investigate:

(1) the nature of the crime, the attitude of the judge and the prosecuting attorney, the attitude of the community toward the applicant, the attitude of the victim and victim's family, and a consideration of whether release would pose a threat to the public safety. The public safety determination overrides even the most substantial showing of exceptional or compelling circumstances.

(2) relevant institutional, social, psychological, and psychiatric records of the applicant.

(3) all parties who have entered a plea of guilty or who have been found guilty by a jury are to be deemed guilty. However, the Board may initiate an investigation into a case where there is offered substantial evidence showing innocence or complete justification on the part of the person convicted.

(1) The Nature of the Crime

The nature of the crime is self-evident. It was a brutal and tragic act that took the life of a young woman and caused much pain to her family.

Significant Facts about the Questionable Evidence against Mr. Beach

1. No physical evidence was found connecting Barry Beach to the crime. Dozens of fingerprints, footprints, hair, fiber, beer cans, cigarette butts and other items were collected but none were connected to Mr. Beach.

2. Not one witness reported seeing Mr. Beach out in the community on the evening that Kim Nees was murdered, nor did any witnesses see Mr. Beach with Ms. Nees that evening.

3. A bloody palm print located on the door of the truck, in Ms. Nees's blood did not match Mr. Beach or Ms. Nees. For several years after the crime the Roosevelt County Sheriff sought to have this palm print compared to suspects in other murders throughout Montana in recognition that this palm print was left by one of Kim Nees's killers.

4. After the evidence was collected and stored in the local judge's chambers, a Poplar police officer, Steve Gray Hawk, the father of Maude Gray Hawk, kicked in the door of the judge's chambers and entered the room despite having been directed to stay out. What he did in that room is unclear. He had been on duty the night of Kim Nees' murder. The jury never heard about this incident. Steve Gray Hawk's daughter Maude has since given numerous self-incriminating statements about her involvement in the crime to family and friends including Judy Gray Hawk and Janice White Eagle Johnson, both of whom testified before Judge Phillips. Judge Phillips found both witnesses highly credible.

5. Mr. Beach's confession, while long and detailed, contained numerous factual inaccuracies. Just a few examples, below, demonstrate the problems with this confession.

Mr. Beach inaccurately described Ms. Nees clothing in a way that parroted the incorrect understanding of the Louisiana Detective about her clothing. According to experts like Dr. Richard Leo, this fact demonstrates tainting of the confession by the police.

Mr. Beach claimed he choked Ms. Nees, but the medical examiner who examined her body found no injuries consistent with choking.

Mr. Beach claimed Ms. Nees exited the truck on the driver's side and he attacked her there. All of the physical evidence contradicts this assertion and shows she exited and was attacked on the passenger side.

Mr. Beach's claim that he threw Ms. Nees's jacket, the truck key, the murder weapons, and a garbage bag in the river were never confirmed despite numerous searches of the river by law enforcement and also demonstrated that Mr. Beach was unaware of how far the truck was parked from the river bank.

There are many additional discrepancies between the confession and the crime scene outlined in prior filings with this Board and with various courts. While the State has maintained that the confession contained facts only the killer would know, a closer examination shows this not to be the case. For example, the type of suspected weapon used, but never recovered, was very publicly speculated to be a crescent wrench and or a tire iron. The fact the truck keys were missing was noted in new articles. Indeed, numerous details about the crime were very well publicized and a storefront display case in Poplar contained photographs but of the crime scene, the Nees truck, and a crescent wrench, as well as of Ms. Nees.

The Phenomenon of False Confessions Was Not Understood In 1984

In 1984 at the time of Barry Beach's trial there was little understanding of the phenomenon of false confessions. Now, there is a body of well-respected research and many documented case

examples from DNA exonerations, which show that, not only do false confessions occur, but they occur at a frequency much higher than previously assumed. Approximately 25% of the DNA exonerations to date involved convictions based on false confessions.²

Any number of factors can contribute to a false confession during a police interrogation, including but not limited to ignorance of the law, the threat of a harsh sentence and misunderstanding the situation. While intuition might suggest otherwise, the fact is that even mentally capable adults are susceptible to giving false confessions due to a variety of factors such as the length of interrogation, exhaustion, hopelessness, and/or a belief that they will be released after confessing and will be able to prove their innocence later. (Id.; See also Testimony of Dr. Richard Leo, June 13, 2007, p.14.)

Barry Beach, then 20 years old, was detained and interrogated in Louisiana by three different officers for over seven (unrecorded) hours before he provided the tape-recorded statement used to convict him at trial. Both before and after this statement, he has maintained his innocence.

New Evidence Not Previously Heard By the Board

The previous hearing before this Board took place in 2007. After the denial of the clemency application the investigation on behalf of Mr. Beach continued and additional new evidence was gathered that was not available to present to this Board.

That new evidence, along with witnesses that were presented to this Board, was also presented at the hearing before Judge Phillips. At the previous Board hearing, the State's criticism of Mr. Beach's new evidence was that much of the testimony was arguably hearsay because witnesses were recounting incriminating statements made by Sissy Atkinson and Maude Gray Hawk about having participated in the murder of Kim Nees.

One of the new witnesses who testified at the evidentiary hearing before Judge Phillips was Steffanie Eagle Boy, now a middle-aged woman, who in 1979 was a 10-year-old girl. She was an actual eyewitness to the murder of Kim Nees. '

Judge Phillips described her testimony in his 30-page decision:

²Innocence Project Analysis of 210 DNA exonerations to present date. Since the late 1980's, numerous studies have documented hundreds of false confessions. (See e.g. Hugo A. Bedau & Michael L. Radelet, Miscarriages of Justice in Potentially Capital Cases, 40 Stan. L. Rev. 21-179(1987); Richard A. Leo & Richard Ofshe, The Consequences of False Confessions; Deprivations of Liberty and Miscarriages of Justice in the Age of Psychological Interrogation, 88 Crim. Law & Criminology 429-496 (1998); Brandon Garrett, Judging Innocence, forthcoming in Colum. L. Rev. (2008); Robert Warden, The Role of False Confessions in Illinois Wrongful Murder Convictions Since 1970 (Center on Wrongful Convictions Research Report 2003); Steven Drizin & Richard Leo, The Problem of False Confessions in the Post-DNA World, 82 N.C.L. Rev. 891-1007 (2004); Samuel Gross, Kirsten Jacoby, Daniel Matheson, Nicholas Montgomery & Sumate Patil, Exonerations in the United States, 1989 Through 2003, 95 J. Crim L. & Criminology 523-553 (2005).

Steffanie Eagleboy was 10 years old at the time of the Kim Nees murder, and lived on a bluff above the Poplar River overlooking the Train Bridge area where Nees was murdered. The night of the incident, she and her cousin were sitting on a rock on the edge of that bluff. She testified as follows: She saw two vehicles enter the Train Bridge area. The Court notes the similarity between this identification of two vehicles and the same identification of two vehicles by Mr Holen.

Subsequently, Ms. Eagle Boy said she heard loud yelling of girls' voices "Get her", "Get the Bitch", "Kick the bitch." She testified she heard a different voice: "Don't Please." Here is how Ms. Eagle boy testified about her reactions to this: "It was horrible." "The voices were high pitched, angry." "it's something I'll never forget. I've had nightmares all my life about it. It's something I won't forget."

Ms. Eagle Boy further testified that a police car with lights joined the two vehicles and shut off its lights. The pickup drove for a bit and she heard digging sounds, clinking tool sounds. The pickup then spotlighted the area and left.

Finally, Ms. Eagle Boy saw a Dateline TV story about Barry Beach and called the tip line. She stated: I was crying when I called the tip line."

Ms. Eagle Boy was questioned extensively by counsel. She was crying and emotionally fragile. The Court then conducted its own questioning. Given the proximity of the judge and the witness chair this is a quite close encounter. The court specifically wanted to see Ms. Eagle Boy's reaction when pressed about the memories and the nightmares elicited by them. It has been this Court's experience that, under similar circumstances, some witnesses calm down, cease crying, become more matter-of-fact-sober up if you will. In contrast, Ms. Eagle boy became even more emotional, cried on an even deeper level and seemed to be dredging the nightmare from their deep place in her psyche.

The Court wants to be extra cautious regarding the language it uses to discuss Ms. Eagle Boy's credibility and believability. It is too easy to dismiss language containing hyperbole simply because that language is used so often. However, the language used here is deemed by this Court to be essential in translating the emotional believability of Ms. Eagle Boy. The court found Ms. Eagle Boy extraordinarily credible and believable. No reasonable juror could experience her testimony without being convinced of its genuine heartfelt purity.³

³ Ms. Eagle Boy's testimony is corroborated by statements taken days after the murder by then Roosevelt County Undersheriff Mahlum. Mahlum interviewed Ms. Eagle Boy's aunt, Mabel Sparvier, who told him that on the night of the murder, from the porch of her home on the bluff above the park at 2:30 am she heard "high pitch" woman's screams coming from the park. Her son Joel told Mahlum he heard screams for help coming from the area of the river bridge and he commented about this to his mother.

Ms. Eagle Boy was not the only new witness Judge Phillips found to be credible. Billie Marie Smith and Susan Mohler testified about incriminating statements made by Joanne Jackson. Kevin Hall and Michael McIntyre testified about confessions by Sissy Atkinson. Previously submitted evidence about confessional statements by Maude Gray Hawk were also presented as well as new testimony from Janice White Eagle Johnson.

Judge Phillips ultimately found: "Here clear and convincing evidence demonstrates that a jury could find that Beach is actually innocent of his crime."

Subsequently, the Montana Supreme Court, in a closely divided decision over-ruled Judge Phillips. Their decision stands, and Barry Beach will not be receiving a new trial. Those Supreme Court justices, however, did not hear, see, or personally question the witnesses as Judge Phillips did. Even after the Supreme Court decision, Judge Phillips publicly stated that he still believed that a new jury should hear the new evidence in a new trial.

(2) The Attitude of The Community Toward Barry Beach

There is exceedingly strong support among the public, throughout Montana and elsewhere, for the parole of Barry Beach. This support is documented in the numerous letters submitted with this application as well as an online petition signed by over thirteen thousand people. The supporters include prominent Montana public servants such as United States Senator John Tester, former United States Senator Conrad Burns, former Lt. Governor John Bohlinger, former Montana State Senator Daniel Weinberg, former State Senator Lynda Bourque Moss, and current Billings Mayor Thomas Hanel.

Mr. Beach's many letters of support are attached to this application. Only a few of the over 150 letters are cited here.

United States Senator Jon Tester writes:

I write today to encourage your serious consideration of the request to commute Barry Beach's sentence. From the beginning, the investigation, trial and conviction of Mr. Beach raised many questions and concerns.

Mr. Beach has served almost thirty years in prison. The many questions around this case, new evidence that has been called into question, and the time already served in prison suggest that serious consideration be given to commutation. I strongly encourage the Board to consider the commutation of Mr. Beach's sentence to time served.

Former United States Senator Conrad Burns writes:

As a retired United States Senator for the State of Montana, I believe strongly in the importance of both justice and public safety. My years of service have given me great appreciation for the work that you and many other Montanans contribute to making our system of corrections and justice the best it can be, and I thank you for this work.

Today, I write to you to urge you to carefully consider commutation of Barry Beach's 100-year, no parole sentence. I take such deliberation seriously, and after careful consideration believe that Mr. Beach and the State of Montana would both be better served by returning him to your community than to continue his imprisonment for coming decades.

Since my retirement and return to my home in Billings, I have learned about Mr. Beach's case and his recent 18-month return to the Billings community while he awaited a new trial that was ultimately overruled by the Montana Supreme Court. During this time, Mr. Beach was a model community member, maintaining a steady full-time job as well as volunteer activities and involvement with his church. He re-integrated very positively and productively into our community, and serves as an excellent example of the power of rehabilitation and the strength of faith, and renewal. I do not know all the details of Mr. Beach's case and claim of innocence, but I do know that our community needs productive people who show they can be reformed through serving extensive time in prison. After serving 30 years in Montana prison, Mr. Beach defied expectations and proved to be a skilled, reliable, and industrious member of our community. It would be a shame for Montana tax-payers to continue paying to imprison this man who could otherwise be contributing to make our state a better place.

Mr. Beach has developed a strong support network of well-known community members who will continue to hold him accountable and help him successfully reintegrate into society. This will help to ensure that he is surrounded by and held answerable to positive mentors. Never before have I seen so many credible community leaders speak up on behalf of a prisoner seeking to return to their community, and become directly involved in helping him to reintegrate here.

Thank you for your consideration of this important decision, and for your service to the state of Montana. You have done much to make our state a better place, and your opportunity now to commute Mr. Beach's sentence is another such opportunity.

Billings Mayor Thomas W. Hanel, a former long-time Billings police officer, writes:

I am sincerely requesting that you accept this letter in consideration of Barry Beach, inmate at MSP regarding the denial of his request for a new trial.

As a retired Police Lieutenant from the Billings Police Department following a 20 year career, as Mayor for the City of Billings and the BOD President for Alternatives and Passages Pre-release (Billings) I was very interested in meeting and getting to know Barry knowing that he would be living in Billings. Barry and I were initially introduced by the Zieglers however we had the opportunity to visit on many occasions following our introduction.

Based on my education and vast experience in working with people it wasn't long before I concluded Barry was a unique individual. I have worked closely with felons both male and female and discovered Barry to be much different than others. Barry earned my trust and displayed the same on several occasions. I observed Barry at numerous community activities to include school fund raisers, birthday gatherings, civic events and more and never did I notice Barry act in disgraceful manner or consume alcohol.

I made an effort to ask questions and review the investigation of Barry's criminal case and was utterly surprised with the lack of professionalism and great doubt it created in my mind. I must say that I was even more surprised in the denial of his request for a new trial, certain that it would be granted in the respect of fairness.

As a former law enforcement officer, grandson of a long-standing former judge, I have always had a great amount of respect for the judicial system and still do, however the decision to deny his request left me not only in shock but lacking much faith, shame on those persons responsible.

One must question why; was it politics, promises, embarrassment, fear of mistake. Barry had the opportunity and proved himself as a useful citizen; after all he had already served 29+ years for a crime, guilty or not. The question remains in my mind and with a strong reasonable amount of doubt?, "who really killed her"? Why not a new trial? Why not provide him with the opportunity to present his side, might he convince others, maybe a jury of fairness?

I strongly encourage the Board of Pardons and Parole to re-consider and allow for the commutation of Barry's sentence it will save time and tax payer expense of the Federal Courts which is a sure direction; any argument as weak as the 4-3 vote speaks loudly, there "is" reasonable doubt.

An often-heard comment is that people don't write letters anymore. Yet, people from all walks of life have taken time from their own lives to write to this Board to express their strong

support for the parole of Barry Beach. In our era of e-mail and social media, concerned citizens from Montana, and from all across the United States, Canada, and elsewhere have taken the time to write (some by hand) personal letters expressing their concern and strong support for Barry Beach. For so many people to take the time and make the effort to write such letters speaks volumes about the man Barry Beach now is and the questions surrounding his conviction.

Many of these citizens have expressed deep concern about Montana's criminal justice system. Some know Barry Beach personally, others know of him and his case. Many met Barry Beach during the 18 months he was free and lived in Billings. Others met him through prison ministries during the 30 years Mr. Beach has been incarcerated. Many believe in his innocence. All believe he has served a prison sentence that is more than long enough and that he should be paroled.

A few of those letters provide examples:

J.A. "Ziggy" Ziegler and his wife Stella, owners of Stella's Restaurant and Bakery in Billings, took Barry Beach into their home for the first several months after he was freed by Judge Phillips. Mr. Ziegler had known Barry for decades through his work in the prisons. He writes:

I am J.A. "Ziggy" Zielger, former Yellowstone County Commissioner, sixteen years of service. The past 35 years I have been a part of a prison/jail ministry at Deer Lodge, Shelby, Walla Walla, Glendive, and Bismark. I had the privilege of meeting Barry Beach in October 1984 just a few short months after his arrival at Deer Lodge prison.

Over the years I have followed his case very closely and have actively participated at his hearings. In December, 2011 it was to my residence in Billings that Judge Phillips allowed Mr. Beach to reside while awaiting disposition by the Montana Supreme Court.

After nine months of flawless, trustworthy behavior by Mr. Beach, we petitioned the Attorney General's Office to allow him to move from our residence and become more self-acclimated to society on his own. That petition was summarily granted and for the next nine months Mr. Beach performed admirably. His work performance was outstanding as he found time to also become involved in our community through his church, speaking engagements to self-help groups, students, service organizations and many other opportunities to present himself.

In my years in the ministry I have met individuals guilty of committing serious crimes such as murder, been given a 100 year sentence, served a quarter of that time and are now back in our society as productive citizens. I can name names...

Mr. Beach has served almost 30 years maintaining his innocence. He has proved himself to be worthy of consideration for commutation of his sentence. I have

vouched for him these past many, many, years and will continue to do so as my word is my bond. His family, his employer, his many friends and supporters, and I, anxiously await his return to our community.

Stephen C. Wahrlich, the owner of the Billings Best Western Clock Tower Inn was Barry Beach's employer for the eight months before Mr. Beach voluntarily surrendered this year. He writes:

Prior to Barry remanded back to prison I was Barry's employer for the last 8 months. During that time Barry was with me he became a member of our management team and was invaluable to us. At the time he was forced to leave Barry was in charge of over \$500,000 of construction projects and a staff of 8.

During the 18 months Barry was in the Billings community he became a leader to a lot of young people. Barry was constantly talking to at risk kids in Billings and throughout the state. He did more good in 18 months than most people do in their life time.

Commuting Barry's sentence is not pardoning him, but allowing him to continue to become a contributor to society. If nothing else the parole board should look at Barry and the ability to rehabilitate an individual. Will all convicted criminals be rehabilitated -NO- but when you get one doesn't it make sense to utilize it to your advantage?

So much has been made of Barry's guilt or innocence. Unfortunately Barry's fate is not about the issue of guilt or innocence but around politics. If nothing else retry Barry and if found guilty throw the key away. If he's innocent let him become a contributor to society.

As I've stated before I trust Barry with my business, my family as well as my life!

Robert Kolar, a Helena resident and long-time Montana small business owner writes:

I am asking you today to consider commutation of Barry Beach's sentence. I know that Barry IS NOT a threat to anyone. To make this point, you should know that I have had Barry stay overnight in my home on more than one occasion with my wife and family sleeping in adjoining rooms. He is a welcome guest in my home anytime, and regardless of what anyone says, he is not a killer and does not possess any of those qualities. How would I know this? Well, my life experiences and my work within the prison walls have brought me to be a good judge of character. Barry has not just stayed overnight in my home, but we have had the joy of taking him camping, overnight at the Gates of the Mountains wilderness area, again without any hesitation and again with my wife and friends present and staying

overnight in a tent right next to his. Barry is always welcome in my home and is not a threat to society.

Charles Reed, a former long-time elementary and middle school teacher (35 years) and an active member of the Billings community, with his wife Audrey, writes:

As to the purpose of this letter, we respectfully ask you on the Board to give thoughtful consideration of commutation of Barry Beach's sentence. My wife and I met Barry shortly after he was released from Montana State Prison. We were so impressed with his demeanor, his thoughtfulness, his openness in discussing his past, and his hopeful plans for his future.

After hearing Barry speak at my church (First Presbyterian), I recommended him as a program speaker to my Kiwanis Club where he was also well received. Each time we met him or heard him speak, we were greatly impressed with his message and sincerity-we really began questioning if he hadn't been wrongly incarcerated many years ago.

Over the months that Barry lived in Billings, we saw him occasionally and through friends, we followed his progress in the community. His adaptation to life outside prison was enhanced by the kindness, love and acceptance shown him by James and Stella Ziegler who opened their home so he could be released from prison. It didn't take long for Billings residents to learn what an industrious and enterprising person Barry is - he started his own "handyman" business and then became employed in maintenance at a prominent downtown motel. It was much to the motels staff's dismay when he was suddenly taken back to prison. They lost a great employee and Billings lost a productive citizen.

Regardless of what may or may not have occurred long ago in Barry's younger years, we urge you as members of the Board of Pardons and Parole to consider commutation of Barry's sentence. We know your job is a most difficult one but your belief is that Barry has proven his ability to become productive in our community and it seems a more viable option, and certainly less expensive to all taxpayers, to have him again release from prison.

We both have been so impressed by Barry's spirituality-perhaps his many years in prison gave him time to truly develop a love for his Creator and fellow man.. Also, we feel through his speaking engagements to youth (and adults) that he has left them with a priceless and thought provoking message.

Penni Koplin, a Bozeman resident and long-time Special Olympics volunteer and Area Director met Barry Beach just before the opening ceremonies for the Special Olympics State Summer Games. She writes in part:

I met Barry in May of 2012 just before the opening ceremonies for the Special Olympics State Summer Games. I have served Special Olympics as a volunteer as Area Director for 6 years and as Co-Director for Human Resources for the State Games from 2009-2011. I was not aware that Steve Wahlich, who is the current State Games Co-Director, was also Barry's boss and that Steve had recruited Barry to serve on the Operations team that was responsible for setting up and tearing down the various venues and events associated with the three-day competition. Pete Olsen, who was Vice President of Competition for Special Olympics Montana told me personally what a great job Barry did during the 2012 State Games, working long hours to get everything set up and cleaned up across the various venues.

Lynda Bourque Moss, a former State Senator writes:

As a former state Senator, I served on the Senate Judiciary Committee for eight years and in that capacity, I worked closely with two Montana Attorney Generals on legislation addressing social justice and public safety measures.

I sponsored bills to strengthen the laws protecting children from internet predators as well as legislation strengthening the law for the preservation of biological evidence. I supported amendments to Montana's sentencing laws and initiatives supporting community based alternatives to incarceration.

My former Senate district includes community correction and state correction facilities for men and women; it is an area in Montana with one of the highest percentages of registered sex offenders in a low income urban neighborhood where public safety is an issue every day.

Barry Beach has been a guest at my home and I have had several opportunities to talk with him and learn about his plans for the future.

I believe the Board of Pardons and Parole has the responsibility to recognize the amount of time Beach served in the Montana State Prison and recognize the fact that he has shown he is committed to his faith, to being employed and to being a responsible citizen.

Please commute his sentence.

Daniel Weinberg, Ph. D. writes:

I am former Montana State Senator from Whitefish. I am also a retired Clinical Psychologist with a Ph.D. from the Fielding Institute, Santa Barbara, CA.

During the last term of Brian Schweitzer's governorship, I was asked by the governor to serve on the Board of Pardons and Parole. I declined his offer because I was aware of the enormous amount of travel, study and deliberation that the Board must do. I want you to know that I understand and respect your work.

I am writing this letter to ask that you commute the sentence of Barry Beach. While his guilt will be debated into the future, the fact is that he has served 30 years in state prison. While he was recently free for 18 months, Mr. Beach led a life of hard work, honesty and community service. I got to know him during that time and I was impressed by his humility and direct manner of speaking. He is a person that I trust and I feel strongly that he deserves a second chance at life.

It is important that Montanans have confidence in our justice system. Giving Barry Beach a chance to live the rest of his life in society will reinforce that confidence. The benefits will be felt by his family, friends and his community.

John Bohlinger, Montana's former Lt. Governor writes:

As Montana's former Lt. Governor and Chairman of the Governor's Correction Advisory Council, I have had the opportunity to work with many of you. I have through these experiences come to know and respect you for the hard work you are doing.

I am writing to express my concern about the manner in which Barry Beach has been dealt with. There has been enough new evidence brought forward that brings into question the majority opinion of our Montana Supreme court and it's denial of a new trial for Mr. Beach.

A District Judge decided that Mr. Beach was perhaps wrongly convicted and that a new trial was in order. The Judge released him from prisons, which allowed him to live and work in Billings for a year. While there, he established his own handy-man repair business. He paid taxes and was a model citizen.

I am asking the Board to consider commutation of Mr. Beach's sentence. He has served a long time in prison for a crime based on evidence that is questionable, as reported by Dateline NBC.

In addition to the numerous letters, submitted to this Board (Ex. 5), several hundred Montana citizens personally signed a petition asking that Mr. Beach be freed "In the name of Justice." (Ex. 6) Finally, as of the date of this writing, well over 13,600 citizens from

Montana and across the country have signed an on-line petition requesting that Barry Beach be freed.⁴

(3) Consideration of Whether Release Would Pose A Threat To Public Safety

This Board has noted that:

“The public safety determination overrides even the most substantial showing of exceptional or compelling circumstances.”

Barry Beach is a mature and sober adult, who is not a danger to the public. Rather, he is a mature and hard-working middle-aged man of faith who values his life. As a juvenile and a young adult prior to his conviction in this case, he had no felony convictions and no convictions involving the use of weapons. His prior record consisted of fighting, theft, and traffic offenses. Mr. Beach’s prison record of three decades is extraordinarily positive.

Most compelling is the manner in which Mr. Beach conducted himself from December 7, 2011 until he voluntarily surrendered himself into custody on May 15, 2013. Mr. Beach first lived with the Zieglers in their Billings home. Then after 8 months, Judge Phillips allowed Mr. Beach to move into his own rented residence. Immediately after his release from prison, despite having served 29 years, Mr. Beach quickly found employment and in addition started his own handy-man business, obtained his driver’s license, opened a bank account, and went about conducting himself as a law-abiding citizen of Billings. He attended community events. He integrated himself into the community. He attended church, volunteered with the Montana Special Olympics, spoke to youth at various events, and earned his status as a welcome, trusted member of the Billings community.

In June of 1979 Barry Beach was age 17. He is now age 51. Study after study demonstrates that recidivism and crime rates decrease substantially with age, especially after age 50. Barry Beach would not pose any danger to anyone if he is released again.

(4) Further Incarceration Would Be Grossly Unfair

One of the factors that this Board has identified in considering the commutation of a sentence is whether the inmate “can satisfactorily prove that further incarceration would be grossly unfair.”

When one reviews the sentencing history in the State of Montana for persons convicted of deliberate homicide, and in particular the class of defendants who were less than 18 years of age at the time of the crime, the following is evident:

⁴ <http://www.change.org/petitions/state-of-montana-in-the-name-of-justice-free-barry-beach-3>

According to the Montana Department of Corrections 2013 Biennial Report the average length sentence for persons convicted of deliberate homicide for the years 2008-2012 is a total term of 487.7 months with a net prison term of 259.8 months (less than 22 years).⁵ These statistics are not broken down to include the criminal record, age, or number of victims for these offenders.

According to the Montana Department of Corrections, IT Division, Statistics & Data Quality Review Bureau, since 1978 only one offender who was under age 18 at the time of the offense was sentenced to life without parole. (Ex.4) That offender, Steven Wayne Keefe, sentenced in 1986, was convicted of three counts of deliberate homicide and related crimes including burglary. In contrast, Mr. Beach was convicted of a single count of deliberate homicide.

It is exceedingly rare for a person who was a juvenile at the time of the crime to receive and actually serve over 30 years in prison. District Judge Phillips noted this fact when he granted Barry Beach his release on his own recognizance that:

I will release him on his own recognizance. The Court believes that there is a possibility that if a jury were to find Mr. Beach guilty, that after having already spent twenty-nine years in jail, it is possible that a district judge somewhere would release him on time served because he has served so much more than most people have ever served for this kind of; even horrific crime." (Transcript of bond hearing of December 7, 2011 p 70).

This Board has described its role in the criminal justice system as follows:

Parole and Executive Clemency are privileges, not rights, earned by prisoners or individual convicted of crimes. The Board's primary responsibility in making decisions is public safety. The law states the board may release any person committed to prison when the Board believes the person is able and willing to fulfill the obligations of a law-abiding citizen and when the board believes the prisoner can be released without detriment to the prisoner or to the community.

In assessing Mr. Beach's ability to live a law-abiding life, this Board should consider his behavior during his prior recent release. On December 7, 2011 Judge Phillips ordered Mr. Beach released without bond on certain conditions. The release occurred as the State appealed Judge Phillips's order of a new trial. Initially Mr. Beach was required to live with third-party custodian Ziggy Ziegler. After eight months Judge Phillips modified the order to allow Mr. Beach to live on his own. Judge Phillips approved this modification because Mr. Beach had done so well. Thus for 18 months, Barry Beach lived and worked in Billings. He quickly obtained employment. He started his own business. He rented a home. He went about building a responsible life in the Billings community. He was promoted at his job. He garnered the respect of his neighbors in

⁵ These averages do not include 27 offenders who received life sentences.

the community. Not only did he comply fully during this year and a half with all of the court-imposed conditions of his release, Mr. Beach did even more, he became a respected citizen and a productive member of the community.

When the Montana Supreme Court issued its decision reversing Judge Phillips order, and the Attorney General sought a warrant to return Mr. Beach to custody, Mr. Beach voluntarily surrendered. He walked into the Yellowstone County Sheriff's office to turn himself in, knowing that he may die in prison. As he turned himself in to the Yellowstone County Sheriff, Barry Beach voiced one wish-that he again be free during his mother's lifetime.

Thus Barry Beach, when given the opportunity to do so, demonstrated he was neither a danger to the public nor a flight risk. Indeed, as the numerous letters appended hereto attest, he was a contributing member of the community and indeed a benefit to it.

(5) Barry Beach's Institutional Record

While Barry Beach has an exemplary prison record, perhaps the most vivid demonstration of his character came in 2000 while he was being incarcerated in Tennessee. A prison guard, Beverly Morton was alone in the middle of the cell block while the inmates were out of their cells. She became overcome with fumes from a burning substance. She describes being unable to breathe due to her bronchial asthma and beginning to panic. She describes that she "became extremely disoriented because my vision was blurred and my breathing was getting more and more erratic." She was fearful for her safety as she was alone in a pod full of men. No other corrections officers were present or aware of her plight. She was alone and vulnerable to being assaulted by inmates. Barry Beach rushed to her side, spoke to her calmly and helped her walk out of the pod. He stayed with her until help arrived. Ms. Morton felt so strongly about how Mr. Beach saved her life, that she traveled from Tennessee to Deer Lodge in 2007 to testify about the incident and express her thanks to Mr. Beach. Her letter is attached. She writes: "I felt then as I do now that Barry Beach saved my life." She also urges this Board to commute Mr. Beach's sentence.

Barry Beach has always maintained that he is innocent of the murder of Kimberly Nees. Nevertheless, Mr. Beach has attempted to take advantage of as many rehabilitative programs as possible that were offered to him by the institutions that he was serving time in.

While incarcerated Barry Beach has continuously worked. From May 11, 1994 until the present date, he has been employed in diverse positions, including working in the kitchen, in the labor pool, as a school aide, in the garden crew, in the paint crew, in the furniture shop, as an industry clerk, in the carpentry shop and doing maintenance. Throughout his entire incarceration, Barry Beach has received satisfactory and good work evaluations from his work supervisors. He is a highly skilled carpenter and furniture maker. He has also received positive reports from unit staff in the housing unit evaluations.

Prison evaluations have determined that Barry Beach has no alcohol or substance abuse problems, no behavioral or emotional problems, and no abnormal sexual problems. The assessments determined that he possessed sufficient job skills to gain satisfactory employment, as well as positive work habits and stable family relationships. Evaluators found that Barry Beach was “motivated to change.” Mr. Beach proved these assessments accurate during his recent period of release.

Since his return to prison Mr. Beach has returned to his “old” job in maintenance and he spends his days working.

(6) Institutional Discipline History

Since his arrest in January of 1984, Barry Beach has been incarcerated at the Roosevelt County Jail, the Montana State Prison at Deer Lodge, and four years at CCA Shelby, Montana. For three years between 1996 and 1999, Barry Beach was incarcerated in Texas and Tennessee. Since 2000, Barry Beach has had no write-ups or disciplinary actions. Prior to that, between 1984 and 2000, he had several minor and a couple of mid-level violations.

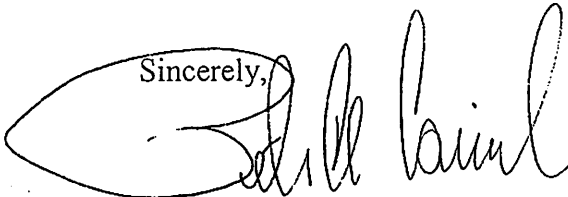
The most recent classification report dated June 1, 2013 shows that Mr. Beach has received no disciplinary reports, that he has completed all recommended programs, and that he received positive ratings from both the Work and Housing Unit Team.

The maintenance staff requested that Mr. Beach be reinstated into that position- a position he held prior to his release in December of 2012.

Conclusion

If indeed Barry Beach is an innocent man, as so many believe, then the criminal justice system failed him, failed society, and failed Kim Nees and her family. The questions about Barry Beach’s guilt are far from frivolous – there are quite serious questions about the investigation, his interrogation, and the trial. But even if Barry Beach were involved in this crime, he was then a teenage boy. Mr. Beach is now a rehabilitated middle-aged man who has served more time than almost any other offender for this type of crime. His prison record and his behavior throughout his 18 months of freedom have concretely demonstrated that he is an excellent candidate for parole. Pillars of the local community know and trust Barry Beach and pray for his release. They petition this Board for his release. Mr. Beach’s release would pose no danger to the community but rather would be a benefit to it, to him, and to his family. Mr. Beach has demonstrated by his conduct that exceptional and compelling circumstances favor his release and that far from presenting a risk of danger to the community, he would be an extraordinary asset to it. If not Barry Beach, then who is deserving of commutation?

Montana Board of Pardons and Parole
September 12, 2013
Page 22

Sincerely,


Peter A. Camiel
Attorney for Barry Beach

EXHIBITS TO APPLICATION FOR
EXECUTIVE CLEMENCY OF
BARRY BEACH

1. Certified Copy of Conviction and Sentence
2. Judge Phillips Decision
3. Most Recent Classification Report
4. Dept. Of Corrections Life Without Parole Statistics
5. Letters of Support
6. Petition Signatures Requesting Barry Beach be freed In the Name of Justice

1 IN THE DISTRICT COURT OF THE FIFTEENTH
2 JUDICIAL DISTRICT OF THE STATE OF MONTANA,
3 IN AND FOR THE STATE OF MONTANA

4 * * * * *
5 THE STATE OF MONTANA,
6 -versus-
7 BARRY ALLAN BEACH,
8 Defendant.
9 * * * * *

) NO. 1068-C
) CONVICTION AND SENTENCE
) FOR DELIBERATE HOMICIDE,
) A FELONY

10 The Roosevelt County Attorney, James A. McCann, with the
11 Defendant, Barry Allan Beach, and his counsel, Charles F. Moses,
12 came into Court.

13 The Defendant having been charged with the offense of
14 Deliberate Homicide committed at Poplar, Montana, Roosevelt County
15 Montana on or about the 16th day of June, 1979, and having on his
16 arraignment entered a plea of Not Guilty; whereupon the matter
17 came on regularly for trial before a jury on the 9th day of April,
18 1984; and, the Defendant having been present in Court at all times
19 during the said trial and having been fully represented by his
20 attorney, Charles F. Moses, at all times during the trial; and,
21 upon the entry of the verdict of Guilty of the Deliberate Homicide
22 of Kimberley Nees by the jury duly sworn to try the case; and,
23 whereupon the matter was continued to the th 17th day of May, 1984,
24 for sentencing;

25 No sufficient cause being shown or appearing to the Court why
26 judgment should not be pronounced, thereupon the Court rendered
27 its judgment;

28 That whereas Barry Allen Beach having been duly convicted by
29 jury verdict in this Court of the crime of Deliberate Homicide of
30 Kimberley Nees committed in the County of Roosevelt, State of
31 Montana, on or about June 16th, 1979;

32 NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED, and this

7: 1620A

1 does order, adjudge and decree, that the said Barry Allan Beach
2 is guilty of the crime of Deliberate Homicide of Kimberly Nees,
3 a felony, which was committed in the County of Roosevelt, State of
4 Montana, on or about the 16th day of June, 1979, and that the said
5 Barry Allan Beach shall be punished by confinement in the State
6 Prison in Powell County, State of Montana, for One Hundred Years,
7 (100 years) as prescribed in Section 45-5-102 (2) Montana Code
8 Annotated.

9 That the Court has determined that Barry Allan Beach is not
10 eligible for designation as a nondangerous offender for purposes
11 of parole eligibility pursuant to Section 46-18-404, Montana Code
12 Annotated, and further pursuant to Section 46-18-202 (2), Montana
13 Code Annotated, the Court determines that Barry Allan Beach is
14 restricted from eligibility for parole and participation in the
15 supervised release program while serving his term. These
16 determinations are made by the Court in that the Court deems them
17 necessary for the protection of society from Barry Allan Beach.

18 The Defendant, Barry Allan Beach, is remanded and placed in
19 the custody of the Roosevelt County Sheriff. The Sheriff shall
20 transport Barry Allan Beach to the Montana State Prison for
21 execution of this sentence.

22 Dated this 11th day of May, 1984.

23
24 
25 JUDGE OF THE DISTRICT COURT

26 REASONS FOR SENTENCE

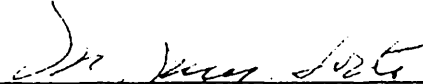
27 In deliberating and considering and setting the sentence,
28 the Court considered all of the evidence that came before it at
29 the time of trial, and that information that was contained in the
30 pre-sentence investigation report of the Department of Institutions,
31 and having considered the same carefully, it is the opinion of the
32 Court that Barry Allan Beach represents a substantial danger to

7.0620A

1 society and restrictions on parole and supervised release are
2 necessary to protect society.

3 The evidence adduced at the trial proved that Barry Allan
4 Beach killed Kimberley Nees with cold blooded deliberatness and in
5 a savage and vicious manner by beating her on the head more than
6 thirty times with a twelve inch cresent wrench and a lug wrench.
7 The evidence proved that Kimberley Nees attempted to flee and save
8 her life but Barry Allan Beach pursued her and murdered her. The
9 Defendant then carefully concealed the cresent wrench and lug
10 wrench in the river. He also tried to hide the body in the river.
11 The Defendant represents a very substantial threat to society and
12 it is the duty of this Court and necessary for the protection of
13 society that this Defendant be effectively removed from society.

14 Dated this 11th day of May, 1984.

15
16 
17 JUDGE OF THE DISTRICT COURT

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23 STATE OF MONTANA
24 County of Roosevelt
25 I hereby certify that the above and
26 attached is a true and correct copy of
27 the above on file in the office of the
28 Clerk of District Court.
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MONTANA FIFTEENTH JUDICIAL DISTRICT COURT
ROOSEVELT COUNTY

No. 1068-C

BARRY ALLAN BEACH,)
)
) Petitioner,)
)
)
 vs.)
) FINDINGS OF FACT
) ANALYSIS, AND ORDER
)
) STATE OF MONTANA,)
)
) Respondent.)

PROCEDURAL HISTORY

"Beach filed his latest petition (for post-conviction relief) on January 18, 2008. Beach has filed his petition well beyond the five-year statutory limitation. . . . Beach may escape the five-year statute of limitations only if he can satisfy the fundamental miscarriage of justice exception." *State v. Beach*, 2009 MT 398, ¶24, 353 Mont. 411, 220 P.3d 667. The *Beach* Court remanded to the District Court to:

conduct an evidentiary hearing on the newly discovered evidence alleged in Beach's petition. The court must evaluate whether Beach's alleged new evidence constitutes actual new evidence. The court shall apply a modified version of the five-prong *Clark* test and the *Schlup* "clear and convincing" standard to Beach's alleged newly

discovered evidence to determine in the first instance whether Beach's petition establishes that a "jury could find, in light of the newly discovered evidence," that Beach actually is innocent of his crime. *Redcrow*, P 37. The court must assess whether a jury, acting reasonably, would have voted to find Beach guilty beyond a reasonable doubt. *Schlup*, 513 U.S. at 329, 115 S. Ct. at 868. The District Court shall provide a written order of its decision in accordance with the legal standards set forth in this opinion.

Beach, ¶ 51.

FINDINGS OF FACT

Pursuant to the Remand instructions, this Court conducted an evidentiary hearing commencing on August 1, 2011. From that hearing and the evidence presented, this Court makes the following Findings:

1. Judy Greyhawk, sister-in-law of Maude Greyhawk Kern, testified as to a telephone call received from Maude in February of 2004. She stated that Maude sounded depressed and said to her: "I think I'm going to prison. I didn't kill that girl, but I kicked her in the head a few times. I'm the one who lured her down there. I want to get out of here. There's an investigator at my house, so I want to get out of here."

Judy Greyhawk further testified that she called her sister Mary and told her that Maude had confessed to murder. Judy also told her husband, Maude's brother. Further, she talked with Maude's sister, Glenna, and repeated to her Maude's statements.

The Court found Judy Greyhawk credible and believable. One impressive indicator of these attributes was Ms. Greyhawk's testimony regarding the strong conflict she felt between family betrayal and telling

the truth. Initially, on being interviewed by a representative of Centurion Ministries, Ms. Greyhawk refused to sign a statement. She did, eventually (State's Exh. 1). Her husband tried to talk her out of signing a statement. This has caused significant marital stress. Her husband was upset with her regarding her testifying, this occurring as recently as the Saturday before the Monday hearing. The emotional state exhibited by Ms. Greyhawk regarding this conflict was compelling. Also compelling was that Judy Greyhawk testified in several ways that she had not heard about the murder until the telephone call from Maude and that Judy had helped Maude get a good, federal job (which she rather wished she would have gotten for herself).

2. Janice White Eagle-Johnson also testified. Ms. White Eagle-Johnson is a four-year Vietnam veteran and has been a member of the Reserves for 17 years. She has worked with Indian Health Services for 42 years. Ms. White Eagle-Johnson was credible and believable.

She testified that in 2005 or 2006 she was working the switchboard at IHS (where Maude Greyhawk also worked at the time). Investigators for Centurion Ministries arrived and asked for Maude. When Ms. White Eagle-Johnson called Maude on the phone, Maude said, "Tell them I'm not here." Ms. White Eagle-Johnson then testified that the investigators left, and she asked Maude why she didn't want to talk to them. The response was, "They're investigating the Kim Nees murder. My car was down there that night. Those girls had my car."

3. Also testifying was Richard Holen. In the early morning hours of June 16, 1979, Mr. Holen testified that he waited until closing of the Legion Club because his girlfriend was working there. They left the Club and drove west toward the Poplar River. He saw the Nees pickup ahead of them and followed it for a while before it turned off into the Train Bridge area. He testified seeing the silhouettes of four people plus one on the right passenger's lap. He believed the driver's silhouette looked like Kim Nees - "It was her." He also believed the person in the right passenger seat was a male. When they returned to town a few minutes later, he testified he saw two vehicles in the Train Bridge area, one of which was the Nees pickup.

Two days later, Mr. Holen saw two law enforcement officers at the gas station, Bobby Atkinson, brother of Sissy Atkinson, and Steve Greyhawk, father of Maude Greyhawk. Mr. Holen stated he told them of what he had seen. No follow-up occurred. Mr. Holen was reasonably credible.

4. Carl Four Star is a graduate of Montana State University-Billings with a Bachelor of Science Degree in Finance. He testified that after testifying at the Clemency Hearing before the Montana Board of Pardons, he was attacked by four people in Poplar, one of whom was Sissy Atkinson's nephew.

In 1985, Mr. Four Star was working at A & S Industries with Sissy Atkinson. He testified that a co-worker was reading a newspaper story

about the Beach trial and stated, "It's a shame what happened to Barry." Four Star then testified that Sissy Atkinson stated, "They got the wrong man." She further stated, testified Mr. Four Star, "She and a few other women had beaten Kim Nees up and they did quite a number on her." Then Mr. Four Star testified that while making these statements, Ms. Atkinson "made a couple of gestures like she was kicking something on the ground and striking somebody." Finally he stated that while walking past his work table, Ms. Atkinson said "they got away with the perfect crime." He also stated she named several first names: "Maude" and Rose." The Court found Mr. Four Star believable and credible.

5. Richard McDonald, a former Tribal Police Officer and Roosevelt County Sheriff's Office Deputy, testified he worked at A & S Industries in the spring to late summer of 1983, two years before the time period testified to by Mr. Four Star. He claimed that the work area where Four Star and Atkinson were working was too noisy for hearing conversations. It was hard for the Court to evaluate Mr. McDonald's credibility.

6. Steffanie Eagle Boy was 10 years old at the time of the Kim Nees murder, and lived on a bluff above the Poplar River overlooking the Train Bridge area where Nees was murdered. The night of the incident, she and her cousin were sitting on a rock on the edge of that bluff. She testified as follows: She saw two vehicles enter the Train Bridge area. The Court notes the similarity between this identification of two vehicles and the same identification of two vehicles by Mr. Holen.

Subsequently, Ms. Eagle Boy said she heard loud yelling of girls' voices: "Get her". "Get the Bitch", "Kick the Bitch."

She testified she heard a different voice: "Don't Please." Here is how Ms. Eagle Boy testified about her reactions to this: "It was horrible." "The voices were high pitched, angry." "It's something I'll never forget. I've had nightmares all my life about it. It's something I won't forget."

Ms. Eagle Boy further testified that a police car with lights joined the two vehicles and shut off its lights. The pickup drove for a bit and she heard digging sounds, clinking tool sounds. The pickup then spotlighted the area and left.

Finally, Ms. Eagle Boy saw a Dateline TV story about Barry Beach and called the tip line. She stated: "I was crying when I called the tip line."

Ms. Eagle Boy was questioned extensively by counsel. She was crying and emotionally fragile. The Court then conducted its own questioning. Given the proximity of the Judge and the witness chair, this is a quite close encounter. The Court specifically wanted to see Ms. Eagle Boy's reaction when pressed about the memories and the nightmares elicited by them. It has been this Court's experience that, under similar circumstances, some witnesses calm down, cease crying, become more matter-of-fact - sober up if you will. In contrast, Ms. Eagle Boy became even more emotional, cried on an even deeper level and seemed to be dredging the nightmares from their deep place in her psyche.

The Court wants to be extra cautious regarding the language it uses to discuss Ms. Eagle Boy's credibility and believability. It is too easy to dismiss language containing hyperbole simply because that language is over used so often. However, the language used here is deemed by this Court to be essential in translating the emotional believability of Ms. Eagle Boy. The Court found Ms. Eagle Boy extraordinarily credible and believable. No reasonable juror could experience her testimony without being convinced of its genuine, heartfelt purity.

7. Testimony was received from Billie Marie Smith, a CNA care worker at an assisted living facility in Missoula for 11 years. Ms. Smith was a co-worker with Joanne Todd and Susan Molar. On a smoke break with Ms. Todd and several others, the group was sharing get-to-know-you stories. Ms. Todd proceeded to tell a story about an incident in Poplar where some girls "dragged a girl, beat her, and she died." Shortly after this telling, Susan Molar joined them and Ms. Smith asked Ms. Todd to tell the story again - as she found it almost unbelievable. Ms. Todd told the same story and added they (the girls) were attacking "out of jealousy."

Ms. Smith came forward after seeing the Dateline TV show. She was very credible and believable, particularly as to making sure the statements she was reiterating were what she had heard.

8. Susan Molar testified that Ms. Todd said: "A bunch of girls were riding around and they went down by the river." "I was not involved." "The girls drug her out of her truck and they beat her." Ms. Molar also

came forward because of the Dateline TV show. She, too, was very credible and believable.

9. The most unusual witness during the Evidentiary Hearing was Kevin Hall. Mr. Hall was an apartment or townhouse neighbor of Sissy Atkinson in Great Falls. At the time (circa 2005), Mr. Hall frankly testified, he was buying, selling and using drugs heavily. He testified that Sissy Atkinson was stoned most of the time. She would visit Mr. Hall and his girlfriend, usually in this "state", and that she was always talking about things in her past, "Without fail" she was "always crying about Karma" (her husband had recently died). She would state, "I got arrested. It was Karma." Mr. Hall stated he would respond to her that "there was nothing in this world she could have done to deserve that much (bad) Karma." Then, he testified, she stated "she had played a part . . . had really hurt this girl and they rolled her into the river." "They used a tire tool." Ms. Atkinson said "she participated to the extent she didn't stop it." Mr. Hall testified that Ms. Atkinson told this same story at least five times, maybe 20, and always under the influence. At various times she stated: "There was jealousy." Kim Nees was "lured" to the river. Mr. Hall went to the police with this information twice and the Great Falls Tribune twice.

While Mr. Hall's July 2010 statement did not contain the details about "jealousy" and "luring", his statement to the Attorney General did. Mr. Hall had a 2004 psychological evaluation which showed memory impairment and he was, apparently, adjudicated unfit to proceed on criminal charges.

Mr. Hall exhibited that rather outrageous candidness that often arises in those "saved" by sobriety. He testified he had been clean since 2005. The memory he exhibited was altogether detailed and generally unflinching. He attends four to five self-help meetings a week. His honesty was almost painful and occasionally humorous for its devastating indictment of self. Consequently, the Court found him very credible and believable.

10. Michael McIntyre was a next-door neighbor of Sissy Atkinson in 2004-2005 in a 12-plex in Great Falls. Mr. McIntyre had a young daughter at the time and testified that he was very concerned about the use of drugs with people going in and out of Sissy Atkinson's apartment "24/7." He told Ms. Atkinson of his concerns, and her response was he "didn't know who he was messing with as she had killed someone up on the reservation." He testified he read a Tribune article about Sissy Atkinson and a murder on the reservation. He called the Attorney General but there was no follow up. He called the Great Falls police, again no follow up. He called the Tribune. Mr. McIntyre was credible and believable.

11. Dean Mahlum was Under Sheriff for Roosevelt County in 1976-1983 and was lead investigator on the Kim Nees murder. While he testified as to Nees' injuries, he had not inspected the body. He did state that the severity of her injuries showed high emotion and the injuries to the back of her hands were from protective behaviors.

He testified they inspected the Train Bridge area and found no sign of digging. He further testified it was 800 yards from the top of the bluff to

the murder site. Mr. Mahlum was credible, but seemed to lack substance on his evidentiary testimony.

ANALYSIS AND ORDER

Legal Landscape. The legal issues before this Court intertwine the procedural time bar to Petitions for Post Conviction Relief and a fundamental miscarriage of justice. *c.f.* Procedural History. Those issues also necessitate evaluation of “gateways” of innocence, either actual or procedural.

The terms and concepts pivotal to gateways of actual or procedural innocence are used throughout the case law in a way that, to be charitable, lacks clarity. “Use of the term ‘actual innocence’ in both cases (*Herrerra v. Collins* (1993), 506 U.S. 390, 113 S.Ct. 853 and *Schlup v. Delo* (1995), 513 U.S. 298, 115 S.Ct. 851) has blurred the meaning of the phrase”. *State v. Pope*, 2003 MT 330, ¶48, 318 Mont. 383, 80 P.3d 1232. Consequently, this Court deems it essential to first lay out the definitional landscape surrounding these gateways - a legal landscape essential to its Remand undertaking.

1. Actual innocence.

- A. Actual innocence can be “a novel constitutional claim . . . that the execution of an innocent person would violate the Eighth Amendment.” *Schlup at* 313-14, 115 S.Ct. at 860.

B. Actual innocence is a substantive claim. *Id.* at 314, 115 S.Ct. at 860; *Id.* at 316, 115 S.Ct. at 862; *Beach*, ¶31 citing *State v. Redcrow*, 199 MT 95, ¶33, 294 Mont. 252, 980 P.2d 622. See also *Beach*, ¶44 citing *Pope*, ¶53. Actual innocence is contrasted with "legal innocence claims involving allegations of procedural error or abuse". *Beach*, ¶ 31, citing *Sawyer v. Whitley* (1992), 505 U.S. 333, 339, 112 S.Ct. 2514, 2519.

C. A *Schlup* "actual innocence inquiry does not concern itself with the merits of the constitutional error claims raised by a defendant." *Pope*, ¶59.

D. Actual innocence is a "defendant's claim that he was innocent of the crime charged." *Beach*, ¶31 citing *Sawyer* at 339, 112 S.Ct. at 2519.

E. An actual innocence "inquiry may involve the interplay of substantive *and* procedural innocence claims. *Beach*, ¶43 (emphasis orig.).

F. Actually innocent is "not merely a showing that a reasonable doubt exists in light of the new evidence, but rather that 'no reasonable juror would have found the defendant guilty'." *Beach*, ¶29, citing *Schlup* at 329, 115 U.S. at 868. See also *Beach*, ¶31.

2. Procedural Innocence.

A. A procedural innocence claim is distinct from a substantive claim. *Schlup* at p. 316, 115 S.Ct. at 862.

B. Procedural innocence is legal innocence “involving allegations of procedural error or abuse.” *Beach*, ¶31 citing *Sawyer* at 339, 112 S.Ct. at 2519.

C. A procedural innocence claim is a constitutional innocence claim. *Schlup* at 314, 115 S.Ct. at 860.

3. Miscarriage of Justice.

A. “[T]he fundamental miscarriage of justice exception (to the statutory time bar applied to Petitions for Post Conviction Relief, § 46-21-102, MCA (1995)) concerns actual, or substantive innocence, rather than legal, or procedural innocence.” *Beach*, ¶31 citing *Redcrow*, ¶33. See also *Redcrow*, ¶37; *Beach*, ¶42 and ¶27; *Sawyer* at 339, 112 S.Ct. at 2518 (the miscarriage of justice exception and the actual innocence exception are synonymous).

B. “[A]n interplay between ‘actual’ and ‘legal’ innocence claims could result in a Petition for Post Conviction Relief falling within the ‘fundamental miscarriage of justice’ exception to the general rule of *res judicata*. *Beach*, ¶31 citing *Sawyer* at 339, 112 S.Ct. at 2518. See also *Beach*, ¶43 citing *Sawyer* at 336, 112 S.Ct. at 2517; *Schlup* at 316, 115 S.Ct. at 861.

C. “A ‘fundamental miscarriage of justice’ trigger[s] the limited exception to the five-year statute of limitations.” *Beach*, ¶28 citing *Redcrow*, ¶31.

D. “Explicitly tying the miscarriage of justice exception to innocence thus accommodates both the systemic interests in finality, comity, and conservation of judicial resources, and the overriding individual interest in doing justice in the ‘extraordinary case.’” *Schlup* at 322, 115 S.Ct. at 864 (citation omitted). The “innocence” referred to is “actual innocence.” *Id.* at 321, 115 S.Ct. at 864. This conclusion is affirmed in *Redcrow*, ¶33 citing *Schlup* at 324, 115 S.Ct. at 865-66.

E. If a miscarriage of justice concerns actual, substantive innocence, and not legal, procedural innocence, *Beach*, ¶ 31, *Redcrow*, ¶ 33, then there is some question about the *Beach* court’s determination “that the standards explicated in *Redcrow* and *Schlup* adhere most closely to the notion of a miscarriage of justice.” *Id.*, ¶ 48. *Redcrow* is distinctly a procedural, constitutional, legal innocence case, as she was arguing ineffective assistance of counsel. *Redcrow*, ¶ 35-37. The *Redcrow* court reviewed at length these alleged instances of Redcrow’s ineffective assistance of counsel claims and stated, “We are not convinced that Redcrow meets the standard of being actually innocent.” *Id.*, ¶ 37. *Schlup*, too, is a procedural, constitutional innocence case. *Schlup* at 316, 513 U.S. 828; *Pope*, ¶ 43.

The most legally rational resolution, and the one which this Court adopts, is to rely upon the interplay between these separate types of “innocence”, which the *Beach*, *Sawyer*, and *Schlup* courts discuss as a means to apply the fundamental miscarriage of justice exception to the statutory

time bar. *Beach*, ¶ 31, ¶ 43; *Sawyer*, at 336 and 339, 112 S.Ct. at 2518; *Schlup* at 316, 115 S.Ct. at 861.

4. Gateways.

A. In *Schlup*, the United States Supreme Court articulated two different types of claims – procedural, constitutional innocence claims and actual, substantive claims. *Schlup* at p. 316, 115 S.Ct. at 862. The court stated, “Schlup’s claim of innocence is thus not ‘itself a constitutional claim, but instead a gateway through which [he] must pass to have his otherwise barred constitutional claim considered on the merits’.” *Schlup* at 315, 115 S.Ct. at 828. The *Beach* court described the applicable gateway as a “*Schlup* actual innocence gateway.” *Id.*, ¶34 citing *Pope*, ¶56. See also *Pope*, ¶68.

There is clear precedential history establishing an actual innocence gateway. *Schlup supra*, *Beach supra*, *Pope supra*. *Beach* in fact mentions it specifically four times. *Beach, passim*. “The fact that Pope had not presented the DNA evidence to the jury because it had not been available at the time of trial allowed Pope to pass through the *Schlup* actual innocence gateway.” *Beach*, ¶ 34, citing *Pope*, ¶ 56.

The procedural innocence “gateway” is not nearly as clearly articulated. The citation in *Beach*, ¶ 44, is to *Schlup* at 316, 115 S.Ct. 861.

The *Schlup* reference to a gateway at that cite is:

if a petitioner such as Schlup presents evidence of innocence so strong that a court cannot have confidence in the outcome of the trial unless the court is also satisfied

that the trial was free of nonharmless constitutional error, the petitioner should be allowed to pass through the gateway and argue the merits of his underlying claims.

Schlup at 316-17, 115 S.Ct. at 861-62 (emphasis added). A case “free of nonharmless constitutional error” is an actual innocence gateway proceeding, in this Court’s estimation at any rate.

B. While *Schlup* claims a “gateway” standard exists in *Murray v. Carrier*, 477 U.S. 478, 106 S.Ct. 2639, *Schlup* at 328, 115 S.Ct. at 867, *Carrier* mentions no “gateway”. Thus, *Schlup* is likely the origin of this particular metaphor in miscarriage of justice jurisprudence.

C. This Court holds that implicit in these gateways is also the legal concept of a “standard of review”. Pursuant to *Schlup* the petitioner must show “that it is more likely than not that no reasonable juror would have found petitioner guilty beyond a reasonable doubt [in light of the new evidence].” *Id.* at 327 115 S.Ct. at 867. A *Herrera* standard, in contrast, requires satisfaction of an “extraordinarily high” level of proof, *Beach*, ¶44, that provides more convincing evidence of innocence - evidence that he did not commit the crime for which he was convicted - because his trial was error free. *Pope*, ¶48.

Our rather full statement of the facts illustrates the foregoing distinction between a substantive *Herrera* claim and *Schlup*’s procedural claim. . . . If there were no question about the fairness of the criminal trial, a *Herrera*-type claim would have to fail unless the federal habeas court is itself convinced that those new facts unquestionably establish *Schlup*’s innocence. On the other hand, if the habeas court were merely convinced

that those new facts raised sufficient doubt about Schlup's guilt to undermine confidence in the result of the trial without the assurance that that trial was untainted by constitutional error, Schlup's threshold showing of innocence would justify a review of the merits of the constitutional claims.

Schlup. at 316-17, 115 S.Ct. at 861-62 (emphasis added).

As stated in *Pope*: “It has been noted by both parties here that this court adopted the more demanding *Herrera* type standard in *Redcrow*.” *Pope*, ¶53. If so, and given the interpretation that *Redcrow* is a procedural innocence case, then the Court violated its own lucid distinction between an *Herrera* petitioner/claim and a *Schlup* petitioner/claim, the former being one of actual innocence and the latter being one of procedural “actual innocence.” *Id.*, ¶48-49.

Analysis pertinent to the Legal Landscape. The Court relies to a great extent on *Pope*, and its interpretation by *Beach*. In part that is because *Beach* bears a reasonable, factual similarity to *Pope*. As noted in the *Beach* decision,

“[t]he fact that *Pope* had not presented the DNA evidence to the jury because it had not been available at the time of trial allowed *Pope* to pass through the *Schlup* actual innocence gateway. Once having passed through the actual innocence gateway, the Court allowed *Pope* to pursue relief for his alleged constitutional violations through a petition for post-conviction relief”.

Beach, ¶34, citing *Pope*, ¶56. The Court went on to state: “*Beach*’s current petition relies on the fact that his newly discovered evidence establishes

his actual innocence. Similar to the petitioner Pope, Beach argues that this newly discovered evidence allows him to pass through the *Schlup* gateway". *Id.*, ¶36, citing *Pope*, ¶59.

Here Beach has presented testamentary evidence as uniquely objective as the DNA evidence was in the *Pope* case. The important distinction between *Pope* and the case at bar is that in the former case "[t]he State did not contest the fact that errors at Pope's trial rendered his conviction constitutionally infirm", *Id.*, ¶34 citing *Pope*, ¶68, while here the Court conducted an Actual Innocence evidentiary hearing **not** a Procedural Innocence evidentiary hearing. Part of the reason for that was the State vigorously contested the existence of any such Procedural/Constitutional errors and required additional time and notice in order to be prepared to present evidence upholding their position.

Given the evidence which is outlined in the Findings of Fact above, the matter then becomes "how the District Court should evaluate Beach's allegedly newly discovered evidence". *Id.*, ¶36. As noted previously, this Court is to:

apply a modified version of the five-prong Clark test and the Schlup 'clear and convincing' standard to . . . determine in the first instance whether Beach's petition establishes that a 'jury could find, in light of the newly discovered evidence,' that Beach actually is innocent of his crime. *Redcrow*, ¶37. The court must assess whether a jury, acting reasonably, would have voted to find Beach

guilty beyond a reasonable doubt. *Schlup*, 513 U.S. at 329, 115 S. Ct. at 868.

Id., ¶51.

The Clark test is:

- (1) the evidence must have been discovered since the defendant's trial;
- (2) the failure to discover the evidence sooner must not be the result of a lack of diligence on the defendant's part;
- (3) the evidence must be material to the issues at trial;
- (4) the evidence must be neither cumulative nor merely impeaching; and
- (5) the evidence must indicate that a new trial has a reasonable probability of resulting in a different outcome.

Id., ¶38, citing *State v. Clark*, 2005 MT 330, P 34, 330 Mont. 8, 125 P.3d 1099.

Discovery Since Trial? This Court explicitly holds that the testimony and evidence presented to this Court at the evidentiary hearing, and on which it relies, was discovered since the original Beach trial. The most significant of the witnesses came forth because of a Date Line Television show in the Spring of 2008 or stories subsequently appearing in the newspaper.

Due Diligence? In its Remand Order, the Montana Supreme Court granted "Beach the benefit of the doubt as to whether he acted with sufficient alacrity in locating this newly discovered evidence . . ." *Id.*, ¶19. In an abundance of caution, this Court conducted its own inquiry and found unequivocally that the failure to discover the evidence revealed at hearing was not because of lack of due diligence. Quite the contrary, the representatives of Centurion Ministries appeared to this Court to have

acted with exceptional diligence. A degree of delay was inherent in the methodical manner in which those representatives interviewed witnesses and potential witnesses, obtained witness statements, prepared for the Petition, etc.

Materiality? The issue is whether Barry Beach murdered Kim Nees. The evidence adduced by this Court materially addresses that fundamental question.

Cumulative or Impeaching? This Court deems this factor to mean cumulative to and impeaching of evidence received at the original trial. Each witness at this Court's evidentiary hearing was a "new" witness in that not one had appeared at the original trial. The substantial part of the testimony at the evidentiary hearing dealt with direct, overheard conversations (admittedly hearsay), none of which were elicited at trial and therefore were not attempts at impeaching such evidence.

Reasonable Probability of Different Outcome? As the *Beach* Court in Remand noted, it is this factor which "presents the most likely crux of any [D]istrict [C]ourt's evaluation". *Id.*, ¶39. It is this factor which calls to the fore actual (substantive) innocence jurisprudence and procedural (constitutional) innocence jurisprudence, recognizing, of course, that the former may include an interplay of both. *Id.* ¶ 43, citing *Sawyer* at 336, 112 S. Ct. at 2517; *Schlup* at 316, 115 S. Ct. at 861.

These two areas of jurisprudence each have separate standards of review. *Id.* The first critical question is whether the standard of review

applied to substantive, actual innocence is applicable only after this Court has determined that Beach has navigated the procedural "gateway"? As noted by the *Beach* Court, "The higher standard of review would apply to Beach's substantive claims if he successfully has navigated the 'procedural gateway.'" *Beach*, ¶44, citing *Schlup* at 316, 115 S.Ct. at 861. The *Beach* Court goes on to "conclude that Beach must show by clear and convincing evidence that, but for a procedural error, no reasonable juror would have found him guilty of the offense in order for him to prevail on his substantive innocence claim. *Id.*, citing *Schlup* at 329, 115 S.Ct. at 868 (emphasis added). This Court agrees with the State in its analysis of this conclusion: "The difficulty with the standard the Court cited, however, is that a free standing, or substantive, claim of actual innocence is founded on the notion of an error free trial. See *Herrera*, 506 U.S at 393". Post Hearing Brief, p. 25.

This Court believes that the possible dilemma presented in the *Beach* Court's jurisprudential position may be resolved through *Pope*. In its Conclusion, the *Pope* Court held that Pope had met the actual innocence standard "to enable him to maintain a petition for postconviction relief beyond the five year period specified in sec. 46-21-102, MCA (1993)". *Pope*, ¶70. The Court then reversed the District Court order dismissing Pope's petition. The Court proceeded to address Pope's procedural innocence claim and reversed the District Court separately on that issue and remanded for a new trial. *Id.* This Court deems the bifurcation in *Pope*

is a satisfactory basis for considering the standard of review for actual innocence separate from a procedural gateway analysis.

To a degree, this Court finds it necessary to rearticulate the principle holding just stated, but from a slightly different angle. In other words, given the *Beach* Court's conclusion, must this Court conduct a separate procedural (constitutional) innocence hearing to accept evidence on Beach's claims in that arena before it can rule at all? After more than due consideration, this Court answers that question in the negative. Precedent is strong that these innocence claims are separate "gateways" leading to the same territory - an appropriate standard of review applied to determine whether a new trial is awarded or not. In support of this holding, the Court looks to *Pope* and *Beach*. Beach may pass through "the *Schlup* actual innocence gateway and his constitutional claims [would not be] jurisdictionally barred". *Id.*, ¶68. "We . . . deem it appropriate . . . to have the District Court follow a modified version of the *Clark* test that incorporates the *Redcrow* and *Schlup* standards to reflect the fact that Beach must establish a miscarriage of justice in order to escape the procedural bar". *Beach*, ¶46. As noted above, "[T]he fundamental miscarriage of justice exception (to the statutory time bar applied to Petitions for Post Conviction Relief, § 46-21-102, MCA (1995)) concerns actual, or substantive innocence, rather than legal, or procedural innocence". *Beach*, ¶31 citing *Redcrow*, ¶33. See also *Redcrow*, ¶37; *Beach*,

¶42 and ¶27; *Sawyer* at 339, 112 S.Ct. at 2518 (the miscarriage of justice exception and the actual innocence exception are synonymous).

While the Court is cognizant that the *Beach* Court held that “the standards explicated in *Redcrow* and *Schlup* adhere most closely to the notion of miscarriage of justice”, *Id.* ¶48, it must again be noted that both *Redcrow* and *Schlup* were procedural innocence cases. Nevertheless, this Court rules that it is appropriate to proceed to evaluate the miscarriage of justice exception based solely on Beach’s actual innocence evidence. It does so in reliance upon the interplay of both actual and procedural innocence in miscarriage of justice analysis. *Beach*, ¶31 citing *Sawyer* at 339, 112 S.Ct. at 2518. See also *Beach*, ¶43 citing *Sawyer* at 336, 112 S.Ct. at 2517; *Schlup* at 316, 115 S.Ct. at 861.

Before turning to an actual innocence evaluation, which constitutes the sum and substance of the fifth *Clark* factor, this Court must emphasize that the “standards” are a royal mix of those from actual innocence and procedural innocence jurisprudence. *C.f. Schlup* and *Herrera*. Such a mix can appear to be confusing forests and trees. However, the authority noted above allows construction of an interplay between the two, and *Pope*’s separation of determinations in these two areas provides the basis for this Court’s determination to proceed on just one - actual innocence. *Pope*, ¶68-9. See also *Schlup* at 316-17, 115 S.Ct. at 861-62.

Consequently, the Court must determine whether Beach’s new evidence establishes that a “jury could find, in light of the newly

discovered evidence, that Beach actually is innocent of his crime”.
Redcrow, ¶ 37. The court must assess whether a jury, acting reasonably,
would have voted to find Beach guilty beyond a reasonable doubt. *Schlup*,
513 U.S. at 329, 115 S. Ct. at 868”. *Beach*, ¶51. The Court will assume, for
legal argument only, that the Beach trial was free of constitutional,
procedural error. *Pope*, ¶48

Given that assumption, it is clear that the standard of review is
“extraordinarily high”. *Id.*, ¶44 (citation omitted). It is also clear that the
“analysis for Beach’s substantive claims ‘must incorporate the
understanding that proof beyond a reasonable doubt marks the legal
boundary between guilt and innocence’”. *Id.* (citation omitted). This Court
must find, “by clear and convincing evidence . . . no reasonable juror
would have found him guilty of the offense in order for him to prevail on
his substantive innocence claim”. *Id.* (citation omitted).

First a small digression regarding the evidence used in this analysis.
The State claims “a court considering a claim of actual innocence must
consider **all** the evidence, **old and new**, incriminating and exculpatory”
(Post Hearing Brief, p. 39, citing *Schlup* at 327-328; emphasis original), that
is not what the *Schlup* Court held: “the emphasis on ‘actual innocence’
allows the reviewing tribunal also to consider the probative force of
relevant evidence that was either excluded or unavailable at trial”. *Schlup*
at 327-28, 115 S.Ct. at 865. As determined earlier, the evidence utilized by
this Court was unavailable at trial.

This Court has conducted at least 35 criminal, jury trials with Montana juries. It has been constantly impressed at the intelligent reasonableness that Montana citizens bring to their deliberations. It cannot be emphasized enough the kind of fairness and objectivity the Court has experience in juries, time and time and time again. Consequently, this Court believes it has a respectable grasp of what constitutes a "reasonable Montana juror, properly instructed".

Given that experience, the Court looks at the testimony of Janice White Eagle-Johnson, Billie Marie Smith, and Susan Molar as the substantial basis for scaling the clear and convincing evidence plateau. These individuals had, as our former President loved to say, "no dog in the fight". Ms. White Eagle-Johnson is a Vietnam Era veteran and a 17 year member of the Reserves. She maintained employment with Indian Health Services for 42 years. While the Court noted in its Findings that she was "credible and believable", that is an understatement. There were absolutely no indicators of anything but credibility and believability. She was directly told by Maude Greyhawk, one of the alleged perpetrators of the Kim Nees murder, "my car was down there that night. Those girls had my car".

Billie Marie Smith and Susan Molar were co-workers with Joanne Todd, another purported member of the "gang of four" girls who allegedly participated in murdering Kim Nees, at an Assisted Living Facility in Missoula. Both Ms. Smith and Ms. Molar were long serving care workers. Again, there were absolutely no indicators of anything but credibility and

believability. They both heard Ms. Todd state that "a bunch of girls were riding around and they went down by the river . . .the girls drug her out of her truck and they beat her".

Next the Court turns to the testimony of Steffanie Eagle Boy. Of all the testimony at the evidentiary hearing, Ms. Eagle Boy's is seared on the Court's conscience. The plateau of clear and convincing evidence was scaled by the testimony of Ms. White Eagle-Johnson, Smith and Molar, but it was absolutely surmounted by that of Ms. Eagle Boy.

Ms. Eagle Boy told of being on a bluff above the Poplar River area the night of Kim Nees' murder. She was 10 years old and was with her cousin. She saw two vehicles enter the area and heard loud, girl voices yelling "get her"; "get the bitch"; "kick the bitch". She testified that she heard a different voice plead "don't, please". In Ms. Eagle Boy's own words: "it was something I'll never forget." "It was horrible." "I've had nightmares all my life about it." "It's something I won't forget".

This Court has experienced many, many witnesses who show deep emotion on the witness stand. The Court has seen tears aplenty. The Court will often question such witnesses itself (non-jury setting, of course) to probe the validity of the testimony; the veracity of the tears if you will. A significant number of times, the witness will stop crying, emotionally stabilize, and forthrightly answer the Court's questions. Generally, those individuals are still found to be credible and believable. Occasionally, it becomes abundantly clear that the emotion was "ginned up".

After Ms. Eagle Boy's testimony, the Court felt it even more imperative that it explore the emotional veracity of the statements. Never has this Court experienced a witness who became even more emotional, even more believable during such Court questioning. The Court can only say that she cried on a deeper level - she was reliving the nightmare.

More than one reasonable juror, properly instructed, would have heard that testimony and had reasonable doubt whether Mr. Beach committed the murder. No reasonable juror, properly instructed, could have combined that testimony with the testimony of Ms. White Eagle-Johnson, Ms. Smith and Ms. Molar and not had reasonable doubt whether Mr. Beach committed the murder.

No less lacking in credibility or believability was Judy Greyhawk. Interestingly enough, Ms. Greyhawk had the most to gain by not testifying or not testifying as she did. As she stated, her husband, brother of Maude Greyhawk, put significant pressure on her to not sign a statement and then, subsequently, to not tell her story in court. The Court was made keenly aware of the very strong cultural pressures in Indian Country against "family betrayal" such as that indicated in Ms. Greyhawk's testimony. That testimony, in essence, was that she received a call from Maude Greyhawk Kern wherein Ms. Kern stated "I think I'm going to prison. I didn't kill that girl, but I kicked her in the head a few times". No reasonable juror, properly instructed, would have heard this testimony, especially in conjunction with that of Ms. White Eagle-Johnson about Ms. Kern's

statements to her, and not had reasonable doubt whether Mr. Beach committed the murder.

Finally, the Court turns to Mr. Hall. He was outrageously candid about his addictions, drug usage and sale, and his sobriety. His painfully humorous indictment of self lead this Court to find him credible and believable. His renditions of Sissy Atkinson's many and consistent statements about her having been present when a girl was hurt, rolled into the river and having a tire iron used on her had a ring of believability - particularly the fact of the body being rolled into the river - which comports with the case facts. As noted in *Schlup*, the standard means "no" juror, acting reasonably, would have voted to find Mr. Beach guilty. This Court holds that at least one juror would have found Mr. Hall credible enough to have reasonable doubt whether Mr. Beach committed the murder.

The evidence cited above is not scientific like in *Pope* (exculpatory DNA evidence). But this Court rules that it is of more than sufficient, objective credibility to meet the beyond a reasonable doubt standard.

As noted in the precedent for determinations such as this, it is not this Court's role to determine whether, based on the evidence outlined above, the jury would find Mr. Beach innocent. Rather, it's role is to look prospectively and ascertain what they "might" do, given the new evidence. *Beach*, ¶48. Here, the standards explicated in *Redcrow* and *Schlup*, as applicable to the interplay between actual and procedural innocence, are

clearly and convincingly satisfied. Based on that interplay, the evidence adduced by this Court leads it to rule that Beach has passed through the actual innocence gateway. He may thus pursue relief for his alleged constitutional violations through his Petition for Post Conviction Relief. *Beach*, ¶34, citing *Pope*, ¶56. In other words, based on that evidence his Petition falls within the fundamental miscarriage of justice exception to the five-year statute of limitations on that Petition.

Pursuant to *Beach*, this Court has the authority, if the *Herrera* extraordinarily high standard has been satisfied, to release Mr. Beach as being “absolutely innocent”. *Beach*, ¶45. The Beach Court states, as a contrast, that a procedural innocence claim, if found successful, results in a new trial. *Id.* This distinction, as noted above, also seems to be articulated in *Pope*. *Pope*, ¶¶68-9. A similar distinction was articulated in *Schlup*:

a *Herrera*-type claim would have to fail unless the federal habeas court is itself convinced that those new facts unquestionably establish Schlup’s innocence. On the other hand, if the habeas court were merely convinced that those new facts raised sufficient doubt about Schlup’s guilt to undermine confidence in the result of the trial without the assurance that that trial was untainted by constitutional error, Schlup’s threshold showing of innocence would justify a review of the merits of the constitutional claims.

Schlup at 316-17, 115 S.Ct. at 861-62 (Emphasis added).

The Pope Court ruled because of Pope’s “proof” of absolute innocence (the new DNA evidence) his Petition for Post Conviction Relief

was not time barred and, by reversing the District Court, granted it. *Id.*, ¶70. That in itself would result in a new trial.

Here, the clear and convincing evidence demonstrates that a jury could find that Beach is actually innocent of his crime. *Beach*, ¶48. E.g., at least **one** juror acting reasonably and properly instructed would not have voted to find him guilty beyond a reasonable doubt. *Id.*

After review of the Court's analysis of the new evidence, it might reasonably be asked why the Court does not just release Mr. Beach. The testimony of Mr. Holen, that he saw not only Kim Nees in the pickup (with four other girls) that night but also a male in the right passenger seat, leads this Court to conclude that the evidence is not sufficiently clear and convincing to bust down the absolute innocence gateway and have Mr. Beach walk through it a free man. Also, we have Mr. Beach's confession to consider. However, the totality of the evidence is clear and convincing enough to rule that Mr. Beach has certainly opened the actual innocence gateway sufficiently enough to walk through the miscarriage of justice exception toward a new trial.

Given the *Pope* precedent, *Id.*, ¶67, if Beach "has passed through the actual innocence gateway [then] his constitutional claims are not barred". *Id.*, ¶68. In other words, Beach can proceed to a new trial where he can present not only the actual innocence evidence but also the constitutional innocence evidence.

It is hereby **Ordered** that Beach's Petition for Post Conviction Relief is not time barred, the Petition is **Granted**, and Mr. Beach is **Granted** a new trial on the charge of the murder of Kim Nees.

The Clerk of Court is directed to file these Findings of Fact, Analysis, and Order and provide copies to counsel of record.

DATED this 22 day of November 2011.



DISTRICT COURT JUDGE

Hon. E. Wayne Phillips

P. O. Box 1124

Lewistown, Montana 59457

Telephone: (406) 535-8028

Facsimile: (406) 535-6076

- c: Terrance L. Toavs, Esq. ✓
- c: Peter Camiel, Esq. ✓
- c: Brant Light, Esq. and Tammy K. Plubell, Esq. ✓

1068-C.1

CERTIFICATE OF SERVICE

This is to certify that the foregoing was duly served by

Mail _____ Email Fax _____

upon parties or Attorneys of record at their address or addresses

this 23rd day of November, 2011.



PATRICIA A. STENNES

Clerk of District Court

Wolf Point, MT 59201

CLASSIFICATION INSTRUMENT

- Page 1 -

Name: BEACH, BARRY ALLAN AO#: 21520 Unit: MDIU

Facility: Montana State Prison Classification Date: 6/1/13 Prior Classification Date: 11/21/11

1 Severity of Institutional Misconduct (Rate Last 3 Years)

| | <u>Score</u> |
|---|--------------|
| <input type="checkbox"/> Category I Reports _____ | 6 |
| <input type="checkbox"/> Category II Reports _____ | 3 |
| <input type="checkbox"/> 3+ Category III Reports _____ | 1 |
| <input checked="" type="checkbox"/> No violations within last 3 years _____ | 0 |

2 Most serious current conviction, Detainer or Warrant

| | <u>Score</u> |
|---|--------------|
| <input checked="" type="checkbox"/> Highest Severity <u>Deliberate Homicide</u> | 6 |
| <input type="checkbox"/> High Severity _____ | 5 |
| <input type="checkbox"/> Moderate Severity _____ | 1 |
| <input type="checkbox"/> Low Severity _____ | 0 |

3 Escape History (Rate Last 3 Years)

| | <u>Score</u> |
|--|--------------|
| <input type="checkbox"/> Escape or attempted escape from a secure facility (WRC classified secure) _____ | 6 |
| <input type="checkbox"/> Escape / Walk away from PRC, TSCTC _____ | 4 |
| <input type="checkbox"/> Walk away from work release or monitoring program _____ | 2 |
| <input checked="" type="checkbox"/> No violations within last 3 years _____ | 0 |

4 Severity of Felony Convictions Within the Last 7 Years (Do not include current conviction)

| | <u>Score</u> |
|---|--------------|
| <input type="checkbox"/> 1+ Highest Severity or 3+ High Security _____ | 4 |
| <input type="checkbox"/> 1-2 High Severity _____ | 3 |
| <input type="checkbox"/> 0 Highest/High Severity with 1+ Moderate Severity _____ | 1 |
| <input checked="" type="checkbox"/> 0 Highest/High/Moderate Severity with only Low Severity _____ | 0 |

5 Number of Category I or II Rule Violations, Predatory/Assaultive Behavior (Rate Last 3 Years)

| | <u>Score</u> |
|--|--------------|
| <input type="checkbox"/> 3+ Category I or II Reports _____ | 4 |
| <input type="checkbox"/> 1-2 Category I or II Reports _____ | 2 |
| <input checked="" type="checkbox"/> 0, No Category I or II Reports _____ | 0 |

Total Score

Custody Score Based On Items 1-5, 7-9 Medium Restricted, 10-14 Close, 15+ Maximum

6

6 Number of Disciplinary Reports (rate last 6 months)

| | <u>Score</u> |
|---|--------------|
| <input type="checkbox"/> 3+ Reports or Return from Community Placement for Disciplinary Reasons _____ | 4 |
| <input type="checkbox"/> 1-2 Reports _____ | 2 |
| <input checked="" type="checkbox"/> No Major/Severe Reports _____ | 0 |

7 Performance in Recommended Treatment/Education Programs

| | <u>Score</u> |
|--|--------------|
| <input type="checkbox"/> Non Compliant _____ | 4 |
| <input type="checkbox"/> Waiting for Treatment / Currently Enrolled _____ | 0 |
| <input checked="" type="checkbox"/> All Recommended Programs Completed _____ | -1 |

8 Institutional Adjustment / Work Performance (rate last 6 months)

| | <u>Score</u> |
|--|--------------|
| <input type="checkbox"/> Poor Ratings from both Work and Housing Unit Team _____ | 2 |
| <input type="checkbox"/> 1 Poor Rating from either Work or Housing Unit Team _____ | 1 |
| <input checked="" type="checkbox"/> Positive Ratings from both Work & Housing Unit Team _____ | 0 |
| <input type="checkbox"/> Positive Ratings from both Work & Housing Unit Team for 3 years _____ | -1 |

CLASSIFICATION SUMMARY

Name: BEACH, BARRY ALLAN AO#: 21520 Unit: MDIU

Classification Date: 5/29/2013 Next Review Date: 12/2013

Type of Classification: Reclass Custody Status: Custody Decrease

Crime: Deliberate Homicide

Sentence: 100 years

Parole Date: No Parole Discharge Date: 10/15/2036

Present Custody: Close Present Assignment/Code: Unassigned 99999

Final Custody: Min1 Final Assignment/Code: Labor Pool 801

Separation Needs: None Initiate Initiate & Continue Continue Cont & Remove Remove

A-Typical: None Initiate Continue Remove

Detainer / Warrant / Notification: Yes No

Override: Yes Continue No STG Review: Yes No

Confidential Information: Yes, in: _____ No

PREA Info: Yes, date: 5/29/13 No Emergency contact valid: Yes No

| Treatment Program | Type of Referral | | | Program Status Dates | | | |
|----------------------|------------------|-------------|--------------------------------|----------------------|-------------------|-----------|-------------|
| | Court Order | Court Rec'd | Treatment Needs / Release Plan | Screening / Waiting | Rejected / Failed | Attending | Completed |
| SOP / Sex Offender | | | | | | | |
| CD / Chem Dep | | | X | | | | 2/00 11/03 |
| Mental Health | | | | | | | |
| Anger Management | | | X | | | | 12/94 11/03 |
| Education GED/Voc Ed | | | | | | | HS 1980 |
| TSCTC/PRC | | | | | | | |
| Parenting | | | | | | | |
| CP&R | | | X | | | | 6/95 |
| Other | | | | | | | |

Admin Review / Special Committee Signature/Date
Beach previously completed all recommended treatment. - CM Noll

CM Toni Barclay 5/29/2013 UM Robert Shaw Date: 6/1/2013

Appeal: Yes No

Inmate Signature: Barry A Beach Date: 6-3-13

White - File

Candy - Counselor

Pink - Inmate

Goldenrod - BOP

ASSESSMENT OF NEEDS

- Page 1 -

Name: BEACH, BARRY ALLAN

AO#: 21520

Unit: MDIU

A - HEALTH

- | | <u>Rate</u> |
|---|-------------|
| <input checked="" type="checkbox"/> No Restrictions | 1 |
| <input type="checkbox"/> Some Restrictions | 0 |
| <input type="checkbox"/> Frequent Medical Problems | 0 |

Source:

B - ALCOHOL USE

- | | <u>Rate</u> |
|---|-------------|
| <input type="checkbox"/> No Apparent Problems | 0 |
| <input checked="" type="checkbox"/> Currently Maintaining Sobriety While Incarcerated | 2 |
| <input type="checkbox"/> Occasional Abuse, Meets Abuse Criteria | 0 |
| <input type="checkbox"/> Frequent Abuse, Meets Dependency Criteria | 0 |

Source:

C - OTHER SUBSTANCE ABUSE

- | | <u>Rate</u> |
|---|-------------|
| <input type="checkbox"/> No Apparent Problems | 0 |
| <input checked="" type="checkbox"/> Currently Maintaining Sobriety While Incarcerated | 2 |
| <input type="checkbox"/> Occasional Abuse, Meets Abuse Criteria | 0 |
| <input type="checkbox"/> Frequent Abuse, Meets Dependency Criteria | 0 |

Source:

I.V. Drug Use: Yes No

D - INTELLECTUAL ABILITY

- | | <u>Rate</u> |
|---|-------------|
| <input checked="" type="checkbox"/> Normal Intellectual Ability (90+) | 1 |
| <input type="checkbox"/> May Need Some Assistance (70-89) | 0 |
| <input type="checkbox"/> Intelligence Testing | 0 |

Source:

E - BEHAVIORAL / EMOTIONAL RESPONSES

- | | <u>Rate</u> |
|---|-------------|
| <input type="checkbox"/> Exhibits Appropriate Emotional Responses | 0 |
| <input checked="" type="checkbox"/> Symptoms Limit Adequate Functioning; May Require counseling and / or medication | 2 |
| <input type="checkbox"/> Currently participating in Mental Health Treatment. Compliant with Treatment Medication | 0 |
| <input type="checkbox"/> Symptoms prohibit adequate functioning, require major intervention; may require medication or separate housing | 0 |

Source:

F - SEXUAL BEHAVIOR

- | | <u>Rate</u> |
|---|-------------|
| <input checked="" type="checkbox"/> No Apparent Dysfunction | 1 |
| <input type="checkbox"/> Situational or Minor Problems | 0 |
| <input type="checkbox"/> Real or Perceived Chronic or severe Problems and / or qualifies need for SOP | 0 |

Source:

Tier Level:

G - EDUCATIONAL STATUS

- | | <u>Rate</u> |
|--|-------------|
| <input checked="" type="checkbox"/> Has High School Diploma/GED | 1 |
| <input type="checkbox"/> Some deficits but potential (TABE 8.0+/GED) | 0 |
| <input type="checkbox"/> Deficits in Educational needs ABE program (TABE 6.0-7.9 Pre-GED) | 0 |
| <input type="checkbox"/> Major deficits in Educational level needs literacy training (TABE 5.9 & below Remedial) | 0 |

Source:

H - VOCATIONAL STATUS

- | | <u>Rate</u> |
|---|-------------|
| <input checked="" type="checkbox"/> Has sufficient skills to obtain satisfactory employment | 1 |
| <input type="checkbox"/> Minimal skill level, needs enhancement | 0 |
| <input type="checkbox"/> Virtually unemployable, needs training | 0 |

Source:

ASSESSMENT OF NEEDS

- Page 2 -

Name: BEACH, BARRY ALLAN AO#: 21520 Unit: MDIU

| I - JOB RELATED SKILLS | <u>Rate</u> |
|---|-------------|
| <input checked="" type="checkbox"/> Has sufficient positive work habits to maintain employment | 1 |
| <input type="checkbox"/> Some deficits, needs program to develop positive work habits | 0 |
| <input type="checkbox"/> Work habits insufficient to maintain employment, needs strong work program | 0 |
| <input type="checkbox"/> Disabled | 0 |

Source: Employment Record

| J - LIVING SKILLS | <u>Rate</u> |
|---|-------------|
| <input checked="" type="checkbox"/> Presents and expresses self appropriate to social context | 1 |
| <input type="checkbox"/> Has mastered basic survival skills, needs enrichment | 0 |
| <input type="checkbox"/> Lacks skills necessary for social survival | 0 |

Source: Self Report

| K - MARITAL / FAMILY | <u>Rate</u> |
|--|-------------|
| <input checked="" type="checkbox"/> Relatively stable relationships | 1 |
| <input type="checkbox"/> Some disorganization or stress, potential for improvement | 0 |
| <input type="checkbox"/> Major disorganization or stress | 0 |

Source: Self Report

| L - COMPANIONS | <u>Rate</u> |
|--|-------------|
| <input checked="" type="checkbox"/> No adverse relationship | 1 |
| <input type="checkbox"/> Associations with occasional negative results | 0 |
| <input type="checkbox"/> Associations almost completely negative | 0 |

Source: Other

| M - ATTITUDE | <u>Rate</u> |
|--|-------------|
| <input checked="" type="checkbox"/> Motivated to change | 1 |
| <input type="checkbox"/> Not very receptive to program, but shows some potential | 0 |
| <input type="checkbox"/> Has no motivation at all | 0 |

| N - VIOLENT BEHAVIOR | <u>Rate</u> |
|--|-------------|
| <input type="checkbox"/> Appropriate responses to stress and anger | 0 |
| <input checked="" type="checkbox"/> Currently enrolled & compliant with AM program | 2 |
| <input type="checkbox"/> Situational or minor problems, need of AM | 0 |
| <input type="checkbox"/> Chronic or severe problems | 0 |

Source: Observation

| O - ADDICTIVE / COMPULSIVE BEHAVIOR | <u>Rate</u> |
|---|-------------|
| <input checked="" type="checkbox"/> No Apparent Problems | 1 |
| <input type="checkbox"/> Enrolled in TX | 0 |
| <input type="checkbox"/> Situational / minor problems, needs TX | 0 |
| <input type="checkbox"/> Chronic or severe problems | 0 |

Source: Other

| P - FINANCIAL MANAGEMENT | <u>Rate</u> |
|--|-------------|
| <input checked="" type="checkbox"/> All fines, restitution, fees paid in full | 1 |
| <input type="checkbox"/> No current difficulties Complying with payment schedule | 0 |
| <input type="checkbox"/> Minor difficulties, sporadic payments | 0 |
| <input type="checkbox"/> Severe difficulties, No payments | 0 |

Source: Other



**Sentences 100 Years or Greater
Parole Restirctions
Sorted by Date of Sentence**

| Offender Name | Offender ID | Docket # | Sent Pro Date | Years | | Counts | BIRTH YEAR | Age At Offense |
|---------------------------|-------------|-------------|---------------|-------|--|--------|------------|----------------|
| FALLSDOWN, MYRON WESLEY | 44112 | DC-01-0110 | 01/24/2002 | 100 | Aggravated Kidnapping | 1 | 1976 | 24.2 |
| FALLSDOWN, MYRON WESLEY | 44112 | DC-01-0110 | 01/24/2002 | 150 | Deliberate Homicide | 1 | 1976 | 24.2 |
| FALLSDOWN, MYRON WESLEY | 44112 | DC-01-0110 | 01/24/2002 | 150 | Attempted Deliberate Homicide | 1 | 1976 | 24.2 |
| FALLSDOWN, MYRON WESLEY | 44112 | DC-01-0110 | 01/24/2002 | 100 | Sexual Intercourse without Consent | 1 | 1976 | 24.2 |
| GAZDA, JOHN LEON | 2043618 | CDC-2002-14 | 10/17/2002 | 100 | Deliberate Homicide | 1 | 1939 | 61.9 |
| SHEPARD, ROXANNA LEE | 2073625 | DC0339 | 09/21/2004 | 150 | Deliberate Homicide | 1 | 1962 | 41.1 |
| MISNER, MARK NEIL | 25792 | DDC-03-616C | 03/02/2005 | 150 | Deliberate Homicide | 1 | 1950 | 53.4 |
| MISNER, MARK NEIL | 25792 | DDC-03-616C | 03/02/2005 | 150 | Deliberate Homicide | 1 | 1950 | 53.4 |
| ACETO, JOSEPH ANTHONY | 2021872 | DC-00-174B | 06/15/2006 | 100 | Aggravated Kidnapping | 1 | 1953 | 47.3 |
| COUTURE, JAMES ARTHUR | 2126323 | DC-04-47 | 02/08/2007 | 100 | Deliberate Homicide | 1 | 1959 | 45.2 |
| COVINGTON, RICHARD EDWARD | 19026 | DC08-0526 | 06/04/2010 | 100 | Deliberate Homicide | 2 | 1962 | 44.2 |
| COVINGTON, RICHARD EDWARD | 19026 | DC08-0526 | 06/04/2010 | 100 | Deliberate Homicide | 1 | 1962 | 44.2 |
| COVINGTON, RICHARD EDWARD | 19026 | DC08-0526 | 06/04/2010 | 100 | Robbery | 2 | 1962 | 44.2 |
| MBY, LARRY | 3005517 | DC-08-554 | 07/21/2010 | 100 | Deliberate Homicide | 1 | 1953 | 55.8 |
| HAMBY, LARRY | 3005517 | DC-08-554 | 07/21/2010 | 100 | Attempted Deliberate Homicide | 1 | 1953 | 55.8 |
| PAULSRUD, DANIEL JOHN | 3007136 | DC-10-08 | 05/09/2011 | 150 | Deliberate Homicide | 1 | 1971 | 38.5 |
| MYRAN, JAY J | 3007767 | DC 09-158-A | 07/12/2011 | 100 | Deliberate Homicide | 1 | 1971 | 37.5 |
| BONCK, LUCIEN SIDNEY | 2065670 | DC 09-0014 | 09/06/2011 | 100 | Persistent Felony Offender for Tampering | 1 | 1953 | 48.5 |
| BONCK, LUCIEN SIDNEY | 2065670 | DC 09-0014 | 09/06/2011 | 100 | Sexual Assault | 1 | 1953 | 48.5 |
| BONCK, LUCIEN SIDNEY | 2065670 | DC 09-0014 | 09/06/2011 | 100 | Sexual Assault | 1 | 1953 | 48.5 |



**Sentences 100 Years or Greater
Parole Restirctions
Sorted by Date of Sentence**

| Offender Name | Offender ID | Docket # | Sent Pro Date | Years | | Counts | BIRTH YEAR | Age At Offense |
|----------------------------|-------------|-------------|---------------|-------|------------------------------------|--------|------------|----------------|
| BONCK, LUCIEN SIDNEY | 2065670 | DC 09-0014 | 09/06/2011 | 100 | Sexual Assault | 1 | 1953 | 48.5 |
| BONCK, LUCIEN SIDNEY | 2065670 | DC 09-0014 | 09/06/2011 | 100 | Sexual Intercourse without Consent | 1 | 1953 | 49.5 |
| BONCK, LUCIEN SIDNEY | 2065670 | DC 09-0014 | 09/06/2011 | 100 | Sexual Intercourse without Consent | 1 | 1953 | 47.5 |
| BONCK, LUCIEN SIDNEY | 2065670 | DC 09-0014 | 09/06/2011 | 100 | Sexual Intercourse without Consent | 1 | 1953 | 48.5 |
| MILLER, TYLER MICHAEL | 37397 | DC-10-483 | 02/10/2012 | 150 | Deliberate Homicide | 1 | 1976 | 34.4 |
| MILLER, TYLER MICHAEL | 37397 | DC-10-483 | 02/10/2012 | 150 | Deliberate Homicide | 1 | 1976 | 34.4 |
| PELTIER, JOSHUA JEREMY | 2143028 | DC-2010-536 | 03/29/2012 | 100 | Sexual Assault | 1 | 1989 | 21.8 |
| PELTIER, JOSHUA JEREMY | 2143028 | DC-2010-536 | 03/29/2012 | 100 | Sexual Intercourse without Consent | 1 | 1989 | 21.8 |
| HYSLOP, DAVID WAYNE | 3009855 | BDC-11-236 | 06/27/2012 | 100 | Deliberate Homicide | 1 | 1982 | 28.6 |
| GREENE, CHRISTOPHER DONALD | 2149002 | DC-2011-415 | 10/19/2012 | 100 | PFO Failure to Notify | 1 | 1973 | 37.8 |
| STEWART, LAURENCE ALAN | 3011990 | DDC-12-472 | 06/20/2013 | 150 | Attempted Deliberate Homicide | 1 | 1987 | 25.5 |
| STEWART, LAURENCE ALAN | 3011990 | DDC-12-472 | 06/20/2013 | 150 | Attempted Deliberate Homicide | 1 | 1987 | 25.5 |
| STEWART, LAURENCE ALAN | 3011990 | DDC-12-472 | 06/20/2013 | 150 | Attempted Deliberate Homicide | 1 | 1987 | 25.5 |
| STEWART, LAURENCE ALAN | 3011990 | DDC-12-472 | 06/20/2013 | 150 | Attempted Deliberate Homicide | 1 | 1987 | 25.5 |
| STEWART, LAURENCE ALAN | 3011990 | DDC-12-472 | 06/20/2013 | 150 | Attempted Deliberate Homicide | 1 | 1987 | 25.5 |
| STEWART, LAURENCE ALAN | 3011990 | DDC-12-472 | 06/20/2013 | 150 | Attempted Deliberate Homicide | 1 | 1987 | 25.5 |
| STEWART, LAURENCE ALAN | 3011990 | DDC-12-472 | 06/20/2013 | 150 | Attempted Deliberate Homicide | 1 | 1987 | 25.5 |



Life without Parole Sorted by Date of Sentence

| Offender Name | Offender ID | Docket # | Sent Pro Date | | Counts | BIRTH YEAR | Age At Offense |
|----------------------------|-------------|------------|---------------------|--|--------|------------|----------------|
| FITZPATRICK, BERNARD JAMES | 11794 | 1107 | 04/05/1978 | Aggravated Kidnapping | 1 | 1942 | 32.8 |
| FITZPATRICK, BERNARD JAMES | 11794 | 1107 | 04/05/1978 | Deliberate Homicide | 1 | 1942 | 32.8 |
| GRAETZER, KARL ERIC | 19483 | 82CR35 | 11/04/1982 | Deliberate Homicide | 1 | 1962 | 19.8 |
| KEEFE, STEVEN WAYNE | 24842 | ADC-86-059 | 12/17/1986 | Deliberate Homicide | 1 | 1968 | 17.8 |
| KEEFE, STEVEN WAYNE | 24842 | ADC-86-059 | 12/17/1986 | Deliberate Homicide | 2 | 1968 | 17.8 |
| KEEFE, STEVEN WAYNE | 24842 | ADC-86-059 | 12/17/1986 | Deliberate Homicide | 1 | 1968 | 17.8 |
| VANDYKEN, FRED DANIEL | 21997 | 6877 | 08/28/1987 | Deliberate Homicide | 1 | 1958 | 26.6 |
| JOHNSON, CARL ESSIE | 23756 | DC-87-018 | 12/10/1987 Deceased | Aggravated Kidnapping | 1 | 1941 | 45.9 |
| AILLS, JOHN WILLIAM | 30967 | ADC-90-82 | 10/25/1990 | Deliberate Homicide | 2 | 1956 | 34.3 |
| ALLEN, JAMES FALLON | 32417 | 90-011 | 03/13/1992 | Deliberate Homicide | 1 | 1932 | 57.8 |
| TURNER, DOUGLAS D | 26735 | DC-92-06 | 10/08/1992 Deceased | Deliberate Homicide | 5 | 1971 | 19.9 |
| GOLLEHON, WILLIAM JAY | 19043 | DC-92-05 | 10/24/1992 | Deliberate Homicide | 5 | 1964 | 27.4 |
| COX, GARY ALAN | 19690 | DC-92-08 | 11/12/1992 | Deliberate Homicide | 5 | 1963 | 28 |
| LA FORD, TERRY ALLEN | 27638 | DC-92-04 | 03/25/1993 Deceased | Deliberate Homicide | 1 | 1966 | 25.3 |
| CLOSE, ROBERT DEE | 11744 | DC-92-13 | 04/15/1993 | Deliberate Homicide | 5 | 1954 | 37.6 |
| SANTOS, JOSE DELOS | 34994 | DC-93-020 | 12/03/1993 | Deliberate Homicide | 2 | 1968 | 24.7 |
| LAWRENCE, FREDDIE JOE | 37147 | ADC94-215 | 05/01/1995 | Aggravated Kidnapping | 1 | 1962 | 31.9 |
| LAWRENCE, FREDDIE JOE | 37147 | ADC94-215 | 05/01/1995 | Accountability for Deliberate Homicide | 1 | 1962 | 31.9 |
| JENKINS, PAUL KENNETH | 37146 | ADC-94-216 | 05/01/1995 | Aggravated Kidnapping | 1 | 1954 | 39.9 |
| JENKINS, PAUL KENNETH | 37146 | ADC-94-216 | 05/01/1995 | Deliberate Homicide | 1 | 1954 | 39.9 |



Life without Parole Sorted by Date of Sentence

| Offender Name | Offender ID | Docket # | Sent Pro Date | | Counts | BIRTH YEAR | Age At Offense |
|-------------------------|-------------|-------------|---------------|----------|--------|------------|----------------|
| SATTLER, RODNEY JOSEPH | 25070 | DC-95-07 | 11/15/1995 | Deceased | 1 | 1967 | 27.6 |
| RACE, CARL SIDNEY | 39211 | 3749 | 06/17/1996 | | 2 | 1946 | 49.5 |
| RACE, CARL SIDNEY | 39211 | 3749 | 06/17/1996 | | 2 | 1946 | 49.5 |
| JOHNSON, DAN | 11010 | DC-95-63 | 09/26/1996 | | 1 | 1954 | 40.9 |
| WEAVER, RODNEY W | 27880 | DC-96-259A | 05/01/1997 | | 1 | 1966 | 30.6 |
| WEAVER, WILLIAM LARRY | 3005579 | 12431 | 04/01/1998 | | 1 | 1959 | 39.2 |
| WEAVER, WILLIAM LARRY | 3005579 | 12431 | 04/01/1998 | | 1 | 1959 | 34.2 |
| SWAN, MARTIN REED | 29366 | 12594 | 06/24/1998 | | 1 | 1971 | 25.7 |
| KILLSONTOP, LESTER | 27079 | 3220 | 08/18/1998 | | 1 | 1961 | 25.9 |
| KILLSONTOP, LESTER | 27079 | 3220 | 08/18/1998 | | 1 | 1961 | 25.9 |
| KILLSONTOP, VERN | 27177 | 3221 | 11/10/1998 | | 1 | 1958 | 29.7 |
| KILLSONTOP, VERN | 27177 | 3221 | 11/10/1998 | | 1 | 1958 | 29.7 |
| ALIFF, DAVID RUSSELL | 44366 | ADC-98-84 | 03/01/1999 | | 1 | 1971 | 26.5 |
| ALIFF, DAVID RUSSELL | 44366 | ADC-98-84 | 03/01/1999 | | 1 | 1971 | 26.5 |
| FORD, EUGENE MARVIN | 10205 | ADC-99-102 | 02/10/2000 | | 1 | 1953 | 45.9 |
| BAUER, CHESTER RAYMOND | 20448 | DC-00-25 | 01/24/2001 | | 1 | 1956 | 43.2 |
| AYERS, RICHARD ALAN | 28149 | 99-135 | 02/28/2001 | | 1 | 1969 | 30.1 |
| FALLSDOWN, MYRON WESLEY | 44112 | DC-01-0110 | 01/24/2002 | | 1 | 1976 | 24.2 |
| FALLSDOWN, MYRON WESLEY | 44112 | DC-01-0110 | 01/24/2002 | | 1 | 1976 | 24.2 |
| GAZDA, JOHN LEON | 2043618 | CDC-2002-14 | 10/17/2002 | | 1 | 1939 | 61.9 |



Life without Parole Sorted by Date of Sentence

| Offender Name | Offender ID | Docket # | Sent Pro Date | | Counts | BIRTH YEAR | Age At Offense |
|--------------------------|-------------|-------------|---------------|------------------------------------|--------|------------|----------------|
| SANDROCK, RICHARD ARTHUR | 2038564 | BDC-01-262 | 12/10/2002 | Incest | 12 | 1940 | 48.4 |
| AIFF, KENNETH CHARLES | 2047394 | DC02-89 | 05/21/2003 | Incest | 1 | 1947 | 49.6 |
| AIELLO, KENNETH CHARLES | 2047394 | DC02-89 | 05/21/2003 | Sexual Intercourse without Consent | 1 | 1947 | 49.6 |
| AIELLO, KENNETH CHARLES | 2047394 | DC02-89 | 05/21/2003 | Sexual Assault | 1 | 1947 | 49.6 |
| HERRICK, JASON EVANS | 2019925 | BDC-02-395 | 06/03/2003 | Attempted Deliberate Homicide | 1 | 1982 | 19.8 |
| WEBB, CHARLES EDWARD | 35979 | BDC-02-371 | 07/03/2003 | Sexual Intercourse without Consent | 1 | 1974 | 28.2 |
| JOHNSON, JOHNNY DARRELL | 2055292 | BDC-03-92 | 11/06/2003 | Attempted Deliberate Homicide | 2 | 1954 | 48.7 |
| GARRYMORE, JASON LUCAS | 46106 | DC-03-37 | 05/04/2004 | Deliberate Homicide | 1 | 1968 | 35.2 |
| DUBOIS, RODNEY THOMAS | 46427 | BDC03-147 | 05/26/2004 | Deliberate Homicide | 1 | 1982 | 20.5 |
| DAVIS, GEORGE HAROLD | 2072806 | 29-2003-13 | 08/27/2004 | Deliberate Homicide | 1 | 1958 | 45 |
| DAVIS, GEORGE HAROLD | 2072806 | 29-2003-13 | 08/27/2004 | Attempted Deliberate Homicide | 6 | 1958 | 45 |
| DAVIS, GEORGE HAROLD | 2072806 | DC-03-269 | 09/16/2004 | Attempted Deliberate Homicide | 3 | 1958 | 45 |
| SHEPARD, ROXANNA LEE | 2073625 | DC0339 | 09/21/2004 | Deliberate Homicide | 1 | 1962 | 41.1 |
| DAVIS, GEORGE HAROLD | 2072806 | DC-04-67 | 09/30/2004 | Attempted Deliberate Homicide | 1 | 1958 | 45 |
| ROSLING, JARED LEE | 42765 | BDC-2004-32 | 01/14/2005 | Deliberate Homicide | 1 | 1980 | 24 |
| ROSLING, JARED LEE | 42765 | BDC-2004-32 | 01/14/2005 | Aggravated Kidnapping | 1 | 1980 | 24 |
| MISNER, MARK NEIL | 25792 | DDC-03-616C | 03/02/2005 | Deliberate Homicide | 1 | 1950 | 53.4 |
| MISNER, MARK NEIL | 25792 | DDC-03-616C | 03/02/2005 | Deliberate Homicide | 1 | 1950 | 53.4 |
| YETMAN, CARL HENRY | 2094722 | DC-04-188 | 09/01/2005 | Deliberate Homicide | 1 | 1941 | 63.6 |
| SANCHEZ, RAUL CARDENAS | 2095245 | DC-04-39 | 09/13/2005 | Deliberate Homicide | 1 | 1952 | 52.4 |



Life without Parole Sorted by Date of Sentence

| Offender Name | Offender ID | Docket # | Sent Pro Date | | Counts | BIRTH YEAR | Age At Offense |
|---------------------------|-------------|------------|---------------|--------------------------------------|--------|------------|----------------|
| JACKSON, LAURENCE DEAN | 45470 | DC-03-08 | 12/08/2005 | Attempted Deliberate Homicide | 1 | 1977 | 25.9 |
| JACKSON, LAURENCE DEAN | 45470 | DC-03-08 | 12/08/2005 | Deliberate Homicide | 1 | 1977 | 25.9 |
| MORRISEY, WILFRED EUGENE | 2103713 | ADC-02-356 | 01/27/2006 | Deliberate Homicide | 1 | 1940 | 47.9 |
| GREEN, JEREMIAH CHALWIN | 2116978 | DC-05-21 | 08/31/2006 | Deliberate Homicide | 2 | 1985 | 19.8 |
| COUTURE, JAMES ARTHUR | 2126323 | DC-04-47 | 02/08/2007 | Deliberate Homicide | 1 | 1959 | 45.2 |
| GIDDINGS, JOSHUA DAVID | 40489 | CDC-05-260 | 03/29/2007 | Deliberate Homicide | 1 | 1974 | 31.3 |
| DEMING, DEVIN SHAWN | 35869 | DC-06-12 | 12/17/2007 | Sexual Intercourse without Consent | 1 | 1970 | 35.5 |
| INGRAM, CLINTON LESTER | 32231 | DC-07-0696 | 12/19/2007 | Aggravated Kidnapping | 1 | 1952 | 54.8 |
| GUNDERSON, DAVID | 11820 | DC-07-632 | 06/16/2008 | Attempted Sexual Intercourse Without | 1 | 1954 | 53 |
| MEREDITH, GENE RICHARD | 2154612 | CDC-06-392 | 06/17/2008 | Deliberate Homicide | 1 | 1958 | 48.4 |
| THORP, LEWIS GALE | 3003154 | DC 08-2 | 06/12/2009 | Sexual Intercourse without Consent | 1 | 1965 | 40.5 |
| BELANUS, DUANE RONALD | 3003449 | BDC-08-309 | 08/13/2009 | Aggravated Kidnapping | 1 | 1977 | 31.1 |
| COVINGTON, RICHARD EDWARD | 19026 | DC08-0526 | 06/04/2010 | Robbery | 2 | 1962 | 44.2 |
| COVINGTON, RICHARD EDWARD | 19026 | DC08-0526 | 06/04/2010 | Deliberate Homicide | 2 | 1962 | 44.2 |
| COVINGTON, RICHARD EDWARD | 19026 | DC08-0526 | 06/04/2010 | Deliberate Homicide | 1 | 1962 | 44.2 |
| HAMBY, LARRY | 3005517 | DC-08-554 | 07/21/2010 | Deliberate Homicide | 1 | 1953 | 55.8 |
| HAMBY, LARRY | 3005517 | DC-08-554 | 07/21/2010 | Attempted Deliberate Homicide | 1 | 1953 | 55.8 |
| PAULSRUD, DANIEL JOHN | 3007136 | DC-10-08 | 05/09/2011 | Deliberate Homicide | 1 | 1971 | 38.5 |
| BONCK, LUCIEN SIDNEY | 2065670 | DC-09-0014 | 09/06/2011 | Sexual Assault | 1 | 1953 | 48.5 |
| BONCK, LUCIEN SIDNEY | 2065670 | DC 09-0014 | 09/06/2011 | Sexual Assault | 1 | 1953 | 48.5 |



Life without Parole Sorted by Date of Sentence

| Offender Name | Offender ID | Docket # | Sent Pro Date | | Counts | BIRTH YEAR | Age At Offense |
|------------------------|-------------|------------|---------------|------------------------------------|--------|------------|----------------|
| BONCK, LUCIEN SIDNEY | 2065670 | DC 09-0014 | 09/06/2011 | Sexual Assault | 1 | 1953 | 48.5 |
| BONCK, LUCIEN SIDNEY | 2065670 | DC 09-0014 | 09/06/2011 | Sexual Intercourse without Consent | 1 | 1953 | 49.5 |
| BONCK, LUCIEN SIDNEY | 2065670 | DC 09-0014 | 09/06/2011 | Sexual Intercourse without Consent | 1 | 1953 | 48.5 |
| BONCK, LUCIEN SIDNEY | 2065670 | DC 09-0014 | 09/06/2011 | Sexual Intercourse without Consent | 1 | 1953 | 47.5 |
| MILLER, TYLER MICHAEL | 37397 | DC-10-483 | 02/10/2012 | Deliberate Homicide | 1 | 1976 | 34.4 |
| MILLER, TYLER MICHAEL | 37397 | DC-10-483 | 02/10/2012 | Deliberate Homicide | 1 | 1976 | 34.4 |
| STEWART, LAURENCE ALAN | 3011990 | DDC-12-472 | 06/20/2013 | Attempted Deliberate Homicide | 1 | 1987 | 25.5 |
| STEWART, LAURENCE ALAN | 3011990 | DDC-12-472 | 06/20/2013 | Attempted Deliberate Homicide | 1 | 1987 | 25.5 |
| STEWART, LAURENCE ALAN | 3011990 | DDC-12-472 | 06/20/2013 | Attempted Deliberate Homicide | 1 | 1987 | 25.5 |
| STEWART, LAURENCE ALAN | 3011990 | DDC-12-472 | 06/20/2013 | Attempted Deliberate Homicide | 1 | 1987 | 25.5 |
| STEWART, LAURENCE ALAN | 3011990 | DDC-12-472 | 06/20/2013 | Attempted Deliberate Homicide | 1 | 1987 | 25.5 |
| STEWART, LAURENCE ALAN | 3011990 | DDC-12-472 | 06/20/2013 | Attempted Deliberate Homicide | 1 | 1987 | 25.5 |

U.S. SENATOR
JON TESTER
1000 PENNSYLVANIA AVENUE
WASHINGTON, DC 20540
202-224-3333
www.jontester.com

United States Senate

August 30, 2013

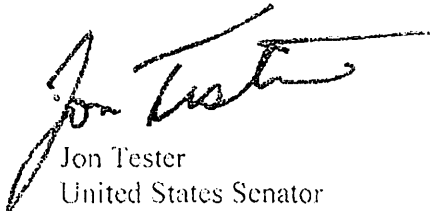
Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

Dear Honorable Members of the Board of Pardons and Parole:

I write today to encourage your serious consideration of the request to commute Barry Beach's sentence. From the beginning, the investigation, trial and conviction of Mr. Beach raised many questions and concerns.

Mr. Beach has served almost thirty years in prison. The many questions around this case, new evidence that has been called into question, and the time already served in prison suggest that serious consideration be given to commutation. I strongly encourage the Board to consider the commutation of Mr. Beach's sentence to time served.

Sincerely,



Jon Tester
United States Senator

U.S. SENATOR
JON TESTER

U.S. SENATOR
JON TESTER

U.S. SENATOR
JON TESTER

U.S. SENATOR
JON TESTER

U.S. SENATOR
JON TESTER

U.S. SENATOR
JON TESTER



Senator Conrad Burns

August 8, 2013

Montana

1989-2007

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

Dear Chairman McKee and Members of the Board,

As a retired United States Senator for the State of Montana, I believe strongly in the importance of both justice and public safety. My years of service have given me great appreciation for the work that you and many other Montanans contribute to making our system of corrections and justice the best that it can be, and I thank you for this work.

Today, I write to you to urge you to carefully consider commutation of Barry Beach's 100-year, no parole sentence. I take such deliberations seriously, and after careful consideration believe that Mr. Beach and the state of Montana would both be better served by returning him to our community than to continue his imprisonment for coming decades.

Since my retirement and return to my home in Billings, I have learned about Mr. Beach's case and his recent 18-month return to the Billings community while he awaited a new trial that was ultimately overruled by the Montana Supreme Court. During this time, Mr. Beach was a model community member, maintaining a steady full-time job as well as volunteer activities and involvement with his church. He re-integrated very positively and productively into our community, and serves as an excellent example of the power of rehabilitation and the strength of faith and renewal. I do not know all of the details of Mr. Beach's case and claim of innocence, but I do know that our community needs productive people who show they can be reformed through serving extensive time in prison. After serving 30 years in Montana prison, Mr. Beach defied expectations and proved to be a skilled, reliable, and industrious member of our community. It would be a shame for Montana taxpayers to continue paying to imprison this man who could otherwise be contributing to make our state a better place.

Montana Board of Pardons & Parole

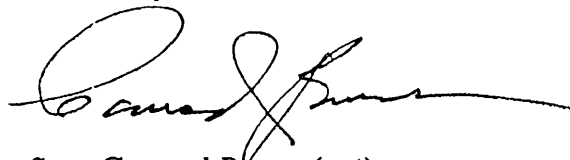
Chair Mc Kee and Members of the Board

Page 2

Mr. Beach has developed a strong support network of well-known community members who will continue to hold him accountable and help him successfully reintegrate into society. This will help to ensure that he is surrounded by and held answerable to positive mentors. Never before have I seen so many credible community leaders speak up on behalf of a prisoner seeking to return to their community, and become directly involved in helping him to reintegrate here.

Thank you for your consideration of this important decision, and for your service to the state of Montana. You have done much to make our state a better place, and your opportunity now to commute Mr. Beach's sentence is another such opportunity.

Sincerely,

A handwritten signature in black ink, appearing to read "Conrad Burns", with a long horizontal flourish extending to the right.

Sen. Conrad Burns (ret)



PLUS

August 29, 2013

Montana Board of Pardons and Parole

1002 Hollenbeck Road

Deer Lodge, MT 59722

Dear Parole Board,

Prior to Barry remanded back to prison I was Barry's employer for the last 8 months. During the time Barry was with me he became a member of our management team and was invaluable to us. At the time he was forced to leave Barry was in charge of over \$500,000 of construction projects and a staff of 8.

During the 18 months Barry was in the Billings community he became a leader to a lot of young people. Barry was constantly talking to at risk kids in Billings and throughout the state. He did more good in 18 months than most people will do in their life time.

Commuting Barry's sentence is not pardoning him, but allowing him to continue to become a contributor to society. If nothing else the parole board should look at Barry and the ability to rehabilitate an individual. Will all convicted criminals be rehabilitated - NO – but when you get one doesn't it make sense to utilize it to your advantage and society's advantage?

So much has been made of Barry's guilt or innocence. Unfortunately Barry's fate is not about the issue of guilt or innocence but around politics. If nothing else retry Barry and if found guilty throw the key away. If he's innocent let him become a contributor to society

As I've stated before I trust Barry with my business, my family as well as my life!

Sincerely,

Stephen C. Wahrlich CHA

Owner BEST WESTERN PLUS ClockTower Inn

Billings, MT

406.238.1793 – Direct Line



2511 1st Avenue North

Billings, MT 59101

406.259.5511 Fax 406.283.1797

www.bwclocktowerinn.com

For reservations call 1.800.628.9081

John Bohlinger
802 Power Street
Helena, MT 59601
August 21, 2013

Montana Board of Pardons and Parole
1022 Hollenbeck Road
Deer Lodge, MT 59722

Dear Board Members,

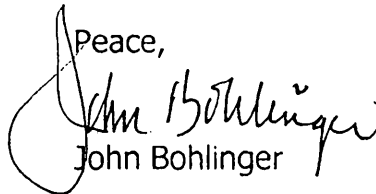
As Montana's former Lt. Governor and Chairman of The Governor's Correction Advisory Council, I have had the opportunity to work with many of you. I have through these experiences come to know and respect you for the hard work you are doing.

I am writing to express my concern about the manner in which Berry Beach has been dealt with. There has been enough new evidence brought forward that brings into question the majority opinion of our Montana Supreme Court and it's denial of a new trial for Mr. Beach.

A District Court Judge decided that Mr. Beach was perhaps wrongly convicted and that a new trial was in order. The Judge released him from prison, which allowed him to live and work in Billings for a year. While there, he established his own handy-man repair business. He paid taxes and was a model citizen.

I am asking the Board to consider commutation of Mr. Beach's sentence. He has served a long time in prison for a crime based on evidence that is questionable, as reported by Dateline NBC.

Thank you for your consideration.

Peace,

John Bohlinger

August 29, 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

I am sincerely requesting that you accept this letter in consideration of BARRY BEACH, inmate at MSP regarding the denial of his request for a new trial.

As a retired Police Lieutenant from the Billings Police Department following a 20 year career, as Mayor for the City of Billings and the BOD President for Alternatives and Passages Pre-release (Billings) I was very interested in meeting and getting to know BARRY knowing that he would be living in Billings. BARRY and I were initially introduced by the Zieglers however we had the opportunity to visit on many occasions following our introduction.

Based on my education and vast experience in working with people it wasn't long before I concluded that BARRY was a unique individual. I have worked closely with Felons both male and female and discovered BARRY to be much different than others. BARRY earned my trust and displayed the same on several occasions. I observed BARRY at numerous community activities to include school fund raisers, birthday gatherings, civic events and more and never did I notice BARRY act in a disgraceful manner or consume alcohol.

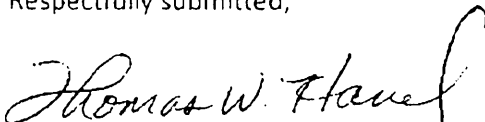
I made an effort to ask questions and review the investigation of BARRY'S criminal case and was utterly surprised with the lack of professionalism and great doubt it created in my mind. I must say that I was even more surprised in the denial of his request for a new trial, certain that it would be granted simply in the respect of fairness.

As a former law enforcement officer, grandson of long standing former Judge I have always had a great amount of respect for the judicial system and still do, however the decision to deny his request left me not only in shock but lacking much faith, shame on those persons responsible.

One must question why; was it politics, promises, embarrassment fear of mistake. BARRY had the opportunity and proved himself as a useful citizen; after all he had already served 29+ years for a crime, guilty or not. The question remains in my mind and with a strong reasonable amount of doubt; "who really killed her"? Why not a new trial? Why not provide him with the opportunity to present his side, might he convince others, maybe a jury of fairness?

I strongly encourage the Board of Pardons and Parole to re-consider and allow for the commutation of BARRY'S sentence it will save time and tax payer expense of the Federal Courts which is a sure direction; any argument is weak as the 4-3 vote speaks loudly, there "is" reasonable doubt.

Respectfully submitted,



Thomas W. Hanel
406.690.4448
tom@tomhanel.com



Montana Board of Pardons
1002 Hollenbeck Rd
Deer Lodge, MT, 59722

Members of the Board;

R
I am Stella Ziegler. Judge Phillips allowed Barry to live with us while he was waiting for a new trial. He was an exemplary house guest and became like one of the family. I was amazed at how well he transitioned into society. He immediately was working planning how to save money, worked out budget, kept his bills paid, and planned ahead for when he was truly free.

He was a big help to us and a huge help to his mother. He accepted all speaking engagements and truly touched many people. He had a very responsible job at our store next door and was a big loss when he was sent back to prison. At the very least we ask you to commute his sentence to time served.

Re:
BARRY Berach
AO# 21520

Thank you for your consideration
Stella Ziegler

SUNDAY AUGUST 18, 2013

MONTANA BOARD OF PARDONS
1002 HOLLENBECK ROAD
DEER LODGE, MONTANA 59722

RE; MONTANA STATE PRISON INMATE BARRY BEACH AO#21520

MEMBERS OF THE BOARD;

I AM J.A. 'ZIGGY' ZIEGLER, FORMER YELLOWSTONE COUNTY COMMISSIONER, SIXTEEN YEARS OF SERVICE. THE PAST 35 YEARS I HAVE BEEN A PART OF A PRISON/JAIL MINISTRY AT DEER LODGE, SHELBY, WALLA WALLA, GLENDIVE AND BISMARCK. I HAD THE PRIVILEGE OF MEETING BARRY BEACH IN OCTOBER 1984 JUST A FEW SHORT MONTHS AFTER HIS ARRIVAL AT DEER LODGE PRISON.

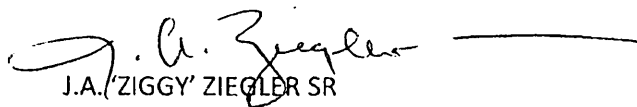
OVER THE YEARS I HAVE FOLLOWED HIS CASE VERY CLOSELY AND HAVE ACTIVELY PARTICIPATED AT HIS HEARINGS. IN DECEMBER, 2011, IT WAS TO MY RESIDENCE IN BILLINGS THAT JUDGE PHILLIPS ALLOWED MR. BEACH TO RESIDE WHILE AWAITING DISPOSITION BY THE MONTANA SUPREME COURT.

AFTER NINE MONTHS OF FLAWLESS, TRUSTWORTHY BEHAVIOR BY MR. BEACH, WE PETITIONED THE ATTORNEY GENERALS OFFICE TO ALLOWED HIM TO MOVE FROM OUR RESIDENCE AND BECOME MORE SELF ACCLIMATED TO SOCIETY ON HIS OWN. THAT PETITIONED WAS SUMMARILY GRANTED AND FOR THE NEXT NINE MONTHS MR. BEACH PERFORMED ADMIRALLY. HIS WORK PERFORMANCE WAS OUTSTANDING AS HE FOUND TIME TO ALSO BECOME INVOLVED IN OUR COMMUNITY THROUGH HIS CHURCH, SPEAKING ENGAGEMENTS TO SELF HELP GROUPS, STUDENTS, SERVICE ORGANIZATIONS AND MANY OTHER OPPORTUNITIES TO PRESENT HIMSELF.

IN MY YEARS IN THE MINISTRY I HAVE MET INDIVIDUALS GUILTY OF COMMITTING SERIOUS CRIMES SUCH AS MURDER, BEEN GIVEN A 100-YEAR SENTENCED, SERVED A QUARTER OF THAT TIME AND ARE NOW BACK IN OUR SOCIETY AS PRODUCTIVE CITIZENS. I CAN NAME NAMES...

MR BEACH HAS SERVED ALMOST 30 YEARS MAINTAINING HIS INNOCENCE. HE HAS PROVED HIMSELF TO BE WORTHY OF CONSIDERATION FOR COMMUTATION OF HIS SENTENCE. I HAVE VOUCHERED FOR HIM THESE PAST MANY, MANY YEARS AND WILL CONTINUE TO DO SO AS MY WORD IS MY BOND. HIS FAMILY, HIS EMPLOYER, HIS MANY FRIENDS AND SUPPORTERS, AND I, ANXIOUSLY AWAIT HIS RETURN TO OUR COMMUNITY.

PLEASE GIVE MY REQUEST YOUR MOST SERIOUS ATTENTION. THANK YOU


J.A. 'ZIGGY' ZIEGLER SR

Daniel Weinberg, Ph.D.
1524 West Lakeshore Drive
Whitefish, MT 59937
406-862-9131

August 19, 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

Dear Members of the Board,

I am a former Montana State Senator from Whitefish. I am also a retired Clinical Psychologist with a Ph.D. from the Fielding Institute, Santa Barbara, CA.

During the last term of Brian Schweitzer's governorship, I was asked by the Governor to serve on the Board of Pardons and Parole. I declined his offer because I was aware of the enormous amount of travel, study and deliberation that the Board must do. I want you to know that I understand and respect your work.

I'm writing this letter to ask that you commute the sentence of Barry Beach. While his guilt will be debated into the future, the fact is that he has served 30 years in state prison. While he was recently free for 18 months, Mr. Beach led a life of hard work, honesty and community service. I got to know him during that time and I was impressed by his humility and direct manner of speaking. He is a person that I trust and I feel strongly that he deserves a second chance at life.

It is important that Montanans have confidence in our justice system. Giving Barry Beach a chance to live the rest of his life in society will reinforce that confidence. The benefits will be felt by his family, friends and his community.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Dan Weinberg". The signature is written in a cursive, flowing style.

Dan Weinberg

August 25, 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, Montana 59722

To the Montana Board of Pardons and Parole:

My name is Dan Gengler and have lived in Montana for 24 years with my wife and three children. I am a property casualty insurance actuary for the Montana State Fund, a position I have held for 18 years.

I first became aware of the Beach case in 2005 and have spent a great deal of time researching his claims of innocence. I am convinced with as much certainty as is possible without actually having been there that Barry Beach is innocent of the murder of Kim Nees.

However, as you are aware, Mr. Beach's request for a new trial, having been granted by a district court, was shockingly denied by a slim majority of the Montana Supreme Court. I am therefore asking that the Board of Pardons and Parole give favorable consideration to a commutation of Mr. Beach's sentence to time served in order to find a way to bring this issue to a final resolution.

Whatever you may think of his claims of innocence, Barry Beach proved in the 18 months he was free that he is capable of successfully being a law-abiding, gainfully employed, civic-minded, and productive citizen. Barry Beach has served nearly 30 years in prison which is more than enough. There is no good reason for the State of Montana to continue his imprisonment. There is no good reason for the taxpayers of Montana to spend the many millions of dollars it will cost to keep him behind bars for the rest of his life.

In my travels around the state and in talking to ordinary citizens, a decision by the Board of Pardons and Parole to commute Mr. Beach's sentence to time served would be widely supported, even applauded as a reasonable resolution of what has been a most vexing issue for Montana. With a commutation of Barry Beach's sentence to time served, you can put this issue to rest once and for all.

Sincerely,

A handwritten signature in black ink that reads "Daniel J. Gengler". The signature is written in a cursive style with a large, prominent 'D' and 'G'.

Daniel J. Gengler
403 N. Ewing
Helena, Montana 59601

The logo for Lynda Bourque Moss, featuring the name in white text on a black rectangular background. The background of the logo is a textured, greyish pattern.

552 Highland Park Drive, Billings, MT 59102 home 406.252.7318 cell: 406.690.2644 lyndamoss@mac.com

August 19, 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

Dear Board Members,

I am writing to request you commute the sentence of Mr. Barry Beach.

As a former state Senator, I served on the Senate Judiciary Committee for eight years and in that capacity, I worked closely with two Montana Attorney Generals on legislation addressing social justice and public safety measures.

I sponsored bills to strengthen the laws protecting children from internet predators as well as legislation strengthening the laws for the preservation of biological evidence. I supported amendments to Montana's sentencing laws and initiatives supporting community based alternatives to incarceration.

My former Senate district includes community correction and state correction facilities for men and women; it is an area in Montana with one of the highest percentages of registered sex offenders in a low income urban neighborhood where public safety is an issue every day.

Barry Beach has been a guest at my home and I have had several opportunities to talk with him and learn about his plans for the future.

I believe the Board of Pardons and Parole has the responsibility to recognize the amount of time Mr. Beach served in the Montana State Prison and recognize the fact that he has shown he is committed to his faith, to being employed and to being a responsible citizen.

Please commute his sentence.

Thank you for your service on the Montana Board of Pardons and Parole,

A handwritten signature in black ink that reads "Lynda Bourque Moss". The signature is written in a cursive, flowing style.

Lynda Bourque Moss

DONEY | CROWLEY | PAYNE | BLOOMQUIST P.C.

ATTORNEYS AT LAW

Ted J. Doney (1942-1994)
Frank C. Crowley, MS
John E. Bloomquist
R. Allan Payne, RGp, MS
Patti L. Rowland

Offices in Helena and Dillon, Montana

Marc G. Buyske, LL.M.
Rachel A. Kinkie
Yvette K. Lafrentz, MBA
Hollie Lund, Ph.D.
Jacqueline R. Papez
James L. Shuler

August 26, 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

Re: Barry Beach (Clemency Petition)

Dear Chairman McKee and Members of the Board:

First, I want to thank you for your service on what must be one of the most labor-intensive deliberative bodies in the State of Montana. I acknowledge the important role played by the Board of Pardons and Parole in the criminal justice system, both in holding back inmates who are not ready for release, and in releasing inmates who have demonstrated their ability to rejoin society.

My Background:

I have recently completed my 40th year of practicing law and am the senior partner in a Helena law firm. I have not specialized in criminal law, but did assist prosecutors in an office of the United States Attorney in my early career, and served 10 years as Chief Counsel and Special Assistant Attorney General with a Montana state agency, and so I have some sense of the role and character of law enforcement.

I have followed the Barry Beach case for some years now, both by significant reading of the case materials, and by the nationally broadcast Dateline NBC specials. In addition, I have had the opportunity to meet Barry Beach personally.

Board Has Numerous Mitigating Circumstances to Consider:

It is my understanding that, in reviewing an application for executive clemency, the Board's consideration includes all of the circumstances surrounding the crime for which the applicant was convicted, and the individual circumstances relating to the social conditions of the applicant, including those conditions at the time the application is filed with the Board. MCA 46-23-301(2)(c). The Board truly has a wide berth to determine whether a case calls for mercy or leniency. Not only does evidence in Barry's case now implicate others for the crime (reference the 24 witnesses with new evidence called by Barry's counsel at the 2011 Lewistown hearing), but his lengthy time served and his recent exemplary behavior outside the walls show that he does not need any further rehabilitation, assuming he was responsible for the crime in the first place.

In fact, Barry's case seems to be a textbook case fitting into the Board's own Mission Statement and Vision Statement:

Board's Mission Statement:

- The Board's Mission Statement includes "*successfully reintegrating merited offenders back into society.*"

Unlike most cases for pardon or parole where the Board is forced to predict whether an inmate will succeed in re-entering society, Barry Beach's case presents the Board with a uniquely powerful case of very recently demonstrated ability to succeed in society – a full 18 months of an exemplary personal and work life led by Barry in the Billings area (Barry supervised 5 employees), including a ringing endorsement by the Mayor of Billings Barry Beach has already successfully reintegrated into society.

- The Board's Mission Statement also includes "*the effective application of and improvements to the clemency and release system.*"

Clemency means kindness, mercy or leniency. MCA 46-23-301(1)(a).

Barry's case presents a truly compelling case for the granting of leniency:

Barry himself extended kindness to many people in eastern Montana during his 18 months of freedom (including working with Native American youth and church groups);

As I understand it, Barry extended kindness and assistance to many other inmates during his 29 years of incarceration before his release in 2011.

In his numerous media appearances, Barry has conducted himself very professionally and respectfully regarding the state prosecutors and public officials associated with his case.

During his 18 months of freedom, Barry has showed his determination to be a hard-working member of society by working long days, sometimes working two jobs (landscaping, construction, hotel maintenance supervisor).

Board's Vision Statement:

A recommendation of clemency to the Governor would more fully promote the vision statement of the Board which is to "*promote fair and consistent decisions based on public safety, victim concerns, successful inmate re-entry, and sensible use of state resources.*"

Barry Beach has demonstrated (1) that he is not a threat to public safety, (2) has already successfully re-entered society, (3) has served 88% of his adult life for the victim of the crime, and (4) it would not be a sensible use of state resources to have the taxpayers resume confining, feeding, and caring for an individual for another 30-40 years when that individual has amply and recently demonstrated an ability to support himself. By contrast, a Board recommendation to deny Mr. Beach's application would directly conflict with those goals of the Board.

Montana Citizens Now Must Rely on the MBPP and the Governor for Fairness:

The sense of justice of a large portion of Montanans and others in the country has been shaken by recent developments in this case (e.g. the Montana AG and Supreme Court completely ignoring numerous sworn witnesses implicating other individuals for the crime, conflicts between Barry's confession and known forensic evidence). This concern is evidenced by what I understand to be

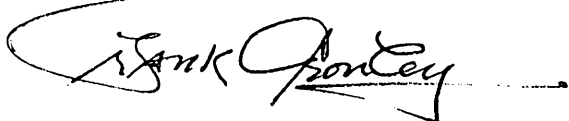
more than *13,440* on-line petitions being sent to the Governor and Attorney General requesting Barry's freedom.

As the Board's mission statement correctly states, the MBPP "serves all Montana Citizens" and the same should be true for the Department of Justice, the Department of Corrections, and the Montana Supreme Court – they do not just serve prosecutors. They exist for the wide citizenry of Montana as well, and so the public itself depends on them for fairness, and has a right to expect fairness and justice from them.

Frankly, my sense of fairness and justice has been deeply disturbed by the entire Barry Beach case, particularly the recent events involving the official ignoring of substantial new evidence. This is heightened by my own personal experience of Barry Beach which is that he is a man of honesty, character, a great work ethic, and good will, and he has much more to give to society by way of hard work, spirituality, and generosity to whatever community he joins. It is a mystery to me why the State of Montana does not want to probe into all the existing but untested forensic evidence and the numerous statements made by three individuals implicating themselves in the crime. All I can attribute it to is some kind of "institutional momentum" on the part of the State – thus the MBPP and the Governor are our last hope for justice and fairness.

The Board has the unique ability to restore Montana's reputation as a state that stands for fairness, reason, and compassion in its justice system. I urge you to recommend clemency for Barry Beach to afford the Governor the opportunity to commute the remainder of Barry's sentence. You will be doing the right and just thing.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank Crowley". The signature is written in a cursive style with a large, sweeping initial "F".

Frank C. Crowley

9163.00 PL 156980

Dr. Richard Vande Veegaete
3470 Masterson Circle
Billings, MT 59106
August 20, 2013

Montana Board of Pardons and parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

Dear Board:

It is my sincere request that you commute the sentence of Barry Beach. I am a chiropractic physician in Billings, Montana.

I had the privilege of meeting and knowing Barry Beach in Billings during his yearlong release. I meet with a bible study group weekly at a local restaurant and occasionally Barry would show up and relate his story and keep us apprised of his new freedom. He became a model citizen who was employed and was making a positive mark on us and our community. I became convinced that Barry's sentence deserves to be commuted. The facts of his incarceration have serious problems and his time served should influence any future decision.

Please consider my request.

Thank you,

A handwritten signature in cursive script that reads "Richard Vande Veegaete". The signature is fluid and extends to the right with a long, sweeping tail.

Richard Vande Veegaete

August 29, 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

Re: Barry Beach Application for Commutation of Sentence.

I am a director of the Montana Innocence Project and am active in its affairs. Previously I practiced law in California for 40 years. My work there included representation and also prosecution of persons charged with serious crimes, including over 20 first degree murder and capital murder cases. As a result I became familiar with the nature of persons so involved.

I am also familiar with the particulars of the recent Montana Supreme Court decision that returned Mr. Beach to custody after 18 months of unblemished liberty while the State appealed the order granting his release and a new trial. In substance, the Supreme Court ruled not that Mr. Beach truly was guilty of murder, but that the district court judge at Mr. Beach's post-conviction relief hearing incorrectly applied the law of when a new trial may properly be granted on the basis of new evidence of innocence. A more equitable ruling of the Supreme Court might have been to return the matter to the trial court with instructions for properly applying the law, however the court chose not to do so.

The process, although frustrating in the extreme, has had one salutary and very important consequence: while at liberty Mr. Beach demonstrated that whatever the truth of his now questionable guilt, he can be expected to live crime-free and productively in society without need of the strictures of the 30 years of prison life already served as a model prisoner.

Your serious and thorough consideration of Mr. Beach's plea for commutation of his no-parole sentence is respectfully requested and will be greatly appreciated.



Parker Kelly
Whitefish MT.

Brendan McQuillan
P.O. Box 7607
Missoula, MT 59807
(406) 544-6573

Dear Honorable Board of Pardons and Parole,

I am writing today on behalf of Barry Beach in support of his request for release. I have carefully followed Barry's case for over seven years. When I was still in Law School at the University of Montana I read in entirety his trial transcript. When he presented his new evidence to the Honorable Judge Phillips I had the privilege of watching all three days of testimony. I still fully support the actions of Judge Phillips in releasing Barry and am disheartened that Barry is incarcerated today. It is an unfathomable tragedy that Kim Nees was violently murdered in her prime. Montana is a worse place because her life was taken. However, I believe we are compounding tragedy by maintaining the incarceration of Barry when so much doubt has been cast upon his conviction.

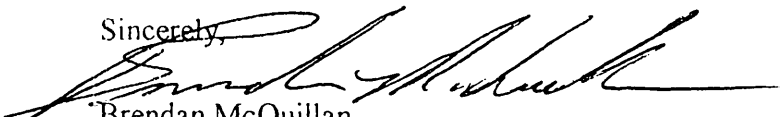
When Barry was released from prison he devoted himself to improving his community in every way possible. He maintained multiple skilled jobs simultaneously while purchasing a home and creating a flourishing life for himself. He devoted himself to religious study and outreach as a very active member of his church and by hosting sweat lodge ceremonies across Montana. He lectured and brought his story of injustice and optimistic forgiveness to law school and high school groups as well as many other community assemblies. While he was free he embodied what it meant to be a true pillar of the community. I am sure he is still that same pillar while incarcerated and is assisting the troubled inmates housed by the Department of Corrections better themselves for eventual release, even while knowing his own freedom may never materialize.

I am happy to call Barry a friend and would embrace his presence in my home and community. I do not hesitate to say that any person who spends time with Barry would agree with my contention that he is a positive force capable of ingratiating himself wherever upon release. As a fifth-generation Montanan, I find it offensive that our system is not capable of the same capacity of forgiveness and personal examination that Barry embodies. It takes a level of class and character rarely attained to graciously and gracefully submit oneself back to prison after being released for a crime you know you did not commit.

I have little doubt that Barry is factually innocent of this crime; however he is still today legally guilty. As such he has served more than 30 years in prison. The average convicted murderer spends only 11 years incarcerated before release on parole. Barry presents no threat of harm to Montana and he has proven this time and time again. The harm to Montana in this case comes from our own inability to recognize the pointlessness of continuing to pay the hefty cost for incarcerating Barry. Please give Barry the opportunity to improve Montana from outside the walls of MSP by releasing him.

Thank you for your time and thoughtful consideration of this letter.

Sincerely,



Brendan McQuillan



P.O. BOX 7607, MISSOULA, MT 59807

August 21, 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

Re: Barry Beach

I write to urge the Montana Board of Pardons and Parole to commute Barry Beach's sentence and allow him to return to the community.

As a criminal defense attorney with nearly 30 years of experience in Montana, I have a good understanding of our criminal justice system. In my view strong evidence of Barry's innocence exists. I attended the hearing last summer in which that evidence persuaded the District Court Judge to grant Barry a new trial. The Judge's reasoning was sound and the Montana Supreme Court made a grave mistake in overturning the decision. Justice was not done.

Barry proved conclusively that he can be a productive, law-abiding member of society. He showed his potential each and every day of the 18 months of freedom that he enjoyed. I had the opportunity to meet Barry during that time and can testify to his honesty, dedication, and commitment. The fact that he voluntarily returned to prison after the Supreme Court's decision speaks volumes in terms of his character and dignity.

Barry has served more than enough time for a crime that many believe he did not commit. It may be that his conviction will never be overturned. But he deserves to be returned to society. In my view, the Board has the great opportunity to make a strong statement for justice, fairness, compassion, and decency. I urge the Board to make such a statement and immediately commute Barry's sentence.

Larry D. Mansch
Clinical Director
Montana Innocence Project

Jessie McQuillan
P.O. Box 7607
Missoula, MT 59807

August 30, 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

Dear Chairman McKee and Members of the Board,

Thank you for your service and dedication to our state, and for taking the time to read my letter. I am a lifelong Montanan and serve as executive director of the Montana Innocence Project, a nonprofit organization based at the University of Montana School of Law that works to exonerate the innocent and prevent wrongful convictions. Before helping to found this statewide organization in 2008, I worked as a reporter. In that capacity, starting in 2006, I investigated and wrote frequently about Barry Beach's case and efforts to regain his freedom. My familiarity with Mr. Beach and with his case, as well as broader issues regarding wrongful conviction, prompt me to urge you to carefully and favorably consider Mr. Beach's application for commutation. I believe that the state of Montana and Mr. Beach would both be better served by commuting his 100-year, no-parole sentence than by imprisoning him for the remainder of his life.

Many points could be made in favor of Mr. Beach's release, but I focus here on three key elements: 1) he has already served more than 30 years, far longer than most convicted murderers; 2) during his recent release from prison following a district court order for a new trial, he proved to be remarkably successful and well-suited to productive life as a regular citizen; 3) a host of concerns about his conviction and investigation of the underlying crime, and the emergence of new evidence all serve to underscore the first two points above to lend support for granting Mr. Beach's release back into the community.

Mr. Beach has already served more than 30 years in prison, constituting the majority of his life. During this time, despite knowing that he was slated to spend every single day of his life in prison, he has not become a hardened criminal with nothing to contribute to society. To the contrary, he has taken advantage of every learning and training opportunity available to him at the prison. He became skilled in many technical, mechanical and construction fields, and he has put those skills and talents to use as a cooperative and responsible worker at the prison. He has prepared himself for life on the outside by developing a wide range of skills, and by earning and saving money to help support himself. This is not a man who faced a lifelong sentence and gave up—rather, he has done whatever he could over the years to train, learn and prepare himself to be a constructive citizen.

Not only has he developed these work and life skills inside prison walls, but when given a brief opportunity to put them to use, he excelled. After Judge Wayne Phillips released Mr. Beach pending a new trial, he joined the Billings community to be near his mother and other family, and to other friends he had developed through his decades-long involvement with the prison

ministry. Many expected Mr. Beach to flounder or to outright fail; but instead, he flourished. He worked full-time as a trusted employee and manager at a local hotel, and started his own handy-man business on the side. He was active in his local church and other volunteer activities, and spoke to youth groups about the importance of good decisions and a productive life that wouldn't lead behind prison walls. He gave his time, his skills and his heart to help many in the community. He even took in an injured squirrel in his neighborhood and nursed it back to health. He was given many opportunities to flee, or to re-offend, or to violate the conditions of his release, and he scrupulously followed the letter of the law. When the Montana Supreme Court overruled the District Court order for a new trial and ordered his return to prison, Mr. Beach didn't lash out or try to escape his fate – he turned himself in quietly, with an integrity that few could muster. This man is not a danger to our community; rather, he has proven to be a productive, contributing member. His return to prison was a loss to the community, and he should be given an opportunity to return the productive projects that he started during his brief release.

Viewed from another, more tangible perspective, it costs a lot of money and energy for Montana taxpayers to imprison someone for their entire life, as Mr. Beach is currently slated to serve. Specifically, it costs over \$35,000 per year to incarcerate an inmate, while the average per capita income in Montana was only \$24,000 in 2011. There are indeed many people who need to be incarcerated and taxpayers are happy to pay for this significant expense in our state budget. However, when a man like Mr. Beach, who could be a productive, tax-paying member of our society rather than a tax-sucking burden, is slated to remain behind bars permanently—likely another 30 years, totaling more than \$1 million in unnecessary cost—hard-working citizens like myself are offended and wish to see him out working and contributing like the rest of us.

Finally, as you know, Mr. Beach has maintained his innocence for many years and pursued every legal avenue to re-open his case. Along the way, many people—including relatives of the victim—have become convinced that Mr. Beach is in fact innocent and that the real perpetrators of Kim Nees' homicide have gone unpunished all these years. This is not the time nor place to address this complicated matter—many others, including District Judge Phillips, have written more persuasively about compelling details that substantiate Mr. Beach's innocence claim. What I will say here is that Mr. Beach's case contains many hallmarks of wrongful conviction cases that have been conclusively proven by DNA evidence nationally, and even though critical DNA evidence has been destroyed in his case and is no longer available to conclusively prove Mr. Beach's innocence, his case remains troubling to Montana's justice system. These concerns are even more urgent upon considering how long Mr. Beach has been imprisoned, and the fact that he could contribute significantly to our community if he were released for his remaining years.

In light of the above points, Mr. Beach is an excellent candidate for commutation, and you will serve the citizens of Montana well by granting his request. Our state and Mr. Beach will both benefit from his release, and I hope that after careful review and consideration you will give Mr. Beach the opportunity to live, work and contribute to the world found outside the walls of Montana State Prison. Thank you for your thoughtful consideration.

Sincerely,



Jessie McQuillan



P.O. Box 1160
145 Highway 282
East Helena, MT 59635 USA

406-441-2011

Daniel B. Brimhall
Vice President, Operations

Fax 208-275-8018
dbrimhall@chemet.com

August 26, 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

Dear Board Members:

I have been following the Barry Beach case carefully for some time, and feel compelled to write to respectfully ask you to consider a commutation of Barry's sentence.

It would appear that there was sufficient evidence for Judge Phillips, after three days of hearings, to release Barry and grant him a new trial. In my opinion, this should have been sufficient, without going to the Supreme Court.

Barry has demonstrated that he is suitable for an ordinary life in our community.

Please give this matter your utmost careful consideration.

Thank you for your time and attention to this.

A handwritten signature in black ink, appearing to read "Daniel B. Brimhall", with a long horizontal flourish extending to the right.

Daniel B. Brimhall
Vice President, Operations

CC:

www.chemet.com

ADVANCED EMPLOYMENT SERVICES



Gets the Job Done Right!

August 29, 2013

Montana Board of Pardons and Parole
710 Cherry Street
Seattle, WA 98104

Attn: Peter Camiel

RE: Barry Beach

Dear Mr. Camiel,

I am writing this letter in support of Barry Beach. Please would you find it in your heart to allow Barry out on parole?

My husband has been a police officer for the City of Billings for over 24 years. In this time he has seen some of the worst crimes imaginable and has always commented on the little amount of time they send in prison. And these are people that have been caught "red handed" and seem to have no remorse. They come up for parole and are sent back out to the communities. Look at the sentences handed down now!

I own an employment agency and have several people on my labor list who were convicted of homicide and who are free to walk now. How could they give Barry 100 years?? And there is so much evidence that he was not even involved!!

Here we have Barry Beach who is such an asset to our community and they lock him back up?? ***This is so unfair!!!!***

Barry works hard, has good friends, a mother who loves him to death and so much support from his community. It is not right that tax payers money is being used to keep a man locked up that deserves to be back in Billings working. Everyone loves him here.

Please help him!! So many people are depending on you!!!

Sincerely,

Lori Schweigert
Advanced Employment Services
Owner
406-652-8808

Richard Hildner
104 E. 5th St.
Whitefish, MT 59937

August 26, 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

Dear Members of the Board:

I am a former high school government teacher and currently serve as a member of the Whitefish City Council and have, over the years, followed the case of Barry Beach with much interest. The case made for interesting classroom discussion and dinner table conversation. More recently, however, my thoughts have been about his recent return to prison after his eighteen month release while awaiting a decision by the Montana Supreme Court.

By all accounts, Mr. Beach has been a model prisoner and his careful and complete cooperation with the terms of his brief release signal his suitability for a commutation of sentence, questions of guilt or innocence aside. Based on my knowledge of the case, I have no doubt as to his ability and desire to become a productive and contributing member of his community. He has done everything the legal and prison system have asked of him.

After nearly thirty years of incarceration it is time to commute the sentence of Barry Beach and put this chapter of Montana judicial wrangling behind us and allow Mr. Beach to get on with what years of freedom may yet remain to him.

I urge you to commute the sentence of Barry Beach at your first opportunity.

Respectfully yours,

A handwritten signature in cursive script that reads "Richard Hildner". The signature is written in black ink and is positioned above the printed name.

Richard Hildner

**To: Montana Board of Pardons and Parole
1002 Hollenbeck Rd.
Deer Lodge, Montana 59722**

August 24, 2013

From: Shari Knudson Ekwortzel



Dear Board of Pardons and Parole,

My name is Shari Knudson Ekwortzel and I am interested in the case involving Barry Beach. In the past I worked for the Montana Women's Prison from 1995-2001. I began my employment as a Correctional Officer and eventually went on to run the Records Department. Having been born and raised in Wolf Point, Montana I am fully aware of the conditions surrounding the time of the Kim Nees murder.

I was a classmate of Mr. Beach during two years of high school before his family relocated to Poplar, Mt. 20 miles away. Due to the short distance, our group of kids that hung out together were still in contact with him over the years even though he'd moved. I just remember him as being quiet, nice, shy and well liked by everybody.

Anybody that hasn't been exposed to the environment of an Indian Reservation would not fully understand the mind set of the people that live and survive there. Being of Norwegian descent I was a white blonde girl that pretty much ran with the Indians. Growing up in this environment you learned early to keep one's mouth shut or somebody would shut it for you. This closed off society with an incredibly high crime rate is one that is hard to comprehend. Therefore I have great respect for the natives who have stepped forward putting themselves at risk by trying to expose the real perpetrators in this murder case.

When Kim's murder happened it was a shock to all of us, it was a sad time for the two communities. I remember being at my Indian friends homes afterwards when as high school kids we would be getting ready to leave and on the way out the door their parents would always say, "You girls stay away from that Sissy Atkins and her friends, you know they killed Kim Nees." Even thirty one years it was common knowledge on the reservation who had committed the murder.

In our carefree youthful way our lives went on, several years later when we learned that Barry had been charged in Kims murder it was confusing for all of us that knew him. Time passed by and on we went with our lives, it seemed Barry was all but forgotten by the community he'd lived in.

When the Dateline series began I was shocked to realize he was still in prison, frankly I hadn't even thought of his plight over the years. I've expressed to my husband that I cannot believe that all this time he's been paying for something he did not do.

I am asking you to consider Commutation of Mr. Beach's lengthy sentence. We are all aware of the revolving door issues involved with inmates, but here is an individual who has proven that he can and will contribute positively to society with a great support system on the outside waiting for him. Please give him a chance to have a normal life someday, it's only right that he should also have an opportunity for being with family and the ability to have his own home. This grave injustice needs to have closure and it can began with your help.

Respectfully,


Shari Knudson Ekwortzel

[REDACTED]

August 27, 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

Distinguished Montana Board of Pardons and Parole,

My name is Kurt Crowley. I was born and raised in Helena, Montana, but I have also spent significant time out of the state. I attended a prep school in New Hampshire on a scholarship awarded to Montana students, then I lived in Cambridge, Massachusetts where I received an undergraduate degree from Harvard University in Comparative Religion and Music. I have spent time in North India living in religious communities there, and also studying martial arts in Seoul, South Korea. Professionally, I am based in New York City, where in the past few years I worked as a conductor and music director for ground-breaking Broadway productions. This path has brought me into contact with people from many diverse walks of life. Despite all this, I believe that what has shaped me the most over my twenty-eight years is my foundation of growing up in the communities of our great State of Montana. Nowhere else have I found the boundless energy, creative drive, and recognition of interconnectedness as displayed by Montanans. As such, wherever I have gone in the world, I share with people the stories of how those in Montana believe in, and exemplify, hard work and honest living.

As I have come to learn the details of Barry Beach's case, I believe that his being in prison today is a blemish on that 'honest' reputation of all Montanans. When I first heard of Barry's case and story, nearly five years ago, it struck me as nothing more than another news story about someone in prison trying to be released. I could imagine it as one of hundreds of similar cases around the country, belonging to the ever-difficult progress of justice and the law. However, because of the passion of one of my family members, I became exposed to more and more of the backstory of Barry's case. I viewed the Dateline segments, and read articles published in Montana's daily papers and information distributed by the group Montanans for Justice. In 2011, I was interested enough in the case to follow Tribune reporter John Adams' twitter feed during Judge Wayne Phillips' hearing, even while I was working across the country in New York. Mr. Adams did an exemplary job at describing the mood in the courtroom, and relaying blow-by-blow the testimony of each witness. With these details, I was able to partly experience why the Judge's professional skepticism was finally overcome and the subsequent ruling was handed down. In addition to reading every news stories after the hearing, I also read Judge Phillips' ruling in its entirety, and was fully satisfied that his order granting a new trial was warranted. I shared this story with my friends and acquaintances, across the country and the world, as an example of how Montana is a place where each and every person has a right to the truth and an honest hearing by their peers.

Three weeks after he was released from Montana State Prison, I had the privilege of spending an evening with Barry Beach in Billings. Even though I knew many details of Barry's story by this time, and had observed the calm and articulate way he spoke in interviews, I was still a little nervous to meet a man who had been sent to prison before I was even born. To say that he impressed me with his poise and gentleness would be an understatement. One of the only things I can compare his composure to is the spiritual people I met in North India, who seemed to have transcended the smallness of the world around them. Barry came out of prison with a mission he'd spent thirty years formulating: to love

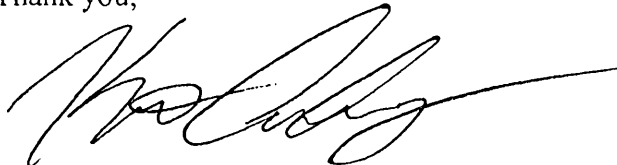
his family and friends, give thanks every day for the blessings of this life, and not dwell on the little stuff because he was so grateful just to be free. It makes me realize how often I get bogged down in the 'little stuff' and take my freedom for granted. I think others who met Barry during his eighteen months of freedom are moved by this same energy.

As we sat down to dinner, he said a simple prayer of thanks, and prayed a blessing on all the men he knew were still in MSP at that very moment. He was curious about modern society, even three weeks out of prison, wanted to discuss how he could start working a job and contribute something to society. He had been learning how to use the internet, email and computers, and he discussed the exciting challenge of actually meeting 'new' people on the street and having to remember their names – a problem he said he rarely dealt with in prison. I have been conditioned by society, television, and films to view “ex-cons” as hardened, vindictive, with an axe to grind, or else broken-down, morose, helpless. Barry presented an unforgettable counter-example to all of this.

After the meal, he opened up some of the few worldly possessions he had and showed me examples of 'craft' he had made while in prison, works of beading and carving celebrating his Montana heritage. Then he asked me if I could help him set up the desktop on his laptop, and it was a humbling experience to show someone nearly twice as old as I to set up a computer for the first time. He was a patient but good student. He never let himself get frustrated, and he asked insightful questions. Though that was the only time I got to really be in his presence during his eighteen months out of prison, I have heard numerous stories from real Montanans who have met Barry and endorse this impression of him as gentle, compassionate and composed. Most importantly, I have yet to hear a single shred of anecdotal evidence that Barry has ever demonstrated any difficulty, anger, or resentment of his years in prison, or any laziness or sense of entitlement to his freedom. In this sense, Barry is a model and inspiration to me of how to live my own life, and that is one of the highest reasons I believe he deserves to be in our Montana communities at this moment.

I truly believe that one of Montana's greatest resources, in addition to the rivers, mountains, air and minerals, is the people who call this state home. As I have traveled the world and lived on the East Coast, I try to be an ambassador for the good values, the honesty and integrity that makes us Montanans. It was a powerful example of this in December, 2011 when Barry was released from prison through the workings of the legal system, and it was just as strong a counter-example when a few individuals on the Supreme Court put Barry back in prison this year. I know it is within the power of your Board to recommend clemency to the governor, so that he may commute the remainder of Barry's sentence. I ask you to take this action, in full consideration of the overwhelming evidence against Barry's initial conviction, and for the sake of all Montanans. There are many of us who will never forget, and will not be silent, until Barry Beach has been given back his freedom.

Thank you,

A handwritten signature in black ink, appearing to read 'Kurt Crowley', with a long horizontal flourish extending to the right.

Kurt Crowley

DANIEL DONOVAN, PC
WWW.DANIELDONOVANLAW.COM

Daniel Donovan
Life Member

National Assn. of Criminal Defense Lawyers
Montana Assn. of Criminal Defense Lawyers

P.O. Box 6573
Great Falls, Montana 59406

Telephone 406.868.3753
dan@danieldonovanlaw.com
Recipient of the Charles F. (Timer) Moses Award 1997
Montana Criminal Defense Lawyer of the Year 2009

August 27, 2013

Via E-Mail: michaelemckee@yahoo.com
Michael E. McKee
Chairman
Montana Board of Pardons and Parole
Helena, MT

Re: Barry Beach

Dear Mike:

I request that you give very careful and serious consideration to granting Barry Beach a commutation of his sentence. While reasonable jurists may differ as to whether Mr. Beach is entitled to a new trial, the facts and circumstances warrant a commutation.

Mr. Beach has served over 30 years, and is one of the longest-serving inmates in Montana. There are very few Montana inmates who have served longer than he has. The crime for which he was convicted happened when Mr. Beach was a juvenile, and he has served the vast majority of his life beyond bars.

Unique to this case, Mr. Beach was released from custody for 18 months pending the ordered new trial. Unlike with most inmates, there is empirical information on what and how he would do when released into the community, I have been told that Mr. Beach did amazingly well. Not only did he show that he is not a flight risk, he demonstrated that he is not a danger to society.

Mr. Beach worked full-time, started his own business on the side, attended church regularly and worked as a volunteer for community efforts. Mr. Beach spoke to youth groups about the importance of education and steering clear of the justice system. He bought a truck and rented a house and became a contributing citizen to the Billings community. Mr. Beach proved himself to be immensely suitable to live outside prison in society--so suitable that it is troubling to think of him locked up for his remaining decades at a significant cost to taxpayers.

But for the court-imposed restriction on parole, it appears that Mr. Beach would meet the prerequisites for release on parole. Please commute his sentence. Thank you.

Very truly yours,

/s/ Daniel Donovan
DANIEL DONOVAN

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

August 28, 2013

Montana Board of Pardons and Parole,

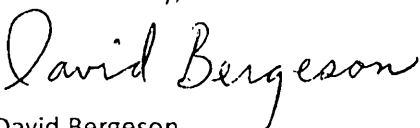
I am David B. Bergeson, a Montana native and businessman, who currently resides at 532 Avenue B, Billings, MT 59102. I am writing to ask you to consider commuting the sentence of Barry Beach.

I met Barry earlier this year when he was on release in to the community. I found him to be employed and civic minded. I found him to be an asset to the Billings community. I found him to be a man of faith.

I have always taken a rather hard stance on punishment. I do believe in lengthy prison terms when appropriate and have been known to be an advocate for the death penalty. I also believe in rehabilitation. If we do not believe in rehabilitation then our current penal system needs an overhaul. I believe Barry Beach to be an innocent man, but further believe that even if Barry were guilty he has served adequate time and has proven his ability to live on the "outside" and be a contributing member of society and a good and useful man to his community and his faith.

I ask you to please consider a commutation of Barry's sentence.

Sincerely,

A handwritten signature in black ink that reads "David Bergeson". The signature is written in a cursive, flowing style with a large initial "D".

David Bergeson

1034 Parkhill Drive
Billings, MT 59102
August 25, 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

Dear Board Members:

To introduce myself, I am a retired elementary and middle school teacher, having taught 35 years in the Billings school system. In addition, I just retired after 39 years as a traffic education instructor as well as director of the Billings program for many years. In retirement I have become involved in community activities, including membership in Billings Golden "K" Kiwanis and a member of the Big Sky Honor Flight Committee, to name just two. My wife, also retired, has been a church, community and school volunteer for many years as well.

As to the purpose for this letter, we respectfully ask you on the Board to give thoughtful consideration of commutation of Barry Beach's prison sentence. My wife and I met Barry shortly after he was released from Montana State Prison. We were so impressed with his demeanor, his thoughtfulness, his openness in discussing his past, and his hopeful plans for his future.

After hearing Barry speak at my church (First Presbyterian), I recommended him as a program speaker to my Kiwanis Club where he was also well received. Each time we met him or heard him speak, we were greatly impressed with his message and his sincerity—we really

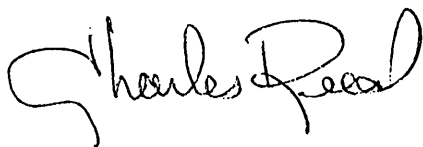
began seriously questioning if he hadn't been wrongly incarcerated many years ago.

Over the months that Barry lived in Billings, we saw him occasionally and through friends, we followed his progress in the community. His adaptation to life outside prison was enhanced by the kindness, love and acceptance shown him by James and Stella Ziegler who opened their home so he could be released from prison. It didn't take long for Billings residents to learn what an industrious and enterprising person Barry is—he started his own “handyman” business and then became employed in maintenance at a prominent downtown motel. It was much to the motel staff's dismay when he was suddenly taken back to prison. They lost a great employee and Billings lost a productive citizen.

Regardless of what may or may not have occurred long ago in Barry's younger years, we urge you as members of the Board of Pardons and Parole to consider commutation of Barry's sentence. We know your job is a most difficult one but our belief is that Barry has proven his ability to become productive in our community and it seems a more viable option, and certainly less expensive to all taxpayers, to have him again released from prison.

We both have been so impressed by Barry's spirituality—perhaps his many years in prison gave him time to truly develop a love for his Creator and fellow men. Also, we feel through his speaking engagements to youth (and adults) that he has left them with a priceless and thought provoking message.

Sincerely,



Charles Reed



Audrey Reed

Board of Pardons & Parole,

My name is Alena Ness Lockman and am a relative of Kim Ness. I am writing this letter to you, in hope that you will consider commuting Larry Beach's sentence until a new trial is provided. I believe the truth of the real murders can not be held accountable for their role in the death of my cousin. Larry has definitely proved that he fits into society well as he has achieved many goals for himself in the very short time he was released. I have believed in Larry's innocence for many years, yet saddened the state will not prove his guilt to not only me, but his thousands of supporters.

Sincerely,
Alena Ness Lockman

8-25-13

Montana Board of Pardon and Parole,

My name is Jim Ziegler, along with my wife Susan we have been a small business owner and employer in Montana for almost 30 years.

I am writing to you pertaining to the unjust conviction and incarceration of Barry Beach. We believe it is time to commute his sentence and set him free. The state has made so many mistakes in this case, they can no longer ^{avoid} the national spotlight this case has brought. Evidence untested and unmatched, witness testimony proving his innocence (not hearsay).

Barry has proved his capability to function in society. Within days of his release he had his life plan enacted. I know I was with him. Give this man his life back. Remember the nation, world is watching

Sincerely,
Jim Ziegler

Jim Buer

Box 789
Scobey MT, 59263
406-783-8575

March 1, 2011

Montana Board of Pardons
1002 Hollenbeck Road
Deer Lodge MT 59722

Dear Board of Pardons and Parole,

My name is Jim Buer and I live in Scobey MT just 50 miles of north of Poplar MT. This is not my first letter to the Board of Pardons as some 20 years ago my wife's nephew was convicted of murdering a young girl in Scobey and sentenced to 20 years.

I talked with Ralph every week for 10 years and each time Ralph was up for parole he was denied parole. It did not surprise me that he was denied parole. For 8 years as I visited with Ralph I could hear the same anger and resentment the board heard. In the 9th and 10th year I started to hear a different Ralph, a softer person, a person who wanted a better life for himself. I was pleased when in the 10th year Ralph was granted parole with 10 years' probation. Ralph has achieved a better life for himself and his family is very proud of him.

The board has my utmost respect and admiration because when the time was right for Ralph, the board facilitated the next chapter in his life.

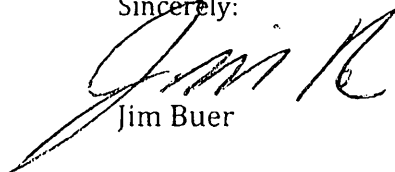
Early in Ralph's time in the prison he invited Laura and I to an Ultrea (a religious event for the prisoners). It was then I met and befriended Barry Beach.

I am 74 years old and was very good friends with Kim Nees family. Ever since that encounter with Barry and all that has transpired since his conviction and to the present, I feel the board could again facilitate a new chapter in Barry's life by considering commutation of Barry's sentence.

Barry has proved beyond a shadow of a doubt that during his 18 months of freedom he was a citizen and neighbor I would want as a role model for my children and grandchildren. "For 29 years Barry was an inspiration to his prison mates on the inside, for 18 months he inspired his community on the outside. I believe for the rest of his life he could inspire the youth on the troubled reservations".

I encourage the board to follow Jesus and free Barry to exemplify his teachings.

Sincerely:



Jim Buer

August 17, 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, Montana 59722

I am writing this letter to express my deep concerns and frustrations at the lack of positive actions regarding Mr. Barry Beach.

With new evidence coming to light in the last few months, as published by the media, it seems to me that Mr. Beach should be either pardoned, sentence commuted, or at least be given a retrial.

To ignore this new evidence is a travesty of justice for Mr. Beach. It also casts a long dark shadow over the Montana judicial system and how it operates here in Montana.

I was always led to believe that in a court of law if REASONABLE DOUBT was present then a conviction could not be obtained. I truly believe, in this case, that there is ample new evidence to show reasonable doubt and Mr. Beach should have the opportunity to prove his innocence.

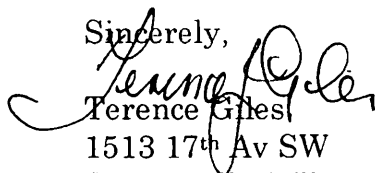
Many questions come to light such as: Would political fallout and repercussions occur? How or why did this happen? Why wasn't ALL the evidence checked, blood, hand print, shoe print etc? Why was critical people, such as the first police office on scene not questioned or interviewed?

Even the circumstances surrounding the original confession and how it was obtained is now under serious scrutiny, further casting doubt as to Mr. Beach having obtained a fair trial.

Why, after a judge determined that Mr. Beach be released, based on new evidence, did the State overturn this decision? Something not right here.

With so much at stake here such as reputations, careers, individual lives etc., I believe that there is ample additional information that can exonerate Mr. Beach. So again, as a private citizen, I ask that serious consideration be given to releasing Mr. Beach.

Sincerely,



Terence Giles
1513 17th Av SW
Great Falls, MT 59404
406/761-0410h, 406/403-6812

August 27, 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

Re: Barry Beach (Clemency Petition)

Dear Chairman McKee and Members of the Board:

I was a state employee for 14 years until June 14, 2013. Eight years were spent as the Mental Health Ombudsman, with successive appointments by Governors Marc Racicot and Judy Martz. For six years I was the Children's Mental Health Bureau Chief. I appreciate the role of the Board of Pardons and Parole, and know that each of you has a challenging job making decisions about the future of inmates.

Since Barry Beach was released from prison in December 2011, I have met him at least six times in both public and private settings. I have listened to him describe the young man he was when he was arrested and convicted for the murder of Kim Nees. I have experienced him as the mature, responsible, impressive man he is today. I believe Barry Beach when he says emphatically he did not kill Kim Nees. I can also picture the immature, irresponsible, self-centered, substance-using young man he was in 1982. That younger Barry Beach has grown up and become a man I respect and admire.

Barry Beach does not belong in prison today. Barry can speak from his heart and positively influence the hearts of other in a way that few others can. He has been a model citizen in the community of Billings. He has demonstrated that he does not pose a safety risk to others. Instead, he is someone people call on when they need help. I would have no concerns about my own safety or any of my neighbors if Barry Beach lived in my community.

I have followed the legal proceedings around Barry's case, reading copies of the public documents, following the process through news reports and other sources, and yes, watching the original and newly updated Dateline NBC national broadcast. I agreed with Judge Phillips when he ruled there is sufficient basis to conduct a new trial, given the testimony of witnesses in his courtroom in 2011. Since it is now clear there will not be a new trial, due to the opinion of the Montana Supreme Court, the Board of Pardons and Parole must find the way to administer justice for Mr. Beach.

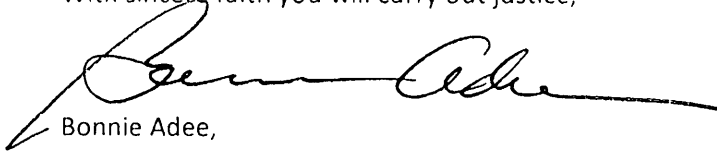
As I recall, Judge Phillips pointed out that the average time served for a crime similar to the one which Barry was convicted is approximately 23 years, less than the almost 30 years Barry has been incarcerated. Even if Barry were guilty, his successful rehabilitation and demonstrated ability to live responsibly in Billings would support a commutation of the remainder of his 100 year sentence.

As a Montana taxpayer, I do not want to pay for another 30 years of incarceration for Barry Beach. I want him to be a tax paying citizen like myself. I think the Department of Corrections deserves some of the credit for helping Mr. Beach make the changes necessary to live productively on the outside. He has developed the skills and discipline needed for successful employment. He understands the

consequences of not being a law abiding citizen. He has a support network of men and women involved in prison ministry who share his values and strong sense of faith. Barry is a success story for the Department.

Finally, Barry is close to his aging mother. As a mother, my heart goes out to the woman who has believed in her son's innocence for nearly 30 years. She would like to have him nearby during her last years. This is what Barry wants as well. Please recommend clemency for Barry Beach and restore our faith in Montana's justice system.

With sincere faith you will carry out justice,

A handwritten signature in black ink, appearing to read "Bonnie Adee". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Bonnie Adee,
Helena, MT

August 22, 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

RE: Barry Beach

To Whom It May Concern:

I am Tina Schwarzrock Wivholm. I grew up in Poplar for a short time and have been in the area ever since, currently Medicine Lake, MT. The case against Barry Beach saddens me as he is innocent. I have heard from my parents, which lived in Poplar at the time of Kim Nees' death and they have always said Barry was innocent. The rumors on the street are still the same today which must have some truth to it! I worked in Poplar, MT at the bank and am a friend of the Atkinson family. The family has told me that they know their relative was part of this killing and feel bad that someone else is paying the price. Barry Beach is innocent and there are several people living in our communities that were involved in this awful crime!

I truly believe if Barry Beach was guilty, he sure wouldn't have touched so many people while being free in such positive ways. He is a hard worker and willing to help people at any cost.

Obviously mistakes have been made, please reconsider Barry's sentence and do what is right.

Sincerely,

A handwritten signature in cursive script that reads "Tina Wivholm". The signature is written in black ink and is positioned above the printed name.

Tina Wivholm

**Paula Sweeney
350 Lost Coon Trail
Whitefish, Montana 59937
406-862-6451**

August 21, 2013

**Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722**

To Whom It May Concern:

I have closely followed the case of Barry Beach for some time. As an attorney licensed for over 30 years, I am deeply invested in the fairness and fundamental decency of our legal system, both civil and criminal.

Barry Beach's case represents a glaring injustice, and one that can apparently only be remedied now by you at the Montana Board of Pardons and Parole.

First, he is innocent. There is significant evidence of his innocence, the witnesses against him have recanted and have no credibility and his "confession" was extracted from him under horrifically abusive circumstances. He should not be in prison at all.

Second, he has proven, during his all-too-brief time out of jail that he can and will be a productive member of society. No social purpose is served by continuing to incarcerate him since we, by a twist of fortune have actual proof of his character and actions.

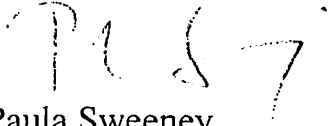
Third, he has served more than enough time - for the crime he allegedly committed and most particularly for a crime he did not commit.

His sentence should be commuted to time served, and he should be released.

Please consider the benefits - to him, to society, and to the judicial system, please do

the right thing, and please commute his sentence and let him be released.

Very truly yours,

A handwritten signature in black ink, appearing to read "Paula Sweeney". The letters are cursive and somewhat stylized, with a small dot above the final 'y'.

Paula Sweeney

www.slackdavis.com

August 25, 2013

Penni Kolpin
2944 Warbler Way, Unit D
Bozeman, Montana 59718

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

Dear Board Members,

I am writing to you regarding Barry Beach's sentence and am asking you to consider commutation of the rest of his sentence. He deserves the opportunity to live the rest of his life a free and productive citizen in Montana.

As I'm sure you are aware, there are many problems with his overall case that raise uncertainty as to whether he actually committed the murder that he is convicted of, including no forensic evidence tying him to the crime, no witness testimony, a confession that conflicts with the forensic evidence that was obtained from the crime scene, numerous witnesses who have come forward since his conviction to say that other people have basically confessed, and the fact that the State of Montana has lost and/or destroyed all evidence related to the case that might have allowed Barry and his defense team to exonerate him based on DNA and forensic evidence.

However, ultimately the reason that Barry's sentence should be commuted and he should be released is due to his overly lengthy sentence and his character that allowed him to live successfully in Billings during the almost 18 months that he was out of prison.

I met Barry in May of 2012 just before the opening ceremonies for the Special Olympics State Summer Games. I have served Special Olympics as a volunteer as Area Director for 6 years and as Co-Director for Human Resources for the State Games from 2009-2011. I was not aware that Steve Wahlich, who is the current State Games Co-Director, was also Barry's boss and that Steve had recruited Barry to serve on the Operations team that was responsible for setting up and tearing down the various venues and events associated with the three-day competition. Pete Olsen, who was Vice President of Competition for Special Olympics Montana, told me personally what a great job Barry did during the 2012 State Games, working long hours to get everything set up and cleaned up across the various venues.

In 2012, I was able to sit between Barry and Ziggy and Stella Ziegler during the opening ceremonies. At one point during the parade of athletes and celebration, I asked Barry if this is like anything he expected. He replied that he tried not to expect anything – he just wanted to drink in and appreciate everything around him.

Law enforcement teams throughout the state participate heavily in fundraising for Special Olympics and numerous agents attend the games in full uniform. To put it in the vernacular – opening ceremonies was "crawling with uniforms". I noticed Barry's demeanor and there was absolutely no sense of anger or animosity towards any of the agencies represented that evening.

If anything, I was the one who noticed all of the law enforcement agents and thought how difficult it would be for me if I were in Barry's shoes -- knowing that some of those agencies represented, including

the Attorney General's office, believe he should spend the rest of his life in prison. Yet, while standing next to Barry during the ceremonies, I sensed no tension from him or any sense of anger or resentment. It was clear to me that Barry just wanted to have the opportunity to live his life and be productive and happy in society.

Despite considerable media attention in the six months since Judge Phillips's ruling, Barry was humble about his life in Billings. When I asked him how he was doing now that he had been out of prison for a few months, he mentioned how surprised he was that even the Mayor of Billings, Tom Hanel, knew who he was. Barry took out his cell phone and told me that the mayor had even spoken to him on that phone. I could tell that it meant a great deal to him that the mayor supported him.

Though I had written to Barry in prison since 2008 after the initial Dateline airing, I didn't see Barry very often while he lived in Billings. He was building a good quality of life, handling his responsibilities at work, speaking to a variety of groups and making up for the years that he was erroneously incarcerated.

In October, Barry was kind enough to attend my father's funeral. Even though he never met my dad, his mother urged him to attend, primarily since she couldn't. So, here is a man who has served so many years in prison, respecting the request of his mother to support someone that he had only met once. I still chuckle at that. Definitely not the actions of a hard-core murderer.

I very much appreciate his support and him taking the time to attend the funeral. He finally got to meet my mom in person, which was nice since she too has supported Barry and prayed for him and his family since 2008. As it turns out, Mayor Hanel knew my father as well and also attended Dad's funeral, so I was able to visit with both of them together. I am very thankful that Barry was able to support my mom and me that day.

It was in February of this year, though, that really showed me the strength of Barry's character and faith. My 29-year-old niece has struggled with addiction to methamphetamine and whatever other drugs for at least a couple years. She was not welcome in my mother's home since she had stolen from my parents in late 2011. Her dad (my brother) had been trying to help her since then, but as is often the case, by February 2013, she had strained her relationship with all of her family. She was basically homeless, staying a night here and there with friends when she could.

At the end of February, the car my niece was riding in stalled at the intersection where Barry lived and there was some kind of commotion involving a dog in the vehicle and Barry came out. My niece recognized him from the funeral and said something like, "I think you were at my grandfather's funeral." Somewhere in the conversation, Barry learned that my niece was homeless. He told her that so long as she stays clean and sober, he would take her in so that she could find a job.

I learned of this a few days later and was quite concerned because I knew that there were conditions as to his release. My mother was also concerned for Barry due to her stealing and ability to make false accusations. The following weekend, I was in the Billings area, and I stopped to visit Barry's mother to warn her about my niece and her volatile temper and how she can make false accusations – even against her own dad. As it turns out, while visiting with his mom, Barry stopped by her house and I was able to talk to him directly – actually to warn him about her behavior. I told him that at some point, if he needed to ask her to leave, he should have someone else there as a witness.

Imagine this, I had to warn a man convicted of deliberate homicide about a member of my family. Though I don't believe Barry committed the crime of which he is convicted, he had spent 29 years in

prison, and here I was warning him about my niece. Finally, after I reiterated my warning a few times, he told me, "You know, Penni, I appreciate your concern, but if God calls on me to help, then I have to trust that." (or something along those lines.) I learned from Barry's mother, that Barry had actually taken in another woman in her 20's who had recently been released from the women's prison in Billings. Someone who knew the woman had known Barry when he was in prison and asked if he could help the other woman find a job.

That day when I warned Barry about my niece was the last time I saw him. When we parted in February, we both said that we would see each other in May at the State Games again. I was expecting to see Barry on May 15 at opening ceremonies again, but that of course, was the day that he had to turn himself in. As it turns out, my niece was arrested that same day and spent about three weeks in jail. If anyone could have "scared her straight" it would have been Barry. I'm not sure of the specifics of just when Barry asked the women to leave. I never got to thank him in person for his effort to help.

I've read through the Supreme Court ruling and there are disturbing issues with their decision. When I've thought of Barry and his situation, though, I wonder how many of those justices would take in homeless people in an effort to help them. Barry lives his faith, that's for sure. I know I don't have that kind of faith and wouldn't be comfortable trying to help strangers in such a way.

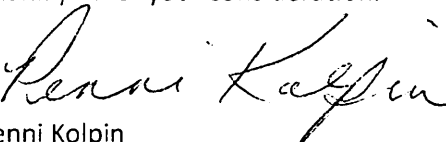
Another reason that Barry's sentence should be commuted is that since he was 17 at the time of the murder, he was still a minor. My understanding is that a major reason why he was sentenced to 100 year with no possibility of parole is that the murder victim's father Ted Nees testified that if Barry were to ever be let out, Mr. Nees would fear for his family.

However, Barry was out for almost 18 months and there was no indication that he was a danger to anyone, much less members of the Nees family. As I mentioned earlier, even in an environment when there was a high representation from uniformed law enforcement personnel, Barry showed absolutely NO indication of tension, anger, resentment or any kind of vengeance.

Barry has already served approximately twice as long as other people who have actually committed similar types of crimes. So even if Barry did commit the crime of which he is convicted – and no, I do not believe that he did murder Miss Nees – he has already served significantly more time than other people, specifically adult criminals, not minors, who actually did the crimes that they were convicted of.

Barry and his family have had too much time stolen from them already – 29 years and counting. There is no getting that back. However, Barry had the unique opportunity to actually demonstrate that he is absolutely NO danger to society – including no danger to the victim's family members. He has paid his price – or if what I and many others believe is true, he has actually paid the price for other people. Even if you believe he did commit the murder, he is being held to a different set of standards than adults who have committed the same type of crime. Enough is enough, please commute Barry's sentence.

Thank you for your consideration.



Penni Kolpin

8-25-13

TO: Montana Board of pardons and parole

My name is Susan Ziegler. My husband and I are small business owners and Grandparents.

We met Barry Beach the day he was released. Became very close Friends, and remain so.

~~2~~ We watched as Barry built a small business of his own. Watch as he became Friends with the highest members of our community and the lowest. He treated each person with respect and honesty.

Please Consider Commutation of Barry's sentence. I believe it is time to give this Brave man his life (in the free world) back.

I believe he will once again become a inspiration to all who get the opportunity to meet him.

Sincerely

Susan Ziegler

August 29, 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

Re: Barry Beach Application for Commutation of Sentence.

I am a director of the Montana Innocence Project and am active in its affairs. Previously I practiced law in California for 40 years. My work there included representation and also prosecution of persons charged with serious crimes, including over 20 first degree murder and capital murder cases. As a result I became familiar with the nature of persons so involved.

I am also familiar with the particulars of the recent Montana Supreme Court decision that returned Mr. Beach to custody after 18 months of unblemished liberty while the State appealed the order granting his release and a new trial. In substance, the Supreme Court ruled not that Mr. Beach truly was guilty of murder, but that the district court judge at Mr. Beach's post-conviction relief hearing incorrectly applied the law of when a new trial may properly be granted on the basis of new evidence of innocence. A more equitable ruling of the Supreme Court might have been to return the matter to the trial court with instructions for properly applying the law, however the court chose not to do so.

The process, although frustrating in the extreme, has had one salutary and very important consequence: while at liberty Mr. Beach demonstrated that whatever the truth of his now questionable guilt, he can be expected to live crime-free and productively in society without need of the strictures of the 30 years of prison life already served as a model prisoner.

Your serious and thorough consideration of Mr. Beach's plea for commutation of his no-parole sentence is respectfully requested and will be greatly appreciated.



Parker Kelly
Whitefish MT.

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

August 28, 2013

Dear Sirs,

Barry Beach has tragically spent nearly 30 years in prison for a crime he did not commit, and I am writing to ask you to please consider commutation of his sentence.

I first became aware of his case by reading the 2007 Missoula Independent newspaper story by Jessie McQuillan, and couldn't believe the mishandling of justice, from destroying evidence, erasing his taped "confession" and facts at the crime scene that point to classmates. I even have a friend from Poplar that said it's common knowledge in town that it was a gang of girls that committed the murder and not Barry.

The two *DateLine* television shows also make clear the absurdity of his incarceration. Judge Phillips was correct in saying Barry was innocent, and to release him was a huge victory for justice. To have him return to prison is the biggest crime of all.

Barry is a kind, gentle, and thoughtful man, and we exchanged letters when he was in prison. I met him at a Montana Innocence Project event and he was a powerful speaker, very articulate and moving. He definitely deserves to be back on this side of the prison bars. Please consider commutation of Barry Beach's wrongful judicial sentence.

Sincerely,

A handwritten signature in black ink that reads "Kate Davis". The signature is written in a cursive, flowing style with a large initial "K".

Kate Davis
P.O. Box 265
Florence, MT 59833

1619 1st. Ave
Great Falls, MT

Montana Board of Pardons and Parole:

I am a 75-year-old Senior who volunteer 4 days a week to take people who no longer drive to medical appointments and grocery shopping.

I have been closely following the information regarding Barry Beach and therefore I am asking that you commute Barry's sentence. He has already lost nearly 30 years of his life behind bars, for a crime he insists he did not commit.

I believe his confessions were coerced and his sentence was motivated by politics, in which the prosecution attorney went on to become Governor of Montana. There is so little evidence for a conviction of Mr. Beach, except for the confessions of a frightened 15-year-old boy who had been questioned day and nights for two days. He even confessed to other murders which was later proven to be committed by other people. Since that time other women have admitted to being involved in the murder, as teenagers, and one person has come forward to state

she was a witness to what happened.

I, like thousands of other people
across our nation, believe that Barry
Beach was falsely accused of a crime
he did not do! We can't change the past,
but with your help, perhaps we can
give this man a future which he
truly has earned.

I thank you,

Patricia Annan

August 30, 2013
Great Falls, Montana, 59404

Montana Board of Pardons and Parole,
1002 Hollenbeck Road,
Deer Lodge, Montana 59722

Greetings,

Thank You for your time and concern working on this board.

I am a born Montana voter and am concerned about the laws pertaining
to ~~o~~ prisoners pardons and parole.

Following Barry Beach's story on Local and National news has me confused,
as there was no evidence at all not even DNA in the Kim Ness murder. This is
not fair to either the Ness Family or the Beach Family.

The men that took his confession have been arrested for pressuring other people
to make false confess to crimes they did not commit.

Barry Beach has been a model citizen since he was released from prison,
keeping a job, being promoted in that job, and buying a home.

Please consider commuting Barry Beach's sentence for a crime he did not commit.

*Respectfully,
Ashby Phillips
912 Co Ave NW
Great Falls, Mt. 59404*

Montana Board of Pardons & Parole -

I am writing on behalf of Barry Beach. Without any reasonable credible evidence other than a forced confession, I do not see how we can keep this man in prison. This seems to be a terrible travesty in our justice system. We all make mistakes in our life and seems to me it wouldn't be so bad for a couple lawyers to admit to theirs.

Hoping Barry will be released again only this time with no one trying to put him back in -

Sincerely,
Rachel Bennett

August 30, 2013
Great Falls, Montana, 59404

Montana Board of Pardons and Parole,
1002 Hollenbeck Road,
Deer Lodge, Montana 59722

Greetings,

Thank You for your time and service working on this board.

I am a born Montana voter and am concerned about the laws pertaining to prisoners pardons and parole.

Please consider commuting Barry Beach's stay in prison for a crime he did not commit.

Following Barry Beach's story on Local and National News has me confused, as there was no evidence at all not even DNA in the Kim Ness murder. This is not fair to either the Ness Family or the Beach Family.

The men that took his confession have been arrested for pressuring other people to make false confess to crimes they did not commit.

Barry Beach has been a model citizen since he was released from prison, keeping a job, being promoted in that job, and buying a home. He has made many friends in Billings, Montana even the mayor.

Sincerely,

918 6th Ave. N. W.
Great Falls. Montana 59404

Aug 23, 2013

Montana Board of Pardons and Parole

I have read, listened and watched every thing I could about Barry Beach from the very beginning of when Kim was murdered. I don't know Barry or anyone else involved in his case, but I do fully believe he is innocent and doesn't belong in prison.

I got interested in the case years ago feeling he was railroaded into confessing to the murder. I have an ex-daughter-in-law from that area (Fraiser) and I was curious if her family maybe involved as I'd heard of many disturbing things happening in the area.

I feel Barry has served way to much time for something he didn't do and the State of Montana isn't mature enough to let him prove it with a new trial. He also proved he can be an asset to society rather than an expense to tax payers in Prison.

Please help give this young man the life he deserves with Freedom.

Thank You

Charlotte H. Irish

429 22nd Ave. N.E.

Great Falls, MT.

59404-1512

phone 406-761-8994

P.O. Box 145

Ovando, MT 59854

August 28, 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

Dear Members of the Montana Board of Pardons and Parole
We would like you to seriously consider commuting Barry Beach's sentence.
Even if, and that is a very big if, he is guilty, he has proven himself as a meaningful
person in society. There is no justifiable reason to continue his incarceration.
Please do the humane thing and let Barry lead the rest of his life as a contributing
member of the community.

Thank you for your consideration.



Carol Kulish and Bill Cone

Retired successful small business owners.

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge MT 59722

Aug. 27, 2013

To Whom This May Concern,

My name is Joletta Carlson I have not had the opportunity to have personally met Barry but had several good friends that have known Barry for years. I believe Barry has done his time. I would like for you to consider commutation of Barry's sentence. When Barry was out of prison this last year, he was a law abiding citizen who was working very hard to become a vital part of our community. He had got a place to live, a job, and was participating in church and other religious weekends sharing His love for Christ to others. He therefore was paying taxes on his income, and trying to make up for the time he had spent behind bars. He is a strong person and is suitable for life in our community because he has shown he can live on the outside and be an asset to the community. Please take this into consideration.

Thank you
Joletta Carlson

Vicki Brown

PO Box 672

Plains, MT 59859

406-826-0048

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

August, 23, 2013

Dear Sir,

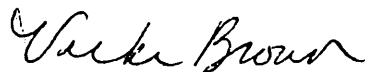
I am a very close friend of Barry's mother's sister, Melody Williams. I have been praying for Barry with her for many years. I have watched most of the news and documentaries on his case too.

I have been puzzled at the severity of his sentence all along. There are many, many hardened criminals who have murdered people and only get a 25 year sentence, and are paroled in much less time. I have followed the clemency hearing held in Barry's case and have been disappointed in those results as well. I would urge you, the Board, to consider commutation of Barry's sentence. I personally feel that there is enough evidence that has not been considered to cast doubt on his guilt. Specifically the bloody handprints and other fingerprints that do not match Barry, and the evidence that was missing from the evidence room are two important facts that weren't considered. However, even if he IS guilty, he has already served more prison time than most people who have committed murder. He has also been a model prisoner while incarcerated.

I believe he will be an asset to the community if he is released. He proved that already last year when he was granted a new trial and was released until it would take place. He immediately went to work and was active in community activities. He was able to secure a home of his own and take good care of it.

Again, I urge you to consider Barry's exemplary behavior while in prison and the long amount of time he has already served and consider commutation of his sentence.

Sincerely,



Vicki Brown

August 28, 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

Dear Board Members:

We are a retired married couple who have lived most of our lives in the State of Montana. We are deeply interested in the Barry Beach case because we have come to believe that an injustice has been done in this case. We are not related to nor have we met personally met Barry Beach or any other of the parties involved in this case. We believe strongly in our state government and legal system, but we also are well aware that in all human dealings mistakes can and are made. There appears to be more than just a strong possibility that such a serious error has been made in this case.

With this letter, we sincerely request that the Board of Pardons and Parole consider commutation of the remainder of Barry Beach's sentence. We ask this commutation because of but not limited to the following reasons:

1. It is clear that there was coercion involved with his confession obtained in another state.
2. Physical evidence following the crime was mishandled or tampered with.
3. Strong evidence has surfaced since the time of his conviction that others committed the crime.
4. An extremely in depth examination of old and new evidence was done at the District Court level and the District Court judge ruled that there was significant possibility of reasonable doubt that a retrial was justified.
5. Even if Barry Beach was guilty of this crime, which we believe that he is not, he has already served a sentence commensurate with the severity of that crime in this state.

Barry Beach's suitability for life in the community does not need to be speculated upon; he has already unquestionably proven this during his eighteen months of freedom in Billings.

We respectfully ask that you consider our request.

Sincerely,

A handwritten signature in cursive script, appearing to read "G. B. and Catherine Givler". The signature is written in dark ink and is positioned above the typed name.

G. B. and Catherine Givler
22 Bridger Mountain Road North
Clancy, Montana 59634

August 27, 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

RE: Barry Beach

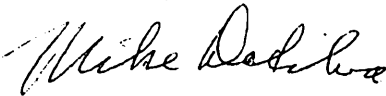
Dear Parole Board:

I am a Montana resident who has seen the TV and news coverage of the Barry Beach issue. Based on that information, if I were a juror on the case I would vote not guilty. It seems to me that there is an ego issue with the prosecutors who are afraid to admit they made a mistake.

You, the Board can rectify that situation. Mr. Beach has suffered enough. Please consider commuting his sentence to time served. Let the case die and let Mr. Beach live as a free man. He seems to have undergone a radical change in the last few decades. His life during his temporary freedom was exemplary. He could do a great deal of good in the community counseling youth about lifestyles and bad choices.

Thank you for considering my request.

Sincerely,

A handwritten signature in cursive script that reads "Mike DaSilva". The signature is written in black ink and is positioned to the left of the typed name.

Mike DaSilva
157 Wedgewood Lane
Helena,
MT 59601

August 27, 2013

Montana Board of Pardons and Parole
1002 Hollenbck Road
Deer Lodge, Mt. 59722

My name is Nancy Michaelson and I am a retired teacher from Great Falls School District. I have taught for over forty years and I learned that you run a classroom on fairness and honesty.

I am writing this for Barry Beach. I feel the facts in his case warrant another look. There is evidence out there (fingerprints, not his) that have never been tested to see if they match others that have been named as being there that night. There are also witnesses, no DNA evidence, etc. It seems to have become a political issue instead of a case for our justice courts to decide.

Having my state on a national televised Dateline Program and coming across as run by crooked politicians and hillbillies makes me feel ashamed. Give the man another trial and have all the evidence presented or release him and stop the games. (or if those are not options please consider Commutation of Barry's sentence. He did prove during his release that he could be a responsible citizen)

How can his freedom hurt anyone with a conscience. See if a new trial can prove beyond a reasonable doubt he killed Kim Nyes. Be brave and do the right thing.

Nancy Michaelson

A handwritten signature in cursive script that reads "Nancy Michaelson".

278 Gordon Rd.
Vaughn, Mt.
59487

1014 Durango Dr.
Great Falls, MT 59404
August 29, 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Rd.
Deer Lodge, MT 59722

Dear Board Members,

As a member of the public who has followed the Barry Beach case with interest (newspaper articles, TV shows, rallies), I am writing to ask you to consider commutation of Mr. Beach's sentence. His supporters are not asking for mercy for him (mercy might allow that he has already served more years in prison than many others convicted of murder), but justice for him and Kimberly Nees and her family. If he is indeed not guilty, as the evidence certainly indicates, then the real killer(s) must be found and brought to trial.

While in prison, Mr. Beach not only was a model prisoner, but actually saved the life of an employee, who traveled from Texas to testify on his behalf. Living in the community, he was a valued member of society, trusted and cared for by those who knew him and whom he worked for.

I know that the justice system is in place to safeguard all of us. Your job is not an enviable one; the decisions you make truly impact society, and may even give you some sleepless nights of soul-searching. But I believe that you are sincerely desirous of protecting the rights of those in the prison system as well as ours, and ensuring that they, too, have a chance to re-enter our world where and when it is appropriate and safe to do so.

I thank you for reading this letter and looking at the case anew with fresh eyes, seeing the possibility of commutation of the sentence of Mr. Barry Beach.

Sincerely,



Carole Ann Clark

8/30/13

TO: Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

FR: Chip Galder
3234 Reiners Park
Inver Boilings, MT 59102

Re: Barry Beach

I am a friend of Barry Beach a
he is a friend of mine.

Please commute his sentence.

He is not guilty of murder.

Barry is a model citizen.

Thank you
Chip Galder

Dear Board of Parole and Pardons

I am writing to you about the case of Barry Beach. I am asking you to commute his sentence as time served. As I'm sure you know, this case has many points that are questionable.

In the first point, Barry has always claimed that his confession was coerced. Errors in his confession, and three other false confessions at the time, are proof of this.

Evidence of tampering with the crime's evidence are present.

Evidence was "lost" by the state of Montana.

Blood samples were not taken into account to compare against the bloody towel.

The bloody palm print has not been taken into account. It does not match Barry's or the victim's, Kim Nees.

THERE IS NO PHYSICAL EVIDENCE OF BARRY EVEN BEING PRESENT AT THE CRIME!

A witness has put him at home in bed the afternoon before the crime.

THERE IS AN EYE WITNESS TO THE CRIME READY TO GIVE TESTIMONY! She already testified at the evidenciary hearing.

There are numerous other witnesses to hearing the confessions of the actual killers.

These are a few of the high points in this case. Please do the right thing by commuting this innocent man's sentence. As he lived on the "outside" for one and one half years, he spent his time being a productive member of society. He started his own business along with working fulltime, an achievement most of us don't do in a lifetime. He also spent much of his time helping others, contributing to things like the Special Olympics, and just giving time and care to people that were hurting. I ask you to do this because I believe that our justice system has failed, but I also believe that it can still work.

Sincerely

Gail Blakely

Briana & Shawn Williams
12017 17th Ave NE
Seattle, WA 98125

August 28, 2013

To the Montana Board of Pardons and Parole:

My name is Briana Williams. My husband, Shawn, and I have been vested in Barry Beach's case since we learned of it. Shawn is also Barry's cousin. He grew up in Montana and visited Barry at the Montana State Prison on several occasions as a child.

We implore the Board of Pardons and Parole to please consider commutation or pardon of Barry's sentence.

Sufficient evidence exists to suggest that Barry did not receive a fair trial and that his confession was coerced. There is no physical evidence linking him to the scene of the crime. Despite the fact that we fully believe in Barry's innocence, he has more than paid for this crime with a longer prison sentence than most would get for a similar crime, especially for a minor.

During the 18 months that Barry was free, he demonstrated his ability to live a purposeful life, contributing for the better to all those who came in contact with him. The impact he has made on the lives of the others who have crossed his path during his time outside of prison cannot even be measured. Barry has much more to offer our economy, our future generations, and all those around us as a free man than he ever could living off of taxpayer money behind prison walls where the only contribution he can make to the world is contained inside a box.

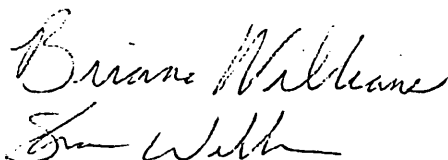
As defenders of liberty and justice, we ask that you consider the facts of the case and Barry's demonstrated behavior during his 18 months outside of prison while you weigh the outcome of the rest of his life.

If this same thing happened to your son, daughter, your brother, or someone else you love, what would you hope the outcome to be?

Thank you for your time and consideration. We appreciate all you do for justice.

Kindest Regards,

Briana & Shawn Williams



The image shows two handwritten signatures in black ink. The top signature is 'Briana Williams' and the bottom signature is 'Shawn Williams'. Both are written in a cursive, flowing style.

08-26-13

Montana Board of Pardon and Parole

My name is Stella Jean Ziegler. I'm a twenty six year old from Laurel Montana. I'm nobody special. I write concerning someone who IS.

I first met Barry Beach shortly after he was released in 2012. Until May 2013 I witnessed him change not only his life, but those of others.

All and always for the good. Constantly and quietly helping to improve situations as well as surroundings. Barry was cooking and living up to positive expectations.

He is a political prisoner. As long as he remains incarcerated, the Poplar murder has two victims. Kim Nees and Barry deserve justice. With today's science and technology we trust the physical evidence. Consistently it doesn't lie. It is obvious the lack of any against Barry.

Please commute his sentence. He is innocent. Our community and lives are richer with him in them. So many people who still hold their freedom can't say the same.

Sincerely,
Stella Jean Ziegler

2705 Fifth Ave. S.
Great Falls, MT 59405
August 28, 2013.

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

Dear Sirs:

Thank you for your willingness to serve on the Board of Pardons and Parole. we understand this entails a deep commitment to do the "right thing," both for the prisoner and the community.

We are an elderly couple who feel strongly that this case could have been better investigated at the time, and that the jury in 1984 was led by the nose to feel they were "less than bright" if they did not agree with the very smooth-tongued prosecutor.

Since the Attorney General's office short-circuited Judge Phillips' recommendation that Barry's case go to trial, we are asking you to consider commutation of Barry's sentence. We believe the sentence should be commuted for the following reasons:

--The case has been thoroughly studied by 2 reputable groups, Centurion Ministries and Montanans for Justice, both of whom are clear that they would have dropped the case if there was any doubt about Barry's innocence. NBC has broadcast their findings three times.

--The Supreme Court decision of 4 to 3 to keep Barry in jail was not overwhelmingly one-sided.

--Considering the less than commendable record of the officer who is said to have coerced the "confession" from Barry, it is not hard to believe that would be his style of "investigation."

--NO evidence exists that ties Barry to the killing.

--A witness testified to hearing noisy female voices at the scene of the murder, which correlates to "street talk" in Poplar since day one.

During his 18 months of freedom, Barry fully fulfilled the expectations of good citizenship. We feel he should be allowed to resume the good life which he created during those months. If freeing Barry leaves the case as "Unsolved," so be it. Would that not be more honorable than keeping an innocent man in jail?

Respectfully,

Louis Bryant, Mary E. Bryant

LOUIS AND MARY BRYANT

Aug 27, 2013

MT Board of Pardons & Parole
1002 - Hollenbeck Rd.
Deer Lodge, MT 59722

Dear Ladies & Gentlemen:

I am writing to ask you to recommend that Barry Beek's sentence be commuted. He has served 30 yrs. for a crime where there is reasonable doubt of his guilt. He was out of prison for 18 mo. and during that time was a model citizen. He worked, he volunteered in the community, he hoped to buy a home. 30 years is enough. It's time to let him get on with his life and be a responsible citizen.

Montana has always been a place where we treated one another with

Fairness). We have always
prided the can do spirit in
this state which recognizes
^{gives} second chances. X Barry has
served enough time.

Please recommend that
his sentence be commuted to
the time served and let this
man be free.

I recognize your job is
difficult ^{and} I also believe
you strive to do the right
thing. Thank you for your
service.

Sincerely,
Sue Dickerson
620 Riverwood Dr. E.
Great Falls, MT
59404

Montana Board of Pardons and Parole.
1002 Hollenbeck Road
Deer Lodge, Montana, 59722

Sirs:

I am a concerned Montana citizen who has long been interested in miscarriages of justice nationwide, but especially in Montana, since this is my native state and I am proud of it.

I am writing in regard of Barry Beach who has been wrongly confined in the Montana State Prison for many years.

The investigation by Centurion ministries proved that it was logistically impossible for him to have committed the crime for which he was imprisoned.

Marc Racicot, the prosecuting attorney was eyeing a career in public office and wanted a record of convictions. He was called in as a special prosecutor. He brought up to the jury a hair "which resembled Barry Beach's" and which was subsequently lost and not available for admission as evidence. The judge ruled it inadmissible and the jury was instructed to "disregard" it. When asked to appear at the review of the case, Mr. Racicot stated that he was sure that the jury had disregarded it. This statement is disingenuous to say the least. He mentioned it so that the jury would have it in their minds when deliberating. I have sat on juries and, believe me, juries remember everything that is said and when an item is mentioned it stays in your mind. To be fair, I think Mr. Racicot did believe at the time that Mr. Beach was guilty. The information he was given by the local authorities at that time did indicate that. Also, the victim was a very sympathetic character, and Mr. Beach, a native American with prior problems was an ideal scapegoat. The community of Poplar was after blood.

Others have admitted to the crime that Mr. Beach was accused of committing, and their stories were not investigated to the satisfaction of those of us who are anxious for justice.

There was evidence of malfeasance on the part of the officers in charge of the original investigation.

During the time that Mr. Beach was freed from prison he was a model citizen and does have supporters who will see that he has a place to live and work and can make good use of the remainder of his life.

You can not give him back the stolen years, but at least you can release him to live the remainder of his life productively.

An injustice such as this perverts the entire judicial system and causes the public to lose confidence in the system and those honest devoted people who are trying to make it work

Nora Verpoorten
25 Marjerison Farm Lane
Plains, Montana, 59859



Edward A. Beall
1350 Valley Forge Rd
Helena, Mt 59602

August 27, 2013

To: Montana Board of Pardons and Parole

Members of the Board,

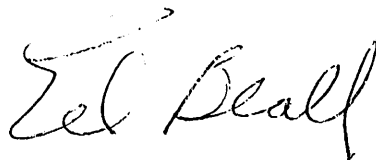
I am a citizen of Montana, residing in the City of Helena. I am a small business owner. I have watched and listened to the case of Barry Beach as it has been discussed over the years. I have read in the papers, watched the shows on television, discussed the issue with friends. I have had personal discussions with friends who have been personally involved in Mr. Beach's situation through their involvement in prison ministries and observations in the trial proceedings.

I am asking that you consider the commutation of Barry Beach's sentence for the following reasons:

1. IF he was guilty, he has clearly served a lengthy sentence and it seems to me he has met the terms of what most would consider a reasonable and long enough incarceration.
2. Judge Phillips, who heard the most recent information and testimony, clearly found reason to take action on behalf on Mr. Beach. It seems to this layman, that the Montana Supreme court disregarded the findings of Judge Phillips without precedent.
3. Mr Beach has been a co-operative inmate.
4. Even more importantly, Mr Beach's time back in society has proven that he has in place the right conditions to successfully reenter society as a productive member. He showed the character and ability to be back in society in a fruitful manner and he has the support of members in the community who can help him be successful. Are these not the conditions that we strive for within the corrections system? Is longer time in prison more beneficial for society and Mr. Beach?
5. Last, the fact that he was released, then required to return, is cruel punishment beyond the norm. He went cooperatively....back to prison. How is his safety in prison?

Again, I ask that you would commute the sentence of Barry Beach. Thank you for your time and consideration.

Sincerely, Ed Beall



Aug. 28, 2013


Dear Peter Camiel,

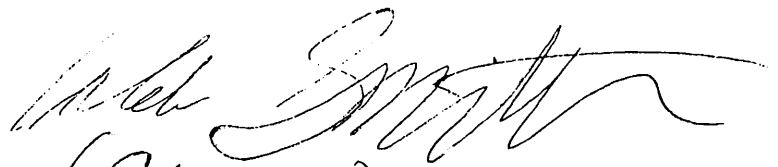
I lived south of the river at Wolf Point when this happened at Poplar and from day one I believed Barry was being charged unjustly.

Then when I listened to the whole thing on T.V. then heard he'd had to go back to prison I could't believe it.

We, the undersigned all believe his sentence should be commuted - he's suffered enough injustice. Do your best for him - thank you!

Edna G. Smith


(Curt Smith)


(Caleb Smith)



Kristen L Romano
(Kristen Romano)

Pastor Roy D Williams

16593 Spartan Ave

Caldwell, ID 83607

Montana Board of Pardons and Parole

1002 Hollenbeck Road

Deer Lodge, MT 89722

Dear Montana Board of Pardons and Parole:

I am writing this letter on behalf of Barry Beach. Although I live in Idaho now, I pastored the First Church of God in Plains, Montana from April of 1976 – June of 2010. I retired at that time and in 2011 moved to Idaho. I have followed Barry's case from its earliest beginning. Barry is my wife's Nephew. Barry was a troubled teenager. He made some bad choices in those early years. I am convinced that murder was not one of them. I believe that His confession came only after an extensive interrogation. He was scared and finally confessed to not one but four murders. Three of them we know he did not commit, and I do not believe he committed any of them. There is just too much evidence that points in other directions.

Barry was a juvenile at the time this murder took place and even if he were guilty as charged, which I do not believe he was, he has served 30 years already. For the short time he was out of prison, he demonstrated his ability to be a good and productive member of society. While he was out he was a fine example of a man who worked hard and cared about others.

I would encourage you to consider Barry for either a pardon or parole. I know he would not let you down and he would be a good example to others. Thank you for your consideration.

Sincerely

A handwritten signature in black ink that reads "Pastor Roy D. Williams". The signature is written in a cursive style with a distinct loop at the end of the name.

Pastor Roy D. Williams

Montana Board of Pardons and Parole
1002 Holmbeck Road
Dear Lodge, MT. 59722

RE: BARRY A. BEACH

August 5, 2013

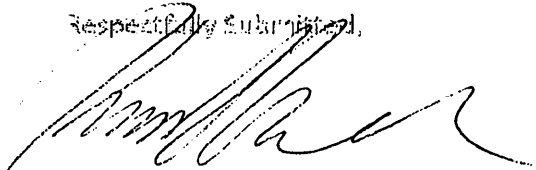
A terrible wrong was briefly made right only to once again be made terribly wrong with the recent Montana Supreme Court decision to return Barry Beach to prison. Judge Wayne Phillips' finding that sufficient evidence existed to warrant a new trial for Barry Beach. Particularly with the advent of DNA evidence testing, we now understand much more about how and why false confessions can and do occur, when Beach's confession was obtained on page 20 at the hands of overzealous Louisiana lawmen.

Mr. Beach's conviction was obtained and is now being upheld solely on the basis of his "confession" in the Monroe, Louisiana police in 1983. Beach's confession did not exhibit any material knowledge about the murder other than what was commonly known or thought to be known in the community of Poplar.

There is not one piece of physical evidence or eyewitness testimony that connects Beach to the murder. Not that there wasn't physical evidence to be had but none of it matches Beach. There were 42 different sets of fingerprints. Very importantly, a bloody hand print was left at the scene, a print that definitively does not belong to Beach nor does it belong to the victim. The state has been astonishingly incurious as to whom that print belongs to.

I am not an expert in post-conviction relief law but can clearly see with my own eyes that Mr. Beach's conviction is gravely troubled. Undisputable that Barry Beach has already served 30 years. In the 18 months he was free, he proved himself law abiding, hardworking, entrepreneurial, civic minded, a man of faith, and a valued asset to the community of Billings. Guilty or innocent but especially when innocent, there seems little reason for the taxpayers of Montana to spend \$10,000 a year for the rest of his life to keep Beach behind bars. On behalf of Montanans we call upon elected officials and the courts to find a solution that better serves the interests of justice and the interests of taxpayers than to continue Mr. Beach's imprisonment for another 30 years.

Respectfully Submitted,



Kimberly S. Waldner

LeAnn Kenney
P.O. Box 1107
Deerfield Beach, Fl. 33443

August 26, 2013

Montana Board of Pardons and parole
1002 Hollenbeck Road
Deer Lodge, Mt. 59722

To whom this may concern;

My name is LeAnn Kenney. I am a graduate of Poplar High school. I am a former resident and spent the first 18 years of my life being raised in Poplar and Brockton.

I am writing to ask the board to please consider commutation of Barry Beach sentence.

Although I have been a way from Montana for a while now. I do remember hearing from the very beginning through family and friends that Barry did not kill Kim but that Sissy Atkins, Maude Grey Hawk, and Janet Jackson had killed Kim and then the following week I heard that Barry Beach had confessed to the murder, while out of state. I thought this a little fishy but I wasn't there. I did not know Barry Beach personally. I did know Sissy Atkins and Maude Grey Hawk, Janet Jackson I did not know only by (reputation), these 3 you did not want to cross. I also remember hearing that chief of police at the time was Steve Gray Hawk (Maude Grey Hawks' father). I was told that he had impounded the evidence. Now I know that my letter does not prove anything, nor can I.

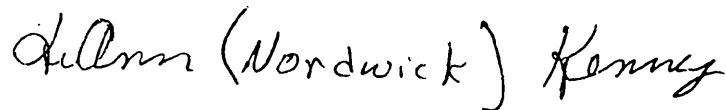
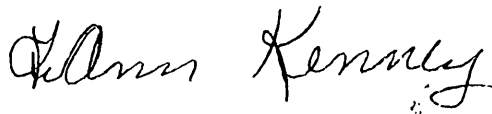
All in all I believe that Barry Beach is innocent. I also believe that Barry has served his time. I further believe that if he or his legal team had not petitioned the Supreme Court of Montana that Barry would be a free man.

We are talking about a man who was released from prison for 18 months and had already started a new life for himself. He was living a quality life, had made no enemies and was actually a person of very high character. He gave himself up freely and returned to prison without any one coming after him.

I believe that Barry Beach is without a doubt an asset and a good example to his community.

Thank You and God Bless you!

LeAnn Kenney



8-27 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT. 59722

First I wish to thank you for your services to the public, which I'm sure is not easy.

I'm writing on behalf of Barry Beech's Case. I'm a 78 yr. old white male from Hinsdale, MT. I have kept up on Barry's Case as much as possible, and became very interested in it. I hope and pray that his sentence can somehow be commuted.

My Reason for believing this is "It seems this case is made on circumstantial evidence. Any tangible evidence seemed to disappear from lock up, by the Police Station.

If he was cleared of 2 murders in a short confession of 3, couldn't the third have been phony also?

Now for some reason they don't want to hear out the witnesses that have come forward.

Barry did a fine job of adjusting to the outside life in Billings, MT.

I believe Barry is innocent and I would be happy to have him for a neighbor and friend.

Thank you
Sincerely
Perry D. Palmer

P.O. Box 272
Hinsdale, MT.
59241

8-27-13

To whom it may concern

I'm writing on behalf of Barry Beach with an encouragement to the Montana Board of Pardons and Parole to commute Barry's remaining sentence or at least offer him a new trial.

I had the privilege of meeting Barry and getting to know him while he worked at Sella's Bakery and also at the Clock Tower Best Western motel. From my observation he was a very hard worker and went the extra distance to do a good job no matter what was asked of him. Bottom-line is that it is my opinion he would make a very good & humble citizen.

Thank you for your service to our state and again please consider commutating Barry's remaining sentence.

Sincerely,
Jeff Melugin
212 Westlake Circle
Billings MT 59105

Aug 26, 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Rd
Deer Lodge, MT 59722

My name is Wilea B. Grayhawk, a Poplar Community residence. I am very interested in Barry's case, because I believe he is innocent. Poplar and MT state convicted an innocent man all because one family has money and the state of MT doesn't want to admit they made a mistake.

I would like to ask that the MT board of Pardons and Parole to PLEASE consider commutation of Barry's sentence.

IN so asking this, I believe 100 years a sentence for a murder he didn't commit as rather harsh. What evidence you do have, none of it connects Barry to the murder of Jim Nees. I hope you all one day convict the real persons who did murder Jim Nees! They all deserve it!

Barry is a kind, gentle, hardworking person who would definitely be an asset to MT society. He's already proven that he is and can be a productive citizen.

406-768-7394

Wilea Grayhawk
Box 1227
Poplar MT 59722

August 26, 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

RE: Barry Beach

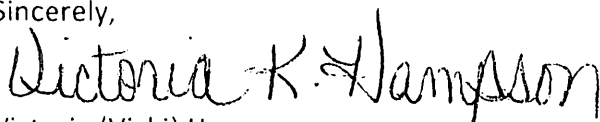
Today as I sit here writing this letter to you I am reminded of the day Barry was released from Prison. Even though it was for only 18 months he did a great deal of wonderful things while he was out. He wasted no time in getting a job. He spoke at many gatherings not once did I ever hear him condemn those that put him there. He said that God had granted him many Blessings.

My name is Victoria (Vicki) Yasenosky-Hampson. I was born and raised in Poplar, Montana. On my 16th birthday my uncle was murdered in our back yard. A night that forever changed my life. I know what it is like to have the individual never serve any time in prison for a murder that hurt my family so very badly. I do not believe Barry Beach is guilty. You see several years after Barry's conviction I began to hear about the girls that had been bragging about the crime they had gotten away with. Barry Beach had already been convicted of it, what did they have to lose? When I began to look at the evidence or lack of, I realized that there were just too many unanswered questions. There had just been too much evidence that had not been presented or allowed in court. Surprise, some of the evidence disappeared and the people in Poplar even knew who had stolen it. After having gone through this with my own family, I would be the first person to stand up and say guilty if I thought he was truly guilty, I do not believe he is guilty.

Please, please consider commuting Barry Beach's sentence to time served. With his 18 month stay in Billings, he has already proven he is an asset to any community he is in. The grass never had a chance to grow under his feet. When he wasn't working at a job he was speaking to others about what it meant to him, to have so many people believe in him and believe in his innocence. Barry spoke to my son Aaron and me here in Helena. After all the years we hadn't seen each other he still walked up to me and said "I know you." I could still see the shy kid in there, he was nervous to speak, however he did a wonderful job. Please release him and let him come home. He made his home in Billings. He started a new life. Instead of saying what a bad deal he had been handed, he thanked people for helping him. We can all learn something from this incredible young man.

Thank you for taking the time to read my letter.

Sincerely,



Victoria (Vicki) Hampson
7815 Applegate Drive
Helena, MT 59602

August 23, 2013

Montana Board of Pardons and Parole

1002 Hollenbeck Road

Deer Lodge, MT 59722

To Whom It May Concern:

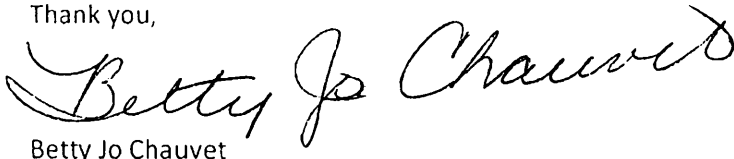
I am a lifelong citizen of the state of Montana. I take pride in Montana values and Montana justice. Because I feel an injustice by the state of Montana has been committed in the case of Barry Beach I am writing this letter. I have followed this case from the very beginning and always felt there were too many 'gray areas' to convict the man. Since people have come forward in recent years casting even more doubt in this case, I feel even more strongly than ever that the state of Montana is, for whatever reason, holding an innocent man.

The Supreme court ruling on May 14, 2013 overturned a court order for a retrial. I am saddened to think that politics may be playing a considerable role in this ruling. I believe that three of the four justices who voted to overturn Judge Phillips could have been influenced by their ties to the prosecuting attorney in the case, Marc Racicot. This is not the type of justice I would expect from the state of Montana. Because of this, I am asking this board to consider commutation of Barry Beach's sentence

I believe Mr. Beach proved himself to be a productive member of society when he spent 15 months as a free man. He was a model citizen. He could have run when the supreme court made their ruling, but instead he chose to turn himself in. This man has lost his youth in the prison and many opportunities that he would have had as a free man. Even if he were guilty, it is my understanding that he has already served more than twice the average amount of time normally served for this type of crime. Until he can be proven guilty beyond a reasonable doubt, which he has not, I feel justice is not being served by keeping him incarcerated.

Please consider my request for commutation of Barry Beach's sentence. Let Montana values for justice and freedom prevail here.

Thank you,

A handwritten signature in cursive script that reads "Betty Jo Chauvet". The signature is written in black ink and is positioned above the printed name.

Betty Jo Chauvet

P.O. Box 147

Big Sandy, Montana 59520

8-27-2012

Montana Board of Pardons & Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

Dear Sirs

I am writing in regards of
Barry Beecher's Needless Incarceration,

I, Charles Lorenz, live in Great
Falls. I am 83 years old. I have
been following the Barry Beech
Story for several years and I
believe his story & believe he is
INNOCENT. With all the evidence
that has come out proving that
some ONE or more people were
involved, He should at least have
another trial, so he can prove
his innocence,

There is no new evidence or old
against Barry.

the state should take another
look at his Innocence

When Barry turned himself
in when the state Refused

To give another trial sk. us
me that he is innocent and
will do anything to prove it.

So I think Barry's sentence
should be commuted and set
free. He has spent half of
life behind bars for something
he didn't do, and he proved
he could be a good citizen
and be productive in the
almost 2 years he was out.

Please Free Barry Beech

Sincerely

Charles Lorenz

1212-3rd Ave No.

Great Falls MT 59401

1014 Durango Drive
Great Falls, MT 59404
August 27, 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

Re: Commutation of Barry Beach's Sentence

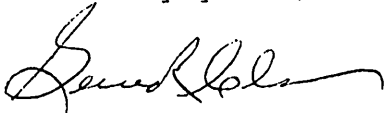
Dear Members of the Board:

As a Montana citizen and taxpayer I am asking you to consider commutation of Barry Beach's sentence for the 1979 murder of Kimberly Nees. Having followed Mr. Beach's case closely for several years, I'm convinced the evidence strongly suggests he did not commit the crime for which he has served 30 years in prison. Judge Phillips' 2011 ruling that current evidence warranted a new trial was an opportunity to thoroughly review the case and bring Ms. Nees' killer or killers to justice. Unfortunately, a Montana Supreme Court ruling appears to have foreclosed that opportunity. With your experience, I'm sure you are aware that the justice system is not perfect and that, while rare, mistakes are possible. Blindly upholding a questionable conviction seems to me to be the worst kind of "justice".

I understand that your primary responsibility in the decisions you make is public safety; Montanans are grateful for the care you take to ensure that those released from prison are not a danger to us. During the 18 months Mr. Beach was free, he was a productive, tax-paying citizen. He has already demonstrated that he is able and willing to fulfill the obligations of a law-abiding citizen and can be released without detriment to himself or the community. Commutation of his sentence would not only be the just course of action but it would also reduce the State's costs and increase its revenue.

Thank you for the opportunity to comment on this case and thanks for your service to Montana.

Sincerely yours,



Gerald R. Clark

Friday, August 23, 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

We are but three concerned individuals who believe that Barry Beach's sentence should be commuted.

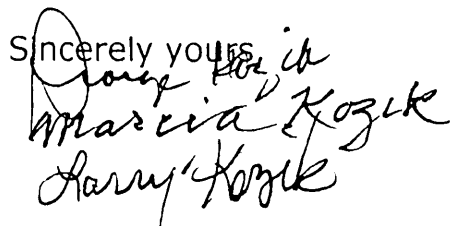
It does society no good to have someone who could be a contributing member, languish in a prison cell.

Clearly, a miscarriage of justice has taken place.

Whose ego is being massaged by keeping Barry incarcerated any longer than the time he has already served?

Thank you for your service.

Sincerely yours,

Handwritten signatures of George, Marcia, and Larry Kozik. The signatures are written in black ink and are stacked vertically. George's signature is at the top, Marcia's is in the middle, and Larry's is at the bottom.

George, Marcia & Larry Kozik

August 24,2013

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT. 59722

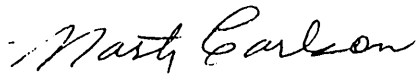
To Whom It May Concern:

My name is Marty Carlson and I have read many of the issues about the Barry Beech case and I want to see justice done.

I would like the board to consider commutation of Barry's sentence because I feel he has served enough time for a crime that has not been fully proven in my opinion.

When Barry was released from prison he immediately started working and paying taxes etc. He became a person willing to help others instead of expecting everyone to help him. He attended a church each Sunday and also worked with a Christian group to work in the kitchen during a weekend retreat for men of all ages. He shared his Christian beliefs and knew how great it was to be a follower of the Lord. I'm sure he led some to the Lord through his work also. I feel he is truly a servant and would continue to serve here in Billings if he had the chance.

Sincerely,



Marty Carlson

August 26, 2013

Dear,
Montana Board of Pardons & Pardon
1002 Hollenbeck Rd
Deer Lodge, MT 59722

I am writing this letter in regards to commuting
Barry Black's sentence for time served. I feel
him a asset to society and should be set
free. I live in Billings and have followed
the media coverage as well as all of
the doteline coverage. Please do your part
by setting him free!

Sincerely,
Darlene Suttor
2431 Cook Bldg, Mt 59102
406 (652-5750)

August 26-2011

Dear
Montana Board of Pardon and
Parole:
1003 Hollenback Rd
Deer Lodge, Montana
59722

I am Father of Bond and
I am writing this letter in
regards to something someone
got time served for "Bunny Beach"
Johnson

I hope your son (see for
~~several~~ years and have heard her
speak about this matter) and
Bunny Beaches innocent and have
forgotten the news coverage about
Bunny Beaches story.

I believe him to be innocent of
any wrong doing due to this matter
I believe the right thing and
let Bunny Beach free.

I live in Bellevue, Montana
cell# 406-690-8765. 59102.

Sincerely,
Father of Bond
P.S. ↓

I attended the rally for
Barry Beach on Court House Lawn
In Billings, Montana.

I has seen what he has done
in the ~~too~~ brief time that he
was released. The bill boards
show how he worked hard to better
us all. He should be out mentoring
the youth of our community.

Thank you so much.

Re: Barry Beach

Montana Board of Pardons,
and Parole, Aug 19, 2013

I am a concerned citizen and Montana resident that is upset that Kim Nees has not ~~have~~ had one day of Justice in over thirty years since her murder. I believe 100% Barry Beach did not commit her murder.

The "system" in this case has not only failed Kim Nees, but Barry Beach and the people of our state and beyond.

There is not one piece of physical evidence, none from witnesses, nothing matches anything to Barry Beach. The confession means nothing as well because the recording as to what went on doesn't exist or was "lost." Ten phone calls between Louisiana & Montana while he was interrogated & the Sheriff dismissed for getting false confessions from at least 10 others was fired for it.

The "Passing the Buck"
and the failure of the people that

have and are keeping Barry imprisoned is abuse of power and I personally feel it is corruption. A severe wrong, needs to be made right. Not 10 years from now, but now.

Questions need to be answered at length by the people who are keeping Barry imprisoned. The people of Montana should have questions answered as to why Barry is still imprisoned with no evidence he did anything at all. Why haven't the girls that told everyone they did it checked out? They think it's funny he is doing their time. People got beat up for going to Lewistown to testify for Barry Beach. Witnesses have never been able to tell their stories. Why?

Stolen evidence, lost evidence, Montana did a very poor job of this case.

Barry has proved to be an asset to the community and state. He wanted to prove his innocence but

most free people have. He didn't
run when he could have. He was
man enough to turn himself
in and face more rejection. A guilty
person would not do that.

Enough is enough.

Sincerely

Shirley Thompson

was not given the chance
because four of the seven justices
voted against Barry's freedom because
they worked for Mark Foster when
he was governor and he is the
one that got Barry convicted with
false accusations & evidence. Witnesses
were not allowed to testify.

I am in hopes the people keeping
Barry imprisoned are not re-elected.
I do not want people running my
State that will not do the right
thing.

New witnesses haven't been
allowed to testify, people that
care about this case are not being
heard. Why? I do not believe
that today, Barry would ever be
convicted. It's just not there.

Please commute Barry, Pardon
him, whatever it takes to make
this travesty of justice right.

Barry does not deserve what has
and is happening to him. He has
been imprisoned for 30 years and
has more class and goodness than

Montana Board of Pardons & Parole

1002 - Hallonbeck Rd

Deer Lodge, MT 59722

My name is Army Brodson
I live in Ft. Falls, MT

I am interested in The Barry
Beach case because this man
was convicted of a crime he
did not commit!

He should have his freedom
which is long overdue!

What a travesty of justice!

Beach has already proved,
while living & working in the
City of Billings, ^{for approx. 18 yrs.} he will be an
asset to the community.

I hope and pray for the release
of Barry Beach soon!

Sincerely,

Army Brodson
1731 - Park Gardens Rd.

August 26

Montana Board of Pardons & Parole
1002 Hollenbeck Road
Deer Lodge, Montana 59722

Re: Barry Allen Beach

My name is Gail Thompson, I have resided in Billings Montana for 20 years.

Demasking the board to consider commutation of Barry's sentence.

His sentence should be reduced because as a juvenile with his sentence (100 yrs disewitout parole) was cruel and unusual punishment.

On the 18 months of Barry's freedom, he had two jobs, was working on buying his home, spoke at many jr. high schools, high schools, Churches, functions and worked with Special Olympics.

His plans were to continue helping others to improve the quality of their lives.

I am requesting that you find it within yourselves to grant Barry commutation, so that he will be allowed the opportunities to live a law abiding, productive, respected, citizen of Yellowstone County, as he previously was. Please give this your best consideration for commutation.

In the Spirit's Name

August 25, 2012

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

To Whom It May Concern:

I am asking you to commute the sentence of Barry Beach to time served.

I was born and raised in Poplar, Montana. Although I have not lived there for many years, I still have family (my brother is the Roosevelt County Attorney) and friends there. I own some farm land in Roosevelt County and pay Montana property and income tax annually.

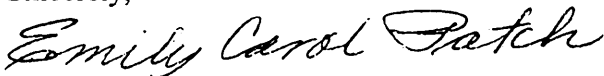
Barry Beach is the victim of a coerced confession, inadequate initial defense and frontier justice. Someone had to pay! He was given a 100 year sentence even though the crime he was convicted of was committed by others, when he was only 17 years old.

The crime scene was contaminated, evidence lost and the investigation totally botched. The case was a combination a naïve young man poorly defended and an over zealous, politically motivated traveling state prosecutor, Marc Racicot, who cared not one iota about justice and only about adding another convection to his resume. Thus, an innocent young man was condemned to jail for life!

The group of girls who committed the crime will probably never be punished. They are now middle aged women and have had to live with the knowledge that an innocent person has been and continues to be punished for their deed. More than one of these women has led a pathetic and wasted life of addiction. Whereas, Barry Beach has shown himself to be an exemplar community member throughout his 18 months of freedom in Billings.

To re-incarcerate Barry Beach was an act of hide-bound cruelty. Please, use your good judgement to correct this error and commute his sentence immediately.

Sincerely,



Emily Carol Patch
5815 SW Logan Court
Portland, OR 97219
1 503 246 4283

August 24, 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

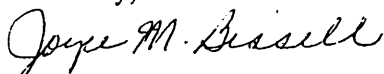
My interest in the Barry Beach case arose because my daughter-in-law is from Poplar, Mt. She was 10 years old when Kim Nees was murdered. At that time my daughter-in-law had a protector/mentor (older Indian girl) who told our girl what happened the night of the tragedy. It was the story that has circulated for years, that a group of Indian girls were responsible for Kim's death. Since this older protector has since died, our daughter-in-law was unable to testify at the Board of Pardons and Parole hearing regarding Mr. Beach in Deer Lodge, MT because her testimony was deemed hearsay. My interest in this case was also the result of an incident happening about four years later when our girl, a blue-eyed blond, pretty and popular as well as being a good basketball player, was beaten up so badly by a group of Indian girls the doctor indicated one more kick to the head could have caused her death.

I have read all the testimony available regarding this case, including the Centurion Ministries disclosures. It seems, that with new evidence and witnesses coming forward, the Montana legal system would grant Mr. Beach a new chance at judgment by his peers as to whether he is innocent or guilty. It is bewildering to me why the Montana legal system was unwilling to grant this procedure. I truthfully wonder if the lack of giving Mr. Beach further legal opportunities to profess his innocence is due to the fact that governing boards/courts are more interested in protecting the reputation of politicians who have risen in the ranks to places of national recognition and importance. Many citizens feel this is the case, so no wonder a large part of our USA population has lost faith in this country's legal system and how cases are handled.

The judge from Livingston, MT setting Barry Beach free on his own recognizance after so many years of imprisonment, was a refreshing action in this complex case. His willingness to consider new evidence without letting politics sway his decision was so refreshing. Barry Beach was an exemplary citizen during the time he was free. Surely the Board will take this into consideration.

It has been noted that Barry Beach was a model inmate during most of his 29 years in prison. He continued to be an outstanding citizen during the year and a few months he was released into the general population, helping others, getting a job and supporting himself as well as obeying the law. It would be appropriate for the Board of Pardons and Parole to commute Barry's sentence and let him continue to be a model citizen. Yes, the death of Kim Nees was a tragedy, but serving 29 years for this crime is, in itself, a long time to be imprisoned when there are still questions as to Barry's guilt or innocence.

Sincerely,



Joyce M. Bissell
13561 N. Grand Canyon St.
Rathdrum, ID 83858

Montana Board of Pardons + Parole
1002 Hollenbeck Rd
Deer Lodge, mt 59722

Hello,

I am Paula Brady + have been a Montanan all of my life. I remember hearing the Barry Beach story as a young adult! I started saving Barry Beach newspaper clippings about his situation. I - always in my heart - felt like he was innocent. I have watched with hope in my heart that he would be free someday. Today, I not only believe in my heart that he is innocent, I believe the facts show it as well.

I too, was a troubled teen. I had lack of direction + lack of belief in my self. I hung around with the wrong crowds + got into trouble. I could have never stood up for my self as a teen as I had no belief in my self. Just the fear of authority could have caused me to do a false confession too. I am not saying this is what was going through Barry's heart + head, but I can relate to his story some how.

• I sent Barry \$ 20- for his 1st "free" Christmas

- + he sent me a warm thank you note.
 - He has held prayer sessions for people in need.
 - He is always grateful for people + his supporters.
 - He has unstoppable faith.
 - He is full of God's love -
 - He was an employed tax paying citizen of mt
- Please, Please consider commutation.

He has given enough time,
even though I feel it was for a
crime he did not commit.

I am so sure he will be a
model citizen when he gets out,
just as he was when he was
free for 18 months. He is a
good man -

Please consider my request -

He is a gift to whatever
community he lives in —

Thank you —

Paula BRADY
1135 Cleveland Ave
Haure, Mt 59501
406-390-2690

Tara Boone
1017 Balsam Lane
Sykesville, MD 21784

August 22, 2013

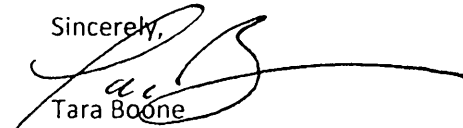
Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

Re: Barry Beach

To Whom It May Concern:

I am a writing to express concern regarding the state of Montana's legal system as it pertains to Mr. Barry Beach. I have never written a letter like this in my life. As a Criminal Justice major in college I have learned to respect and believe in our justice system. This case came to my attention via a Dateline special on television approximately 2 years ago. I have kept up with the twists and turns since watching Dateline and was relieved to hear Mr. Beach had been released. I then heard that he was re-incarcerated to finish out his 100 year sentence. I have no ties to Mr. Beach nor to the State of Montana however, I felt the need to write this letter and ask that you consider commuting Mr. Beach's sentence. I realize that this hearing is not about guilt or innocence. A grave injustice was done to this gentleman starting with the detectives who interviewed him to the jury that convicted and sentenced him. Please recognize that mistakes can and have been made, even by seasoned detectives and prosecutors. You, the BOPP, have a chance to right this wrong. During his brief release from prison, he was thriving in Billings society and was a threat to no one. Scores of Montana citizens also believe in his innocence as seen at the rally on August 17th. The Montana Supreme Court refused to grant him a new trial but they have a narrow street to follow in making decisions based on laws and precedent. The BOPP has the discretionary power to commute his sentence and I beg of you to do so. At the very least, do not force the citizens of Montana to continue to spend their hard earned tax dollars to keep this man incarcerated.

Sincerely,



Tara Boone
Concerned Citizen

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT. 59722

RE: BARRY A. BEACH

August 5, 2013

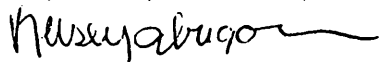
A terrible wrong was briefly made right only to once again be made terribly wrong with the recent Montana Supreme Court decision to return Barry Beach to prison. Judge Wayne Phillips' finding that sufficient evidence existed to warrant a new trial for Barry Beach. Particularly with the advent of DNA evidence testing, we now understand much more about how and why false confessions can and do occur, when Beach's confession was obtained at age 20 at the hands of overzealous Louisiana lawmen.

Mr. Beach's conviction was obtained and is now being upheld solely on the basis of his "confession" to the Monroe, Louisiana police in 1983. Beach's confession did not exhibit any material knowledge about the murder other than what was commonly known or thought to be known in the community of Poplar.

There is not one piece of physical evidence or eyewitness testimony that connects Beach to the murder. Not that there wasn't physical evidence to be had but none of it matches Beach. There were 42 different sets of fingerprints. Very importantly, a bloody hand print was left at the scene, a print that definitively does **not** belong to Beach nor does it belong to the victim. The state has been astonishingly incurious as to whom that print belongs to.

I am not an expert in post-conviction relief law but can clearly see with my own eyes that Mr. Beach's conviction is gravely troubled. Undisputable that Barry Beach has already served 30 years. In the 18 months he was free, he proved himself law abiding, hardworking, entrepreneurial, civic minded, a man of faith, and a valued asset to the community of Billings. Guilty or innocent but especially when innocent, there seems little reason for the taxpayers of Montana to spend \$30,000 a year for the rest of his life to keep Beach behind bars. On behalf of Montanans we call upon elected officials and the courts to find a solution that better serves the interests of justice and the interests of taxpayers than to continue Mr. Beach's imprisonment for another 70 years.

Respectfully Submitted,



Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

August 10, 2013

RE: BARRY A. BEACH

Barry Beach has spent nearly 30 years in Montana prison, despite persuasive evidence that he is innocent of murder, and now it is time for the State of Montana to free him to be a productive citizen in our community. If something is not done now, Barry will spend the remainder of his life behind bars.

As a young man being interrogated by Louisiana police, Barry falsely confessed to an unsolved Poplar, Montana, murder and was convicted and sentenced to 100 years, no parole. Barry has persistently maintained his innocence but has struggled to prove it in court, in part because the state destroyed critical DNA evidence. **We know that 25% of people later exonerated by DNA evidence falsely confessed, and we know that the criminal justice system sometimes makes critical mistakes.**

It is unjust and unacceptable for an innocent Montana man who has recently proven himself as a law-abiding, productive citizen to spend the rest of his life in prison. As concerned people from all walks of life who pay taxes and are active in our communities, we cannot allow this to happen. An injustice to one is an injustice to all.

We call upon the state of Montana to find a way to achieve justice for Barry Beach and return him to our community so that he can continue to live as a productive, law-abiding free man.

Sincerely,

Kathleen Longenecker

Eric C. Holmes
536 10 Street
Havre, MT 59501
(406)945-0713
Holmes@bresnan.net
August 22, 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

Montana Parole Board:

I am writing this letter to encourage this board to let Mr. Beach out of prison.

I am not familiar with the operating rules of this board, rather than communication with Governor Bullock that recommendation is required by this board for him to act.

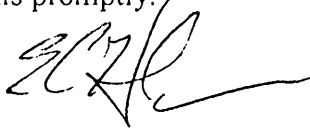
I do not know Mr. Beach personally. I am ashamed as a Montana that this injustice continues. This case has given our great state a black eye, and needs to be fixed immediately.

The reality is that case is damaging the credibility of the entire Montana system of justice, and many of us that are residents are quite unhappy with how this has been handled.

When Mr. Beach turned himself in after the Montana Supreme Court ruling, he showed far more integrity than the Montana Supreme Court did, when they, by their action, certainly implied they did not have the evidence to convict Mr. Beach again.

This fact has certainly been noticed by many people on various social network sites. Certainly this boards failure to act immediately on this issue will be remembered by many people called to jury duty in our state. People are watching this.

Fix this promptly.



Eric C. Holmes

8-21-13

Montana Board of Pardons and Parole,

My name is Ray Locke, and I'm writing this letter to ask that Barry Beach be pardoned from prison sentence.

He is a very productive and trustworthy citizen. Barry has proved this during the 18 months as a free man.

I can't believe the state put him back in prison. Barry deserves to be a productive citizen again.

Barry has inspired so many people with the way he served society, his inspiring speeches and his great love and faith in God.

Please commute Barry's sentence and let him once again be a free man.

It is the right thing to do.

So many criminals get out of prison, don't even try to fit in with society, never trying to be productive, which Barry has proved he can and proved it with how he lived the 18 months he was freed.

Please, commute Barry's sentence.

Sincerely
Ray Locke
Ray Locke

Aug 23, 2013

Montana Board of Pardons & Paroles
1002 Hollenbeck Road
Bozeman, Mont. 59722

My name is Colleen Dubbs
& I live in Hobson, Mont. 59452.
I am 84 years old and have
followed his trial concerning
Barry Beach for years and
years. My opinion has never
changed. He was, and is, not
guilty. He was set up by
a "group of our justices."
We all recognize them as "good
old boys" doing their political
favours. To each o' yers. I
hope they are all very
ashamed at what they've
done to Barry!

I know you have worked
diligently to help Barry and
it has been great! It is
way past time for Barry to be
released. Please understand
we truly thank you!

Most sincerely

Colleen Dubbs

P.O. 344 Hobson, MT, 59452

Montana Board of Pardons and Parole, 8-21-13

My name is Louise, and I am retired and stay home in Roberts, Mt. I have always lived in Montana, and as a concerned citizen, I can't believe what the justice system has done to Barry Beach. Barry was a respectful citizen living and working to be a model God loving citizen.

Barry has already served nearly 30 years in prison, that is far to many and I think he should be set free.

Our country is so full of repeat offenders and they get off easier than Barry. He is a worthy citizen, has proved he can be trusted, he has great faith in God.

Barry deserves to be set free and have his sentence wiped out. Enough time has been served.

Please let Barry be a productive citizen and commute Barry's sentence.

Barry needs to be freed and allowed to come home to his mother, family and so many friends.

Sincerely,
Louise Locke
(Louise Locke)

August 22nd, 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Rd
Deer Lodge, MT 59722

RE: BARRY BEACH

To Whom it May Concern:

My name is Linda Eve from Great Falls, Montana, and although I have never met Barry Beach, I've become interested in this story from the first airing of the Dateline episode approximately five years ago. I have since seen the most recent episode and must say that I am outraged by the injustice that has occurred. I always view both sides before I make a determination or discern what I think took place. I have viewed every fact available to me, including the confession itself, the Synopsis of the Case filed May 14, 2013 and the transcript of the 1984 trial. The Montana Supreme Court ruling, in a 4-3 decision, overruled the District **Honorable Judge E. Wayne Phillip's** decision to grant a new trial which was a blow to the heart of our Justice system. The only matter the case is standing on seems to be the confession, which is not a solid piece of evidence as previously indicated. The point was raised that Barry had no credibility and the police, the FBI, the investigators, prosecutors, interrogators, judges, etc, could not possibly have all been wrong. I strongly disagree with that statement, given all of the other statements that are being ignored in the case, by so many who were involved, either directly or indirectly. He is undoubtedly telling the truth!

From what I have gathered from numerous and various sources, the names that have surfaced who were probably there in person, either as the murderers, participants or spectators the night **Kim Nees** was brutally murdered, either by admission or witnesses who saw them are as follows:

Sissy Atkinson (*who's father was acting Chief of Police, **Bobby Atkinson***)
Maude Grayhawk (Kirn) (*who's father was Police Officer, **Stephen Greyhawk***)
Joann Jackson (Todd)
Roberta Jackson
Jordis Ferguson (White Hawk)
Rhea Red Dog
Mike Longtree
Les Bighorn
Laurie Shaffer
Eddie Vandover

Barry Beach was not seen out that night by anyone, near the crime scene or anywhere else in town. This corroborates with his original story that he went home about 5 pm and fell asleep until the next morning, when he got up early to go branding at his grandparent's place.

He passed two polygraphs regarding his original story, and was told that he was no longer a suspect.

* Marc Racicot, the Prosecutor, told the Jury that a *pubic hair on Kim's sweater* was “*in fact, the defendants*” exaggerating (*and yes, lying!*) regarding the findings of the Crime Lab Scientist, Arnold Melnikoff who had in fact reported it was “*similar to Barry's*”. In fact, there was **NO EVIDENCE** of recent sexual activity. **FURTHERMORE, THE JUDGE HAD RULED THE PUBIC HAIR COULD NOT BE PRESENTED AT TRIAL TO THE JURY, BUT MARC RACICOT SAID IT IN HIS OPENING AND CLOSING STATEMENTS REGARDLESS!!**

* Arnold Melnikoff, the Crime Lab Scientist was later **found incompetent and fired** by the State of Washington for his **lack of proficiency at hair analysis**. (Two other innocent men in Montana were convicted due to his hair analysis.)

* Stephen Grayhawk, Poplar Police Officer and father of Maude Grayhawk admitted to breaking into the evidence room he was supposed to have been guarding, thus, calling into question the integrity of the evidence. Marc Racicot **conceded it was inadmissible!**

* Bobby Atkinson, Acting Chief of Police and father of Sissy Atkinson discovered the break-in and later wrote a statement how *he had informed Marc Racicot of the break-in during the trial*. **DESPITE IT'S INADMISSIBILITY, MARC RACICOT REFERENCED THAT PUBIC HAIR AGAIN DURING HIS CLOSING REMARKS!**

* John “Jay” Via and Alfred Calhoun, the Louisiana Sergeants **lied** and said Barry Beach had **confessed in front of his Lawyer, Paul Kidd** who *protested and said he met Barry AFTER the confession was signed*. **ATTORNEY, PAUL KID WAS OUTRAGED!** The prosecutors told Barry after seven hours of aggressive interrogation techniques and graphic threats of the electric chair, “If you would just tell us you did this, we'll let you go.” They also told him they would help him prove he didn't do it. Barry Beach said “I didn't stand a chance, they were trained professionals.” Nearly all of the facts of the crime scene were different from his confession. Deputy Medaries and Lt. Cummings also testified in his 1984 trial regarding the confession.

Over a 26 year period former Ouachita Parish Sheriff's Office detective John “Jay” Via had been suspended without pay on at least four occasions, was placed on a one-year probation, was ordered to undergo an examination by a neurosurgeon and was twice threatened with the possibility of termination. His credibility is a huge issue considering the whole conviction is based on Barry Beach's confession.

* Prior to Barry Beach's interrogation, the Louisiana officers were in contact with the Roosevelt County Sheriff's office and received information about the circumstances of Kim Nee's murder, according to transcripts of phone-calls prepared by Under sheriff Dean Mahlum's secretary. Sgt. Jay Via admitted at trial he had received background information from Montana authorities before he questioned Beach.

* Timer Moses, Barry Beach's Attorney at trial, **failed to address substantial inconsistencies between the confession and the facts of the crime scene**. Moses portrayed the State's case as full of holes, riddled with unexplained questions, and **devoid of critical evidence**. Moses implied that officers confronted Beach with facts and details supplied by Roosevelt County Sheriff's office and **intimidated Beach into giving a false confession** which incorporated those facts and details. Some of the details that were reiterated were not correct, yet ended up in the confession. **The 1984 trial was severely flawed on multiple counts.**

* Bobby Clincher, Barry Beach's Mother said she was questioned after the murder regarding if Barry

was home sleeping as he said, and she said “yes” and when asked if he had any blood on him when he came home, she said “yes, his knuckles were bloody from hitting his car that was stuck in the mud.” During the trial, Deputy Errol “Red” Wilson of the Roosevelt County Sheriff's office embellished the answers she gave him indicating he was not home until morning and he was “covered in blood.”

* Richard Holen a Poplar resident, who was 19 at the time and had been out drinking, told police he'd been driving behind Kim's truck heading West out of town about 2:15 or 2:30 a.m. and said he saw 5 people sitting in the cab of the pickup before it turned off into the park toward the train bridge. Later, he drove by again and saw another car facing the opposite direction of the truck. He reiterated his story in 2002 to a Centurion investigator.

* Janice Johnson worked with Maude Grayhawk (Kim) at a medical clinic. Maude told Janice to tell the investigator she was “not in.” Maude told Janice she never wanted to talk to the investigators because “My car was down there that night. Those girls had my car.”

* Richard Leo, an expert and consultant on police interrogations and confessions and a Professor at the University of California, Irvine, *issued a report concluding that Barry's confession was “almost certainly (if not certainly) false and should not have been relied on or given any weight by the triers of fact who convicted him.”*

* Calvin Lester was 10 years old at the time, and saw 3 girls (Sissy Atkinson, Joanne Jackson, and Maude Greyhawk) beating Kim Nees and dragging her to the river. Besides Kim's truck, 3 other vehicles were there. There is a signed statement from this witness from 2002 but he recanted his story (probably due to fear of retaliation.)

* Steffie Eagleboy (who was 10 years old at the time) was a witness, heard the screaming the night of the murder, and heard “girls” saying “Get her!” and “Kick the Bitch!” She heard another girl say “Please don't!” She testified in front of the Honorable Judge E. Wayne Phillips in Lewistown, and he found her very credible with her testimony.

* Dana Kirn, (Maude (Greyhawk) Kirn's ex-husband) in 2003 was **STABBED TO DEATH** by her current boyfriend, Tracy McGowan, who later plead guilty to the crime. Dana Kirn's parents and siblings (including Maria Decker) told Centurion that Dana was going to reveal Maude (Greyhawk) Kirn's confession in her participation in Kim's death at their custody court hearing scheduled two days after he was murdered.

* In 2005 a court order permitted DNA testing granted, but the State says it can't find the hair, Marc Racicot said was Barry's, the bloody towel, more than 100 slides with hairs from the scene, cigarette butts, or Kim's jacket. Peter Camiel of Centurion says “If the hair that Marc Racicot was telling the jury about was DNA tested and it's not Barry's, there's no doubt in my mind he would get a new trial.”

* Mike Wellenstein, Assistant Attorney General downplays the role of the missing evidence.

* **THERE WERE NO WITNESSES PLACING BARRY BEACH AT THE SCENE!** In fact, his sister testified regarding his alibi checking out.

* There were four law enforcement agencies involved, four palm prints and one bloody palm print (not matching Kim or Barry) three separate sets of footprints (1 barefoot and 2 with sandals) down to the

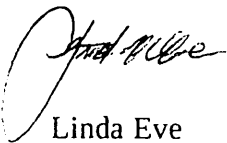
river, a blood-soaked towel (not Barry's blood), no sign of choking (as Barry had confessed), no sign of a bag (as Barry had confessed), no plaid shirt (as Barry had confessed) and 28 unidentified fingerprint sets. The confession was erased, and nearly all of the evidence has disappeared, yet this man sits in prison today, thirty years later on a 100 year prison sentence with no parole.

I ask you now, are we to believe that all of these witnesses and testimonies and people who came forward to give statements over the years are lying? Are we to believe the lack of physical evidence, and the "several" times evidence was stolen, destroyed and/or lost? Are we to believe the outright lies and negligence from the prosecutor and interrogators, and police who handled this case? Are we to believe an inaccurate, most likely a coerced confession that doesn't match the facts of the crime scene? This is not just about the "lack of credibility" that Barry Beach is accused of, this is an outright miscarriage of justice on so many levels. Do I believe those involved in his prosecution, interrogation and handling of the crime scene were lying and covering up? You bet I do!

At the very least, the Board should consider commutation of Barry's sentence, considering he has served over 30 years for a crime that took place when he was 17 years old.

Barry Beach is an upstanding Christian man, who has proven to be a model citizen during the year and a half that he was out of prison, before the Supreme Court overruled the order. I have never met him, yet I would trust him to live among my community if he so chose to do so. If I, a common layman, can find this much information on this crime, why can't the authorities find the truth and bring justice?

Sincerely,



Linda Eve
PO Box 6291
Great Falls, MT 59406

CC: Barry Beach, AO#21520, 700 Conley Lake Rd, Deer Lodge, MT 59722
Peter Camiel, Attorney at Law, 710 Cherry St, Seattle, WA 98104
Rev. Jim McCloskey, Centurion Ministries, 221 Witherspoon St., Princeton, NJ 08542
Jessie McQuillan, Exec Dir of MT Innocence Project, PO Box 7607, Msla MT 59807
Bob Kolar, Montanan's for Justice, PO Box 5043, Helena, MT 59604
Governor Steve Bullock, Office of the Governor, PO Box 200801, Helena MT 59620
Attorney General Tim Fox, Dept. Of Justice, PO Box 201401, Helena MT 59620
Representative Steve Daines, 206 Cannon House Office, Washington DC 20515
Montana Supreme Court, Justice Bldg, PO Box 203001, Helena MT 59620
Senator Jon Tester, 204 Russell Senate Office Bldg, Washington DC 20510
Senator Max Baucus, 511 Hart Senate Office Bldg., Washington DC 20510
President Barack Obama, 1600 Pennsylvania Ave NW, Washington DC 20500
NBC News/Dateline, 30 Rockefeller Plaza, New York, NY 10112
CBS News, 524 West 57th St, New York, NY 10019
Fox News, 1211 Avenue of the Americas, New York, NY 10036
Oprah Winfrey Show, PO Box 909715, Chicago, IL 60690
Dr. Phil Show, 5482 Wilshire Blvd. #1902, Los Angeles, CA 90036

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT
August 23, 2013

To the members of Pardons and Parole,

My name is BJ Drwenski and I live in Great Falls. I am a 64 year old retired Registered Nurse. I am interested and concerned about Barry Beach's sentence. If ever there was an example of someone making a positive out of a very negative situation it is Barry Beach. One only has to look at the way he conducted himself during his short time of 18 months of freedom. The word "exemplary" comes to mind.

I am asking you to consider commutation of Barry's sentence. Barry's conduct while he was free speaks for itself. He lived his life as a positive productive member of society. The fact that Barry has not become hardened living his life as a wrongly accused man speaks volumes. Lesser people have and would fail.

Sometimes in life an opportunity arises when all things wrong can be made right. Commutation of Barry's sentence would be the beginning of righting a terrible wrong.

Thank you for taking the time to read my letter.

Sincerely, *BJ Drwenski*

C.C. Barry Beach

Montana Board of Pardons and Parole
1002 Hollenbck Road
Deer Lodge, MT 59722

August 22, 2013

To Whom It May Concern:

My name is Sister Johnelle Howanach and I am a member of the Congregation of the Sisters of Humility of Mary. I am 79 years old and have always been proud to be a citizen of the United States of America where everyone has justice and freedom. I am writing this letter to ask for justice and freedom for an innocent man, Barry Beach.

I am asking you to consider commutation. I ask this because, simply stated, the facts prove Barry Beach is innocent. A credible eye witness has come forward with new information pointing to the guilt of a group of jealous girls. Also, a false confession obtained under duress and full of statements flatly contradicted by physical evidence should be considered.

Barry has proved his suitability to be a hardworking citizen by his behavior the 18 months he lived freely in Billings, MT. He has gained many supporters because of his gracious, spiritual and kind attitude.

Please help the Montana Legal System regain regional and national respect by doing what is morally right and honest!

Respectfully,

Sister Johnelle Howanach CHM

Sister Johnelle Howanach CHM

Montana Board of Pardons and Parole
1002 Hollenbck Road
Deer Lodge, MT 59722

August 22, 2013

To Whom It May Concern:

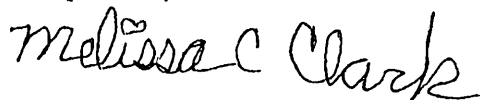
My Name is Melissa Clark. I am the owner of a gourmet dog biscuit business, Lissie's Luv Yums in Great Falls, MT. I am writing this letter because Barry Beach is an innocent man and needs to be treated fairly.

I ask you to consider a commutation of Barry's sentence.

Barry has proven to a good contributing citizen for the last eighteen months and gained many friends and supporters.

Just do what's RIGHT!

Respectfully,

A handwritten signature in cursive script that reads "Melissa C Clark". The signature is written in black ink and is positioned below the typed name.

Melissa C Clark

Montana Board of Pardons and Parole,

8-20-13

My name is Nikkole and I am a stay at home mother to my two children. I live in Billings and was born and raised in Montana. I am also a concerned citizen regarding the recent turn of events in the case of Barry Beach. I do not feel that justice was served in sending Mr. Beach back to prison after he was living as a free man for 18 months in Billings. He has served nearly 30 years for a crime that the majority of Montana citizens believe he did not commit. I am respectfully asking, begging and praying for you to commute Barry's sentence and return him to his home and family as a free man. Barry not only held a job while he was free, but excelled and was in charge of other employees. He made many speaking engagements and inspired so many people with his faith in God. Barry was working towards building a life and he was not out in the community getting into trouble or idly sitting around. He was purposeful in his time and gave back to society. Now Barry sits behind bars while the tax payers are footing the bill for his imprisonment. He was productive in society and it is a shame and waste to lock him up any longer. He has already served way more time than the majority of people sentenced to similar crimes. Please commute Barry's sentence.

Sincerely,

A handwritten signature in cursive script that reads "Nikkole Groshans".

Nikkole Groshans

August 21, 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Rd.
Deer Lodge, MT 59722

To Whom it May Concern:

Hi, my name is Donya Heth. I have lived in Miles City, MT for 34 years. I am a mother of three and a grandmother of two. I'm not usually one to be writing letters like this, but I feel like I need to help reverse a wrong that was done many years ago.

I am writing today regarding prisoner Barry Beach, who I believe to be innocent of the charges that he has been convicted of. After seeing his story on Dateline years ago, I took it upon myself to read up on every piece of material that I could find regarding his case and could find no actual evidence linking him to the crime.

I think about Barry and his case a lot. I tell everyone who will listen about his story and the injustice that has been done to him. It really makes me stop and think that this could happen to any one of us, and without support from people like me, an innocent man could spend the rest of his life in prison. I can't have that on my conscience and that is why I am reaching out and doing what I can.

I am asking that you consider commutation of Barry's sentence based on the evidence and the fact that none of the evidence points to Barry. The only thing that he was convicted on was his confession. If you look at his confession compared to the crime scene, things just don't match up. He also confessed to two other murders at the same time, both of which he was found to have given false confessions. The likelihood, in my opinion, that the third confession was also false is very high.

I believe that Barry is a perfect candidate to enter the community based on the fact that he was released by a highly respectable judge on his own recognizance and did a wonderful job of reentering society. He started his own company, he spoke at gatherings, he helped others, he befriended the Mayor of Billings, MT, where he was living after his release. He was nothing but an upstanding, god-fearing, productive citizen and deserves to be let out to enjoy the rest of his days.

Thank you for your time and consideration,



Donya S. Heth
Miles City, MT

To whom it may concern:

I've Ranch all my life and now retired living near Fairfield. You learn a lot of common sense in that way of life and you learn to question things that don't seem right, the Barry Beach case is one of those. I can't see how the prosecution could put credence in a young man's confession wrung out of him by questionable authorities hundreds of miles from Montana. I wonder if he admitted to the crime so he could come back to Montana knowing that he was innocent and would be proven so in a fair trial, which he didn't get.

Barry Beach should be given a new trial with all the evidence presented. OR at the very least a commuted sentence!

D. D. Hill

Peter Camiel
710 Cherry St
Seattle WA 98104

Mr. Camiel

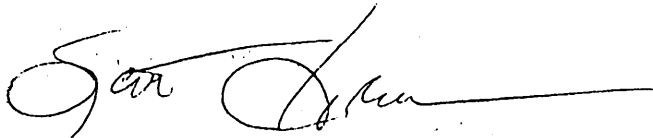
I have personal knowledge of a case right here in Cascade County in which a person was wrongly accused of a crime. The prosecutors only cared about getting another notch on the gun handle and not justice. Time and events have vindicated this person but the people in the county attorneys office see no reason to correct the miscarriage of justice.

For this reason it is obvious to me that most lawyers only care about winning and not about justice. Lawyers working for the people should be seeking justice regardless of winning or losing. For the sake of argument lets assume that Barry is a talented scammer and he is guilty. The prosecutors should welcome a chance to grant him a new trial and win again. Because of so much doubt he deserves a new trial.

Give him the chance to prove his innocence!

For this reason I also now oppose the Death Penalty.

Scott Hruska
704 48th ST S
Great Falls MT 59405

A handwritten signature in black ink, appearing to read "Scott Hruska", written in a cursive style.

Dennis Russell

From: "Dennis Russell" <dennisrussell@bresnan.net>
Date: Monday, August 19, 2013 9:37 PM
To: <Undisclosed-Recipient:;>
Subject: Barry

Montana Board of Parole and Pardons
1002 Hollenbeck Road
Deer Lodge, MT 59722

I would like to thank you for your service and I understand your job is not an easy one. I am a concerned citizen and have lived in Wolf Point and worked out of Poplar and understand that the rez has a different set of rules.

I would like you to consider a commutation of Barry's sentence.

I have strongly believed that Barry Beach is innocent and the real killers are telling others that they got away with the crime. There is no evidence linking Barry to the crime scene. There are finger prints that are not his and a bloody palm print that is not his. More testing and DNA should be used. A police officer broke into the crime scene

evidence room and removed evidence that was his daughters. Mark Roscoe, Jim Rice and Steve Bullock should request that all evidence be examined again.

Barry was coerced into confession to the crime. He eye confessed to killing 2 other girls but law enforcement found the real killers of those crimes.

Sissy Atkinson set in one women's kitchen and confessed to killing Kim Nees. Barry Beach worked in Billings for 18 months as a productive citizen, earning wages and

contributing to society while it costs \$36,000.00 to support his time in Deer Lodge

COMMUTE HIS SENTENCE

Yours Truly

w

;

Dennis Russell

MONTANA BOARD OF PARDONS AND PAROLE
1002 HOLLEBECK RD
DEER LODGE, MT 59722

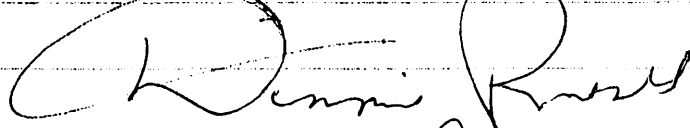
I THINK THAT YOU HAVE TOUGH JOBS AND
I GIVE YOU THANKS, BUT TO ME IT
WOULD BE AN EASY CHOICE.

IF THERE WAS NO EVIDENCE OTHER
THAN HIS CONFESSION I WOULD COMMUTE
HIS SENTENCE.

PUT BARRY OUT INTO SOCIETY SO
HE COULD BE EARNING A WAGE SO WE
THE TAXPAYERS WON'T HAVE SPEND
THE \$36,000.00 A YEAR IT TAKES
TO INCARCERATE HIM.

COMMUTE BARRY

YOURS TRULY



DENNIS RUSSELL

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

Montana Board of Pardons and Parole:

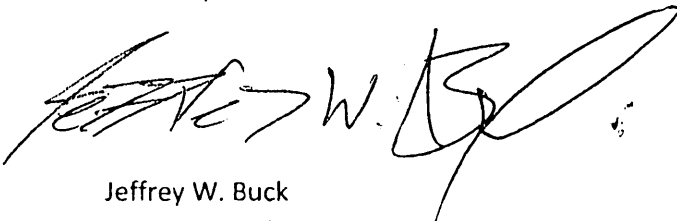
My name is Jeffrey Buck. I am an elementary teacher in Montana. I lived in Montana most of my 33 years of life.

I am writing you this letter in concern for the conviction of Barry Beach. I am not asking for a pardon. I know that is not realistic. I am asking for you to think about a commutation of his sentence. Barry has served over 30 years for a crime that a vast majority of Montanans and the American public (after the Dateline episode) feel was unfair. Your job is to serve the people of Montana to keep the citizens safe and keep their best interests in mind. The Montana people have been speaking loudly without their servants listening. Please take into consideration a commutation of Mr. Beach's sentence.

Mr. Beach was a productive member of society for the brief time he was out. He followed the law, earned his own living, and inspired many people with his story. I know that any community in Montana would welcome him with open arms.

As a concerned citizen of Montana, I strongly encourage you to consider the parole/commutation of the sentence of Barry Beach. I speak on behalf of myself and the greater majority of the citizens of Montana. Thank you for time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey W. Buck". The signature is stylized and somewhat cursive, with a large, sweeping flourish at the end.

Jeffrey W. Buck

8/3/13

Montana Board of Pardons & Paroles
1002 Hallenbeck Road

I am 71 years old & have lived in Montana all my life - I have always been proud of Montana until now. I am ashamed of what this state has done to Barry Beach -

We prayed for a miracle - Judge Phillips gave us one only to have the state of Montana - over turn his decision - @ am so proud of Mr. Phillips.

Barry has served enough time - he needs to spend time now with his mother & family - please commute Barry's sentence -

While he was free he worked, was never in trouble - he set a fine example of how people should live - he deserves his freedom - and he tried very hard to prove that the 18 months he was free -

Please search your hearts minds & souls - do the right thing - let this man go home -

Elizabeth Bernier
600 Division Rd
Lima, MT 59401

Cheryl Quintero
2788 Old US Highway 91
Cascade, MT 59421

August 17, 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

RE: Barry Beach

Gentlemen:

I was a church organist as well as counselor who practiced individual, couple and group counseling in the state of Illinois before my husband and I retired and moved back home to Montana.

I have been following closely the newspaper articles and letters to the editors, as well as the television program, addressing Barry Beach's arrest, trial, incarceration, release and re-incarceration.

I have an aunt whose husband was left tied to a tree in the Lincoln woods after being shot dead by two men looking for money. The snow fell, and only by the grace of God were they able to find his body. My aunt had two girls ... one in high school, one about to start college. Both men were found guilty and imprisoned. They both were released after each serving 15 years.

My aunt was not notified of their early release. One of her daughters was shocked when she saw one of them in a department store in Helena.

Barry Beach has served 30 years. The only solid evidence tying him to the horrendous crime is his confession, which was taken under questionable circumstances down South. There is now considerable evidence that very strongly indicates other perpetrators.

In light of this "new" evidence, in light of past "true" murderers being released after serving only 15 years and Barry Beach's having already served 30, please release Barry Beach back into society.

Thank you for your consideration.

Respectfully submitted,

A handwritten signature in cursive script that reads "Cheryl Quintero". The signature is written in black ink and is positioned below the typed name "Cheryl Quintero".

MARLENE BOYSUN TOAVS
P O Box 2
Fort Peck, MT 59223

August 18, 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

Dear Board Members,

I grew up and lived in the Wolf Point area all of my life, graduated from WPHS, taught school in Wolf Point after college. My husband and I farmed north of Wolf Point since 1960. I have been aware of the Kim Nees murder since it happened; heard all the rumors and always believed Barry to be a young kid who was railroaded by "over-zealous" law enforcement trying to solve the "Nees" crime.

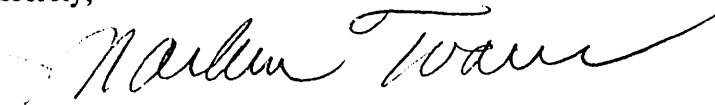
With the new evidence provided by investigators and testified to by people who knew the real killers and especially the young girl who heard the screams of the victim and knew what was happening, how can anyone not believe the confession to be false?? To disregard this is a terrible miscarriage of justice. Kim calls out for justice for Barry and for her. Our prayers are that you, as judges who also must stand before the maker in judgment, will see the truth and do what is right.

Barry's sentence should be commuted because he is an honorable, hard working person who deserves to live what is left of his life, in freedom. His only crime was being young and dumb; we have all been there!

We know that your job is to seek justice and that is why our prayers are for you too. As a child, I thought justice was real; as an adult I know that is not always true and mistakes happen. Please restore our faith in the system.

Thank you for your attention to this urgent request.

Sincerely,

A handwritten signature in cursive script that reads "Marlene Toavs". The signature is written in black ink and is positioned below the word "Sincerely,".

Marlene Toavs

Belinda Buck
PO Box 331
Drummond, MT 59832


Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

Montana Board of Pardons and Parole:

My name is Belinda Buck, and I am a resident of Montana and graduate student at The University of Montana. I have been interested in the Barry Beach case since we discussed it in a criminal law class that I took as an undergraduate student. Since I studied sociology and criminology as an undergraduate student, this case was particularly interesting to me due to what appears to be an incredible injustice served to Mr. Beach. The focus of many criminology classes is to think critically about what changes can be made in our justice system; the case of Mr. Beach can be held up as an example of how not to proceed with criminal cases.

The reason I am writing this letter is not to ask for a pardon for Mr. Beach, but rather to ask that the board consider commuting Mr. Beach's sentence. I believe this to be the correct action for the board to take due to the fact that in the time he was released from prison Mr. Beach proved to be a productive member of society. The whole goal of incarceration is to rehabilitate inmates so they can eventually be fully socialized into the communities in which they will eventually be released. Based on his work record while he was released, Mr. Beach is a model of what the system is aiming to do. Mr. Beach was able to be gainfully employed, and participated in no criminal actions while he was out of prison. Due to these facts, it would be prudent and just for the board to commute Mr. Beach's sentence.

Sincerely,


Belinda Buck 8/5/13

August 10, 2013

Candis France
1102 2nd Ave S.
Glasgow Mt. 59230

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, Mt. 50722


Sirs and Madams

I have been following the Barry Beach case since the first Dateline aired in 2008. I was so moved by the story and decided to find out all I could about the case. I assumed there must be much more to the story, something to explain the harsh sentence and the steadfast insistence of law enforcement as to his guilt. The more I learned the worse its gotten. I'm shocked it ever went to trial in the first place.

Barry was given a clemency hearing and amazingly it was as though the board did not hear to or give any credence to what was presented. The Supreme Court focused on the first trial, which is so funny because it was such a sham. Judge Phillips actually listened, and believed Barry deserved a new trial. I thought that was the job he was given, to hear the new evidence and assess it. I think we understand it now, there will be no trial for Barry, the real guilty people will continue to walk free, the attorney generals office will keep their conviction and there will be one more prisoner spending his life behind bars. Good for the prison business, everyone wins except for Barry, his Mother, his family, his supporters, the taxpayers of Montana, and justice.

This case has forever changed my thinking about the legal system, the death penalty, the private sector prison system, and most of all the elected officials. I will certainly be a much more informed voter and urge others to be.

Barry was out for a year and five months. He lived a productive life, he worked for himself, worked as head of maintenance with five people under him, paid taxes, went to church and in general did everything right. It is so wrong that he was put back. His sentence must be commuted. It serves no purpose to keep him in prison. This is such a black mark on Montana around the world, it's embarrassing and I'm ashamed of my home state. This will not go away until Barry is out again. I talk to a lot of people and this latest injustice has really touched a nerve. WE the taxpayers and voters in this state are outraged and expect this grossly unfair situation rectified with Barry's release. Even if Barry was guilty we feel he has more than served his time. It's very hard not "writing a book" concerning this issue, but again PLEASE consider commuting Barry's sentence. It is the right thing to do.

Sincerely

Candis France

Montana Board of Pardons and Parole

1002 Hollenbeck Road

Deer Lodge, MT 59722

To whom it may concern,

I have lived in Billings my whole life and did not know, or ever hear anything about the murder of Kim Nees until I watched Dateline in 2008. I have been following this case ever since because I cannot believe that this man was convicted of killing Kim Nees.

I am in total disbelief that Barry was convicted of murder based solely on a "confession" that was coerced. The crime scene evidence does NOT support his confession. His fingerprints and shoeprints do not match any hand/footprints at the crime scene, and the bloody palm print on the truck is not Barry's or Kim's. The FBI stated in their report that whoever left this print is the person who killed Kim. Barry said Kim was wearing a plaid blouse/jacket, which is not true according to the crime scene report. Barry "confessed" to wiping off his prints from the truck, if true, why weren't any of the other prints destroyed? What happened to the evidence that disappeared after the cop broke into the evidence room? Who does the bloody palm print belong to? To whom do all the other fingerprints belong? The sheriff stated on the Dateline show that if someone else had killed Kim, surely there would have been rumors. There were rumors then and the rumors still persist to this day. Why, out of all the people that were interviewed about this murder, why is it that not one person stated that they seen Barry that night? Everybody that was interviewed, seen everybody that night, except for Barry beach. Which means he is probably telling the truth that he was home in bed since not one person seen him that night. It appears to me that nobody cares that Barry could quite possibly be a victim of a wrongful conviction. The prosecutor in this case, Mr. Racicot, stated on television the bloody palm print on the truck "has no probative value", well, Mr. Racicot is wrong. To whomever that print belongs, should be prosecuted for the death of Kim.

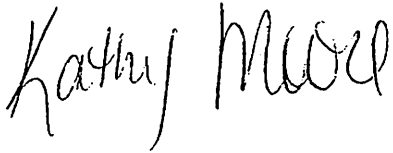
Barry has always maintained his innocence, and after reading all the interviews, Police and FBI reports, comparing his statement to the crime scene report, Barry confessing to other murders in Louisiana that were later PROVEN to be coerced, and the rumors that jealous girls killed Kim. There weren't any rumors that Barry killed her, only rumors that girls had committed this crime.

I am writing this today to ask you to please consider granting Barry Beach a Commutation of his sentence. He has served enough time for the murder of Kim Nees. After he was released by Judge Phillips in 2011, Barry became an outstanding and very productive member of society. Barry started his own business in the time he was out before he was sent back. He had his own place to live. He would go to schools and talk to students; he was an inspiration to a lot of people. Barry did more in those months that he was free than any person I know. Prison is supposed to be a place that rehabilitates people, and Barry has used those opportunities to improve his quality of life, and he did it well. He is a man of his

word, he didn't run when the Supreme Court overturned his new trial that he was granted, unlike the majority of people that would.

Please consider granting Barry Beach a Commutation of Sentence, he deserves it.

Respectfully,

A handwritten signature in black ink that reads "Kathy Moore". The signature is written in a cursive, flowing style.

Al & Sue Smith
421 25 Ave NE
Great Falls MT 59404

Aug 4, 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

My name is Al Smith, a 75 year old Montana citizen and a military veteran of 25 years. My wife, Sue, an RN, has devoted nearly 40 years caring for those in need.

Sue and I have followed the Barry Beach case for several years. Our concern is not based so much on Barry Beach, the person, as it is on seeing that justice is done.

Dateline NBC placed this case in the national spotlight. Unfortunately, for Montana, the Montana Justice System is not playing well in the eyes of the world.

The recent decisions by the MBPP and the Montana Supreme Court stunned many all across the nation. They now perceive Mr. Beach was not treated fairly when, indeed, fair treatment was all that was being asked of our justice system.

Even to a casual observer it seems this case has turned into a political football. It appears certain parties within our justice system, both past and present, are very determined Mr. Beach is never granted another trial. Perhaps they fear new evidence and testimony would exonerate him, ruining their pristine records.

Many observers have now concluded the guilt or innocence of Mr. Beach is of small consequence. Their reasoning is simple. His incarceration now exceeds the time served by most persons convicted for similar crimes. The Bureau of Justice Statistics shows the average sentence for murder in the United States is 381 months. The average time actually served is 178 months...just under 15 years. Mr. Beach has already served twice that amount of time with no end in sight!

It is beyond doubt a new trial would be the optimum solution answering most of the unanswered questions surrounding this dastardly case. It could finally be put to rest and the family of Kimberly Nees would at last find closure.

Still, the most practical and expeditious resolution for all concerned would be to simply commute the sentence of Mr. Beach to the time he has already served.

So, as the world watches, we urge the Montana Board of Pardons and Parole to act in fairness and with compassion, and consider the debt which was owed by Mr. Beach to society fully paid.

Sue and I will continue to pray you release this man, Barry Beach, to live out his life in any community of his choice as a free man.

Respectfully,



8-5-2013

From: Jude Mahlum
2401 3rd Avenue South
Great Falls, Montana 59405

To: Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, Montana 59722

I respectfully request you commute Barry A Beach's sentence to time already served. Thousands of people believe in Barry's innocence and our voices should not continue to be ignored. Those involved in the Montana Attorney General's office were wrong to interfere in Justice Wayne Phillips decision to grant Barry a new trial. For the Montana Supreme Court to state that Barry did not prove his innocence at the hearing in Lewistown is just plain ridiculous. The purpose of that hearing was to present credible evidence to warrant a new trial. Judge Wayne Phillips who was there and heard all the testimony and therefore more qualified to make that decision felt that testimony should be heard by a jury. The new trial was where Barry and his attorneys would have had the burden of proving his innocence. I have completely lost faith in the Montana Justice System. They have confused getting and maintaining a conviction with actually solving a crime. The crime of murder of Kim Nees remains unsolved. The Justice System of Montana needs to spend their efforts solving this crime instead of making sure new evidence remains buried. They as much as Barry should have welcomed the new trial. Because they have shown they will thwart every effort Barry and his attorney's make in this regard I ask please open your hearts and minds to the horror of the very real possibility that thirty years have been stolen from an innocent man's life. There is nothing anyone can do to make this up to Barry however the Board can stop compounding this tragedy and commute Barry Beach's sentence now.

In the eighteen months Barry lived in Billings he proved to be an asset to the community. He has an employer who wants him back. He made many friends and even people who only know Barry casually want him back in Billings. Barry has such a strong faith in God that inspires so many people to get involved and do the right thing. When I talked to Barry when he was released in December of 2011 he was just filled with gratitude to God for getting the opportunity to once again live his life as a free man. He had no bitterness or anger towards the system that took away most of his young life. The first thing Barry did when released was hug his Mom. She is elderly with health problems. Bobbi needs her son home where he belongs, not languishing in the Montana state Prison. Even now the letters I receive from Barry are filled with faith and hope. There is no bitterness in Barry's soul. I am honored to call him my friend. I loose sleep at night thinking about the terrible situation Barry is in and constantly wonder why those who could change it and allow Barry his freedom feel ok doing nothing to help him.

Sincerely,

Jude Mahlum

*Lana Cummins
1236 Colton Blvd.
Billings, MT 59102*

ph. (406) 252-0946

comicola@live.com

August 6, 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

Dear Board Members

I met Barry Beach shortly after he was released from prison in 2011, when a friend who had known Barry for many years through the prison ministry brought him to my house. I was immediately impressed by Barry's dignity and inner strength, which seemed to radiate through the room. I found him to be articulate, humble, and genuine –clearly a man who had looked into his soul and was at peace with himself. Given what I knew of his story, I found this remarkable. In the ensuing months, while he was living in Billings, he proved to be the person I hoped he was.

I'm not a lawyer and don't pretend to understand the legal issues that surround the Barry Beach case; but I have read as much information about it as is available on the Internet. As I understand it, Barry has a huge barrier to surmount in order to prove he is innocent of the crime for which he was convicted nearly 30 years ago. Since there has never been a serious investigation of hard evidence proving who killed Kim Nies, all he can rely on is the testimony of witnesses. You, as Board members, have a weighty problem to consider: how much stock can you put in words when you have no concrete evidence to back them up? Words are always colored by the speaker's perceptions, imagination, strength of vocabulary, and ability to articulate (and even to create) images and ideas.. Words can be tainted by fear, ambition, or sentiment. How do you determine the truth when all you have to work with, in place of physical, measurable evidence, is something as malleable as words? Should you not also view the confession that resulted in his initial conviction with some scepticism considering the circumstances under which it was made?

I believe that you now have concrete facts --not just words -- to evaluate in deciding whether to recommend clemency for Barry Beach. Please consider his comportment during the months he was free to live life under his own direction and according to his own conscience a "substantial change in circumstances." Barry lived an exemplary life during the 18 months of freedom he enjoyed in Billings. Rather than posing a threat to society, he was an asset. He worked hard, he maintained healthy relationships with co-workers, family and friends, and he gained the respect of all who had an opportunity to know him. He spoke to audiences about the need to keep hope alive in the face of despair, and with his quiet strength and ability to communicate in a direct and honest manner, he inspired others. He was, in short, a model citizen.

Nothing can be gained by keeping Barry Beach in prison, but his valuable contribution to society could be lost, with taxpayers continuing to support him when he could, instead, be buying his own food, clothing and shelter – and paying taxes. He has proven himself to be a decent, responsible, and kind man. Please set him free to live the life he deserves.

Respectfully,

Lana Cummins

8-10-2013

Board of Pardons & Parole -

My name is Laura Buer, I am a 67 year old white female - hairdresser (48 yrs) from Sobey.

Some 12 years ago I was writing this board about the parole of a nephew Ralph Fisher III. Ralph had served 10 years for murder and you did grant him parole with 10 years probation.

Ralph came back to his home town has a wife - daughter is a farmer & cattle rancher. I believe you would say that was a success story. You did your job - He took the programs you re-habilitated him.

I am writing now to ask you to do the same thing for Barry Beach. He had 18 months to show you what he will do on the outside.

We met Barry some 20 years ago while visiting Ralph at one of your Altra's (family could attend service with them)

Living next to Poplar & Wolf Point. We mentioned Barry often and were always told He did not do it. Even from the Nees family in my Salon.

You all have the power to release Barry and evidence gives you good reason.

This letter is a plea from my heart for you to do what is right and Christian to free Barry and count this as

another success story..

Feel our Prayers

Laura Buer

11211 Highway 101
Wolf Creek, MT 59643

Montana Board of Pardons: Parole
1002 Hollenbeck Road
Deer Lodge, MT. 59722

Dear Board Members,

I am a concerned citizen
writing to you, to please consider
commutation of Barry Beach's sentence.

I truly believe in his innocence,
and that he wasn't given a fair trial.

I am a 66 year old woman who
is a native Montanan. Born and
raised in Choteau, now retired in
Wolf Creek.

I do hope you will consider this
and put politics aside.

Sincerely,

Candace M Stenson

Senator Mary Caferro
607 N. Davis St.
Helena, MT 59601

To Whom It May Concern:

First off thank you for your work on behalf of the people of Montana. I appreciate that our Board of Pardons and Parole is made up citizens who volunteer their time. Your work and commitment does not go unnoticed.


I am Senator Mary Caferro from Helena and I do a great deal of advocacy on behalf of people in Montana such as children who are abused, senior citizens, people who have a disability including mental illness and low-income families. I have been doing advocacy long before I became a legislator in 2005 and I am responsive to the needs of people. I am interested in the Montana justice system as lately my advocacies have been for people in the justice system. I am also a member of the Senate Finance and Claims committee working closely on the state's budget.

I am writing this letter today on behalf of Barry Beach requesting that you please recommend commuting the sentence of Barry Beach to Governor Bullock.

I believe that Barry Beach's sentence should be commuted as he has proven to be an outstanding citizen both as an inmate in the Montana State Prison and during his eighteen months out of prison. Barry Beach has proven that he is suitable for life in the community and that he is not a public safety risk for all of the reasons that I am sure you have read about in the numerous other supportive letters.

Out of respect for your time I will keep it short and welcome any questions you may have for me. Thank you so much for your time and attention to this matter and again I support a good recommendation for Barry Beach.

Respectfully,

A handwritten signature in black ink that reads "Mary Caferro". The signature is written in a cursive, flowing style.

Senator Mary Caferro
406-461-2384

August 2, 2013

Montana Board of Pardons
1002 Hallenbeck ^{and} Parole
Rd
Deer Lodge, Mt. 59722

Deana Erickson
6110-24th Ave N.W. # 203
Seattle, Wash 98107

206-906-0459
email deana.gale1945@hotmai
com

To Whom:

I was raised in Froid, Montana.
Froid is about 50 miles from Paplav.
I am retired from the Seattle
Postal Service.

My cousin Monty Erickson is a
friend of Barry's. Barry lived in Bullay
when he was released from jail. He
wanted to start his own repair
business.

You have no evidence that
Barry committed this crime. He

Wasnt ev. - there.

This could happen to anyone and it has. Anyone can score the ball out of a kid. This kid could be yours. Please commute this sentence and let him live the rest of his life in Public.

My family will help him once he is released. He is a Great Guy.

I hope you find it in your heart to help Barry, his family, his friends and the State of Montana. I have always loved Montana, I'm pretty disappointed and I will be until you do the right and Justice thing. A sad 30 Years for something he didn't do.

Sincerely

Diana Gale Erickson
206-786-0459

August 7, 2013

Kristy Mahlum

2401 3rd Ave. South

Great Falls, MT 59405

406-761-7288

Montana Board of Pardons and Parole

1002 Hollenbeck Road

Deer Lodge, MT 59722

Honorable Members of the Montana Board of Pardons and Parole:

My name is Kristy Mahlum. I am a 35-years-old and have been a Registered Nurse for 10 years. I have been closely following the case of Barry A. Beach, inmate DOC# 21520.

I respectfully request that the honorable members of the parole board commute Barry Beach's sentence to time served. There is no doubt in my mind, or in the minds of the other thousands who support him, that he is innocent of the crime he is currently serving a life sentence for. Having heard all the evidence as presented by both the prosecution and defense, Judge Phillips certainly felt there was reasonable doubt as to Mr. Beach's guilt, and as the judge hand-picked by the Montana Supreme Court to hear the new evidence, it is a travesty that his ruling was overturned and Mr. Beach's right to a fair trial ignored. The only "evidence" the state has against Mr. Beach is a confession coerced out of scared kid far from home. It should be cause for concern that most of the details of Mr. Beach's so-called confession simply do not match the actual evidence of the crime. Unfortunately, it appears that the state is much more concerned with upholding a conviction than in seeking out the truth or in actually solving this horrific crime. The attitude of the state seems to be one of indifference to the truth or justice, and until this attitude

changes and the real perpetrators are brought to justice, Kim Nees blood is on the hands of our justice system every bit as much as it is on the girls who were responsible for her death—the girls for killing her and our justice system for initially ignoring the truth and now for attempting to bury it completely.

A lifetime has been stolen from Mr. Beach, and nothing can ever make up for those lost years, however, the tragedy of this case need not continue as it is within the power of this parole board to commute Barry Beach's sentence.

In the eighteen months Mr. Beach resided in Billings, MT, he proved to be a productive member of the community. He earned the trust and faith of an entire community, has an employer who would gladly accept him back, and numerous friends and supporters who pray for the day he will be free once more. The thousands of people who love and support Barry Beach should not be ignored, nor should his contributions to the community he briefly called home. Barry Beach is a man of faith and integrity, an asset to our state. I ask that the Honorable Members of the Montana Board of Pardons and Parole do what is just and right—commute Barry Beach's sentence.

Sincerely,

A handwritten signature in cursive script that reads "Kristy Mallum". The signature is written in black ink and is positioned below the word "Sincerely,".

8.18.13

DEAR MONTANA BOARD OF PARDONS : PEOPLE,

I want to thank you for your
SERVICE : HARD WORK.

I am Sy Wells from Great Falls
MONTANA. I am a registered voter : tax payer.
I have always watched the NEWS : DATELINE.

I truly think Barry Beach
should have a New trial. If not at least
reduce his sentence. With all the technology
we have you would think he at least deserves
testing done.

He was paroled for 18 months :
was an asset to the community. I just can't
imagine us as citizens not doing everything to
find out the truth.

I have no connection with
Barry. I am just wondering how I would feel
if he were my son, brother, nephew or friend.

I truly do not believe this man
did this crime. It should be our obligation to
find out the truth. Right?

Please help him. No one
should spend 30 years in prison without some one
at least testing DNA : finger prints etc.

Thank you,
Sy Wells

Leslie Crompton
324 S. Morris Ave, apt A
Crum Lynne, PA
19022
08/17/13

Peter Camiel
In Re: Barry Beach
710 Cherry St.
Seattle, Washington
98104

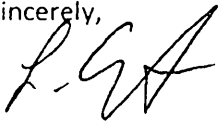
Dear Mr. Camiel,

I am writing to you regarding the conviction of Mr. Barry Beach. I am a licensed physical therapist, and have resided in Philadelphia, Pennsylvania for the past 15 years. My father, who I visit every summer, lives in Montana.

The report on Barry Beach produced by dateline really resonated with me. It is difficult to comprehend the amount of frustration and grief Barry and his family must be going through. I have great respect for Mr. Beach. I was very impressed at how he was able to reestablish himself within the community when released from prison, for a short time. As others have reported, this is a testament of his innocence. If Barry was a 'wild' teenager as he reported on dateline, he has changed and evolved into a moral, respectable, hard-working man who is capable of caring for his mother, making a living, and maintaining healthy, loving relationships with friends, family and members of the community.

Thank you for your time.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Crompton', written in a cursive style.

Leslie Crompton

Peter Camiel
710 Cherry Street
Seattle, WA 98104

August 19, 2013

RE: Barry Beach

Dear Mr. Camiel:

I am a former long-time resident of Montana. While visiting relatives here I witnessed the outrageous misjudgment and treatment of Barry Beach, so I decided to offer my support of the commutation of Barry's sentence.

In so doing, we are sending a message of outrage at the miscarriage of justice involved with this case – but most of all, the damage done to the life of an citizen.

This is an egregious insult to the people of the great State of Montana and a embarrassment to their politicians, and to their judicial system.

Sincerely,

A handwritten signature in black ink that reads "Edgar M. Barrett". The signature is written in a cursive style with a long, sweeping tail on the letter "t".

Edgar M. Barrett
Concerned Citizen Activist

cc: Great Falls Tribune

August 15, 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

Dear Board Members;

I am a former Montanan who is gravely concerned about the travesty that has befallen Barry Beach. I am interested in his case because in America justice is supposed to be served. As for Barry, I feel he has been denied this justice.

I would ask you, Montana Board of Pardons and Parole, to consider a commutation of Barry's sentence.

I ask you to commute his sentence because I feel that he was wrongly convicted for a crime based on a coerced confession that has not been backed up by any credible evidence. Also, I feel the confession was inconsistent with the crime scene, the evidence appears to have been mishandled, there is a lack of DNA evidence, eyewitness testimony hasn't been heard, and finally there is an overwhelming widespread belief that Barry Beach is an innocent man. I feel that there is more evidence that he is innocent than guilty.

Barry has proven that he is suitable for life in the community for the short time that he was freed. He was a model citizen working in the community as a productive member of society. He proved resourceful and hard working. Barry displayed honest and trustworthy character traits. He was a model prisoner and very courageous when faced with going back to prison.

For the above reasons, I again appeal to you to consider a commutation of Barry Beach's sentence.

Thank you for your consideration!

Sincerely,



Kathy Moorman

425 8th St. NW #639

Washington, DC 20004

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

Montana Board of Pardons and Parole:

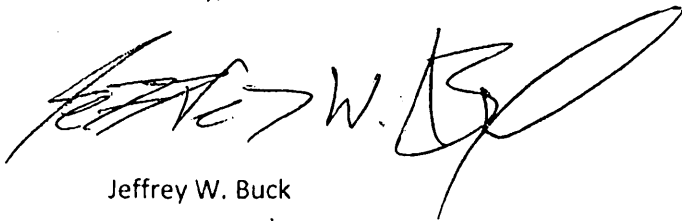
My name is Jeffrey Buck. I am an elementary teacher in Montana. I lived in Montana most of my 33 years of life.

I am writing you this letter in concern for the conviction of Barry Beach. I am not asking for a pardon. I know that is not realistic. I am asking for you to think about a commutation of his sentence. Barry has served over 30 years for a crime that a vast majority of Montanans and the American public (after the Dateline episode) feel was unfair. Your job is to serve the people of Montana to keep the citizens safe and keep their best interests in mind. The Montana people have been speaking loudly without their servants listening. Please take into consideration a commutation of Mr. Beach's sentence.

Mr. Beach was a productive member of society for the brief time he was out. He followed the law, earned his own living, and inspired many people with his story. I know that any community in Montana would welcome him with open arms.

As a concerned citizen of Montana, I strongly encourage you to consider the parole/commutation of the sentence of Barry Beach. I speak on behalf of myself and the greater majority of the citizens of Montana. Thank you for time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey W. Buck". The signature is stylized with a large, sweeping flourish at the end.

Jeffrey W. Buck

Aug 12 - 2013

Montana state parole board:

Does it really cost \$31,000 a year to keep Barry Beach in prison. A few short years ago the legislature cut funding for a popular mental health facility called the Hub in Billings. Private donors saved the program. How does this make sense.

During Barry Beach's 18 months in Billings, I know first hand he took troubled homeless young people into his home. He talked to students in schools and led an exemplary and productive life.

For the sake of sanity and decency do the honorable thing for this man.

Thank you, Beverly Kolpin, Billings, Mt.

Beverly Kolpin

Montana Board of Pardons and Parole.
1002 Hollenbeck Road
Deer Lodge, Mt. 59722

My name is Bounce Jorgensen. I have long followed the Barry Beach request and hearings to allow him a new trial or a reduction of his sentence.

Barry Beach has served over half his life for a crime that still hasn't proven his guilt beyond any reasonable doubt! This is why I am requesting his sentence be reduced and be allowed to be a positive part of our community.

This man has proven his ability to do so in the last 18 months. He has already helped others, gained independence to live, work and be a part of society.

Thank you for your
consideration!

Bounce Jorgensen - Great Falls, Mt.

2100-7th Ave. So.

Gr. Falls, MT, 59405

8-13-13

TO THE: State Board of Pardons + Parole;

We do not know Barry Beach, but we feel he has not been treated justly. There is no evidence he was at the scene of the crime. The only evidence of his guilt, is a reluctant, lengthy, & forced confession.

My husband was murdered in 1965 - the killers were given Life + 20. They were released within 15 years. Even if Barry did the crimes, he has served more than enough time.

Sincerely,

Evelyn Young
Kay A. Young

August 4, 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

Re: Barry Beach

Dear Board of Pardons and Parole:

We do not know Barry Beach. We are not Native American. We believe it is time to end the injustice to Barry.

Being in the process of arranging a Barry Beach Rally in Great Falls on August 17, 2013, we have talked to many people... politicians and general public. Everyone has noted their anger over the Montana "Justice" system for reasons ranging from general unfairness and lack of evidence to considerable concern that politics and cover-ups are the basis for keeping Barry in jail.

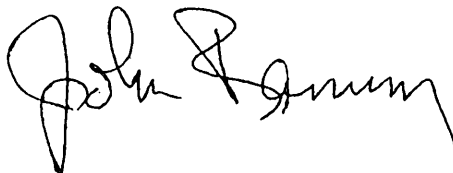
It is Barry's Christian faith that keeps him sane. He more than proved himself to be a worthy citizen when he was free for 18 months. We would trust Barry to live in our home.

It is time to do the right thing! It is time commute Barry's sentence. It is time to end the black eye that the "justice" system has given itself.

Sincerely,



Joyce Ranum
327 Hylande Dr.
Great Falls, MT 59405



John Ranum

Jranum327@gmail.com

406-453-8852

Aug. 18, 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Kleen Lodge, MT 59722

I was born and raised in N.E. Montana and live in Great Falls. I have been carefully following Barry Beach's case. My Lord, my heart and gut tell me ~~that~~ there was never evidence to convict Barry Beach.

I appreciate the service you provide and understand that your job is challenging. I am asking you to consider a reduction of his sentence. He has already served 30 years for a crime I ~~believe~~ believe he did not commit.

Barry has proven that he can be a productive person to society and is a law abiding citizen.

Thank you for your consideration.

Sincerely,
Maureen Trigoire

Montana Board of Pardons & Parole,

I am hoping you will consider commutations of Barry Beach's sentence.

There are just too many unanswered questions about what happened on the night of Kim's death & I believe it is in the best interest of Kim's family & Barry's future. These unanswered questions need to be answered once & for all with a new trial!! So unfair to free a man for 18 months only to lock him back up again. Something is very, very wrong with our judicial system.

As a Montana citizen & an American I am hoping you will consider a new trial for Barry. I do not know him personally, but I would trust him completely to do what is right. Thank you for your time,

Helen G. DeVan
concerned citizen of Montana



Arlyne Reichert
1409 4th Ave S
Great Falls, MT 59405-2415

August 22, 2013

Montana Board of Pardons + Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

Thank you for the time you
spend serving on the Montana Board
of Pardons + Parole.

My name is Arlyne Reichert &
I am the mother of 5, Grandmother of 7,
& Great-Grandmother of 4. I served as
a Delegate to the 1972 Montana Con-
stitutional Convention & as a Legislator
in 1979.

Please consider a commutation
of Barry Bead's sentence. I believe
Barry Bead really deserves his day
in court, but since that is not likely,
the solution to this dilemma may
lie in the hands of your Board.
(over)

Barry Bead has proven
that he would be a
productive member of
Society.

Please end this aspect
of the tragedy confronting
Barry Bead, & the
family of the victim.
Commuting Barry
Bead's sentence seems
the right thing to do
at this time.

Sincerely,
Arlene Reichert

Montana Board of Pardons + Parole
1002 Hollenbeck Rd
Deer Lodge, MT 59722

Hello,

I am Paula Brady + have been a Montanan all of my life. I remember hearing the Barry Beach story as a young adult. I started saving Barry Beach newspaper clippings about his situation. I - always in my heart - felt like he was innocent. I have watched with hope in my heart that he would be free someday. Today, I not only believe in my heart that he is innocent, I believe the facts show it as well.

I too, was a troubled teen. I had lack of direction + lack of belief in myself. I hung around with the wrong crowds + got into trouble. I could have never stood up for myself as a teen as I had no belief in myself. Just the fear of authority could have caused me to do a false confession too. I am not saying this is what was going through Barry's heart + head, but I can relate to his story some how.

- I sent Barry \$20- for his 1st "free" Christmas

+ he sent me a warm thank you note.

- He has held prayer sessions for people in need.
 - He is always grateful for people & his supporters.
 - He has unstoppable faith.
 - He is full of God's love -
 - He was an employed tax paying citizen of mt
- Please, Please consider commutation.

He has given enough time,
even though I feel it was for a
crime he did not commit.

I am so sure he will be a
model citizen when he gets out,
just as he was when he was
free for 18 months. He is a
good man -

Please consider my request -

He is a gift to whatever
community he lives in —

Thank you —

Paula BRADY
1135 Cleveland Ave
Haure, Mt 59501
406-390-2690

Board of Pardons & Parole

Aug 18, 2013

My name is Janet Connell & I am
a tax payer & voter in Cascade County.

Please accept my appreciation & admiration
for the job you do.

I personally do not know Barry Beach
or any of his family but have been
interested in his case for a long time.
I can't help but feel he is innocent
because of all the contested evidence
that has been brought forward.

There are too many prisoners who
have served time for crimes they
didn't commit & for too many
coerced confessions. There are just
too many doubts in this case
& how sad it would be to think
he has served 30 years & is innocent.

I ask you sincerely & please
consider at least commutating his
sentence to live a free life
& to hopefully bring his case to a
close. And my mind, the real
killers of Kim have enjoyed their
freedom for 30+ years & now its Barry's
turn.

With sincere appreciation,
Janet Connell

August 28, 2013
259 Maple Street
Lewistown, Mt. 59457

Montana Board of Pardons and Parole
Hollenbeck Road
Deer Lodge, Montana 59722

To Whom Ever it Concerns:

I was raised next to the Ft. Belknap Indian Reservation and I have friends and relatives on several reservations including the Ft. Peck Reservation at Poplar. I have been aware since I was a child of that local justice on the rez is basically a crap game depending on whose relative is in place of power and whose cousin did the crime. More importantly I have seen that on the reservations time after time the F.B.I. and the B.I.A. and state law enforcement has turned a blind eye and failed grievously to investigate thoroughly when murder, rape, and other serious crimes have been committed and no one is brought to justice. These are only some of the reasons that I have searched out information in the case of Barry Beach.

I am among more than ten thousand others who wonder.....

- Why the F.B.I. and local law didn't vigorously try to find out who left the bloody hand print on Kim Nees pickup? It didn't match Barry's.
- Why was Barry's guilty plea accepted when there was absolutely no material evidence against him?
- Why was the testimony of the Louisiana cop accepted in spite of the evidence in his own police department of years of illegal behavior on his part and a record of him and another policeman terrorizing young men into pleading guilty to a crime they didn't commit in order to save themselves from the electric chair, etc? Please investigate the record of misbehavior of Jay Via who was a witness against Barry.
- Why wasn't the deputy sheriff arrested and prosecuted for kicking down the door to the evidence room in Poplar and charged with the disappearance of evidence gathered at the scene of the crime?
- Who are the F.B.I., Indian Police, and some people high up in the 'so called' justice system covering up for? Why are they obstructing justice in not allowing or wanting Barry to have a trial in which important facts and new information can be presented? What is the reason for ignoring the obvious?
- Where is the humanity of people who will commit a person to a lifetime in prison without scrutinizing every last particle of evidence that could possibly prove his innocence? And why are they allowed to remain in the 'justice' system?

I know for a fact that people on the reservations live in constant fear of retaliation from the criminal element, even by those criminals in the 'justice system' if they come forward as witnesses. It is perfectly clear to me why this 'new' evidence didn't come to light before. I wish it was this clear to the people on our Supreme Court who denied justice to Barry in refusing him a new trial.

Barry has proved who he is in all his actions through the years and since he was released.... that he is an honest and honorable person. I have never met Barry but I did call to thank him for going to the hospital to pray for my niece who was close to death. I have read his statements on Facebook and kept track of all the many activities he has been involved in since he was released from prison. I can honestly say I believe he spent 27 years doing time for a crime he didn't commit.

I believe the Louisiana cop Jay Via, who wrung the confession out of Barry got his information from someone in Poplar who had a need to find someone to pin the crime on. Poplar is a small community and there was always a chance the facts would come out someday. I listened to a man last week who boldly told the public at the rally in Great Falls that a woman described to him in bloody detail how she and two other Indian girls beat Kim Nees to death. His last name is Hall and he has testified to those facts. He even named the woman who was a teenager in Poplar at the time of the murder.

I believe that Barry Beach can be an immense force for good and a great role model especially for young Indian people who desperately need someone to free them from the meth and other drugs that are destroying a whole generation of people on and off the reservations. He has proved that he is willing to be active in that cause.

I prayed this morning that God would help me find a verse about justice that I remembered from the Bible every time I think of Barry. I started reading the Book of Amos and there it was....Chapter 5 verse 24. "Let justice run down like water and righteousness like a mighty stream."

I beg you to thoroughly immerse yourselves in the facts of this case and give Barry the justice that has been denied him... Please commute his sentence and set him free to be the positive force in Montana that he has proved himself to be.

Thank you for considering my thoughts. You have the power to "Let justice run down like water and righteousness like a mighty stream." I pray that you will use that power on Barry Beach's behalf.

Sincerely, *Helen Berger (73 yrs. old)*

Helen Berger

1720 Lyons Cir
Wolf Creek, MT 5961

Montana Board of Pardons: Parole
1002 Hollenbeck Road
Deer Lodge, MT. 59722

Dear Board Members,

I am a concerned citizen
writing to you, to please consider
commutation of Barry Beach's sentence.

I truly believe in his innocence,
and that he wasn't given a fair trial.

I am a 66 year old woman who
is a native Montanan. Born and
raised in Choteau, now retired in
Wolf Creek.

I do hope you will consider this
and put politics aside.

Sincerely,

Candace M Stenson

August 2, 2013
Montana Board of Pardons
1002 Hollenbeck ^{and} Parole
Deer Lodge, Mt. 59732

Diana Erickson
6110-24th Ave N.W. #203
Seattle, Wash 98107

206-906-0459

email deanagale1945@shotme.com

To Whom:

I was raised in Froid, Montana.
Froid is about 50 miles from Paplav.
I am retired from the Seattle
Postal Service.

My cousin Monty Erickson is a
friend of Barry's. Barry lived in Billings
when he was released from jail. He
wanted to start his own repair
business.

You have no evidence that
Barry committed this crime. He

Wasn't even there.

This could happen to anyone and it has. Anyone can scare the hell out of a kid. This kid could be yours. Please commute this sentence and let him live the rest of his life in Public.

My family will help him once he is released. He is a Great Guy.

I hope you find it in your heart to help Barry, his family, his friends and the State of Montana. I have always loved Montana, I'm pretty disappointed and I will be until you do the right and Justice thing. A sad 30 years for something he didn't do.

Sincerely
Diana Gale Erickson
201-411-4459

John and Patricia Buck
38 Old Highway 10A
Drummond, MT 59832

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

Montana Board of Pardons and Parole:

My name is Patricia Buck. I am writing this letter on behalf of my husband John and myself. We were born in Montana and have lived here all of our 58 years. I am a R.N. working for Granite County and my husband is a rancher in Granite County and the Big Hole Valley. We have followed the Barry Beach case for many years.

We are asking that you, the board, servants of the citizens of Montana, grant our wish and the desire of a vast majority of Montanans to commute Barry's sentence. He proved while he was out of prison, that he will be a productive member of society. Not only would I feel comfortable having him in my community, my husband would gladly employ him on his family ranch. Barry is a model of what the prison system is aiming to do. Finally, I would like to restate that I strongly believe that Barry has served more than enough time for a crime that he may or may not be guilty of. Please commute his sentence as servants of the citizens of Montana acting on the wishes of the public. Thank you for your time and consideration.

Sincerely,

John A Buck 8/5/13
Patricia Buck 8/5/13

Patricia Buck
John Buck

GOUGH
SHANAHAN
JOHNSON
& WATERMAN
ATTORNEYS AT LAW PLLC

September 5, 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Rd.
Deer Lodge, MT. 59722

Dear Chairman McKee and Members of the Board:

I am writing on behalf of myself and my wife to support the Petition for Clemency filed by Barry Beach. While this is a decision which ultimately will be made by Governor Bullock, your recommendation for clemency will greatly support granting clemency for this individual who is deserving of this act of mercy and leniency.

My wife, Mignon R. Waterman served for 12 years in the Montana Senate, working to assure that all Montanans enjoyed fairness and justice in our state. She worked to see that individuals were held responsible for their actions, but also that for those who did act with responsibility, those actions also were recognized.

I have practiced law in Montana for almost 45 years and have been intimately involved with the criminal justice and penal systems of this state for a majority of my career. I have worked with and represented Barry Beach in the past dealing with issues he had while he was at Montana State Prison before his release in December, 2011 awaiting a decision by the Montana Supreme Court. I know Barry Beach and have met with he and his supporters after his release and during his stay in Billings, awaiting the decision which unfortunately, returned him to prison.

The Board of Pardons and Parole is vested with the authority to make recommendations for clemency. Clemency looks at the character of the individual and asks, in light of events which have occurred since that individual's conviction and sentencing, whether the sentence remains appropriate or whether a different sentence should be administered. I write, assuming that the conviction of Barry Beach was valid and appropriate and that the sentence for the crime he was convicted of was proper and proportional, consistent with other sentences for similar crimes.

Even assuming these facts, the developments which occurred since his conviction and then since his release in 2011, show that this individual deserves clemency and a recommendation from this Board to the Governor, to fashion a grant of clemency for Barry

September 5, 2013

Page -2-

Beach which will allow him to be released from prison and live outside of the walls of the prison, in a community, as a productive member of society. I agree with the observations of others. Too often this Board is asked to speculate as to whether an incarcerated inmate should be released and whether that inmate will be successful should he be released back into the community. In this case, the Board need not speculate. Barry Beach has already demonstrated that he has successfully reintegrated back into the community and has shown that he carries the potential of becoming a productive member of society. Plainly, the sentence given to Barry Beach for the crime which he was convicted is not longer valid and should be set aside by your actions of clemency.

The foregoing, of course, proceeds on the assumption that the conviction of Barry Beach was proper and well supported by the evidence. We both recognize, however, that this assumption is flawed. There simply is too much controverted evidence to suggest that the original conviction, resting entirely upon a confession of questionable character and which was inaccurate in material ways was valid and appropriate. Yet, of course, the criminal justice system has reviewed and considered these arguments and nevertheless affirmed the validity of the conviction.

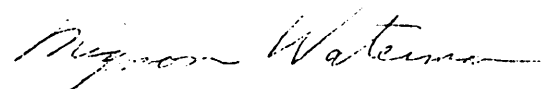
Mr. Beach, even under those circumstances still deserves clemency. Granting clemency does not require any finding of fault with the system or its conclusions; it only says that in this case for numerous reasons, it is appropriate to recommend that the Governor extend clemency.

As the Board has always done, we would urge you to give close and careful attention to this case and the requests being presented on behalf of Barry Beach and make your recommendation for clemency to the Governor of Montana.

Very truly yours,



Ronald F. Waterman



Mignon Waterman

1215 Fifth Avenue So. #12
Great Falls, MT 59405-2359
September 5, 2013

Board of Pardons and Parole

Dear Board Members,

I appreciate your willingness to serve on this Board. It is an awesome responsibility to make decisions to assure public safety and the good of the inmate and his family at the same time.

In the Barry Beach case he has proved he can be a contributing member of society. He has also served a long term, and I ask you to parole him at this time. Justice is not served to incarcerate him longer.

Thank you for your consideration in this matter.

Sincerely,
Sr. Rita Kahut

11720 Gopher Drive
Missoula, Montana 59808

September 5, 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

Dear Montana Board of Pardons and Parole:

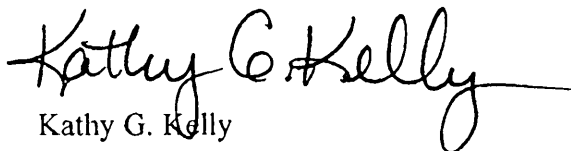
The purpose of this letter is to respectfully request a commutation of Barry Beach's sentence. My name is Kathy Kelly, I grew up in Havre, I currently reside in Missoula and I graduated from the University of Wyoming College of Law in May of this year. I have been interested in Mr. Beach's case for the last few years. The unfairness of his present circumstances haunts me and it is for that reason that I am writing this letter.

I assume that you have received a variety of arguments that advocate for the commutation of Mr. Beach's sentence. My argument for a commutation is the impact that Mr. Beach's situation has on other people. Although I am heartsick at the thought of an innocent person spending years wrongly incarcerated, my additional concern is for how Mr. Beach's story impacts the rest of us.

We humans obviously have our flaws. If I extend the benefit of doubt of the intent to act with integrity to those involved in Mr. Beach's arrest, prosecution, defense and sentencing, (this is quite a stretch for me, to be candid), I am still able to arrive at the conviction that humans grievously erred related to Mr. Beach's case. What concerns me now is how those errors influence the millions of people who know of the case by virtue of media exposure to the story.

Witnesses to injustice do not, for the most part, walk away untouched. When our justice system is not fair we question whether fairness and goodness even matter. When powerful people do not choose to right a wrong when able to do so the rest of us are far less inclined to act courageously in our own lives. The effect of a few people's actions ripples on and on when an innocent man is convicted and jailed and no one ever steps up to say "We will allow injustice to extend no further." I am respectfully asking that you commute Mr. Beach's sentence and thus provide the rest of us with the hope that when mistakes are made, all is not lost and that there still remains among us those who are brave enough to try and make amends.

Thank you for your consideration of my request.


Kathy G. Kelly

Centurion Ministries

Sept. 6, 2013

Montana State Parole Board;

I wanted to share a prolific event in my life that involves Barry Beach.

I work as a correctional officer in a CCA Correctional Institution; Barry Beach was an inmate in the pod that I was assigned to. In the summer of 2000, I was walking through the pod performing my daily inspections, and I was overcome by the smells of some type of defy burning in the pod. I later learned that it was a type of sage burnt in a Native American ritual called smudging. I suffer from bronchial asthma and I begin to panic when I could not breathe. Barry Beach spoke to me in a very calm, but urgent voice asking me to follow him out of the pod. At this point I was becoming extremely disoriented because my vision was blurred and my breathing was getting more and more erratic. Barry Beach continue to talk to me and at one point I stopped walking and he told me that if he don't get me out of the pod, he could not guarantee my safety. He further stated, that these men have not been with a woman in a lot of years and I might not survive being gang raped. I felt at the time that I could trust him and I followed him out the pod. Barry Beach stayed with me until help arrived. I felt then as I do now that Barry Beach saved my life. I fell that Barry Beach deserves to have his sentence commuted, life without parole taken

off the table, and be allowed to be reintegrated back into society. He has proven in the 18 months that he was free that he is not and never was a threat to society. Please afford him the opportunity again to become a viable and productive citizen in his community.

Respectfully Yours,

Beverly Morton

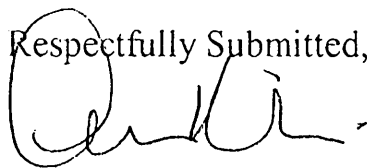
August 19, 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722
In Re: Barry Beach

To Whom It May Concern:

Please know that this is the first time I have ever written a letter like this. I am a 20 year career Probation Officer for the State in which I live, and by no means, have I ever had a reputation of being weak or easy on crime. However, after reading this case, I cannot in good faith remain silent. I have always conducted myself with integrity and ethics and I feel as Officers of the Court, the MT AG's Office has a responsibility to do the same and to seek JUSTICE. Sometimes Justice means admitting you have the wrong person in prison and allowing them to have some measure of their life back. This man demonstrated no risk to the community in the time he was on the street. He held employment, had a stable residence, has positive supports in the community and was a contributing member of his community. These are all stability factors that point to this man's ability to live in his community. He does not demonstrate high risk factors and has served over 30 years in prison, for a conviction, that in my humble opinion, would not take place today if all of the evidence was heard at a Trial, by a Jury of his peers. Please consider being the first agency in 30 years, to treat this man fairly and grant him a commutation of his sentence. A Pardon by the Governor would be even better. Please consider this man's potential risk and his ability to provide positively to his community as factors, which are usually weighed when considering any release. It seems far more ethical to do right than to be right at this juncture.

Respectfully Submitted,



Anne R. Cabibi
2016 Chism Dr.
Pueblo, CO., 81008
719-821-5474



FPE • POB 52092 • 1700 Lisbon, Portugal

**MONTANA BOARD OF PARDONS
AND PAROLE**
1002 HOLLENBECK ROAD
DEER LODGE, MT 59722
USA

FOREIGN PRISONERS FELLOWSHIP
APARTADO 52092
1700 LISBON
PORTUGAL.

Lisbon, 23 August 2013

Subj.: Barry Beach AO#21520, Montana State prison Deer Lodge

Ladies and Gentlemen,

The case of Mr Beach has caught international attention this year and hence we have heard about it also here in Europe.

I am involved in criminal justice and prison ministry since 1980, and although I was unaware of the details of this case, I found it exceptionally surprising that a man who was already successfully reintegrated into society, was put back into prison by the courts.

Now having studied more about the details, it is even more surprising that he was convicted on so little, or rather no evidence, in the first place. Apart from no evidence at all, not a single witness has implicated him in this murder case. He was apparently only convicted because of his own 'confession', which took place in another state, under questionable circumstances.

Anyway, although I have never met Mr Beach, nor have ever been to his hometown where all this occurred decades ago, from the thousands of prisoners and their cases I have heard about first hand in more than 50 countries, I would doubt very much that you have the right man in prison for this heinous murder.

So in the worst case you have an innocent man behind bars, in the best case, even if he was involved in some way, you have an exemplary inmate who was thoroughly changed and reformed within your prison system, that is an undeniable fact!

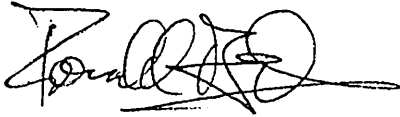
The evidence of that is not only his prison record, but also his behaviour during the period he had been released, which proves that he is a model citizen. He would have had the chance to escape and leave the country after learning that the supreme court would send him back to prison (a path a guilty person probably would have taken), but even then he obediently followed the law.

2

It would be a disgrace, also for your state, if this man is kept any longer in prison and we ask you to commute his sentence so that he can be released. That would be justice indeed.

Thank you for your attention.

With best regards,

A handwritten signature in black ink, appearing to read "Ronald L. Babb", with a long horizontal flourish extending to the right.

Ronald L. Babb
International director

August 21, 2013

Mr. & Mrs. Wendell Burtz
30602 Paradise Road
Winner, SD 57580

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

To the members of the board,

My husband and I are self-employed and work together as a team, traveling to many states and meeting lots of different people. We install and are certified trainers for electronic keycard access systems. In short, we put keycard locks in hotels.

Last April, we were working in Billings Montana. It was a fairly large and labor intensive project, so we were there for several days, and had to make a return trip to finish. We, naturally, work closely with the maintenance men on projects and Barry seemed to be "just" another maintenance man. He was very helpful during the installation and really took his job as Chief Engineer very seriously. At the time, we had no knowledge of his situation. We simply observed a man who took his position very seriously, did his job very well and was well-respected by his co-workers.

When we returned to the hotel the second time in May we saw Barry sitting in an outdoor area talking to two other men; Frank and Nick. They had finished their visit and embraced as Frank and Nick prepared to leave. We walked over to them, and I cracked a joke about there "being a lot of male-bonding happening". That's when we learned about Frank's story. Frank has just been released from San Quentin prison in California after new evidence and new technology proved his innocence. Frank had served 29 years of his life in prison for a crime he did not commit. Nick, his son, was 4 at the time his father was taken away from him and was now making up lost time with his father, traveling the United States visiting others "like him". During that meeting, we learned that Barry was "like him".

My husband and I continued with the job, not fully understanding what Barry had supposedly done, or what his circumstances were. We thought he was "like" Frank and had been set free. Later that day, moments after he received the news, I was in Barry's office with him as he called to tell his boss that the Montana Supreme Court had overruled the decision to grant him a new trial and that he had to return to prison to serve the remainder of his 100 year sentence. He was in shock...I was in shock! He hurriedly made arrangements to pass the baton to the next guy and then went home....his home that he had built in the short amount of time he tasted freedom....to make arrangements for his things.

I didn't know if I would see him again, but there he was, at the hotel the next morning saying goodbye to his friends. He had breakfast at the café next door with the mayor of Billings and introduced me to him and his wife. I didn't care. I just saw this dear, gentle man seeing his life being robbed from him. We embraced and he clung to me as if he was imprinting this human contact....from a virtual stranger....to last him a lifetime. Then I walked back to his office to continue working...that's when I saw it...his name tag "Barry A. Beach, Chief Engineer" laying on his desk. Sadness overwhelmed me and a hope that one day soon he would return to wear that name tag once again.

I imagine you, as a board, review hundreds of cases and these people have become numbers to you. To survive, while holding people's futures in your hands, with each decision you make, I imagine you have to harden your hearts to all the sob stories that are presented to you.

It is unfortunate, yes even sad; the Montana Supreme Court overruled Judge Phillips ruling that Mr. Beach should have a new trial. What they did may have been "correct" according to the law, but it was absolutely wrong and outrageous. The only reason that I can see that makes any sense whatsoever for this reversal is the connection four of the judges has to Marc Racicot, the original prosecuting attorney, who is currently seeking a seat in the United States senate! A new trial and acquittal would definitely be a black mark on his record. It's quite the paradox really. Admitting to and correcting this injustice would probably elevate his integrity and secure the seat for him. I find it interesting that this reversal came days after the senate seat became available.

While I understand it is not your place to judge his guilt or innocence, Mr. Beach has proven himself to be a productive member of society and an asset to the community he chose to call home during his brief taste of freedom. While we have not known him long enough to witness his acts of service, we have heard testimony from people concerning his school outreach, helping the homeless, his work ethic, love of family and God, and zest for life. I trust the research of Centurion Ministries and Montanans For Justice, neither of which have found any evidence that Barry is guilty of this crime. I trust the many people whom Barry made a positive impression on during his much too short time as a free man, including the mayor of Billings and many prominent businessmen.

To keep Mr. Beach behind bars, wasting taxpayer dollars and using valuable space in a system that is already overcrowded is not serving the people of Montana. Barry has proven his worth and integrity outside prison walls.

Governor Bullock states that his hands are tied in Mr. Beach's case unless he receives a recommendation from the Board of Parole and Pardons, therefore, I beg you to consider Mr. Beach to have his sentence commuted and recommend to Governor Bullock that Mr. Beach is worthy of parole and released for time served. It is such an injustice to this man and the family of Kim Nees that a new trial was denied considering the new testimony given to Judge Phillips. To have him exonerated would finally mean the justice system would be freed to pursue the real murders and bring them to justice. In the end, God will be the final judge of all things. As we all stand before God, I don't think the excuse "I was just doing my job" will serve as justification for the terrible injustice that has kept Barry Beach behind bars and justice from being served for the Nees' family.

I implore you to "untie" the hands of the governor and do the right thing; Free Barry Beach.

Sincerely,



Wendell R. Burtz

Beth R. Burtz



Wrongly Convicted
Yet
Surrendered
Himself

"My word is my bond" -Barry Beach

INTEGRITY

Pass It On

Hello Parole Board members,

I'm writing from Canada but my mother lives in NH and I love to visit the US. I've always loved to read stories about crime and my interest has led me to contact you all regarding the case of Barry Beach.

I don't know much about your board but I hope you are all God loving and patient, impartial Thinkers. May God be with you when considering Barry's or any man's request as so many lives hang in the balance of your decisions.

It must be very difficult to weigh odds of the convicted against society. Please consider getting assistance from all sides when deciding Barry's case, such as his attorney, alleged victim's family and your own state resources. And please, don't be blind to the advances in our knowledge of crime solving.

There are many publicized cases of false confessions having been used as evidence in cases since overturned, perhaps you recall the Central Park Five. Barry is also a victim of a false confession. As a woman I have a harder time understanding this phenomena as it does seem to affect more men but it's been shown to happen often enough that with additional witness testimony that implicates others is something you too should consider.

Also Barry has shown a glimpse of how he's planning to get back and contribute to society. That he isn't a bitter and hateful man who's lost hope is very impressive to me.

You and I both would hate to be in his position and would want a fair consideration of our request for relief, commutation parole, some special clemency, any avenue ~~as~~ possible to get back to his family and real life.

Sincerely,
M. Dorothy Boker.

Montana Board of Pardons & Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

To Whom It May Concern:

My name is Jennifer Shanahan. I am a wife, mother and grandmother.

I am writing to you today in regards to the case and conviction of Barry Beach of Poplar, Montana. I do not personally know Mr. Beach. I am simply a concerned citizen interested in this case, because I believe Mr. Beach is an innocent man.

I am writing you today to ask you to consider commutation of Mr. Beach's sentence, and consider time served.

I honestly believe that if all the facts in this case, and all evidence (and lack thereof) is examined, you may also agree that he is innocent.

Barry's exemplary involvement in his community during his eighteen months of freedom should be proof enough of his suitability for release to the community.

Based on what I have seen and read, Barry is a good man. He is an innocent man. Please consider commutation and release.

Thank you,



Jennifer Shanahan
9512 Sierra Drive
Arvada, CO 80005

8-21-13

Montana Board of Pardons + Parole,
1002 Hollenbeck Road
Deer Lodge, MT 59722

Please commute Barry Beach's
sentence - justice is NOT being
served by keeping him in jail.

I live in Florida, but after
hearing about Barry, I feel compelled
to write on his behalf.

I cannot understand what sort
of justice would keep him in jail -
let him go so he can have time to
live as a free man.

The state should admit Barry
doesn't belong in jail.

Lynne Rosen
17821 Terabella Way

his innocence. When Barry heard about the murder when he was at my parents farm he was shocked as anyone.

Barry has spent 1½ years out of prison in 2011-2013. In that time he spoke all across Montana in Schools, Churches, and communities encouraging youth not to get involved in alcohol and drugs so they could have the chance of being convicted of crimes they did not commit like himself. He shared with them his experiences of being convicted of murder because he got picked up for something else and questioned. Barry started his own handyman business while out. He worked for a hotel as a maintenance supervisor. He was trusted by his employer and many others. He did not get in any kind of trouble when he was out. I believe he would be a productive member of society if you were to parole or pardon him. If you believe he is guilty and you rehabilitate people in prison then you have done your job.


Thank you for your consideration

Sincerely

406-546-0918 cell

Melody A Wellnans

16593 Spartan Ave. Caldwell, ID 83607



August 26, 2013
Elizabeth Greenwalt
P.O. Box 1127
Springville, Ca 93265
(559)-539-5258

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, Montana. 59722

Dear Montana Board of Pardons and Parole,

My name is Elizabeth Greenwalt, I am writing to you in regards to Barry A. Beach, with concerns of his current situation. I have known Mr. Beach for 29 years and met him while visiting a family member who was also incarcerated at Deer Lodge State Prison. My parents would include a stop in Deer Lodge yearly on our summer vacations from California and pass through Montana to visit our family friend, our visits continued even after he was released to visit Barry Beach. This family friend I have mentioned was incarcerated for fatally shooting his wife's boyfriend and shooting his wife, crippling her as half of her leg was gone from the shooting. His name was Dan Peterson, he only served 8 years.

I am requesting that the Board of Pardons and Parole to consider a commutation of Barry Beach's sentence as most people convicted of murder do not receive life without the possibility of parole, especially at a young age. Barry has been a model prisoner for the past 29 years with him mentoring other prisoners, being a hard worker, and working hard to better himself; without being bitter about his circumstances. This comes from his faith in the Our Lord and faith that the judicial system will finally give him a chance to prove himself worthy of living a suitable life within the community.

Barry was released for 1 ½ years and has proven in more ways than one, that he is suitable for life within a community. He is the most honest, reliable, and respected person I know. He did not default in anyway shape or form during his short period of freedom; furthermore he accomplished more in such a short period of time than most released convicts who just go out and commit more crimes and

murders and end back up in prison. At least Barry did not do any of those things, he showed perservance not only of his to better himself, but taking care ^{of his} loyal mother, and also giving his testimony to so many people that have changed their way of life, to better themselves and not go down a wrong road in life.

Please take into consideration that Barry is not a threat to society, but an asset to all that know him and those he will touch in the future. in all fairness and regards for Barry's life, please reconsider commutation of his sentence; for he has proven himself not only in prison, but also during his short period of freedom. Please do it not only for him, but also his mother. They have suffered enough.

Thank You for your time.

Sincerely,

Elizabeth A Greenwalt

Elizabeth Greenwalt

August 25, 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT
59722

Maureen Jenkins
308 Capri Avenue NW
Calgary, AB, Canada
T2L 0J2

To the Montana Board of Pardons and Parole:

I recently watched the story of Barry Beach's on an episode of "DATELINE NBC". Although I am Canadian, I hope this letter will still be taken into consideration as we share similar values as you Americans. I'm aware that a television show cannot examine all evidence in any case, but there seemed to be a disregard of important evidence that was discussed and calls into serious question the validity of Mr. Beach's conviction. With the witnesses that stepped forward since his original trial, how can there not be reasonable doubt in his guilt?

While I would think Barry Beach's conviction should be overturned and that he be released from prison immediately, I respectfully request that, at the very least, The Board considers commuting Barry Beach's sentence. Mr. Beach proved himself to be a hard-working, honest and upstanding citizen in the time he was released on his own recognizance pending a new trial. He would be an asset to any community.

The death of Kimberly Nees is a tragedy that has been compounded by the wrongful imprisonment of Barry Beach and the lack of pursuit of the actual perpetrator(s) of her murder. Please right this injustice and give Barry Beach the freedom he clearly deserves.

Sincerely,



Maureen Jenkins
Calgary, Alberta, Canada

/mj

To: Montana Board of Pardons and Parole

My name is Jan DeBoto. I first heard about Barry Beach by watching Dateline when it first aired. We found out that he is a 2nd cousin to my husband. Barry's mother is 1/2 sister to Melody Williams. Melody had called the family and ask us to watch Dateline. We have been praying for Barry and his family since we heard about this injustice.

From what we saw on Dateline, there is no hard evidence that he committed this crime. He has spent far to much time in prison. I feel he needs to be set free. I feel he has a lot to give to his community. The time that he was free he was a good citizen. He had a home, job and a lot of people around him. He is a strong

christian. His faith in God
is what has kept him sane.

So please set him free.
Barry has the right to live
the rest of his life as a
free man. Twenty nine
years is long enough.

God Be with you

Jan DeBots

August 27, 2011

Montana Board of Pardons + Parole
Deer Lodge, MT 59722

To the Board,

Being a former resident of Helena and Kalispell, MT, I have watched and listened closely to the Barry Beach story. I'm convinced he is innocent, so I'm asking for commutation of Barry's sentence for time served.

Thank you for your kind consideration.

Sincerely,
Dorothy A. Rauson
5816 Gypsy Ave.
Las Vegas, NV 89107

August 27, 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

RE: Commutation of Barry Beach's Sentence

To Whom It May Concern:

As a native Montanan I have followed Barry Beach's story with great interest over the past few years. I was appalled and outraged to learn the facts of this case and of Beach's wrongful conviction and imprisonment. My pride in our state and our justice system upon Judge Phillips' ruling, ordering Beach's release and a new trial, was immense. What a shock and disappointment it was when the Montana Supreme Court struck down that ruling for reasons that are unclear at best.

In writing this letter, I wish to urge your action to address this travesty of justice. Please consider commuting Barry Beach's sentence and returning him to his rightful freedom. Eyewitness testimony and new evidence have clarified the truth of Kim Nees' murder and unmistakably point to the guilt of other parties in committing that heinous crime. It is both wrong and unjust to imprison Barry Beach in light of these details and, to be frank, it makes our state and us as Montanans look like fools.

As was made evident during Beach's months of freedom, he is most definitely **not** a threat to the community but is, in fact, a huge asset to our state. His involvement in, and service to, the city of Billings was an inspiration and demonstrated both his resilience and his dedication to improving the lives of others. I sincerely believe that a world with a free Barry Beach is immeasurably better than the alternative.

I have the utmost faith in your commitment to our justice system and know that the only right and fair decision from the Board of Pardons and Parole is commutation of Barry Beach's sentence. Thank you for your time and for your swift action to right this horrible wrong.

Sincerely,



Christi Crowley

9543 N Mohawk Ave.
Portland, OR 97203
503-320-5434

cc: Helena Independent Record

August 23, 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, Montana 59722

Re: Barry Beach

Dear Members:

I would like to take this opportunity to express my thoughts and concerns regarding the circumstance of Mr. Barry Beach. My name is Rhonda M. Underwood, from Topeka, Kansas, and became aware of Mr. Beach when Dateline first aired the story. I've recently watched all the episodes' that have been aired by Dateline, and have read numerous articles' pertaining to this issue.

Mr. Beach confessed to a Louisiana detective, who seems to have many instances of not doing his job the way he's suppose to. There are numerous statistics' that show "confessions" can be coerced by law enforcement officials'. This is exactly what happened to Mr. Beach!

To err is human, and I believe many errors' have occurred. The justice system has put an innocent man in prison, and left Kim Nees murderer go free. However, Judge E. Wayne Phillips believed Mr. Beach should get a new trial. His ruling was "discarded" just like the witnesses' that came forward on Barry's behalf. The word "discarded" is defined as "useless" or "unwanted". I would hope the justice system wouldn't want Judges' or witnesses' on any case to be deemed as useless or unwanted, but apparently in regard to Mr. Beach's case it's suppose to be okay! Isn't justice about seeking the whole truth?

During the time Mr. Beach was released, he became a productive citizen, made many friend's, and has many supporters'. He is a man with a wonderful heart, and he's not a threat to society.

Montana Board of Pardons and Parole

August 23, 2013

Page Two

It is my belief Mr. Beach has been in prison long enough for a crime he didn't commit, and request his sentence be commuted. Thank you in advance for your time and attention to this matter. It is greatly appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Rhonda M. Underwood". The signature is written in black ink and is positioned above the printed name.

Rhonda M. Underwood

4830 NE Indian Creek Road, Unit #3

Topeka, KS 66617

August 26, 2015

Montana Board Of Pardons & Parole:

My name is Debbie Raines and I live in Corsicana Texas.

I am writing to you concerning Barry Beach. I have been following Barry's story, and I have gone over the evidence many times. I have prayed for discernment and I believe with all my heart and soul that Barry Beach is an innocent man.

I wholeheartedly believe that there was clearly a Cover up by the Poplar Police Dept. I also believe a young Barry Beach was coerced by Louisiana detectives to give a false confession.

By several witness accounts, it was several girls who took the life of Kim Nees. One of those girls was the daughter of a Poplar police officer. Evidence, which I believe would have cleared Barry of this crime, come up missing from the evidence room on the night of the murder. By the above mentioned police officer? I believe Yes.

after judge E. Wayne Phillips had heard Barry's case & weighed the evidence, he ordered a new trial. Obviously there was reasonable doubt.

This was over-turned by the Montana Supreme Court who rejected a request for re-hearing.

When Barry was released into society for a brief time, he lived as a

model citizen.
Zig & Stella Ziegler, with whom
he lived, had nothing but praise for
Barry.

Barry found a job and worked hard.
His boss was very impressed and also
had nothing but praise and trust for
Barry.

Barry committed no violations while he
was free.

I believe Barry Beach is of No threat
to society and I am asking that you
please consider Commutation of Barry's
sentence.

I believe 30 years is more than enough
time spent in prison for a man who is
clearly innocent.

Thank you for your time and consideration
in this matter.

Sincerely
Debbie Raines
4516 SE CR 1090
Corsicana TX 75109

1002 Hollenbeck Rd
Deer Lodge, MT 59722

August 24, 2013
Page 1

Peter Camiel

In Re: Barry Beach

710 Cherry Street

Seattle, Washington 98104

To: Montana Board of Pardons and Parole

My name is Juelle Sando.

I live in Trecksaw, Pennsylvania.

I am a Mental Health Counselor who owns a private practice providing counseling services to individuals and children with mental health disorder.

I have 2 masters degrees and have worked in this profession for 10 years.

I have worked, in the past, at a correctional facility providing Mental Health Counseling to inmates. I became aware of Barry Beach's case a little over 6 months ago

and had to get involved. After working with so many VIOLENT criminals who were

guilty of the crimes they were charged with

I became outraged to hear of an innocent man spending almost 3 decades in a concrete for a crime he did not commit!

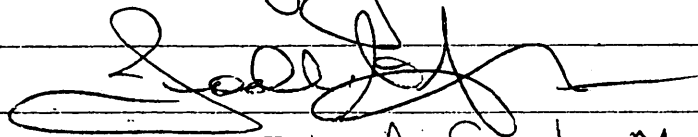
I sincerely and with the utmost respect, ask the board to consider commutation of Barry's sentence, reducing his life sentence, because frankly, 30 years is enough time served for a crime he did not commit.

There are many reasons why I believe Barry's sentence should be commuted. First, Barry was young and coerced into a confession by overzealous and over aggressive investigators. There is plenty of proof that under extreme pressure and stress, people will confess to crimes that they did not commit. That in and of itself is the only thing that ties Barry Beach to this crime and that is simply not enough! Second, when Barry Beach was released from prison in 2010 awaiting a new trial, Barry Beach proved to be an outstanding citizen in his community, obtaining gainful employment, making friends, taking care of his sick mother, motivating others through his positive outlook on life and hope, despite all that he went through for years. He didn't get out of jail and repeat offend, as you would see "real guilty criminals" do! The best predictor of future behavior is past behavior and Barry Beach has been a non violent prisoner whose only passion for 30 years is professing his innocence and his faith in God. If released from prison, once again, it is not M. D. 11 -

Page 3
RE: BARRY BEACH

my personal but professional opinion,
that Barry Beach, will be a productive
active, inspirational member of society,
giving hope to anyone who has ever
felt like they are helpless and
hopeless, and that they should
give up. I have no doubt, whatsoever,
that Barry Beach will enlighten
people through his positive messages,
if just given the chance.

Sincerely yours,



Joelle A. Sando, MA, MS, NCC
P.O. Box 280
Tresckow, PA 18254
(510) 582-6066

August 25, 2013

To The Montana Board of Pardons and Parole,

I am a resident of Elizabethtown, Kentucky and I have been following the Barry Beach case closely for some time now. I believe a very large injustice was done to Barry as well as for Kim Nees.

Barry has already served such a lengthy sentence for a crime that I do not believe he was guilty of committing. He has done more time than many criminals who have been found guilty. When he was given the brief chance and was released, he proved himself to be an honorable and valuable person to society.

In the state of Indiana, there is the case of David Camm which is now going into the third trial. David was found guilty in two previous trials and again, it has been overturned and he was granted a third trial. Why is it that some men get so many chances and others are not given a chance even when there has been proof that it is well deserved.

I ask the Montana Board of Pardons and Parole to please consider commuting Barry Beach's sentence. Please show mercy to this man and return him back to a world that will greatly benefit from having him reenter into it. I believe that God put Barry in this situation for some unforeseen reason. Sometimes we do not understand Gods reason for things but it is for us to accept his will. I think that Barry has served Gods will and now God is giving Barry a chance for him to have mercy and do Gods work in another way. Please let Barry come home.

I respectfully thank you for your careful consideration.

Donna Mattingly

264 Fentress Blvd

Elizabethtown, Ky 42701

Re: Barry Burch

To: Montana Board of Prison

I am a very concerned citizen of the U.S.
& can clearly see an injustice has
been done by putting Barry Burch
in prison.

He was a scared young teenager 17
& was tricked & harassed into
confessing something he DID NOT do!

He played the 1 1/2 yrs he was out of
prison that he is a free, productive
citizen.

I beg you, pray that you commute
Barry's sentence.

If there is justice in this country
please do it this - Barry has
suffered enough for something he
did not do.

Most sincerely,

Victoria Smith
306 Glenview Dr
Kearney NC 28692
828-963-4253

To the Montana Board of
Pardons and Paroles:

My name is Dorothy Robe,
and I was born and raised in
Poplar, MT. I have lived in
Las Vegas, NV. since 1968, but
have never lost touch with
Poplar and what goes on there.
I want back to Poplar for six
years in order to help my
sister in her old age.

During my six year stay in
Poplar I can honestly say that
I heard countless stories
about Barry Beach's innocence.
I really never encountered
anyone who believed him to
be guilty.

Barry has always been a
kind and caring person and
I'm sure would be an
asset to any community. I
hope that you as a group
could come to a common
sense understanding that his
time already served should

take care of whatever they
perceive that his punishment
should be. 29 yrs. is already
a horrible amount of time
served, especially for a crime
he did not commit. Poplar has
had many many murders and
I really don't remember one
that resulted in more than
a hand-slap (if even that severe).

As a board of pardons and
parole, you should at the least
be willing to let Barry go
for time-served. I sincerely
hope and pray that the
board is not made up of
Racicot's robots.

Dorothy Robe
retired teacher

35 Bentley Circle
Lancaster, NY 14086
Aug. 25, 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

Gentlemen:

I am a 57 year old woman whose knowledge of the Barry Beach case stems from my viewing of his story on Dateline NBC and subsequent research about the case on the internet. As an avid follower of legal cases (should have gone to law school instead of becoming an accountant) I believe that Mr. Beach has been unjustly incarcerated and I am writing to ask that you consider the commutation of his sentence to time served in light of the facts that have come out.

It is my feeling that while the truth may never be known and the true killer brought to justice (until the judgment day) that it is pretty evident that Mr. Beach was not the killer, but a victim also in this case. As the saying goes "there but for the grace of God go I" and I know myself that when I was younger there was a situation where I could have also found myself in trouble like Mr. Beach. Because of a good friend being there I was saved from a wrongful accusation and the likely consequences.

I worked at a Correctional Facility in this area for 10 years and I am familiar with the criminal population. And I know that there is a feeling you get about a person that tells you that they are not lifelong criminals, but someone who made a mistake or were in the wrong place at the wrong time. Mr. Beach, I believe, is one of those people.

From the Dateline story I saw what Mr. Beach made of his life in the time he was released till he was re-incarcerated. It is my impression that his life and experiences would make him a great teacher for young people to set them on the right path. His talents are being wasted where he is, locked up. I know that I do not live in Montana and will probably never meet Mr. Beach but I would be proud and unafraid to have him as a neighbor in my community.

Surely you can see from the period of time he was out in the community that he would only be an asset and that commutation of his sentence to time served would be a benefit not only to his community but I believe to the world.

Sincerely,


Janice Jaskowiak

August 25, 2013

Terri Huber

13109 Mountain Shadow Rd. NE

Albuquerque, NM 87111

To: Montana Board of Pardons and Parole

1002 Hollenbeck Road

Deer Lodge, MT 59722

My name is Terri Huber and I saw Barry's story on Dateline. I was particularly interested because my brother was sentenced to life in prison 3 years ago. He was convicted of a white collar crime and he also is innocent. I understand what this does to family members and the person that is convicted of a crime that he did not commit.

I am asking the board to consider commutation of Barry's sentence.

Barry has already proved that he can be part of the community and he has shown what type of person that he is, loving and kind. Since there is strong evidence that he is innocent and he has already given up a large portion of his life, he deserves to be free and live out the rest of his days with his family and friends.

The story on Dateline was very compelling and I am hoping and praying that Barry will be allowed to go home. He is obviously not a threat to our society and there is no reason for him to be held as a prisoner any longer.

Thank you for your consideration.



Terri Huber

Stephen Hambuchen
4921 NE 30th Ave.
Portland, OR 97211

August 26, 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

To whom it may concern:

I learned of the case of Barry Beach a couple of years ago through a friend involved with Mr. Beach's legal team. Since that time I've heard a number of personal stories of Barry, particularly about his all too brief time when he was recently released and giving back to a community and friends who, like many of us who don't know Barry personally, are driven to support him. It is clear Mr. Beach's sentence should be commuted so that he may quickly return to a family and community to which he has shown himself to be greatly committed and to which he is eager to contribute. It appears egos and politics may be standing in the way of what is right while a man, anxious to give back to the people of Montana and become an active and respected member of society, spends day after unjust day behind bars. Please consider the life of this man, and see that the right thing is done by commuting his sentence.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stephen Hambuchen', with a long horizontal flourish extending to the right.

Stephen Hambuchen

To: Montana Board of Pardons and Parole

1002 Hollenbeck Road

Deer Lodge, MT 59722

Re: Barry Beach

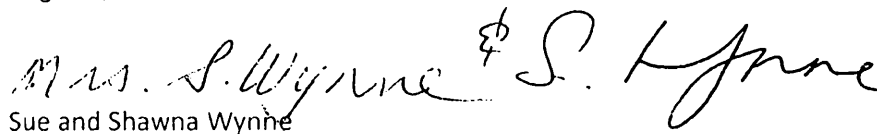
To whom it may concern,

My mother and I are both deeply concerned about Barry Beach and his ongoing incarceration at the Montana State Prison. I have studied law for the past five years and I believe that a travesty of justice has occurred in this case. My mom is equally certain that Barry Beach is an innocent man. Back in July we watched the special on Dateline and we couldn't believe that the Montana Supreme Court overturned Judge Phillip's decision. We believe that Barry Beach is innocent and that there is viable reason to think that a gang of girls was behind the killing. It seems that too many witnesses have come forward with similar accounts to support this theory.

Accordingly, my mom and I ask the Board to consider a commutation of Barry's sentence. He has proven himself to be an upstanding member of society and we believe, given the opportunity, he would serve his community well and be a source of joy to those who know him. We were particularly impressed by his former employer's comments about his character and we too can see the good in Barry Beach. The strength of his character was demonstrated by the fact that he did not flee and accepted his re-incarceration. We sincerely hope that this injustice is corrected and that Barry has an opportunity to be reunited with his mother as she is getting on in years. His emotion when he spoke about his mother getting on was evident and hardly indicative of a cold-blooded killer.

We firmly support Barry Beach and the work of Centurion Ministries and Montanians for Justice and we will be paying close attention to this case going forward.

Regards,


Sue and Shawna Wynne

1169 Dorval Drive, Unit 28

Oakville, Ontario, Canada L6M 4V7

AUGUST 26, 2013

MONTANA Board
of Pardons and
Parole

1002 Hollenbeck Road,
Deer Lodge, MT 59722

Dear MONTANA Board of
Pardons and Parole,

My wife and I live in
Peoria, AZ. We have friends
who live Billings, Helena and
Great Falls, Montana. We
watched very recently this year
the "NBC Dateline - parts 2, 3,
4, 5, 6" regarding Barry Beach.
We believe Barry Beach is
innocent of murdering Kimberly
Nees in 1979. The NBC Dateline

2.)

Program was compelling. We ask that you please seriously consider commutation of Barry Beach's sentence.

Although the NBC Dateline special about Barry Beach was compelling, what was more convincing were the facts presented by Montanans For Justice, The Centurian Ministries and the Montana Innocence Project about the Barry Beach case on their websites: There was NO motive, NO physical evidence and NO witness that tied Barry Beach to the crime. Barry Beach was coerced into giving a false confession by Louisiana lawmen. The confession was

3.) riddled with INCONSISTENCIES
and was the PROSECUTION'S
only evidence. FROM
Montana's For Justice "District
Court Judge E. Wayne
Phillips ordered the release
of Barry Beach pending a
new trial date on December
7, 2011. After hearing New
evidence testimony that
shows serious and more
than reasonable doubt
as to Barry Beach's
involvement in the 1979
murder of Kimberly Nees,
Judge Phillips stated that
had a jury heard THIS
new evidence at the original
1984 trial, they would NOT
have convicted Barry...
ON May 13, 2013, the
Montana Supreme Court
issued a very narrow

4.)

SPLIT DECISION REVERSING
THE DISTRICT COURT'S ORDER
AND PLACING BARRY BEACH
BACK IN PRISON." Barry
Beach turned himself in to
authorities peacefully.

We believe all these facts
point strongly and indisputably
toward Barry Beach's innocence.

Barry Beach has made a
strong positive impact
on many people in Montana,
in the Billings community and
the rest of the United
States: The NBC Dateline
2013 program alluded to
the fact that Beach spent
his time in prison productively;
he learned handy man
skills and building - so
that when he was released

6.)

he would live and work.

It struck a very positive chord within us about Barry Beach's innocence when he said to an interviewer, "When they gave me 100 years, they gave me 100 years to prove I didn't commit the crime that put me behind bars."

Thank you. We hope that you commute Barry Beach's sentence.

Sincerely,
George Baca
(George Baca),

Georgia Baca
(Georgia Baca)

11/11/2020

TO: Montana Board of
Carcels and Parole

My name is Rita Boone
I live in Alabama.

I watch Dateline on
a regular basis. When
Dateline finished airing
Camp's story, I was so
furious. I could not
believe this was happening
to an innocent man. I
wonder why people are
afraid or seemly refuse
to stand up for a man
that is not guilty. From
an outsiders looking in its
so obvious that their
is so much more to this
story. Why would people
want to cover it up? Why
would people not want
the truth to come to the
surface?

Baury has served 30 years of his life. Please consider the 18 months when Baury was released. Wow! I am impressed, he would be a positive influence in so many peoples lives.

You can tell he is a stand up man, honest, humble and innocent.

I am talking to people all over the U.S. we all feel that Baury does not need to spend another day behind bars.

I ask you to search your hearts, search for truth. The truth is blatantly on the table before you. Please take part in bringing justice for Baury. Please don't mistake my passion for disrespect!

I have a question for you as I did for

myself

What if Bamy were your father?

What if Bamy were your brother?

What if Bamy were your uncle?

What if Bamy were your spouse?

What if Bamy were your friend?

I think as we all are apart of the human race that we need to fight for one another.

I ask you to fight for Bamy and consider Commutations.

Bamy is an innocent man please set him free. Please let him have a life.

please let his mother
have her son back.

Its time, Its time
for Baup freedom.

Whats behind a lie,
truth, whats behind
truth, nothing but the
truth!!

Thank You,

Brita Bone

August 24, 2013

Dear Board of Pardons,

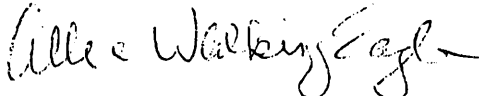
I am writing to voice my disbelief at what has happened to Barry Beach. In watching the Dateline programs, airing what they believe to be a thorough accurate report on his plight, I can't help wondering what is the motivation for not granting him a new trial! I grew up in the Poplar area and knew practically all involved in this case. To see the new evidence brought forward implicating a gang of girls as the real killers, as well as the outright destruction of locked up evidence and the COERCED confession from Barry leads anyone with some sense of justice to come to a decision and say, "I think he's innocent and deserves to have his sentence commuted!" Here's a man that's served what 30 years now for a crime that he did not commit!

I understand the community culture in which this atrocity took place as I grew up there. I can see how someone would protect their loved ones despite knowing that they are in the wrong but now to see the Board of Pardons brought into this and act in a similar manner is truly appalling!

I recently witnessed a similar TV program where a suspect confessed to a killing he did not commit which makes me wonder how many times this happens in our supposed Justice system where someone is broken down and actually confesses to something they did not do! I am all for Justice and I hope that you can bring Justice to this case by doing the right thing and commuting Barry's sentence or grant him a new trial at least especially with all the new evidence brought forward which should be enough to grant him a new trial!

Barry has shown tremendous character with what he's been through! I am all for finding justice for the Nees family but you have the wrong person locked up and it's time to FREE BARRY BEACH!

Sincerely,


Allie Walking Eagle

August 24, 2013

Dear Board of Pardons,

I am writing in behalf of Barry A. Beach, who is incarcerated in the Montana State Prison. I believe he is an innocent man. I first became aware of his story after watching the NBC "Dateline" program on television in 2008, and the subsequent episodes that followed last summer, and this month. I respect and admire their journalism for it's impartial, thorough, fair, and accurate reporting. I don't know how anybody who saw that program, can come away from it, and NOT believe Barry is an innocent man. Why is the State of Montana, and especially Mark Racicot, and the other politicians and prosecuting attorneys, so HELL-BENT on keeping Barry in prison? Is it because they fear that if he was granted another trial, they would lose miserably, because they HAVE NO EVIDENCE, and therefore they would look like a bunch of fools? Well, I'm sorry to say, they already look like a bunch of fools! For believing that a coerced confession from a scared 20 year old is all the evidence they need to make sure someone pays for the crime of killing Kim Nees. When the real killers are roaming the streets, after having been protected by their family members who were in a position to destroy evidence that could have, and probably would have, implicated them in this murder!

It is ashamed that Barry Beach has to sit in prison, wasting away for a crime he didn't commit. He more than proven himself to be a law-abiding, contributing, upstanding member of society while he was freed those 18 months awaiting a new trial. The least you could do is GRANT HIM A NEW TRIAL, so that he can clear his name of this horrible crime. If you can't, or won't go through another trial, a trial that would most surely expose the real murderers of Kim Nees, then at the very least, COMMUTE his sentence to time served. All of America has been watching this case, it's time you DO THE RIGHT THING HERE!

FREE BARRY A. BEACH

Sincerely,

A handwritten signature in black ink, appearing to read "Lori J. King". The signature is written in a cursive, flowing style with a large, sweeping initial "L".

To: The Montana Board of Pardons and Parole
1002 Hollenbeck Rd.
Deer Lodge, MI 59722

I am a deeply concerned American citizen. I, like many others, watched the Dateline story, *Return to Poplar River*. After watching the television special, I took to the internet, and I read an expansive amount of articles on Barry Beach. I read article after article... story after story... and I, like many others, am convinced that an innocent man is in prison. Barry Beach is innocent.

I am asking the Board to consider commutation of Barry Beach's sentence. Reconsider the evidence. Reconsider everything that has been brought to light over the years. He deserves the Board's reconsideration. Barry Beach has spent nearly thirty years behind bars despite persuasive evidence that he is innocent of murder. If the first jury had heard all the testimonies and all the evidence, I know they would not have convicted Barry. Everyone deserves a fair trial with all the facts brought into testimony. That is a basic American right. Barry deserves a fair trial. He deserves to have his life given back to him. He deserves the Board to reconsider.

When briefly released, Barry proved himself to be a productive member of society. He was resourceful and hard working. Barry also displayed honest character and trustworthy traits. He was well received in Billings, and his release was considered a massive success by most. People are aware of the great injustice that has happened. They are aware of how sad it is to see our system go wrong. The system we all believe in... The system we want to believe is without error... Well, in Montana, they are living daily in error. Lets right this situation. Lets free Barry Beach. The system has taken thirty years away from an innocent man. I am begging for the Board to let him have the next thirty years free and on his own. Barry is innocent. He deserves to smell the fresh air. He deserves to wake-up every morning, shower, eat breakfast, and hop into a car and drive... He deserves to work, to play, to run... He deserves to dream and have the right and the ability to make those dreams come true.

It is absolutely unjust and unacceptable for an innocent man, who has proven himself as a law-abiding and productive citizen, to spend the rest of his life in prison. Innocent men deserve to live as innocent men. Barry Beach deserves to live. He doesn't just deserve to exist.

Thank you for your time, and please lets do this right.

Teresa Norris
8420 N. Cosby Ave. #48
Kansas City, MO 64154

413, 3420 – 50 Street N.W.
Calgary, Alberta, Canada
T3A 2E1

August 14, 2013

Montana Board of Pardons and Parole
c/o Mr. Peter Camiel
710 Cherry Street
Seattle, Washington
98104

Dear Montana Board of Pardons and Parole:

RE: MR. BARRY BEACH

I am writing to you after having watched the TV show "Dateline NBC" earlier this month which told the story of Mr. Barry Beach.

Given the information presented regarding evidence having been disregarded as well as witnesses having come forward since his original trial, I am writing to request that you commute Mr. Beach's sentence if you cannot see fit to overturn it.

Kimberly Nees's death was a tragedy. The wrongful imprisonment of an innocent man is also a tragedy which does not serve justice.

Please free Barry Beach.

Thank you for your consideration.

Sincerely,

Barbara Jenkins

Barbara Jenkins

/bj

Montana State of Pardons or ? Parole
1002 Splenbeck Road
Deer Lodge, MT 59722

Aug. 22, 2013

Dear Sir,

I live in Nevada, MO and am
citizen of the U. S.

I am writing this letter because
of my concern for Barry Beach

I believe he is an innocent man
wrongly accused of this crime and
spent 30 yrs of his life paying for
something he didn't do.

Please consider commutation of his
sentence and find the killer?

The facts are there and the people
believe that he deserves a jury trial
with the evidence.

Thank you for your time.

Jacqueline Farmer

Montana Board of Pardons and Parole

1002 Hollenbeck Road
Deer Lodge, MT. 59722

Menashe & Cherie Akiva
1114 Winding Creek Place
Round Rock, Texas 78665

RE: **BARRY A BEACH**

August 20, 2013

My husband and I met Mr. Beach via telephone after seeing his case profiled on Dateline. We began to do research on the case, including review of legal documents and listening to many people that personally know Barry Beach. Each and every person spoke very favorably of him.

As a board, reviewing hundreds of cases these people are “numbers” to you. Holding people’ lives and futures in your hands, with each decision you make, I imagine you have to harden your hearts to all the sob stories that are presented to you.

It is unfortunate, even sad; the Montana Supreme Court overruled Judge Phillips ruling that Mr. Beach should have a new trial. For Montana’s Supreme Court to rule against this was absolutely **wrong** and **outrageous**. The only reason that makes any sense whatsoever for this reversal is the “connection” four of the judges has to do with Marc Racicot, the original prosecuting attorney, who is currently seeking a seat in the United States senate! A new trial and acquittal would definitely be a black mark on his record. It’s quite the paradox really. **Admitting to and correcting this injustice would probably elevate his integrity and secure the seat for him.**

While it is not your place to judge his guilt or innocence, **Mr. Beach has proven himself to be a productive member of society and an asset to the community he chose to call home during his brief taste of freedom. We have heard testimony from numerous people**

concerning his school outreach, helping the homeless, his work ethic, love of family and God, and zest for life. I trust the research of Centurion Ministries and Montanans For Justice, neither of which have found any evidence that Barry is guilty of this crime. I trust the many people whom Barry made a positive impression on during his much too short time as a free man, including the mayor of Billings and many prominent businessmen.

Keeping Mr. Beach behind bars, is wasting taxpayer dollars and using valuable space in a system that is already overcrowded is not serving the people of Montana. Barry has proven his worth and integrity outside prison walls.

Governor Bullock states that his hands are tied in Mr. Beach's case unless he receives a recommendation from the Board of Parole and Pardons, therefore, I beg you to consider Mr. Beach to have his sentence commuted and recommend to Governor Bullock that Mr. Beach is worthy of parole and released for time served. It is such an injustice to this man and the family of Kim Nees that a new trial was denied considering the new testimony given to Judge Phillips. To have him exonerated would finally mean the justice system would be freed to pursue the real murders and bring them to justice. In the end, God will be the final judge of all things. As we all stand before God, I don't think "I was just doing my job" will serve as justification for the terrible injustice that has kept Barry Beach behind bars and justice from being served for the Nees' family.

Respectfully Submitted,



Menashe & Cherie Akiva



Montana Board of Pardons and Parole
Deer Lodge, Montana

RE: Barry Beach

Dear Sirs:

I am a retired Postal Worker living in Colorado. I saw Barry Beach's story on TV years ago and it always haunted me that he was still in prison. I have to feel extremely strong about something to take the time to write a letter.

I would like to see you have the grace to commute his sentence.

First, I believe he is innocent and was railroaded into a confession by ego-driven lawmen when he was young, tired, and vulnerable. I know I was stupid and naïve at 20. Why do they think *their record is more important than the truth*.....it turns my stomach. False confessions, as we all know, are not all that unusual.

Second, I watch a lot of true crime shows and his sentence seems extreme considering the young age it was supposedly committed at. I have seen a lot of lighter sentences for serious violent offenders especially when "deals" are made.

I believe he would be a very productive, positive member of society and would better serve the world on the outside.

Sincerely,
Patty L Suto
Fort Collins Co

Patty L. Suto

To: Montana Board of Pardons and Parole—

Hello. I am a Citizen of the State of Louisiana. I am deeply troubled by the Barry Beach Case. I, along with many around the country have watched this travesty unfold on television. It makes me sick to think that an innocent man is "rotting" in jail, while we enjoy our day to day lives.

If he isn't going to receive a new (fair) trial, then maybe getting his sentence commuted to time served would be the next best thing. I pray that you will do the "right thing".

Thanks

Rodney Robbins

Rodney Robbins

PO Box 431

Ashley, IN 46705

PS: I've also seen that the family of victim Kim Mees also believes in Barry's innocence. I think that is very telling as well!

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

Madison Hiller
111 Choice Drive
Palmer, Texas 75152

August 18, 2013

RE: BARRY A. BEACH

Barry Beach has spent nearly 30 years in Montana prison, despite persuasive evidence that he is innocent of murder, and now it is time for the State of Montana to free him to be a productive citizen in our community. If something is not done now, Barry will spend the remainder of his life behind bars. As a young man being interrogated by Louisiana police, Barry signed a coerced confession. **Keeping Mr. Beach behind bars, is wasting taxpayer dollars and using valuable space in a system that is already overcrowded is not serving the people of Montana. Barry has proven his worth and integrity outside prison walls.**

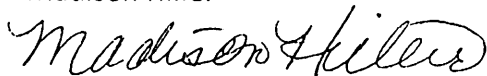
Governor Bullock states that his hands are tied in Mr. Beach's case unless he receives a recommendation from the Board of Parole and Pardons, therefore, **I beg you to consider Mr. Beach to have his sentence commuted and recommend to Governor Bullock that Mr. Beach is worthy of parole and released for time served.** It is such an injustice to this man and the family of Kim Nees that a new trial was denied considering the new testimony given to Judge Phillips. To have him exonerated would finally mean the justice system would be freed to pursue the real murders and bring them to justice.

It is unjust and unacceptable for an innocent Montana man who has recently proven himself as a law-abiding, productive citizen to spend the rest of his life in prison. As concerned people from all walks of life who pay taxes and are active in our communities, we cannot allow this to happen. An injustice to one is an injustice to all.

We call upon the state of Montana to find a way to achieve justice for Barry Beach and return him to our community so that he can continue to live as a productive, law-abiding free man.

Sincerely,

Madison Hiller



Mr. Peter Camiel
710 Cherry Street
Seattle, Washington 98104

Re: Barry Beach

Dear Mr. Camiel;

I first watched the Dateline interview with Barry on '07 and was elated to see an update in '11. I thought at the time that he had been "done wrong" by our justice system and was so relieved to see he was granted parole which he certainly deserved. He contacted me by phone one day to thank me for a book (A Purpose Driven Life) and we became fast friends. I DO believe his situation should be corrected because he has served so many years for something he did not do. I am writing you to consider commutation of Barry's sentence. He did nothing but God's good work when he was out of prison. When we spoke, which was frequently, he told me of the different groups which had asked him to come speak at the sports events where people (including very many young people) gathered on his own time. He spent his own money for gas, not asking to be reimbursed for anything, and somehow made it all work. HE IS A GOOD AND THOUGHTFUL MAN who should not be back in prison. He was put in jail for all of the wrong reasons, none of the right ones and has faced it all with a continued belief in God that I do not think many of us could have withstood. The evidence just is not there. He was young and scared. Naive to the ways of the tricky "big city" life away from Poplar, Mt. and he believed in and took people for their word as his mother had taught him. He has had a grave injustice done to him that I do not believe can EVER be repaid to him by anyone on this earth. Only God can reward this faithful man in heaven. His suitability for life in the community can only speak for itself by the way he proved it when he was out. Everyone who hears him speak is moved by him and takes away with them something he has said which has touched their heart.

PLEASE COMMUTE HIS SENTENANCE and go after the real killers of Kim Nees.
Bring a justice to her that only she and her killers know.

Cynthia A. Dunn

August 3, 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT
59722

Susan Jenkins
308 Capri Avenue NW
Calgary, AB, Canada
T2L 0J2

To the Montana Board of Pardons and Parole:

I recently learned of Barry Beach's plight on the "DATELINE NBC" episode that aired on August 2nd, 2013. Although I'm not an American citizen, we Canadians share similar values that make our nations great democracies. I'm troubled by the disregard of evidence that calls into serious question the validity of Mr. Beach's conviction. With the witnesses that stepped forward since his original trial, how can there not be reasonable doubt in his guilt?

While I would think Barry Beach's conviction should be overturned and that he be released from prison immediately, I respectfully request that, at the very least, The Board considers commuting Barry Beach's sentence. Mr. Beach proved himself to be a hard-working, honest and upstanding citizen in the time he was released on his own recognizance pending a new trial. He would be an asset to any community.

The death of Kimberly Nees is a tragedy that has been compounded by the wrongful imprisonment of Barry Beach. Please right this injustice and give Barry Beach the freedom he clearly deserves.

Sincerely,



Susan Jenkins
Calgary, Alberta, Canada

/sj

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722,

8/7/13

RE: Barry Beach - #A021520

My name is Lori, I am from Iowa. I became interested in Barry Beach's case after watching the Dateline piece on the recent events that happened in his life and about the crime. I am deeply distraught over the details of this case. It would seem the only evidence tying him to this murder is a confession of questionable tactics. False confessions are a common thing in our legal system today. Many innocent people are sent to prison because of the way confessions are carried out. When given the opportunity for a new trial and DNA testing, many are found to be innocent.

I realize this case may be different in the fact that a large part of the evidence has gone missing and the taped confession was erased. But Barry's prints were not at the crime scene, his foot prints were not found at the scene, no one saw him that evening, because I believe he was where he said he was. The Poplar police department questioned him numerous times, even calling him out of the Navy to come in – each time they told him he was not a suspect. His confession did not match the crime scene or what took place. Stephi Eagleboy was quite distraught on the stand – I believe she is telling the truth and it corroborates what was being talked about around town after it happened – a group of girls. I believe he deserves a new trial with the new witnesses that have come forth with any evidence not presented at the first trial, and to allow him a chance to present his case in full. As I understand from reading about his case – much of the evidence was not even allowed in the first trial, such as the fingerprints, palm print, and footprints and that there had been no wiping down of the inside of the truck cab. It tells me there is reasonable doubt that he committed this crime.

He was released after Judge Phillips ruling for 1.5 years because he felt there was reasonable doubt regarding this case as well. I understand Barry is a model prisoner and it sounds like he was a model citizen. He started a business and worked hard. He followed the rules set before him to abide by such things as not going into any place that sold liquor, he made new friends who support him yet to this day and believe he should be free to live the rest of his days outside of prison, he spoke at community events and schools promoting “hope” despite all he has been through and to top it all off – he turned himself in when they gave the order that he was to return to prison to serve out the rest of his time. What prisoner would ever do that – most would run. Barry Beach did not! It speaks of his character, his integrity, and I have no doubt that he would be an asset to society and a law-abiding citizen of the State of Montana if he were released from prison today. I think he proved this when he was released before.

I understand that the sentence that he received was the same sentence as those who murdered multiple people in the state of Montana. Many have served far less for murdering someone. I ask that you please reconsider your decision about commuting his sentence to a lesser amount and to also consider releasing him with time fully served.

I thank you for your time,



Lori Lochner
5958 Q Avenue
Cherokee, IA. 51012

August 7, 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, Montana 59711

Re: Commutation of Barry Beach's
Sentence

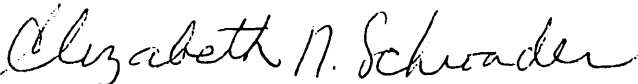
Gentlemen:

My name is Elizabeth N. Schroader (a senior citizen who lives in C
After hearing Barry Beach's story on Dateline and looking up data
believe this individual's sentence should be commuted.

As you well know, Barry has been in prison for nearly thirty years :
for a period of time. During this time, he worked hard, established
was an upstanding citizen. However, you decided that he had go be
though during this time he had done nothing wrong, but you would
trial or whatever. This situation is totally unfair as there are so mar
this entire case and you (the professionals) know this. How would
your son or brother that this was happening to? Wouldn't you want
heard about this case to fight for the individual?

As a concerned citizen of the United States of America, I request th
Barry Beach's sentence be done.

Sincerely,


Elizabeth N. Schroader

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT. 59722

Cherie Akiva
1114 Winding Creek Place
Round Rock, TX. 78665

RE: BARRY A. BEACH

August 5, 2013

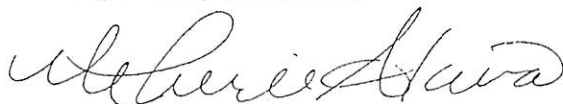
A terrible wrong was briefly made right only to once again be made terribly wrong with the recent Montana Supreme Court decision to return Barry Beach to prison. Judge Wayne Phillips' finding that sufficient evidence existed to warrant a new trial for Barry Beach. Particularly with the advent of DNA evidence testing, we now understand much more about how and why false confessions can and do occur, when Beach's confession was obtained at age 20 at the hands of overzealous Louisiana lawmen.

Mr. Beach's conviction was obtained and is now being upheld solely on the basis of his "confession" to the Monroe, Louisiana police in 1983. Beach's confession did not exhibit any material knowledge about the murder other than what was commonly known or thought to be known in the community of Poplar.

There is not one piece of physical evidence or eyewitness testimony that connects Beach to the murder. Not that there wasn't physical evidence to be had but **none** of it matches Beach. There were 42 different sets of fingerprints. Very importantly, a bloody hand print was left at the scene, a print that definitively does **not** belong to Beach nor does it belong to the victim. The state has been astonishingly incurious as to whom that print belongs to.

I am not an expert in post-conviction relief law but can clearly see with my own eyes that Mr. Beach's conviction is gravely troubled. Undisputable that Barry Beach has already served 30 years. In the 18 months he was free, he proved himself law abiding, hardworking, entrepreneurial, civic minded, a man of faith, and a valued asset to the community of Billings. Guilty or innocent but especially when innocent, there seems little reason for the taxpayers of Montana to spend \$30,000 a year for the rest of his life to keep Beach behind bars. On behalf of Montanans we call upon elected officials and the courts to find a solution that better serves the interests of justice and the interests of taxpayers than to continue Mr. Beach's imprisonment for another 70 years.

Respectfully Submitted,



Cherie Akiva

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT. 59722

Elana Abrams
1114 Winding Creek Place
Round Rock, TX. 78665

RE: BARRY A. BEACH

August 7, 2013

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Respectfully Submitted,



Elana Abrams

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT. 59722

Manny Akiva
1114 Winding Creek Place
Round Rock, TX. 78665

RE: BARRY A. BEACH

August 5, 2013


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Respectfully Submitted,



Manny Akiva

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT. 59722

Shir-El Akiva
1114 Winding Creek Place
Round Rock, TX. 78665

RE: BARRY A. BEACH

August 7, 2013

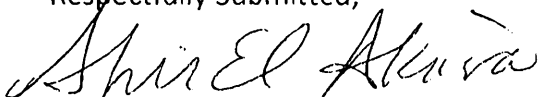
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Respectfully Submitted,



Shir-El Akiva

To whom it may concern:

My name is Brittney Sorenson. I grew up in Eastern Montana in Sidney. I am not too far away from Poplar. I now live in Denver Colorado. I am a single mother with a college degree and am employed in the medical field as a Cat Scan tech.

I am very interested in the plight of Barry Beach and have been following his story for years. I am saddened and disgusted by what has been done to this man. He has been a victim of an unjust system and personal vendetta and pride. Men who would rather personally be right then do the right thing have ruined another human being's life in the name of so called justice.

There is NO evidence connecting Barry Beach with this murder. Not a single shred. Not because there is NO evidence. There is plenty of evidence. It is literally because none of it can be tied to Mr. Beach or has come from him. The only reason he is in prison is because of a FALSE confession. In terms of confessions, we all know that false confessions are not nearly as few and far between as we would like to think. We can all sit and say " Well I would never confess to something I didn't do." But none of us have walked a mile in Mr. Beach's shoes. We cannot say with certainty what we would do as we do not know the circumstances of what transpired in that police station.

As far as murder sentences are concerned Mr. Beach has served an adequate amount of time. He has spent far more time in prison than most murderers whose conviction was locked up with strong physical evidence. His sentence should be commuted due to that fact alone. Regardless of if he is guilty or not, the punishment does not fit the crime at this point.

Mr. Beach has proven himself to be a worthy person and an asset to the community and to the world at large. He spent his time out of prison working hard, taking care of his mother, following the law to a T and being a productive member of society. He also gave his word that if he had to return to prison he would turn himself in, and he did. He could have run. He could have tried to get away but he didn't because he is a man of his word and he believes in himself as do thousands of people all over the world.

Please consider commuting Barry Beach's sentence and giving this man a chance at a life he has never truly had. I feel, as many others do, that he⁴ deserves his freedom at this point. Please keep the JUST in justice and do the right thing.

Thank You for your consideration,

Brittney Sorenson

3711 S Espana Way

Aurora, Co 80013

To whom it may concern,

Via Attorney Peter Camiel....RE: Barry Beach (imprisoned innocent man in Montana)

I am a concerned citizen who watched the August 2nd episode on Dateline in complete shock and disbelief.

My heart breaks for Mr. Beach.....and his mom who has stood by him throughout this entire nightmare. It is absolutely despicable how this man's entire life has been completely ruined without one shred of physical evidence, no motive and no witnesses. Not to mention the fact that those malicious women....the real perpetrators have literally gotten away with murder! They are free to continue their pathetic drug induced existences while this innocent man rots away in a prison cell.

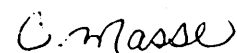
PLEASE, PLEASE! I am begging you to drop the charges against Mr. Beach in this case or at the very least, consider the last 30 years he has already spent in jail as "time served", although that wouldn't even be right because he is innocent. He should by all rights be completely exonerated and the state should be doing everything possible to give this man back at least a portion of the life they have stolen from him! There are real criminals that have only served minimal time in jail (nowhere near 30 years) when there has been real evidence against them in a murder trial, and this man is to lie in a prison cell for the rest of his natural life due to a complete debauchery on the part of the police department that charged him?! Please! Someone needs to do something to free this man immediately!!

Please keep in mind the confessions of the real murderers. Granted, these confessions weren't made at a police station, but then again.....they confessed to their crime without being coerced into it as Mr. Beach obviously was. Why don't their confessions count??

In the minimal time that Mr. Beach was allowed out into society, he proved to be a model citizen and a valuable asset to the community. That has to count for something! He didn't sit around getting high as seems to be the common practice of the real murderers in this case.

All Mr. Beach has asked for is that he be released in time to attend his mother's funeral. How incredibly sad is that and how can any human being on this planet deny him that request? Obviously his distraught mother is not going to be around forever and they have already lost precious time together. Decades of precious time! She will never see her son marry or have children of his own. At least give them whatever little time they have left to spend together. It's the ONLY right thing to do at this point!

Sincerely, C. Masse



Kimberly A. O'Connor

PO Box 691208 Orlando, FL 32869 | 407.922.8016 | kim.o.connor@msn.com

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

7 August 2012

Dear Board Members:

Montana State Prison Inmate Barry Beach's case came to my attention some years ago when I saw him profiled on a television show. Possessing a BS in Criminal Justice and having worked in public safety for some time, I decided to look into it further. As I did, it became clear to me that there was at the very least a very reasonable doubt as to Mr. Beach's guilt. As such, I'm writing to you with the hope you will consider commutation of Mr. Beach's sentence.

Barry Beach's case certainly has had its twist and turns. First sentenced to life in prison, then released, then incarcerated again on appeal and it's my understanding that the matter may yet be heard again. Barry Beach was convicted largely on the weight of his own confession, despite any physical evidence to support such a confession. It's also my understanding that evidence exists which points away from Mr. Beach, bringing an air of uncertainty to the case of the murder of Kimberly Nees.

The idea of a suspect's own confession seems ironclad, and certainly many deserving criminals have been sent to prison after law enforcement professionals have drawn out the truth. Yet we now know that *false* confessions, as hard as the idea is to believe, do occur and their discovery has been the impetus to many men's freedom. At the end of this letter I offer research on the topic of false confessions; though you may be familiar with it, I hope you will take the time to look into it. The fact is, men – especially young men – do and have confessed to crimes they never committed. I truly believe that's what happened in Mr. Beach's case.

Should it be determined by your board that Mr. Beach's confession is valid, however, I ask you to consider the sum of his life and what he's made of it. Assuming the confession to be true, Mr. Beach held himself accountable to the crime through his confession and has served thirty years of his sentence, well more than half his life. During his brief stay in free society, Mr. Beach quickly acclimated himself to the modern world, became gainfully employed, created his own company and bought a house with the hope his mother could move in. He became a contributing, productive and well regarded member of his community. Hardly the threat to public safety prison is meant for.

It is said that the sum of a man is more than the worst thing he's ever done. Is this not true of Barry Beach? Particularly if he never even committed the crime for which he was convicted? If guilty, he has served more time than many murderers and has tried to affirm his fitness for freedom. If innocent, an error of epic proportions has been made and the only way to right it is to commute Mr. Beach's sentence and pursue those truly responsible.

You have each been appointed with the trust and confidence of the Montanan people. Please look into your hearts, study the details of the case and consider Mr. Beach as a human being on all his merits, not simply as an inmate. I and those following this case have confidence the right and just decision will be made. Thank you for your time and careful consideration.

Kind regards,

A handwritten signature in black ink, appearing to read "K. O'Connor", with a long horizontal flourish extending to the right.

Kimberly A. O'Connor

RESEARCH REGARDING FALSE CONFESSION:

Silence is Golden

People have a strange and worrying tendency to admit to things they have not, in fact, done August 13, 2011 The Economist

Inside Interrogation: The Lie, The Bluff, and False Confessions

Jennifer T. Perillo • Saul M. Kassin August 24, 2010 Law and Human Behavior (published online)

Police-Induced Confessions: Risk Factors and Recommendations

Saul M. Kassin, Steven A. Drizin, Thomas Grisso, Gisli H. Gudjonsson, Richard A. Leo, and Allison D. Redlich; Published online: 15 July 2009, American Psychology-Law Society/Division 41 of the American Psychological Association 2009

The Substance of False Confessions

University of Virginia Law Review article by Brandon L. Garrett analyzing 40 false confessions of exonerated individuals who had been incarcerated for rape and murder.

Techniques and Controversies in the Interrogation of Suspects: The Artful Practice versus the Scientific Study

By Allison D. Redlich, Policy Research Associates and Christian Meissner, University of Texas, El Paso

Police-Induced Confessions, Risk Factors, and Recommendations: Looking Ahead

By Saul M. Kassin, Steven A. Drizin, Thomas Grisso, Gisli H. Gudjonsson, Richard A. Leo, Allison D. Redlich; Published online: 29 January 2010, American Psychology-Law Society - Division 41 of the American Psychological Association 2010

True Stories of False Confessions

Book by Steve Drizin

Police Interrogations and Confessions

Published by Saul Kassin, Professor of Psychology, Williams College

Creating False Memories

Article by Elizabeth F. Loftus, University Of Washington, Seattle, Washington 98195, published in Scientific American, September 1997, Vol 277 #3, Pages 70-75

Criminal Law Resources: False Confessions LLRX

This site has links to a wide variety of research papers, articles and resources on false confessions.

False Confessions: Annotated Clinical Research

By Joe Wheeler Dixon, PhD, JD

How to Get a False Confession in Ten Easy Steps

Confessions of an interrogator: Ten principles that guide a successful interrogation-by making it easier for a suspect to confess, by Nathan J. Gordon Security Management, October 1, 2002 This article by the author of "Effective Interviewing and Interrogation Techniques" is a nice short primer on the kinds of interrogations techniques that are seen time and time again in false confession cases. It's another way of packaging the Reid technique. Notice that there is not even the hint of the possibility of false confessions and the complete confidence of the interrogator in his ability to read the "buy signs" of his suspect's "the body language and other physical reactions that suggest the suspect's guilt and that he is ready to confess.

The Problem of False Confessions in the Post-Dna World

By Steven A. Drizin & Richard A. Leo, Association of American Law Schools

Social Science Research Network: False Confession Papers

By Richard A. Leo, University of San Francisco - School of Law

Law & Psychiatry: Mental Illness, Police Interrogations, and the Potential for False Confession

Psychiatric Services, by Allison Redlich, Ph.D. January 2004

Convicted by Juries, Exonerated by Science: Case Studies. in the Use of DNA Evidence to Establish Innocence After Trial

Case Studies in Use of DNA Evidence Series: NIJ Research Report, June 1996

Rutgers University Law Review article on wrongful convictions of youth

Center on Wrongful Convictions Youth(CWCY) law review article analyzing 103 wrongful convictions of defendants under 20 years of age. Study found that over 30 percent of the wrongful convictions involved a false confession among other important facts.

The Psychology of False Confessions

Article by Richard Conti, Boise State University.

August, 7, 2013

Sir,

Please find a way to free this innocent man. Not only am I concerned for Barry, but for his mother.

The evidence was destroyed, there should be a challenge to that miscarriage of justice.

There was no evidence of Barry being at that murder, what so ever.

He was told about the crime scene. The law should never, ever, be allowed to tell a potential suspect these things. Barry's interview like so many innocent people in prison, was force fed to him.

Barry has been a model inmate (victim) and a model citizen, our justice system is no good model.

From my true sense of justice?

Thank - you

Kelly Husley

342½ Fourth St.

Ottawa, Ohio

45875

Peter Camiel
710 Cherry Street
Seattle, WA 98104

August 7, 2013

Dear Mr. Camiel,

Re: Barry Beach

I recently became aware of the story of this man whom I believe is innocent of his crime. I am well aware of how intense murder interrogations can become, and how persistent the interrogation team can be when they set their sights on a suspect they are convinced did the crime. History has shown that many people have confessed under duress to crimes they did not commit; because they are terrified, exhausted from all the pressure, and driven to the point of confessing anything...simply to be done with it all!

Sadly, I am told the Montana Supreme Court has denied Mr. Beach's petition for post-conviction relief. Executive clemency, in Mr. Beach's case, is not possible without a positive recommendation from the Board of Pardons and Parole. In 2007, the Board denied Mr. Beach's application for clemency. My understanding is also that the governor's office (Steve Bullock) is not able to intervene in the matter.

In a very heartfelt plea, I would like you to present my letter asking the parole board to consider commutation of Barry Beach's sentence. I do believe he has served 30 years already, for a crime he did not even commit. This is one of the saddest stories I have ever encountered in our prison system.

Prior offenses? Despite the fact that in his younger years, Barry might have had a few minor brushes with the law (typical wild youthfulness, drinking and driving), I do not find that kind of behavior at all surprising with the kind of upbringing he had. His parents divorced when he was at a young age, and he was raised on an Indian reservation. I quote one author to say "heavy Native American drinkers may not be physiologically dependent on alcohol, but abuse it by engaging in binge drinking, a practice associated with child neglect, violence, and impoverishment (Anestasia M. Shkilnyk , 1985, *A Poison Stronger than Love: The Destruction of an Ojibwa Community*).

Alcohol consumption might have been a factor in his decision to drink and drive while in his teen years. However, there was no record of any violent behaviors. And during his years as a free adult, he has certainly proved what an upstanding man and law-abiding citizen he truly is in his heart. I have for years studied criminal psychology and teach violent criminal behavior to law enforcement officers. My graduate studies have brought me enough awareness of characteristics in violent criminal behavior.

Barry Beach does not fit any of these characteristics.

The story from the young girl hearing screams and witnessing the group of girls yelling and screaming that night, compared to the evidence (or serious **lack of evidence**) against Barry Beach himself, is defense enough! Why make an innocent man pay any longer for a confession he made under duress of intense interrogation?

I have no ties to Barry Beach personally. I do not know him, but became aware of this situation within a realm of academic research. But I feel in my heart that I simply need to speak up in his defense.

Thank you for your time,

A handwritten signature in black ink that reads "Sandra Lee". The signature is written in a cursive, flowing style with a large initial 'S' and a decorative flourish at the end.

Sandra Lee
Sacramento, CA

Barry Beach has spent nearly 30 years in Montana prison, despite persuasive evidence that he is innocent of murder, and now it is time for the State of Montana to free him to be a productive citizen in our community.

As a young man being interrogated by Louisiana police, Barry falsely confessed to an unsolved Poplar, Montana, murder and was convicted and sentenced to 100 years, no parole. Barry has persistently maintained his innocence but has struggled to prove it in court, in part because the state destroyed critical DNA evidence. But we know that 25% of people later exonerated by DNA evidence falsely confessed, and we know that the criminal justice system sometimes makes critical mistakes.

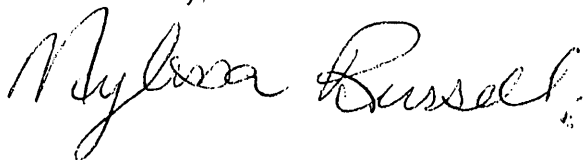
It is unjust and unacceptable for an innocent Montana man who has recently proven himself as a law-abiding, productive citizen to spend the rest of his life in prison. As concerned people from all walks of life who pay taxes and are active in our communities, we cannot allow this to happen.

An injustice to one is an injustice to all. We call upon the state of Montana to find a way to achieve justice for Barry Beach and return him to our community so that he can continue to live as a productive, law-abiding free man.

Sincerely,

Myliisa Russell

Kansas City, Missouri

A handwritten signature in cursive script that reads "Myliisa Russell". The signature is written in black ink and is positioned below the typed name.

235 Edgell Road
Framingham, MA 01701
August 7, 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, Montana 59722

Re: Barry Beach

To Whom It May Concern:

I am really no one of importance: I am a housewife and an artist who doesn't even watch all that much TV. But I did happen to view a Dateline episode concerning the case of Barry Beach. I took an interest in Mr. Beach simply because the entire case borders (in my humble opinion) on the scandalous.

I believe even people with limited knowledge know that confessions can be elicited from those under stress (say, sleep deprived); confessions even more likely when persons are young and believe those in authority are there to help them. If I try to imagine myself being interviewed about a crime I feel I would be very frightened and confused and am not so sure I would not incriminate myself even knowing fully that I was innocent -- further, even if I were not sleep-deprived.

So what's left after the confession: THE EVIDENCE. If I understand what was presented on Dateline correctly, it seems that none of the evidence matches Mr. Barry Beach in any way. The fingerprints (and palm print) do not match. No DNA match. No footprint matches. I mean, is it me? Or are any others out there shaking their heads in disbelief?

Mr. Beach seems to feel very strongly about the strength of his word (which he has proven to be true). It has also been proved that his work ethic is enviable. I realize that these things are not enough for a commutation. But I

hope Mr. Beach's strong character along with the evidence (or lack thereof) will send this man back to his mother.

By the same token, it must give one pause when considering the character of the girls who have been accused of 'bragging' about their perfect crime (one of whom is a junkie! -- as unfair as it is to bring that up, it really is quite difficult to ignore). Why, may I ask, are those ladies' statements more believable than the witnesses? Why are the statements of the witnesses dismissed out of hand? Even if no one were proved guilty within a shadow of a doubt in this case, it still seems patently clear that there are very dark shadows of doubt concerning Mr. Beach's guilt.

If Mr. Beach's sentence is not commuted (though I feel it should be) at the very least he deserves another trial -- preferably in a new venue where, hopefully, the evidence will be seen and heard with fresh eyes/ears. I am sending prayers for Mr. Beach's release.

Sincerely,

Blair Boudreau

(Ms.) Blair Boudreau
Housewife/Artist

Montana Board of Pardons and Parole

1002 Hollenbeck Road

Deer Lodge, MT, 59722

Dear Montana Parole Board:

Injustice does not just injure the wronged individual. Injustice tears apart the very fabric of any society. The greater and more frequent the injustice, the greater the disillusionment with the system among the people it is supposed to serve. I am writing to beg you to commute the sentence of Barry Beach, who was granted a new trial by a Montana Judge, but who was then ruled against by the Montana Supreme Court.

Those who hold power over the lives and deaths of others often become prideful and callous in the dispensation of their duties. Where there is any doubt, there should be mercy, according to our great system of laws. Too often, the truth emerges when it is too late to save the life of men on death row who were wrongfully convicted and subject to wrongful execution. Or, if they are men who have

spent much of their lives in prison for a crime they did not commit, like Barry Beach, they lose those years which can never be returned to them. Every time this happens, demoralization and corruption of society grows.

The greatest argument I can make in favor of commutation is to invoke the Highest Court of Appeals, of the Highest Authority, before which we all will stand one day. Surely the Justices on the Montana Supreme Court and members of the Board of Pardons must understand they too will be subject to judgment. Given the terrible and weighty responsibility they bear for the lives of every person whose case they rule upon, they must know there is a Higher Authority than them Who will hold them accountable. It would be wrong for those Justices and Parole Board members to believe they do not require mercy, for all have fallen short. Since they themselves will require mercy, surely it is incumbent upon them, in cases where there is any doubt or any question of the validity of evidence, (which in this care, exists in great abundance), they are duty-bound to offer mercy.

Your Board now holds the power to right this great wrong done against Barry Beach, and to avoid the stain of an egregious atrocity upon the State of Montana, and upon this great nation of ours. Barry Beach has not only endured false imprisonment for thirty years, he was granted a new trial, only to have the opportunity to prove his innocence denied him in what can only be described as a hard, capricious and unjust ruling by the Supreme Court.

When Jesus Christ was falsely accused, tortured, and executed, it was an injustice beyond description. Yet when He arose from the dead, and the Sentries who guarded the tomb testified to officials that it was empty, a greater injustice and a more flagrant evil was done when those officials, having received testimony of what it was not in their interests to admit to, denied and covered it up.


Denial of the injustice is worse than the injustice itself. Every time a Prosecutor refuses to acknowledge evidence of wrongful conviction, he or she undermines the very integrity of our entire system of laws. And given the special authority granted to Prosecutors and Judges, this violation of justice becomes even more egregious and atrocious than the crime they were originally prosecuting.

Barry Beach is innocent. Too many times arrogant Prosecutors and State Attorneys refuse to consider overturning wrongful convictions not simply because they are not convinced, but because they feel it would personally harm them or their career. In fact, the opposite is true: whenever those who are entrusted to uphold the laws and moreover, the spirit of the laws of the land in order to achieve justice for American citizens, persist in a wrongful conviction for the sake of reputation, for the sake of stubbornness, or cynicism, they are destroying the foundations of the very justice system they are sworn to uphold. One wrongfully executed man or woman is too many. We know for a fact that wrongful execution occurs on a regular basis. How much worse is it, when a wrongfully convicted individual such as Barry Beach or Michael Morton in Texas, has to live with that knowledge day in and day out, for the rest of their lives, knowing that by God's own truth, they should be free?

According to my understanding the Parole Board is empowered not to exonerate, but to commute the sentence of Barry Beach. Surely there is ample evidence of the fine quality of the character of Barry Beach, of his fitness for society, his deep integrity, and his long suffering, which

can and often does destroy the faith and hope of lesser men. Barry Beach deserves commutation not only because there is abundant evidence of his wrongful conviction, but because he has led an exemplary life in prison, under the cruelest and bitterest of circumstances.

Therefore I am begging this Parole Board to commute the sentence of Barry Beach and satisfy the justice he deserves as a resident of the State of Montana and a citizen of these United States of America, so you help you God. Please remember that you too will be judged.

Sincerely and Respectfully,

Katherine Dobay Edmiston

610 Clear Cove Drive

Granite Shoals, Texas 78654

432-294-2410



Carla Irish
PO Box 1085
Lander, WY 82520

Montana Board of Pardons and Parole
1022 Hollenbeck Road
Deer Lodge, MT 59722

August 8, 2012

Dear ladies and gentlemen,

Hello, my name is Carla Irish and I am a fourth generation Montanan. I currently live in Wyoming but Montana is definitely where my heart is. I am licensed to practice the science of Dental Hygiene in the great state of Montana.

About two years ago, I began researching the facts of Barry Beach's case. My interest in false coerced confessions proven by DNA began years ago through the Innocence Project led by Barry Scheck. It was through this interest that I stumbled upon the plight of Barry Beach. In the beginning I was skeptical concerning Barry's innocence, however as I read the details of the case available on the Montanans For Justice website, I became convinced that this man is not guilty of the murder of Kim Nees.

The public in general, I believe, has more knowledge about the justice system and false imprisonment because of the advent of DNA and the wonderful work of Innocence Projects throughout this great country. The public does not see the justice system as infallible as perhaps we once did. For this reason, I believe, the State of Montana must listen to the truth of this case, or risk being seen as not only fallible but unreasonable. The confession does not match the crime scene. Several new witnesses have testified, risking great harm and threats yet still the truth is kept in the dark. There was an abundance of crime scene finger prints and none of them match Barry Beach. Who did the palm print belong to if not Kim or Barry? Eight clumps of bloody hair were found and not all of it was Kim Nees's

hair. Who did the hair belong to? Who did the three sets of foot prints belong to? I beg of you to be reasonable in your judgment of this case.

While I believe Barry actually deserves a new trial, I am requesting that you as a group consider commutation of Barry's sentence. Barry has proven his worthiness to be in the community; during the 18 months he worked hard and enjoyed his life. He was a law abiding citizen who made himself available to speak to many about his faith in the Lord Jesus Christ.

Please consider my request of commuting Barry's sentence to time served.

Carla Irish

Dear Montana Board of Pardons and Parole,

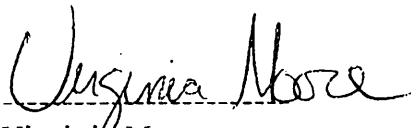
August 5, 2013

I live in Kansas City and have never written a letter like this but felt so strongly about this case and Barry Beach that I felt compelled to write this letter to you. I am a stay-at-home mother of two wonderful girls. I have been married for seven years. I have always taught my girls to do what's right and to stand up for your beliefs. I have always had this notion that if you do good things, that good things will be rewarded to you.

The reason for my letter is to ask you respectfully to consider commutation of Barry's sentence. I believe that Barry has proved himself to be a honest worthy person that when he was released to the public handled himself with dignity and kindness. I believe that Barry would be a model citizen and a neighbor that anyone would be lucky to have next door.

I wish I could write more eloquently to really convey how I really feel about this case and this person. Barry Beach should be released from prison and allowed to live the rest of his life outside of bars. I truly believe that he is more of an asset to our community if allowed to participate within it. Although I believe that he is an innocent man, I understand that is not what this board is deciding on. I will end with this statement, *Psalm 55:22 "Cast your cares onto the Lord and he will sustain you; he will never let the righteous fall."*

May this letter find you well and may you find the strength inside you to commutate Barry Beach's sentence.



Virginia Moore
ginnypaige77@yahoo.com

8-2-13

My Name is Cory Wade born a Store
Towner here in Elkhart Indiana
I have been into this story from day
one.

I would like to ask that Berry Beach
receive a Commutation.

I believe he has proven that he
can and will be very productive
in his Community.

Elkhart Indiana believes he should
be a free Man.

Cory Wade
Sincerely

8-2-13

the story is all punched up
Do Not believe he did this....

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, Montana 59722

August 4, 2013

Dear Sirs:

My name is Carol McCraw and I am a concerned citizen of these United States. I have been closely following the case of Barry Beach #21520, for several years now and feel compelled to respectfully send you this letter. Please, in the name of justice for us ALL, consider commuting Mr. Beach's sentence. Even if he were guilty of this crime, (and I am thoroughly convinced he is NOT), he has served his time. Not only that, he proved, beyond any doubt, that he is a most positive addition to his community. He proved this the whole time he was free, on his own recognizance. He lives a life of total dedication to God and his neighbors. The world is a better place because of Mr. Beach. He is an inspiration to me daily. In a world that is steadily changing for the worse, won't you please do the right thing and grant Barry Beach his freedom? Many thousands, across this land and in other countries, are convinced that Barry is an individual that wants to do good in this world. I respectfully ask that you allow him to do so, and grant him his freedom.

Thank you for taking the time to read this.

Respectfully,

Carol McCraw

Carol McCraw
2314 N Church St
Apt 102
Greensboro NC 27405
336/508-3241

August 4, 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

Re: Barry Beach Commutation of Sentence

To Whom It May Concern:

I am writing the Board of Pardons and Parole to respectfully request the Commutation of Sentence of Mr. Barry Beach, convicted in 1984 of the murder of Ms. Kim Nees in Poplar, MT in 1979. By way of introduction, though I currently reside in Florida, I am a proud native Montanan, having been born in Plentywood in 1977 and raised in Sidney, just a short drive from the scene of Ms. Nees' murder. I graduated from Sidney High School in 1995. My parents, grandmother, uncles and cousins still reside in Sidney. My sister and her family lives in Billings. I may live in Florida, but I am a Montanan at heart.

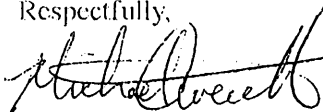
Mr. Beach's case has been profiled on several nationally televised programs. It is through those broadcasts that I initially became aware of his plight. In addition to those broadcasts, during trips to Sidney, I spoke to people about the case, including a close friend of my father's who is from Poplar and lived there at the time of the Ms. Nees' murder. Through those conversations and broadcasts, I have become absolutely convinced, far beyond a mere reasonable doubt, that Mr. Beach is in fact innocent of the crime of which he was convicted.

The only evidence pointing to Mr. Beach's culpability is a confession that he made in Louisiana when he was twenty years old. However, there is ample evidence pointing to that confession having been coerced by law enforcement, calling into question its reliability. There is not a single piece of physical evidence tying Mr. Beach to the crime scene. Importantly, witnesses have come forward in recent years reporting hearing a group of girls at the crime scene the night of the murder, lending credibility to rumors that have circulated openly in Poplar for decades implicating a group of jealous peers in Ms. Nees' murder.

Recently, Mr. Beach was temporarily freed from prison during which time he established himself as a productive member of the Billings community. I understand that he found work at a local hotel and was working on renovating a house where he and his mother would eventually live. Should the Board harbor any lingering concerns about Mr. Beach's ability to reintegrate safely and productively into society, I believe that those were addressed during the approximately 18 months that he was out of prison.

In closing, I want to emphasize that I have no personal stake in this matter. I don't know Mr. Beach, indeed I've never met him. I do not know Mr. Beach's family, nor that of the victim's. My sole interest in the Beach case is related to seeing an innocent man, in fact a decent man, set free. What happened to Kim Nees was a tragedy. What has happened to Barry Beach is nearly as bad. My heart breaks each time I see his case profiled on television or read about it in the news. I respectfully implore the Board of Pardons and Parole to free an innocent man by commuting the remaining years of Mr. Beach's sentence. I want to close by thanking the Board for the opportunity to share this request with you.

Respectfully,



Michael Averett

August 5, 2013


To whom it may concern:

My name is Karri Bradshaw, I am a LPN who works at an urgent care clinic.

I just watched the Dateline program on Barry Beach, as I have watched many Dateline programs and this is the first time I have ever felt compelled to write in. I felt the program was very compelling and I feel Barry Beach is innocent, I feel he proved himself a productive member of society while freed from prison, and just as compelling and believable was the witness ^{who} states she over heard the whole incident.

Barry Beach is an innocent man and should be set free. his sentence should be commuted. The real killers are still walking free and have gotten away with murder.

Sincerely,

A handwritten signature in cursive script that reads "Karri Bradshaw". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Karri Bradshaw

Debbie Wilson
10431 Williamsburg Lane
Bastrop, La 71220
318-348-9786-cell/318-283-0444-home

August 3, 2013

Peter Camiel
In Re: Barry Beach
710 Cherry Street
Seattle, Washington 98104

Dear Mr. Camiel,

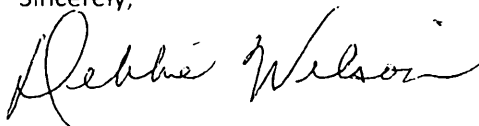
I am writing this letter because I sincerely believe that Barry Beach is innocent of the charges of murder in Montana just as he was innocent of the murder he was accused of committing in Louisiana. I firmly believe that he is a victim of an overzealous team of detectives who meant well, but got it wrong.

In a sense my family was also a victim for many years of the false confessions that were obtained from those same detectives of the Ouachita Parish Sheriff's Dept. In 1981, my sister, Kathy Whorton, was raped and murdered in Monroe, Louisiana, along with two other girls who were raped and killed within an eighteen month time span. The detectives working Kathy's case obtained a confession from Barry Beach stating that he had killed my sister, Kathy. He also confessed to them at that time that he had killed the girl in Montana.

When Barry was taken to Montana and booked for the murder there, these same detectives began focusing on two notorious serial killers, Henry Lee Lucas and Otis Toole, for the deaths of my sister and the other two girls from Louisiana. They successfully obtained false confessions from Lucas and Toole, and Kathy's case was closed. It wasn't until 2003 when I began asking questions about my Kathy's death, that her case was reopened and DNA evidence proved that the killer was not Beach, Lucas, or Toole, but a man who had been living in Monroe since her death in 1981. The confessions of Beach, Lucas, and Toole were all coerced, and thankfully we had DNA to prove that in my sister's case.

In August of 2012, I published a book entitled, *Sweet Scent of Justice*. It focuses on the determination I had to find my sister's real killer when I discovered the confessions in my sister's death were false and coerced. I am asking that the board consider commutation for Barry Beach's life sentence, so the victim's family in Montana can also find out the truth, and so Barry Beach can be free to continue the productive life he exhibited during his earlier release.

Sincerely,

A handwritten signature in cursive script that reads "Debbie Wilson". The signature is written in black ink and is positioned above the typed name and website address.

Debbie Wilson/debbiewilson.org

August 4, 2013

To: Montana Board of Pardons & Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

Dear BOPP,

My name is Diane Pierson. I am a resident of Spokane, WA. I am a 56 year old married woman, registered voter, and former business owner. I have been following Barry Beach's story from the beginning, but after seeing the latest episode of "Dateline," regarding Barry, I am compelled to contact you regarding his release.

I understand I am supposed to ask you to grant a commutation of Barry's sentence, so, formally, consider this a request to do so. However, a reduction in sentence would be the very least I would request, because my real feeling is that Barry is innocent, deserves an apology and compensation for the life he has lost, and should be released immediately. I also feel that anyone involved in the corruption of this case should be brought to justice. It is blatantly clear to anyone who has followed this case that the prosecution side is full to the brim of misconduct and cover-ups. A coerced confession tape erased? Evidence stolen by a suspect's cop-father? Need I go on?

Here in Spokane, recently, 3 young men were released after serving 5 years in prison for crimes they didn't commit. It turned out a 17 year old boy lied, implicating the boys wrongfully. The presiding judge, who has common sense, realized that this created reasonable doubt, and released the boys immediately. In Barry's case, there is much, much more evidence and witnesses to create reasonable doubt. Who is the one in Montana that will recognize this, and give Barry the chance to be released after serving all these years for a crime he did not commit?

As far as Barry's suitability for life in a community-I think his actions should speak for themselves. Did he emerge from prison, angry and determined to pay everyone back for their wrong doings? Did he "go back" to his "life of crime?" No, he set an example for all of us, through hard work, his faith in our Lord, his love for his mother, and kindness. He is probably a better person than 99% of those who have not spent a day in jail themselves.

Thank you for allowing me to make my request. I have faith that someone who has the authority to see that justice is done, TRULY done this time, will do so. Anything else will be a travesty.

Sincerely,

Diane Pierson
6108 N. Cook St.
Spokane, WA
99208

August 5, 2013

To: Montana Parole Board

My name is Terri Gernazian, and I live in Atlanta Georgia. I became interested in the case of Barry Beach after watching a Dateline episode on Friday, August 2.

I was upset to learn that the only thing linking Barry to the murder of Kimberly Nees was a confession. At the age of 58, I have watched enough TV shows and read enough to learn that false confessions are fairly common.

I am beseeching you to please commute Barry's sentence. He has served almost 30 years in jail which is more than many prisoners serve for a murder charge. Additionally, when he was freed by a Judge's ruling, he was an exemplary, productive citizen and even turned himself back in. He performed services to help others and benefit the community.

I have no doubts that Barry would be an asset to the community if his sentence was commuted. During his time out of jail, he more than proved that to be true. I was amazed at how much Barry accomplished during his free time and what a hard worker he showed himself to be.

Sincerely,

Terri Gernazian
2282-3 Lavista Road
Atlanta, GA 30329



Dear Mr. Camiel,

August 3, 2013

1. I am a Registered Nurse by trade. I have 12 years higher education beyond high school. I have taken Cadaver Anatomy and know a lot about physical versus hypothetical evidence having been an RN over 30 years. I hold a degree in art and literature, received a full scholarship to Touro Physical Therapy school and completed 2 years towards my MBA/HCA.

None of the physical evidence matched to Barry Beach; Mr. Beach's description of the crime scene does not match any of the physical evidence found at the crime scene; palm/finger/foot prints do not match to Mr. Beach; police coerced his confession and duped him into believing they would help prove his innocence once his was back in his home state; the star witness account was highly viable and lent itself to reasonable doubt; big doubts regarding Mr. Beach as the killer of Ms. Nees; the two females that were questioned, especially the one who was or still looked drugged up, was not credible in her story, lack of eye contact and her actions during questioning; drug addicts tend to lie; why weren't there any lie detector tests run on anybody? Reasonable doubt was certainly strong enough to have initially overturned Beach's conviction.

My interest in seeing Barry Beach gain his Rightful Freedom is because of the ongoing lack of integrity, honesty and fairness within our country's current judicial system which I observe to be abysmal at present and strongly in need of being re-vamped across all states (Michigan being the most corrupt). Mr. Beach's Due Process, Civil and Constitutional Rights were all violated at the onset of the case particularly when he was questioned by the police without proper legal representation; he was only 21; not in his home state and was likely petrified. He was grilled for 2 days without any attorney present; he and his mother probably didn't know their Legal Rights to not have to answer any questions without Proper Legal Representation; the kid was not on his own turf.

I have seen first hand what happens when an outsider is in another state, accused of a crime; all their Legal Rights fly out of the window of the state they happen to be in. Mr. Beach didn't stand a chance against those seasoned, veteran officers who knew how to wrangle the legal system in their own home town; to the people in that town, the officers who were questioning Mr. Beach were probably known in their town as the law itself; they were part of cronyism, nepotism, the good old boys club who will always protect themselves, even when they are knowingly in violation of the Constitutional and Civil Rights laws of people outside of their state.

I am very concerned about the injustice of our judicial system which is why I am taking this stand for the freedom of Mr. Barry Beach. I believe that many of his Constitutional Rights were obliterated on that fateful day.

From personal experience I have learned that nepotism, cronyism, corruption and fraudulent activity reigns freely and unabashedly throughout our judicial system, state to state, within the United States. Outsiders don't stand a chance to a fair anything in regards to our legal system from state to state; the guy was a sitting duck; no pun intended.

2. Please give Mr. Barry Beach a **commuted sentence**; he does not deserve to spend another nanosecond behind bars. I am imploring the Board to please reduce Mr. Beach's sentence to whatever he has served up to this moment in time.
- 3/4. Mr. Beach had proven himself as a substantial contributor to our society; he educated himself, started a thriving business which blossomed; he started as a mechanic; he was accepted in his community in Montana; he was loved by many people there who saw how well he was handling his newfound freedom; he thrived; earned a proper living; became a home owner; gave back to society by showing his boss that he could be trusted handling accounts upwards to 300K; Beach's boss stated he would trust him with everything and anything at any time; he didn't have a skeptical bone in his body regarding who Beach was; Barry's boss had respect for his honesty within doing his job and the way he was going about living his life now that he was not incarcerated. Mr. Beach showed great love for his mother, his friend, boss, community, pastor and his wife; he was shown great love, respect and caring in return.

I really don't know how Mr. Beach encompassed courage, strength and sheer will to have been able to walk himself back into jail, hence, those prison walls when you asked him to do so; he did not run away. Barry Beach has shown incredible restraint, self-actualization, integrity, and intelligence; he speaks intelligibly; he acts in a normal, accountable manner; he is a stand-up guy in my viewpoint.

In the community in Montana where Mr. Beach resided before our inept judicial system put him back behind bars, he was just starting his life over; he was thriving; he was selfless and humble, despite his many years of adversity; he helped elevate others spirits and their company's along the way; the guy is a proper citizen of the United States.

Mr. Barry Beach is an asset to our society, not a detriment; he is not a high risk in any way that I can see now or foresee in the future. Please give Mr. Barry Beach his freedom back; please; do it now; don't wait another moment. I re-iterate, please. This man is totally suitable for life within his Montana community and the world at large.

Thank-you,
Shari Jacobs, RN A.A.S., B.A.

Shari Jacobs, RN, A.A.S., B.A.

August 5, 2013

I'm a regular, "who done it" follower in books, movies and tv. I've followed the Barry Beach case for years and have always found it one of the two most interesting miscarriages of justice in U.S. history. The other one is in Missouri.

We, in America have the best system of legal justice in the world. It's not perfect, but we try to correct the wrongs.

Please commute the Barry Beach sentence. He is innocent and has proven that he is an honest man and dreams and aspires to be a productive, tax-paying citizen and enjoy the freedom that the rest of us have!

Please return this innocent man to his family so he can enjoy the freedom he deserves for the rest of his life.



Lelan Pack
6008 101st St.
Lubbock, TX 79424

806-535-5340

lp95@sbcglobal.net

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

Re: Mr. Barry Beach

C/O:
Mr. Peter Camiel
710 Cherry Street
Seattle, WA 98104

August 6, 2013

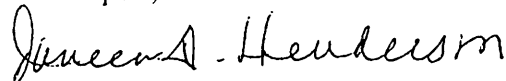
Dear Montana Board of Pardons and Parole,

My name is Janeen Henderson. I am a lifelong resident of California writing to urge you to commute the sentence of Mr. Barry Beach. I became aware of Mr. Beach's story via a television program profiling his case. In following the story of his arrest and conviction for murder, I am convinced that no evidence has been presented to substantiate his guilt. The confession offered as proof of his involvement appeared more like the coerced response of a scared young man led to believe by those of authority that his case might somehow be aided by such a statement. Conversely, the statements of witness who might actually shed some light on the identity of the real killer(s) were not given equal credence.

As a United States citizen, I am privileged to live in a country with a justice system designed to uphold one's innocence until proven guilty. While I was not in the courtroom for Mr. Beach's trial, proof of his guilt has not been demonstrated via the facts offered for public review. On the contrary, based on the statements of others associated with the case, what has been presented seems to point to his innocence. I have questioned our judicial system on many occasions in the past, but I have never felt compelled to put my thoughts into words and write in expression of my dismay of a judgment and in support of a fellow citizen until now. Based on the public outcry in response to Mr. Beach's plight, I am not alone.

I believe in the innocence of Mr. Beach. He has repeatedly demonstrated his ability to make worthwhile contributions to society during his short time away from prison, and I believe he would continue to be a productive citizen if allowed his freedom. This has been substantiated by the testimony of numerous friends and co-workers who have attested to his demeanor and work ethic. I believe in our justice system and in the ability of those who are sworn to uphold the law to do so with professionalism and out of a sense of duty, even if in doing so they must admit they have been mistaken. I support the commutation of Mr. Beach's sentence, and I believe the Montana officials responsible for reviewing the facts of his case will base their decision on the truth and grant him his long overdue freedom. It is right and just.

With respect,



Janeen D. Henderson
232 Roundtree Court
Brea, CA 92821

2188 Ives Road
Leslie, MI 49251

08/09/13

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

Dear Deciding Parties:

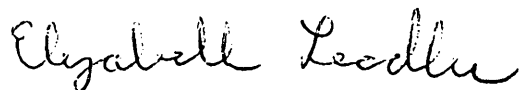
I recently saw Barry Beach's case on Dateline and am thoroughly convinced he at the very least deserves a new trial. I honestly believe that due to absolutely no evidence (aside from a confession under duress, in my opinion) against him, he should be freed. However, I am willing to accept a commutation of his sentence and believe that would be some real justice served in this case.

Barry has proven that he would be a very productive citizen and member of the community. He found a good profession very shortly after leaving jail, which is more than most can do after one year in jail, let alone 30! During his short period of freedom, he made speeches giving people hope and went out and enjoyed life. He did not depend on the welfare system or handouts or pose any sort of threat by any means to society. Instead he seems to have brought joy.

Barry Beach's sentence should be commuted and he should be freed to leave out the last of his life with his family and friends as a positive citizen in the community and world at large.

Do what is right, please. Barry was freed by one judge and came very close to receiving a new trial (3 to 4), so it is a travesty of justice for him to not even get his day in court for a true appeal.

Thanks for your consideration (but now do the right thing!),

A handwritten signature in cursive script that reads "Elizabeth Leodler". The ink is dark and the handwriting is fluid and legible.

Elizabeth Leodler

Dear Montana Board of Pardons and Parole,

My name is Abby Pate, I am 35 years old and I ^{am} mother of 3. I live in Lawrenceburg IN. I felt the need to write to you because the story of Barry Beach touched my heart. I ask you to think if this were your son or brother. I ask my son who is 15 1/2 years old what he would do if he were to put himself in Barry's shoes on that day in the interview room and he said he may have done the same thing just to get the cops to stop badgering him, ^{that} I ask you to consider ^{he may have admitted he did the crime even if he didn't.} reducing Barry's sentence to time served. the reason I ask this is because there is no physical evidence against him. the palm print on the truck does not match his, and ^{that's} the thing I find so shocking is the palm print was never ^{tested} ~~matched~~ ^{against} the two ladies who have bragged about killing this young lady. that I do not understand. Barry did so well being a member of society again for the year and a half that he

was free. He started his own business, bought his own house. Please give him a second chance and again I ask you to place yourself in this man's shoes and ask yourself what you would want the parole board to do if this were you.

Thank you for you time,
Abby Fete
8-6-13

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

David Abrams
3800 Mystery Circle
Plano, Texas 75023

August 10, 2013

RE: BARRY A. BEACH

Barry Beach has spent nearly 30 years in Montana prison, despite persuasive evidence that he is innocent of murder, and now it is time for the State of Montana to free him to be a productive citizen in our community. If something is not done now, Barry will spend the remainder of his life behind bars. As a young man being interrogated by Louisiana police, Barry signed a coerced confession.

Barry Beach has spent nearly 30 years in Montana prison, despite persuasive evidence that he is innocent of murder, and now it is time for the State of Montana to free him to be a productive citizen in our community. If something is not done now, Barry will spend the remainder of his life behind bars.

As a young man being interrogated by Louisiana police, Barry falsely confessed to an unsolved Poplar, Montana, murder and was convicted and sentenced to 100 years, no parole. Barry has persistently maintained his innocence but has struggled to prove it in court, in part because the state destroyed critical DNA evidence. **We know that 25% of people later exonerated by DNA evidence falsely confessed, and we know that the criminal justice system sometimes makes critical mistakes.**

It is unjust and unacceptable for an innocent Montana man who has recently proven himself as a law-abiding, productive citizen to spend the rest of his life in prison. As concerned people from all walks of life who pay taxes and are active in our communities, we cannot allow this to happen. An injustice to one is an injustice to all.

We call upon the state of Montana to find a way to achieve justice for Barry Beach and return him to our community so that he can continue to live as a productive, law-abiding free man.

Sincerely,

A handwritten signature in black ink, appearing to read "David Abrams", with a horizontal line underneath it.

David Abrams

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

BJ Wright
8915 Bluecrest Drive
Dallas, Texas 75232

August 10, 2013

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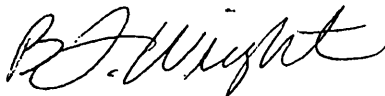
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Sincerely,

BJ Wright



Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

Daniel Abrams
3800 Mystery Circle
Plano, Texas 75023

August 10, 2013

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Sincerely,



Daniel Abrams

My name is Julie Harrelson and I am interested in the Barry Beach case because I am a fellow human and know that the worst thing we can do to each other is to prosecute them and lock them up without being absolutely positive of their crime.

I would like to ask the board to consider commutation in his case as he has served 30 years now and I believe it is very likely he is innocent. I know the judge who released him spent a considerable amount of time listening and reviewing his case and he came to the same conclusion that I believe, along with several others who are well studied on his case. How terrible it would be to take his life away forever and let the real murders live free.

I believe in him to the point where I would welcome him with open arms into my home for a meal where I, my daughter and new grandchild live. I think Barry is a good man, turning himself in and not running from the law should say something as to the honesty and quality of this man. Please consider this that I ask and allow Barry to live out the rest of his life as a free man. Thank you for your consideration.

Sincerely, Julie Harrelson

4.

August 12, 2013

Montana Board of Pardons and Parole

1002 Hollenbeck Road

Deer Lodge, MT 59722

Re: Barry Beach

To Whom It May Concern,

My name is Denise Ann Gartner, I live at 372 Pendryn Hill Curve in Woodbury, Mn. 55125. I am a 58 year old woman who has always been employed and has never had any type of legal problems. I have run many successful business's , raised a family, paid my taxes etc. I am interested in the case of Mr. Barry Beach after watching the two Dateline specials and spending many hours reading articles about Mr. Beach. The most compelling reasons of all were his years of being a model prisoner and conducting his time outside of prison as a law abiding, gainfully employed, productive member of society.

I would like to request that you commute his sentence to the time already served. Mr. Beach has served many years for the crime that he has been accused. It is time in my humble opinion to allow him to be released and finish out his life as a free man.

I believe that his sentence should be commuted because of the following reasons:

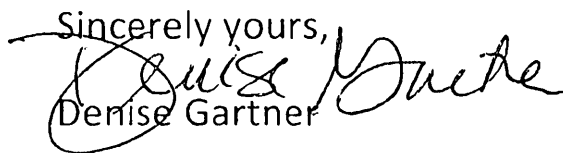
#1. The testimony given by people who saw Ms. Nees with 3

women driving to the river that evening, Steffie Eagleboy whom overheard Ms. Nees being beaten by a group of women, someone else was found responsible for the murder of one of the 3 people he confessed to killing, the nine witnesses testifying to others in town confessing to the murder and that there is no real forensic evidence. Without the forensic evidence how can we prove with 100% clarity that he is a guilty man.

I truly believe that Barry Beach is more than suitable for life outside of prison. I believe that he deserves and is extremely capable of being a productive member of society. He has already proven that with his behavior behind bars and the exemplary behavior he exhibited when he was released from prison.

It is time. Please allow this man to walk out the doors of your prison and have the life he has been denied for the last 30 years.

Sincerely yours,


Denise Gartner

612.269.8808

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

A.S. Abrams
3800 Mystery Circle
Plano, Texas 75023

August 10, 2013

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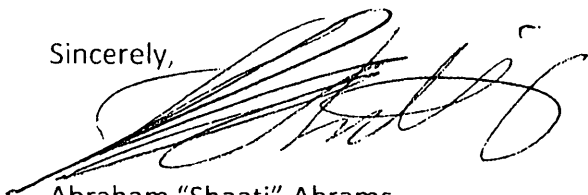
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We call upon the state of Montana to find a way to achieve justice for Barry Beach and return him to our community so that he can continue to live as a productive, law-abiding free man.

Sincerely,

A handwritten signature in black ink, appearing to read 'Abraham Shaati Abrams', written over a white background.

Abraham "Shaati" Abrams

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

Richard "Dub" Wright
1114 Winding Creek Pl.
Round Rock, TX. 7865

August 10, 2013

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Sincerely,

A handwritten signature in black ink, appearing to read "Richard Dub Wright", with a large, stylized flourish at the end.

Richard "Dub" Wright

August 22, 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

RE: Barry A Beach

I am writing in regards to Barry A. Beach. My name is Amy Buckhold and I'm from the State of Michigan. I first became familiar with Barry's case when Dateline first aired his story in 2008. Watching this show really upset me that an innocent man was behind bars even though there is absolutely no evidence showing Mr. Beach was ever at the crime scene. The only evidence is a coerced confession by a young man who was scared for his life.

This man has served enough time and I ask you, the Montana Board of Pardons and Parole to commute his sentence to time served and set him free! After Barry was released in December 2011, he showed the world what an upstanding citizen should be like. He gave everything he had in helping others. gainfully retained employment, spoke at several events, and was even in the process of purchasing a home. He did more in those 18 months than a lot of people do in 10 years.

Barry has served enough time in prison. That's why I again ask that his sentence be commuted to time served. Let him have his freedom to be with his family and continue on his great path he started in 2011.

Thank you for your consideration.

Sincerely,



Amy Buckhold
15068 Marcellus Hwy
Marcellus, MI 49067

Monday, August 12, 2013

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

Re: Barry Beach #21520

To whom it may concern:

Greetings! My name is Yajahira Velez. I am 35 years old, resident of the State of Florida, Professional in the Social Services Field (since 2003), and have a Masters Degree in Psychology from National Louis University. On August 2, 2012, I was watching the show Dateline and became familiar with Barry Beach and Kimberly Nees's story. Since then I have been reading and researching information on facts of this case as it sparked my interest in many aspects but most important because I believe that Barry's case is one that could serve as an example on how to improve our system on both sides (investigative and judicially speaking).

At this time I am requesting The Montana Board of Pardons and Parole to consider a commutation on Barry Beach's sentence. There is lack of forensic evidence tying Barry to the scene of the crime, there were new witnesses that support the fact that Barry did not commit the crime, his confession (which was coerced) does not even match the facts of the case (clothes Kimberly Nees was wearing and side of vehicle she got out of trying to escape from her killer) and personally, most important of all, he has served too many (one too many) years for a crime that for starters there appears to be not enough evidence to proof beyond reasonable doubt that he committed it.

According to The Montana Board of Pardon and Parole Website (Overview):

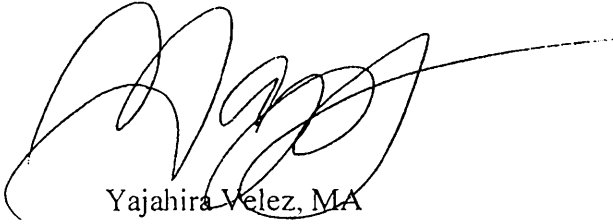
"The Board's primary responsibility in making decisions is *public safety*. The law states the board *may* release any person committed to prison when the Board believes the person is able and willing to fulfill the obligations of a law-abiding citizen and when the Board believes the prisoner can be released without detriment to the prisoner or to the community."

Barry Beach lived 18 months in Billings, Montana and during that time he became an able, willing and willful, law-abiding citizen. During that time he started his own maintenance company, worked at a hotel, supervised 5 other employees, became a trusted member at work, at other social settings that he became involved in his town and became a public speaker at around 50 events where the main theme was HOPE. Also, during this time he was able to make new friends, be a good fit and example to his community, and most important was able to spent time with his mother without causing any detriment to the community or self. In addition, Barry Beach on an interview said "My word means everything to me!" and he has proven not only to the entire nation who was watched his interviews, but the Board of Parole and the deputies who have daily contact with him that he is a man on his word. He's has done everything by the book, as told, and as directed. A man with that behavior, thoughts and integrity deserves another opportunity.

There are one too many individuals that care for him whose time on earth is not as much as what is was back in 1979 and they too deserve the opportunity to spend time with the person that they care and love the most such as his mother Roberta Clincher, The Zieglers and other loved ones.

The time served has been more than enough in a case like this where there is too much evidence that points to another person. It is my request that you re-consider commuting Barry Beach's sentence and give him a 2nd chance in proving that HE IS a law abiding citizen.

Should you have any questions or concerns, please contact me at 813-841-1351.

A handwritten signature in black ink, appearing to read 'Yajahira Velez', with a long horizontal line extending to the right.

Yajahira Velez, MA
9738 Baxley Ln
Port Richey, FL 34668

BELLA SCHAAB
6436 LITTLE PINE WAY
LAS VEGAS. NV. 89108

AUGUST 10, 2013.

IN REGARDS TO: BARRY BEACH. INMATE

TO: MONTANA BOARD OF PARDONS AND PAROLE
1002 HOLLENBECK ROAD
DEER LODGE, MT 59722

DEAR HONORABLE MEMBERS OF THE PAROLE BOARD:

MY NAME IS BELLA SCHAAB, I AM 37 YEARS OLD AND I HAVE BEEN
IN THE ENTERTAINMENT BUSSINESS IN LAS VEGAS, NV. FOR 15 YEARS.
I AM A TRULY SUPPORTED OF WRONFULLY CONVICTED INNOCENT PEOPLE.
I TRULY BELIVEI BARRY BEACH DIDNT COMMIT THE CRIME HE HAS
BEEN INCARCERATED FOR. AND THATS WHY IM WRITTING TODAY
TO ASK YOU TO CONSIDER COMMUTATION OF BARRY'S SENTENCE.
BARRY BEACH IS AN INNOCENT MAN. HE HAS BEEN FIGHTING FOR
HIS FREEDOM FOR OVER 30 YEARS. ONLY INNOCENT PERSON KNOWS
HOW IMPORTANT INNOCENCE AND FREEDOM MEANS.

THE YEAR AND A HALF HE WAS RELEASE FROM JAIL. HE PROVED
PRODUCTIVITY AND WELL ADAPTATION IN SOCIETY. GOOD SON. GOOD FRIEND
GOOD NEIGHBOR. GOOD MAN. HE TRULY DESERVES A SECOND CHANCE.

THANK YOU FOR YOUR TIME AND ATTENTION.

SINCERELY.

BELLA SCHAAB



BELLA SCHAAB
6436 LITTLE PINE WAY
LAS VEGAS. NV. 89108

AUGUST 10, 2013.

IN REGARDS TO: BARRY BEACH. INMATE

TO: MONTANA BOARD OF PARDONS AND PAROLE
1002 HOLLENBECK ROAD
DEER LODGE, MT 59722

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GOOD NEIGHBOR. GOOD MAN. HE TRULY DESERVES A SECOND CHANCE.

THANK YOU FOR YOUR TIME AND ATTENTION.

SINCERELY.

BELLA SCHAAB



Aug 14, 2013

Dear Sir,

I am a 58 year old mom. I love to watch all these crime shows and it makes me sick when I hear of people freed after 30-40 years that were NOT GUilty & NO MONEY in the world could make me released any happier! I have seen so many lose their entire lives over a forced confession which I think happened to Barry & I have watched the story "On Poplar River" and some people have come forward to say that this one girl confessed to 3 people that she got away with murder! Can someone give her a lie detector test? →

I don't think Barry is
guilty and therefore
he should be released!

when I saw she showed
I was shocked you
had put him back in
prison after he had
been released (on appeal?)
and when they made
him go back I saw how
he kept his communit
when he was at work
hard. Please commute
Barry's sentence!

What good is it to
keep an innocent person
in prison any longer
when you know he's
NOT guilty!

It might be a confession
but it was a forced one!
Free Barry!

Sincerely, Marathiasank
786-222-2124

7 Montana Deputy Wardens and Warden
1882 No. Inbest Road
Deer Lodge, MT 59722

Aug. 9th, 2013
Nevada, MO

To Whom It May Concern;

My name is Ella Feathley I live in Missouri and am a citizen of the United States. I am a concerned citizen in the case of MR Barry Beach whom is in your prison in Montana State.

After much research and following his case I am stating that I feel this needs to be reconsidered by your board.

Could you please consider commutation of Mr. Beach's sentence? Reason being is after hearing the facts and the sentence for a coerced confession of this young man and evaluating all the obvious evidence plus the fact that 24 witnesses came forth on his behalf at the hearing, it is my opinion this needs to be given consideration by another jury trial to be fair for this man.

He has proven to society that he is suitable for life in the Community and can live and is a productively law abiding citizen.

Please reconsider his sentence in the name of justice.

Thank you.


Ella Feathley

My name is Eva Ebaben and I'm in San Antonio Texas. I recently saw an episode of Dateline called Return to Poplar River. I've seen a lot of crime shows and read about criminal cases as I am a criminology major but this particular case seemed different. I learned the details of Barry Beach's conviction. I was truly disgusted to know that his original sentence was upheld. Especially after the new eyewitness testimony, lack of physical evidence and a coerced confession. Never the less the supreme courts decision should be respected.

I am however respectfully asking the board to commute Barry Beach's sentence. He has already served 30 years of his original 100 year sentence. After which he was released for 18 months where he successfully rebuilt his life, something many have been unable to do after spending so many years behind bars. Barry reintegrated himself seamlessly into society with a fulltime job, his own home and even volunteered. To me this shows someone who intends on making the most of their freedom. He has proven to be of value to his community. He has not taken but only given back.

Though I don't know him personally, I wouldn't hesitate to have him around my family. Nor would I have a problem if he was released in my community. Barry's former boss, friends and family have all had positive things to say. These people know him better than I ever could but I can still see a person genuine in their intention to live a simple life beyond prison.

I recently lost my father and the 30 years I had with him can't be replaced. I would give anything for another 30. I can only imagine what pain Barry is going through having to miss all this time with his mother. You can never get that time back but you certainly have the ability to give him a new beginning. Please consider what you would be giving this brave man if you were to commute his sentence. I am committed along with many others to fight for his release as long as it takes. Again I strongly urge you to consider commuting his sentence, I have faith you will make the right decision. Thank you for taking the time to read my letter.

sincerely, 

August 18, 2013

Lorelei Vaughan
P.O. Box 126
Hackett, AR 72937
479-650-4304

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722

Re: Barry Beach - DOC # 21520

Dear members of the Parole Board,

My name is Lorelei Vaughan, I am a US citizen residing in Western Arkansas. I am writing today on behalf of Barry Beach - DOC# 21520, currently being held at the Montana Corrections Facility, at Deer Lodge. I would like to take this time to state my plea on his behalf, and ask that the board consider at least a commutation of his sentence.

I was made aware of Barry's case through a Dateline program aired in August, 2013. And since that time have spent considerable time researching facts surrounding the case. Quite honestly, I have yet to find anything to cause me to doubt his innocence, NOTHING. There is no physical evidence, no witness, not even the recorded confession, not to mention the fact that the typed confession does not match the crime scene. There is nothing to convince or confirm guilt of the murder Kimberly Nees by Barry Beach. There are however - witnesses, statements, physical evidence, and a whole lot of doubt to state his innocence. This situation is just unconscionable.

The fact that he was released in 2011, and in 18 months proved his ability to not only transition back into society, but become a high functioning citizen – speaks volumes. I truly believe Barry Beach is a man of Integrity and has a lot to offer a community and more.

I see this situation as a gross injustice.

I hope and pray that you also will pray, open your minds and hearts, and Free Barry. Commute his sentence to time already served.

One day, we will all stand before the one true judge where we will all hope for fairness and compassion.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Lorelei Vaughan". The signature is written in black ink and is positioned at the bottom left of the page, below the typed name "Sincerely,".

Montana Board
of Pardons + Parole
1002 Hollenbeck Road
Deek Lodge MT 59722

4-Aug-2013

Re: Barry Beach

TO: Montana Board of Pardons + Parole

I am a 49-year-old single mother of 2 teenage daughters. I have been interested in this case for many years because I am the mother of 2 daughters. Knowing first handedly how cruel girls can be to each other due to jealousy, I looked closely at the evidence or lack there of, that was in this case against Mr. Beach.

There is NO evidence to convict Mr. Barry Beach. To convict on his confession alone? His confession does not match the crime? Mr. Beach has spent decades in jail already. Do you have reasonable doubt? Have you heard from the witnesses?

Please consider commutation of Mr. Beach's sentence on my reasons set forth above. Mr. Beach has so much to offer society. The fact he was released and proved to be such an asset in such a short amount of time to the community. After being incarcerated for decades then to be able to be so productive and suitable for life in the community the way Mr. Beach has already shown. There is nothing more anyone needs to say. Mr. Beach has already shown the Board, done the work, proved to all he can and was suitable for life in the community after incarceration.

I thank those in advance who have taken the time to seriously consider my letter to the Board to consider commutation

Montana Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT. 59722

MS. NANCY MARRONE
100 Evergreen Drive, #156
East Providence, RI. 02914

RE: BARRY A. BEACH

August 7, 2013

A terrible wrong was briefly made right only to once again be made terribly wrong with the recent Montana Supreme Court decision to return Barry Beach to prison. Judge Wayne Phillips' finding that sufficient evidence existed to warrant a new trial for Barry Beach. Particularly with the advent of DNA evidence testing, we now understand much more about how and why false confessions can and do occur, when Beach's confession was obtained at age 20 at the hands of overzealous Louisiana lawmen.

Mr. Beach's conviction was obtained and is now being upheld solely on the basis of his "confession" to the Monroe, Louisiana police in 1983. Beach's confession did not exhibit any material knowledge about the murder other than what was commonly known or thought to be known in the community of Poplar.

There is not one piece of physical evidence or eyewitness testimony that connects Beach to the murder. Not that there wasn't physical evidence to be had but none of it matches Beach. There were 42 different sets of fingerprints. Very importantly, a bloody hand print was left at the scene, a print that definitively does **not** belong to Beach nor does it belong to the victim. The state has been astonishingly incurious as to whom that print belongs to.

I am not an expert in post-conviction relief law but can clearly see with my own eyes that Mr. Beach's conviction is gravely troubled. Undisputable that Barry Beach has already served 30 years. In the 18 months he was free, he proved himself law abiding, hardworking, entrepreneurial, civic minded, a man of faith, and a valued asset to the community of Billings. Guilty or innocent but especially when innocent, there seems little reason for the taxpayers of Montana to spend \$30,000 a year for the rest of his life to keep Beach behind bars. On behalf of Montanans we call upon elected officials and the courts to find a solution that better serves the interests of justice and the interests of taxpayers than to continue Mr. Beach's imprisonment for another 70 years.

Respectfully Submitted,



Nancy Marrone

To whom it may concern -

8/3/13

My name is Deserae Gillett and I have known Barry Beach for about 5 yrs now. He has been a valuable friend to me on a regular basis and is a wonderful human being.

When Barry was out of prison he spent the majority of his time giving to others. He often texted me to check on my daughter who was in an accident a few years ago. He always offered me prayers, bible verses, etc to encourage me. He was always the first to give for others. He added a lot to the community of Billings as well as the state of Montana. He is a kind, loving, faithful man.

After almost 30 years I believe Barry deserves commutation of his sentence. He has been in prison long enough. He doesn't deserve to serve another day. Please reduce his sentence to time served. This state has taken enough of his time.

Thank you,

Deserae Gillett

Aug. 29, 2013

Attorney Peter Daniel,

Re: Barry Beach

710 Cherry St.

Seattle, WA. 98104

To Whom it may concern,

My name is Sue Clay Os. I am a Montanan interested in expressing my concern for the life of Barry Beach. I believe Barry has served his time for the crime, & feel he has been wrongly accused. I feel he was a very young boy, away from home, and he was coerced into confessing to a crime he did not commit. The evidence found at the crime scene does

Page

not connect him to the crime. He has served 6 years already, which is more than twice the amount required for this type of crime. So guidelines not enough. His time has been served.

He has proven to be to exist in society and a tax paying citizen. I feel it should not be Montana's job to pay \$31,000.00 a year to keep him in prison.

Please consider my plea and all the other pleas we are resting in your hands. This time. Sincerely,

S. C. D.



State of Montana: In the Name of Justice, Free Barry Beach

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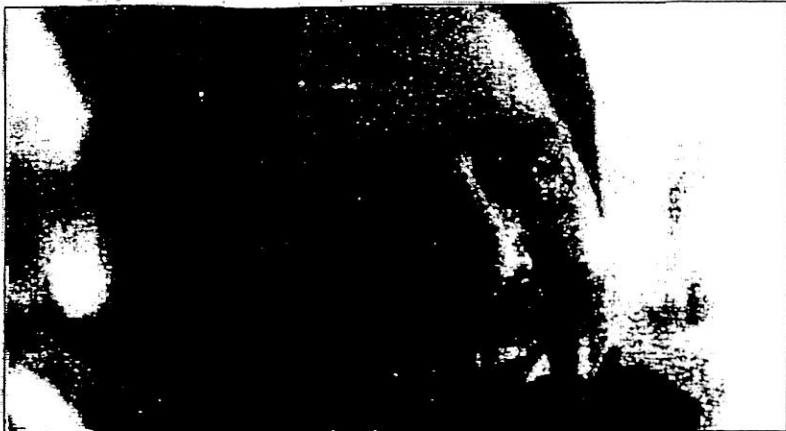
As a young man being interrogated by Louisiana police, Barry falsely confessed to an unsolved Poplar, Montana, murder and was convicted and sentenced to 100 years, no parole. Barry has persistently maintained his innocence but has struggled to prove it in court, in part because the state destroyed critical DNA evidence. But we know that 25% of people later exonerated by DNA evidence falsely confessed, and we know that the criminal justice system sometimes makes critical mistakes.

In 2011, after a district judge heard two days of detailed testimony from several witnesses who had received repeated confessions from the real killers, and a credible eyewitness to the murder, he ordered a new trial and released Barry into the care of local supporters active in prison ministry. Barry started his own business and worked full-time, was active in his church and other volunteer activities, and successfully rebuilt a life with his family after 29 years of separation. But on May 14, a split Montana Supreme Court overruled the new trial order, and the next day Barry returned to prison after 18 months of thriving as a free man. The mayor of Billings, Montana, where Barry lived, called his return to prison a loss for the community.

Although a slim majority of the court said the district judge had applied the wrong legal standard and dismissed Barry's case, the dissenting justices lamented this "final chapter" as a mistake that may cement an injustice, observing that "we are not final because we are infallible, but we are infallible only because we are final," and noting unresolved questions such as the fact that no physical evidence had tied Barry to the murder.

It is unjust and unacceptable for an innocent Montana man who has recently proven himself as a law-abiding, productive citizen to spend the rest of his life in prison. As concerned people from all walks of life who pay taxes and are active in our communities, we cannot allow this to happen. An injustice to one is an injustice to all. We call upon the state of Montana to find a way to achieve justice for Barry Beach and return him to our community so that he can continue to live as a productive, law-abiding free man.

| <u>First Name</u> | <u>Last Name</u> | <u>Signature</u> | <u>Email</u> | <u>Address</u> | <u>City</u> | <u>State</u> | <u>Zip</u> |
|-------------------|-------------------|------------------|---------------------------|----------------|-------------|--------------|------------|
| Curtis | Howe | | carowe8378@yahoo.com | | Columbus | MT | |
| Ken | Carlex | | | | Blgs | MT | |
| Dexter | FallsDown | | d.fallsdownjr@yahoo.com | | Lodgepole | MT | 59050 |
| Dylan | McClure | | mccluredylan95@yahoo.com | | Custer | MT | 59024 |
| Cyton | Edan | | | | Billings | MT | 59101 |
| Darryl | Ostermiller | | dostermiller@bresnan.net | | Blgs | MT | 59101 |
| Richard | Stevia | | rstevia10@yahoo.com | | Blgs | MT | 59101 |
| Cathy | Stevia | | cstevia2@gmail.com | | Blgs | MT | 59101 |
| Misty | Sanchez-Armstrong | | kliefegonewild@yahoo.com | | Blgs | MT | 59101 |
| Ashley | Armstrong | | barntasha5@gmail.com | | Blgs | MT | 59101 |
| Cynthia | Armstrong | | cynthiacarlos19@gmail.com | | Blgs | MT | 59101 |



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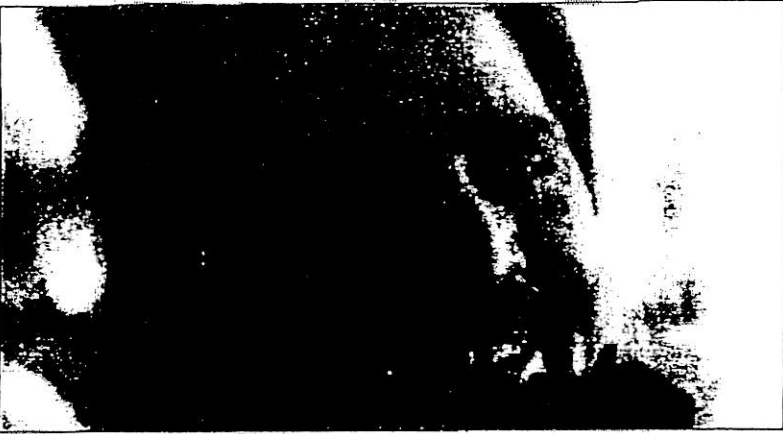
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|-------------------|--------------------|------------------|--------------|-----------------------|-------------|--------------|------------|
| Kyle | Albrecht | | | PO BOX 114 | Huntley | MT | 59037 |
| William | Berg | | | 1924 MALLOWNEY LN #22 | Blgs | MT | 59101 |
| Frank | Janey | | | 503 S. mt ave | Helena | MT | 59221 |
| Karen | Friedl | | | 516 S 36th St | Billings | MT | 59101 |
| Charles | Wirt | | | 17 Bury St N | Billings | MT | 59105 |
| Jason | Dossler | | | 292 S. 4th Ave | Billings | MT | 59102 |
| Jason | Dossler | | | 1572 Tillman Ave | Blgs | MT | 59101 |
| David | Walters | | | 116 S 28th St | Blgs | MT | 59101 |
| Martin | Norman | | | 843 Howard Ave | Blgs | MT | 59101 |
| Dave | Fry | | | 612 1/2 mile's | Blgs | MT | 59101 |
| Tim | Edenton | | | 428 Howards Rd | Blgs | MT | 59101 |



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|------------|-----------|------------------------|-------|----------------------|---------------|-------|-------|
| Diana | Milove | <i>Diana Milove</i> | - | 403 Hurdle #203 | Billings | MT | 59102 |
| Collins | Kilee | <i>Kilee Collins</i> | - | 37 Clark Ave. | Billings | MT | 59101 |
| Kano | Collins | <i>Kano Collins</i> | | 37 Clark Ave | Billings | MT | 59101 |
| | Albatson | <i>D.A. Ac</i> | | P.O. Box 686 | Billings, mt. | mt | 59103 |
| Hannah | Hasegale | <i>Hannah Hasegale</i> | | 8361 Lodge Pole Road | Dodson | MT | 59521 |
| Kathy | Stanford | <i>Kathy Stanford</i> | | Box 80641 | Billings MT | MT | 59108 |
| Steve | Stanford | <i>Steve Stanford</i> | | Box 80641 | Billings MT | MT | 59108 |
| Sue | Johnson | <i>Sue Johnson</i> | | 204 Alderson Ave | Bliss MT | MT | 59101 |
| Dave | Schoubert | <i>Dave Schoubert</i> | | 470 Republic Rd | Appledale MD | MD | 55124 |
| Margie | Neill | <i>Margie Neill</i> | | 119 Beers | Billings mt. | MT | 59102 |
| Alison | Ward | <i>Alison Ward</i> | | 242 Wardmill Court | Bliss | MT | 59108 |

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|-------------------|------------------|----------------------------|--------------|----------------------|-------------|--------------|------------|
| SUSAN JONES | | <i>Susan Jones</i> | | 545 College Dr. | Penell | WY | 82435 |
| | Gwendy Beach | <i>Gwendy Beach</i> | | 1034 Parkhill | Blgs | | 59102 |
| Charles | Reed | <i>Charles Reed</i> | | 1034 Parkhill | Blgs | | 59102 |
| LORI | Schweigert | <i>Lori Schweigert</i> | | 5067 Maple Ridge Cr. | Blgs | | 59106 |
| John D. | Rocksted | <i>John D. Rocksted</i> | | 712 Starlight Drive | Billings | MT | 59101 |
| Bill | Lanctin | <i>Bill Lanctin</i> | | 3031 Lyons Lane | Billings | MT | 59102 |
| Bryan | Conrad | <i>Bryan Conrad</i> | | 27 Hartland St N. | Billings | MT | 59105 |
| DETTA | GRAHAM | <i>Detta Graham</i> | | 2438 COLLEGE Dr | Billings | | 59101 |
| Marilyn | SIMPSON | <i>Marilyn Simpson</i> | | Box 205 | Pryor | | 59065 |
| Elaine C | Rand | <i>Elaine C Rand</i> | | 59 Prairie View Dr | Billings | | 59102 |
| NORMAN C | Rand | <i>Norman C Rand</i> | | 59 PRAIRIE VIEW D | Blgs | MT | 59102 |
| Clarie | Madsen | <i>Clarie Madsen</i> | | 118 N 24th St #21 | Billings | MT | 59101 |
| Jerry | Replogle | <i>Jerry Replogle</i> | | 3055 Beech Ave | Billings | MT | 59102 |
| Norma Jean | Replogle | <i>Norma Jean Replogle</i> | | 3055 Beech | Billings | | 59102 |
| GARY | LUCAS | <i>Gary Lucas</i> | | 1980 Eastway Dr. | Billings | | 59102 |

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|------------|-----------|-----------------------|--------------------------------|--------------------|-------------|--------------|-------|
| Alix | Johnson | <i>Alix Johnson</i> | Alix Douglas Johnson@gmail.com | 3911 Pine Cove Rd. | Billings | MT | 59102 |
| Blair | Johnson | <i>Blair Johnson</i> | blairjohnson@gmail.com | 3911 Pine Cove Rd | Blgs | MT | 59102 |
| ES | Olsen | <i>ES Olsen</i> | lno@midrivers | P.O. Box 41 | VIDA | MT | 59274 |
| Sandra | Norquay | <i>Sandra Norquay</i> | <i>Sandra Norquay</i> | 211 Washington | Blgs | MT | 59101 |
| | Vermont | <i>Nancy V</i> | <i>nancyv513@gmail</i> | | | | |
| Luella | Brien | <i>Luella Brien</i> | luellabrien@yahoo.com | PO Box 301 | Crow Agency | MT | 59022 |
| Jane | Willa | <i>Jane Willa</i> | <i>jwilla@msn.com</i> | 210 Wyoming Ave | Billings | MT | 59102 |
| Sandra | Banta | <i>Sandra Banta</i> | sandyb@bcsna.net | 362 Woodling | Blgs | MT | 59101 |
| Dyani | Bingham | <i>Dyani Bingham</i> | dyani_b@hotmail.com | 375 Sweet | Billings | MT | 59105 |
| Carolyn | Spicer | <i>Carolyn Spicer</i> | carolens@breshan.net | 3624 Decathlon | PKwy | Billings | 59102 |
| | Shannon | <i>Shannon Custer</i> | <i>3536 BCC</i> | <i>Billings</i> | <i>MT</i> | <i>59101</i> | |

(Petition prepared by Montanans for Justice - <http://www.montanansforjustice.com>. Petition signatures will be added to the petition signatures collected through www.change.org.)

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|-------------|-------------|------------------------------|----------------------------|---------------------|----------|-------|-------|
| Donna | Wick | <i>Donna Wick</i> | dakewick@msn.com | 1114 Luna | Blgs | MT | 59102 |
| Lindsey | Johnson | <i>Lindsey J</i> | lindsey.cubini@gmail.com | | Blgs | MT | 59106 |
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| Meghan | Conaway | <i>Meghan Conaway</i> | meghan.conaway@hotmail.com | | Blgs | MT | 59102 |
| Meghan | Lysaght | <i>Meghan Lysaght</i> | Meghan.Lysaght@gmail.com | | Blgs | MT | 59102 |
| FRANK | WILSON | <i>Frank Wilson</i> | frank@hotmai.com | | Blgs | MT | 59102 |
| Kimberly | Johnson | <i>Kimberly Johnson</i> | Kimlyme92@hotmail.com | | Billings | MT | 59101 |
| Eli B | Perce | <i>Eli Perce</i> | ilovejesus777.ep@gmail.com | | Billings | MT | 59101 |
| Linda | Wolff-Bowen | <i>Linda Wolff-Bowen</i> | | PO Box 194 | Forsyth | MT | 59327 |
| James | Moore | <i>James Moore</i> | | | Billings | MT | 59101 |
| Sharon | Hazel | <i>Sharon Hazel</i> | | 2042-Weston Dr | Billings | MT | 59102 |
| FARWELL | ARLEY | <i>Arley Farwell</i> | | 703 no. 32nd st. | Billings | MT | 59101 |
| Mark | Farwell | <i>Mark Farwell</i> | TT0p42023@yahoo.com | PO. Box 208 | Pryor | MT | 59066 |
| Diana | Jansma | <i>Diana Jansma</i> | | #1501 Lewis Av | Warden | MT | 59088 |
| Rebecca | Lee | <i>Rebecca Lee</i> | | 4435 Ridgewood Lvs. | Blgs | MT | 59106 |
| CHRISTOPHER | ELLAUGHBY | <i>Christopher Ellaughby</i> | | 4707 Stone St | Blgs | MT | 59101 |

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|-------------------|------------------|------------------|--------------|-----------------------|-------------|--------------|------------|
| Tami | Cornell | Tami Cornell | — | P.O. Box 32014 | Blgs. | MT | 59107 |
| Chaney | Cornell | Chaney Cornell | — | P.O. Box 32014 | Blgs | MT | 59107 |
| Debbie | Bates | Debbie Bates | — | 3405 Carmel Dr | Blgs | MT | 59101 |
| Violet | Synets | Violet Synet | — | 3525 Wapato | Blgs | MT | 59101 |
| Linda | Johnson | Linda Johnson | — | 978-B S. Heights Lane | Billings | MT | 59105 |
| Sharon | Hummel | Sharon Hummel | — | 46 Antelope Tr | Blgs | MT | 59105 |
| Donna | Stokes | Donna Stokes | — | 8603 Hofferbar Rd | Shepherd | MT | 59079 |
| Stanley | Hauge | Stanley Hauge | — | 702 Locust Ave | Laurel | MT | 59044 |
| Diane | Albright | Diane Albright | — | 2014 Sunrise Ave | Billings | MT | 59101 |

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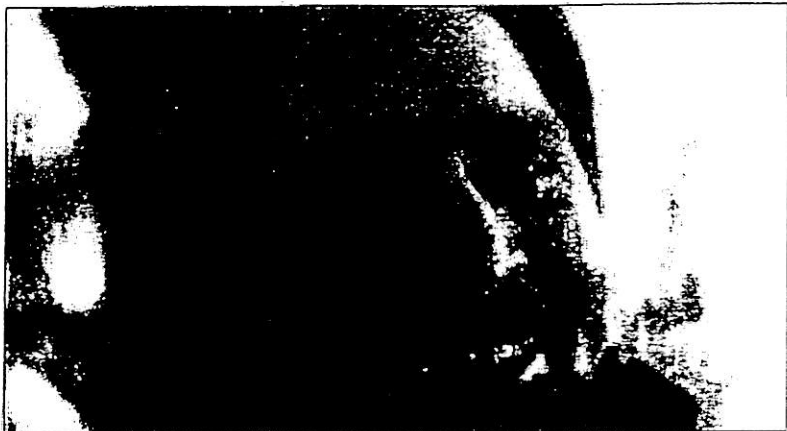
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|-------------------|--------------------|-------------|----------------------|--------------------------|--------------|-------|-------|
| Sue | LUCAS | | aslucas55@brison.net | 1980 Eastwood Dr. | Blga | MT | 59102 |
| Rochelle | Johnson | | RochelleJohnson | 1000 25 th | Billings | MT | 59101 |
| Robin | Tina | | tina robin | Tall Timbers | MD | | 20697 |
| Sandra | Boeck | | | 45 Center | Pellon | MT | 59101 |
| Mary | Robertson | | ruby.pere7@gmail.com | 6715 4 th ave | Billings | MT | 59105 |
| MARIE | Tello | | marie.tello.n | 2103 Wickham Dr | CLIFTON | NJ | 07013 |
| FERRIS | AL TOMARE | | fxaldom@comcast.net | 852 TOURMALINE | BOYNTON | FL | 33441 |
| Larry | Winslow | | | 2216 Patricia Lane | Billings, MT | | 59102 |
| Mike | Turley | | | 4700 1 st St | Billings, MT | | 59101 |
| Margo | McCallum | | | 220 Parkhill | Blgs | MT | 59101 |
| Jacqui | Raine | | | 420 W 2nd St | Lewistown | MT | 59044 |
| Margie | Opeland | | | | | | |
| MARGIE | Opeland | | | 347 FAS 254 | Glendive, MT | | 59330 |
| Carte | | | | 1523 bench Blvd | Billings | mont. | 59401 |

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|------------|-----------|--------------------|-------|-------------------------------|----------|-------|-------|
| Tom | HANEL Sr. | Tom Hanel | | 3904 Towhee Blgs. | | MT | 59102 |
| Conrad | Mac Hanel | Conrad Hanel | | 3904 Towhee Blgs. | | MT | 59102 |
| Maryjane | Car | Maryjane Car | | 1262 Valley dr. | Laurel | MT | 59044 |
| Jennifer | Kleinholz | Jennifer Kleinholz | | 937 N. 25 th St. | Billings | MT | 59101 |
| Marilla | Carlson | Marilla Carlson | | 2626 Terry Ave | Billings | MT | 59102 |
| Joletta | Carlson | Joletta Carlson | | 2626 Terry Ave | Billings | MT | 59102 |
| Jeffery | Day | Jeffery Day | | 629 Clause Cr | Billings | MT | 59105 |
| Blake | Wahrlich | Blake Wahrlich | | 2511 1st Ave | Billings | MT | 59101 |
| Pierce | Wahrlich | Pierce Wahrlich | | 842 Wyoming Ave | Billings | MT | 59101 |
| Cindy | Sawyer | Cindy Sawyer | | 25 Walnut Grove Blgs. | | MT | 59102 |
| Jeff | Sawyer | Jeff Sawyer | | 25 Walnut Grove | | MT | 59102 |
| Christine | Lehsock | Christine Lehsock | | 2524 Emerson Pl. | Blgs | MT | 59102 |
| Robert | Lehsock | Robert Lehsock | | 118 N. 24 th | Billings | MT | 59102 |
| Nicole | Hale | Nicole Hale | | 707 N. 31 st Apt 2 | Billings | MT | 59101 |
| Jana | Staton | Jana Staton | | 629 Beresly Ave | Missoula | MT | 59801 |
| Susan K. | DeBree | Susan K. DeBree | | 428 Wilder | Helena | MT | 59601 |



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It is unjust and unacceptable for an innocent Montana man who has recently proven himself as a law-abiding, productive citizen to spend the rest of his life in prison. As concerned people from all walks of life who pay taxes and are active in our communities, we cannot allow this to happen. An injustice to one is an injustice to all. We call upon the state of Montana to find a way to achieve justice for Barry Beach and return him to our community so that

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| First Name | Last Name | Signature | Email | Address | City | State | Zip |
|------------------|------------------|--------------------|-------|--------------------------------|----------|-------|-------|
| Jim | Fletcher | <i>[Signature]</i> | — | 7925 Alderson | Big | MT | 59106 |
| Chloe | Dossler | <i>[Signature]</i> | | 712 Yellowstone Ave | Big | MT | 59101 |
| Charlotte | L Taylor | <i>[Signature]</i> | | 7927 Alderson | Big | MT | 59106 |
| Robert | M Taylor | <i>[Signature]</i> | | 7927 Alderson ave | Billings | MT | 59106 |
| JAMES | Alather III | <i>[Signature]</i> | | 13 th 3 Terry Apt B | Billings | MT | 59106 |
| Yolanda | Fletcher | <i>[Signature]</i> | | 7925 Alderson | Big | MT | 59106 |
| Maureen | Newsom | <i>[Signature]</i> | | 712 Yellowstone | Billings | MT | 59101 |
| John | WATSON | <i>[Signature]</i> | | 15 E Almadin Lane | Billings | MT | 59105 |
| J.D. | Demini | <i>[Signature]</i> | | 2109 1 st Ave N | Billings | MT | 59101 |
| Henry | Olson | <i>[Signature]</i> | | 4246 Jansma ave | Billings | MT | 59101 |
| DANIEL | LANDEL | <i>[Signature]</i> | | 723 N. 24 th #6 | Billings | MT | 59101 |
| Michael | Chastie | <i>[Signature]</i> | | 5625 Birchmeade | Billings | MT | 59101 |
| Maureen | Tennant | <i>[Signature]</i> | | 3034 McCall Rd | Billings | MT | 59103 |
| Kenneth | Mintz | <i>[Signature]</i> | | | | | |
| Troy | Edson | <i>[Signature]</i> | | 2503 1st ave N | Billings | MT | 59106 |

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|-------------------|------------------|----------------------|----------------------------|--------------------------|-------------|--------------|------------|
| Betty J. | Kelly | Betty J. Kelly | bettykelly37@yahoo.com | 2935 Beecraft | Billings | MT | 59101 |
| Jalynne | Kelly | Jalynne Kelly | jkellyproperties@yahoo.com | 2147 Eagle Rock Dr. | Billings | MT | 59101 |
| Carol | Erkens | Carol Erkens | Fairway2@aol.com | P.O. Box 2955 | Red Lodge | MT | 59101 |
| Nate | Senge | Nate Senge | n212@gmail.com | | Bozeman | MT | 59101 |
| Maxie & Harold | Helso | Maxie & Harold Helso | | | Billings | MT | 59101 |
| Rebekah | Barwick | Rebekah Barwick | | | Billings | MT | 59101 |
| Jerry | Kein | Jerry Kein | | 922 Yellowstone River Rd | Billings | MT | 59105 |
| Lezo | Vargas | Lezo Vargas | | Box 496 | Frontier | MT | 59101 |
| Ulverson | Smithman | Ulverson Smithman | | | Billings | MT | 59101 |
| Beth | Burtz | Beth R. Burtz | | 30402 PARADISE Rd. | Winnier | SD | 57580 |
| Carol | Furney | Carol Furney | | | Billings | MT | 59101 |
| Colleen | Toenjes | Colleen Toenjes | | 2309 Top Drive | Billings | MT | 59102 |
| Teresa | Michel | Teresa Michel | | 1055 Burlington | Billings | MT | 59102 |
| Stephanie | Michel | Stephanie Michel | | 1055 Burlington | Billings | MT | 59102 |
| Stephanie | Jenness | Stephanie Jenness | | 814 7th Ave | Laurel | MT | 59101 |
| Jenness | Stephanie | Stephanie Jenness | | 814 7th Ave | Laurel | MT | 59044 |



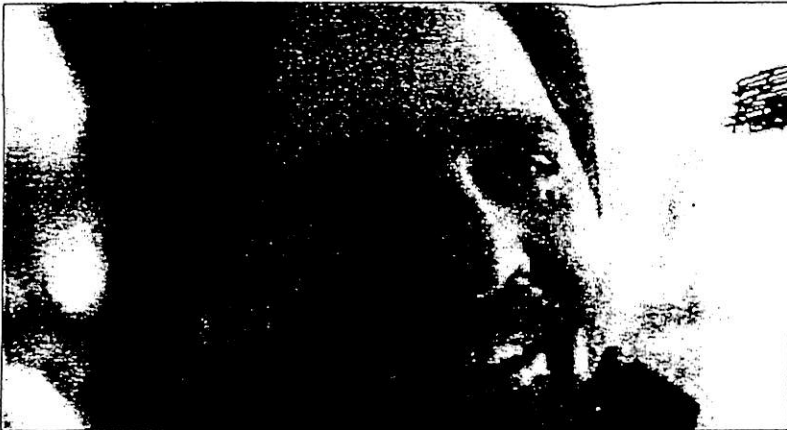
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|-------------------|------------------|---------------------------|--------------|-------------------------|-------------|--------------|------------|
| Mark | | | | | | | |
| Monte | KEATING | <i>Monte Keating</i> | | 1550 Century Man Blvd | Billings | MT | 59102 |
| Anna | Toole | <i>Anna Toole</i> | | 1070 Buffalo Trail | Anaconda | MT | 59705 |
| Barbara | Downing | <i>Barbara Downing</i> | | 3104 Sequoia Lane | Big | MT | 59102 |
| Marianne | Wright | <i>Marianne Wright</i> | | 7 Stella St | Big | MT | 59105 |
| Elizabeth | Barner | <i>Lizbeth Barner</i> | | 1104 Poly Dr. | Billings | MT | 59102 |
| Dennis | ROSEBERG | <i>Dennis Roseberg</i> | | 833 ALKALI CROSSING | BILLINGS | MT | 59105 |
| Alicia | Wells | <i>Alicia Wells</i> | | 1 Windmill Rd | Bozeman | MT | 59715 |
| Ronald | Toole | <i>Ronald Toole</i> | | 1146 prasa or hollow Dr | Shepherd | MT | 59079 |
| James | Aboeyta | <i>James Aboeyta</i> | | 7925 Alderson | Billings | MT | 59106 |
| Shawna | Noble | <i>Shawna Noble</i> | | 714 Pebble Beach | Billings | MT | 59105 |
| Sherry | FRONK | <i>Sherry Fronk</i> | | 3651 Spotted Saddle | Bozeman | MT | 59101 |
| Karen | M Little Light | <i>Karen Little Light</i> | | 3655 Olympic Blvd | Big | MT | 59102 |
| Elaine | X. Munnigal | <i>Elaine Munnigal</i> | | 5412 Round Stone Ave | Billings | MT | 59106 |
| Tom | CANTRELL | <i>Tom Cantrell</i> | | 2020 Yellowstone Ave | Big | MT | 59102 |



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As a young man being interrogated by Louisiana police, Barry falsely confessed to an unsolved Poplar, Montana, murder and was convicted and sentenced to 100 years, no parole. Barry has persistently maintained his innocence but has struggled to prove it in court, in part because the state destroyed critical DNA evidence. But we know that 25% of people later exonerated by DNA evidence falsely confessed, and we know that the criminal justice system sometimes makes critical mistakes.

In 2011, after a district judge heard two days of detailed testimony from several witnesses who had received repeated confessions from the real killers, and a credible eyewitness to the murder, he ordered a new trial and

released Barry into the care of local supporters active in prison ministry. Barry started his own business and worked full-time, was active in his church and other volunteer activities, and successfully rebuilt a life with his family after 29 years of separation. But on May 14, a split Montana Supreme Court overruled the new trial order, and the next day Barry returned to prison after 18 months of thriving as a free man. The mayor of Billings, Montana, where Barry lived, called his return to prison a loss for the community.

Although a slim majority of the court said the district judge had applied the wrong legal standard and dismissed Barry's case, the dissenting justices lamented this "final chapter" as a mistake that may cement an injustice, observing that "we are not final because we are infallible, but we are infallible only because we are final," and noting unresolved questions such as the fact that no physical evidence had tied Barry to the murder.

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|-------------------|---------------------|--------------------------|--------------------------------------|-------------------------|-------------|--------------|------------|
| Paul | Jewness | <i>Paul Jewness</i> | bigpjewness@gmail.com | 814 7th Ave | Lanora | MT | 59044 |
| Tom | Jones | Tom Jones | hittercasebeast@gmail.com | 209 S 30th St Apt 2 | Billings | MT | 59101 |
| Fred | Walton | <i>Fred Walton</i> | | 302 Jackson #12 | Billings | MT | 59101 |
| Debra | Todd | <i>Debra Todd</i> | | 607 N 8th | Big | MT | 59101 |
| RONDEL Z SMITH | | <i>Rondel Smith</i> | | 2901 Thous + NO OAKS ST | Biggs | MT | 59102 |
| Warren W. Mears | | <i>Warren Mears</i> | | P.O. Box 228 | Poplar | MT | 59255 |
| Nomah Lundsted | | <i>Nomah Lundsted</i> | | 34705 Cord 120 | Sidney | MT | 59270 |
| Tony | Lundsted | Tony Lundsted | | 34705 Cord 120 | Sidney | MT | 59270 |
| Jeff | Melugin | <i>Jeff Melugin</i> | | 212 Westloch Circle | Big | MT | 59105 |
| Mary | Boston | <i>Mary Boston</i> | | PO Box 50097 | Big | MT | 59105 |
| Tamm | Walker | <i>Tamm Walker</i> | | 114 S 31st | Biggs | MT | 59101 |

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|-------------|------------|---------------------------|------------------------|--------------------|------------|-------|-------|
| EASTMAN III | John | <i>John Eastman</i> | | 625 BUTLINGTON AVE | BILLINGS | MT | 59101 |
| Kenneth | Norden | <i>NL Norden</i> | Norden HTT @ Yahoo.com | 7215 Clark Rd | Shepherd | MT | 59079 |
| Aaron | Cammy Sutt | <i>Cammy Sutt</i> | | 242 Monarch ST | Billings | MT | 59101 |
| Nathelle | Frederick | <i>Nathelle Frederick</i> | | PO BOX 1430 | Poplar | MT | 59255 |
| Montgomery | Lana | <i>Lana Montgomery</i> | | 237 Danbury Ct. | Billings | MT | 59102 |
| FREDERICK | MONTGOMERY | <i>Fred Montgomery</i> | | 237 DANBURY CT | BILLINGS | MT | 59102 |
| William | Kueper | <i>Will Kueper</i> | | 425 Terrace Ln. | Cal. Falls | MT | 59912 |
| Maggie | Duncan | <i>Maggie Duncan</i> | | 2520 18th Ave N | Billings | MT | 59101 |
| Dace | Tough | <i>Dace Tough</i> | | 4305 Laguna Beach | Billings | MT | 59106 |
| JOYMA C. | FRANKLE | <i>Norma Frankle</i> | | 924 N. 24th St. | BILLINGS | MT | 59101 |
| Mary | Dostal | <i>Mary Dostal</i> | | 2211 R. Ryan Fore | Billings | MT | 59102 |
| Edna | Shultz | <i>Edna Shultz</i> | | 3121 S. 1st St | Billings | MT | 59102 |
| Jim | Shuman | <i>Jim Shuman</i> | | #4 Fox Tail Park | City, MT | | 59603 |
| John C. | Chan | <i>John C. Chan</i> | | 1532 Sandstone Tr. | Billings | MT | 59105 |
| Melitta | Hawin | <i>Melitta Hawin</i> | | 1132 Sandstone Tr. | Blg, MT | | 59105 |
| Dawnna | Wick | <i>Dawnna Wick</i> | | 3047 Boulder Ave | Billings | MT | 59102 |



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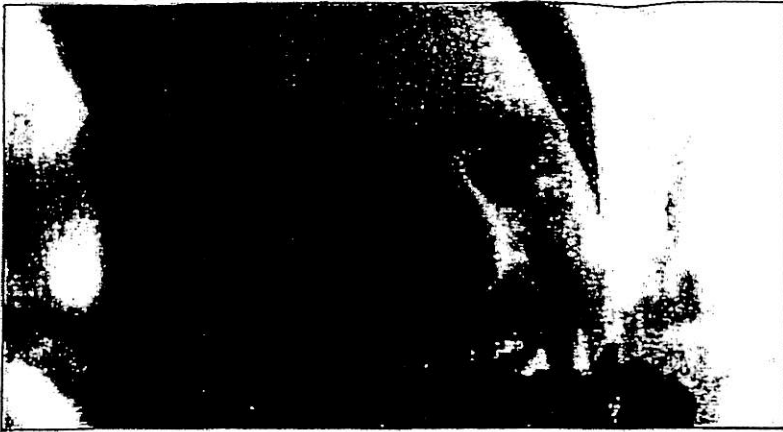
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| Lora | Wendt | <i>Lora Wendt</i> | | Yonibo, 1972 7th Ave, Lew | 3rd Montana Ave | Leeward MT | 59144 |
| Wendell | Burtz | <i>Wendell Burtz</i> | | 30502 Paradise Rd | Winnifred | S.D. | 57580 |
| Arthur | Balsam | <i>Arthur Balsam</i> | | 8037 Nemo Rd | Rapid City | S.D. | 57202 |
| LeeAnn | Johnson | <i>LeeAnn Johnson</i> | | PO Box 595 | Missoula | MT | 59806 |
| Lynn | Givin | <i>Lynn Givin</i> | | PO Box 48 | Joliet | MT | 59041 |
| Kathye | Partridge | <i>Kathye Partridge</i> | | 18345 NE Glisan #10 | Portland | OR | 97230 |
| Hawa | Bush | <i>Hawa Bush</i> | | | | | |
| John | Jetty | <i>John Jetty</i> | JSCOTTJETTY@GMAIL | Bozeman, MT | | | 59715 |
| MARILEE | Jackson | <i>Marilee Jackson</i> | Rubyjackson@gmail | Bozeman, MT | | | 59715 |
| DESI | Rodriguez | <i>Desi Rodriguez</i> | desisra@gmail.com | Box 1294 | Lame Deer | MT | 59043 |
| Justin | Terry | <i>Justin Terry</i> | justinterry@gmail.com | | Billings | MT | 59105 |
| Helen | Terry | <i>Helen Terry</i> | fireproofwaterfall@gmail.com | | Billings | MT | 59105 |
| Yvonne | Lison | <i>Yvonne Lison</i> | | | Billings | MT | 59105 |
| Janet | Goodbear | <i>Janet Goodbear</i> | janunsthru@gmail.com | | Wolfpoint | MT | 59201 |
| Verda | Kirk | <i>Verda Kirk</i> | | | Bushy Mt | | 59016 |
| Robyn | Hart | <i>Robyn Hart</i> | | | Billings | MT | 59106 |

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|------------|-----------|-------------------------|---------------------------------|----------------------|-----------------|----------|----------|
| Linda | Birtles | <i>Linda Birtles</i> | l.birtles@brenn.net | 5439 Gene Sara Ln | Blgs | MT | 59106 |
| Marilyn | Collins | <i>Marilyn Collins</i> | freshman@mail.com | | Blgs | MT | 59101 |
| Tina | Seave | <i>Tina Seave</i> | | | | | |
| Kris | Hart | <i>Krista Hart</i> | | | Blgs | | 59101 |
| Christine | Tausen | <i>Christine Tausen</i> | | | | | |
| STANLEY | JOHNSON | <i>Stanley Johnson</i> | | 1904 Brian Ln. | Blgs | MT | 59105 |
| Nancy | Johnson | <i>Nancy Johnson</i> | | 1904 Brian Ln. | Blgs | MT | 59105 |
| Andrew | Miller | <i>Andrew Miller</i> | | 3203 Turnberry Cir | Blgs | MT | 59101 |
| Crystal | Miller | <i>Crystal Miller</i> | | | | | |
| Penny | Schultz | <i>Penny Schultz</i> | | 9000 Lynn Ave | Billings | MT | 59108 |
| MAUREEN | LEAVIS | <i>Maureen Leavis</i> | | Oct #47-2208 PEN Sq. | " " | " " | 59102 |
| Sheila | Cole | <i>Sheila Cole</i> | SCOLE@montanarescue.mission.org | | 4511 Phillip St | Billings | MT 59101 |
| Eric | Severin | <i>Eric Severin</i> | e-severin@hotmail.com | | Blgs | MT | 59101 |
| Kim | Williams | <i>Kim Williams</i> | hdycowmilk@yahoo.com | | Blgs | MT | 59101 |
| Roy | SIMANTON | <i>Roy Simanton</i> | powder-bound@hotmail.com | | Miles City | MT | 59301 |
| Jessica | Smanton | <i>Jessica Smanton</i> | powderbound@hotmail.com | | Miles City | MT | 59301 |



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|-------------------|------------------|------------------|--------------------|--------------------------|-------------|--------------|------------|
| Bruce | Bates | Bruce G. Bates | | 3405 Carmel Dr | Billings | MT | 59101 |
| Brandi | Daage | Brandi Daage | | 102 Locust Laurel | mt | | 59044 |
| Ted | Reichert | Ted Reichert | | 4528 Pine Hills Dr | Billings | MT | 59101 |
| JIM | BREWINGTON | Jim Brewington | Handyman Brew 8/14 | Po Box 50325 | Billings | MT | 59105 |
| MARILYN | MOOTS | Marilyn Moots | | 2933 Becraft | Billings | MT | 59101 |
| MARCIA | REICHERT | Marcia Reichert | | 4528 Pine Hills Dr. | Billings | MT | 59101 |
| F. FRANK | Kuck | F. Frank Kuck | | 4 MEMORY LN | Blgs | MT | 59101 |
| Ken | Garcia | Ken Garcia | | 213 Suburban Dr | Billings | MT | 59101 |
| Patsy | Hutshell | Patsy Hutshell | | 1306 Old Hwy 10 W Laurel | | | 59044 |
| Willard | Hutshell | Willard Hutshell | | 1306 Old Hwy 10 Laurel | | | 59044 |
| Larry | Beneker | Larry Beneker | | 518 Jewstone Drive | Billings | MT | 59101 |
| Janet | Meyers | Janet M. Meyers | | 3442 Tigar Ave | Blgs | MT | 59101 |
| Vanoda | Parker | Vanoda Parker | | 31014 Silver Blk | MT | | 59105 |
| Sindi | Smith | Sindi Smith | | 2506 Old Harlin Rd | | | 59101 |

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|------------|-------------|---------------------|---------------------------|---------------------|----------|-------|-------------------|
| | Lidstrom | Cristy Lidstrom | Cristy.Lidstrom@yahoo.com | 2750 N. D | Worden | MT | 59084 |
| | WAPLES | Sharon Waples | | 303 N 5th | Missoula | MT | 59702 |
| | Horsford | Steve Horsford | | Box 335 | Lavina | MT | 59046 |
| | Katharine M | Roberts | | Billings | MT | 59101 | - |
| | | | 302 JACKSON # 18 | JACKSON | * Jack | COX 3 | Katharine Roberts |
| | Bergsing | JANET | | Lewis AVE | Blgs | MT | 59105 |
| | LEHFELDT | J. Leffeldt | | 1134 Daytona Cir. | Billings | MT | 59105 |
| | Sara | NERSCH, Sara Weisen | | 3914 Swallow Lane | " | MT | 59102 |
| | Allen | Scott Allen | | 1123 Wyoming | Blgs | | 59102 |
| | | | | 300 North 25 # 1011 | Billings | | 59101 |
| | Janet | Braun | | 26 Stanford Ct | | | 59102 |
| | M. J. | Brown | | 2110 Overland Ave | Blgs | | 59102 |
| | Randy | Orlitz | | 115 Hwy 312 | Huntley | MT | 59037 |
| | Ronald | Orlitz | | 115 Highway 312 | Huntley | MT | 59037 |



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|------------|-----------|--------------------|-------|----------------------|----------|-------|-------|
| Shane | Williams | <i>[Signature]</i> | | 3539 Toboggan rd | Billings | MT | 59101 |
| Madame | Snow | <i>[Signature]</i> | | 117 Blinn Cassel Rd | Redson | MT | 59804 |
| Vicky | Wheeler | <i>[Signature]</i> | | 2005 Baring | Olean MT | MT | 59523 |
| Monique | Waddell | <i>[Signature]</i> | | 20495 Rosney dson Rd | Chinook | MT | 59523 |
| Yveling | J Davis | <i>[Signature]</i> | | Box 410 | Zortman | MT | 59546 |
| Sean | Beaman | <i>[Signature]</i> | | | Fairman | MT | 59566 |
| Kael | Fanning | <i>[Signature]</i> | | | Haire | MT | 59501 |
| Richard | Hearley | <i>[Signature]</i> | | 2005 57th | Hays | MT | 59527 |
| Greg | Shaffer | <i>[Signature]</i> | | 824 N 25th | Biggs | MT | 59101 |



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|-------------------|------------------|------------------|---------------------------|------------------------|-------------|--------------|------------|
| David | Oswald | | | 623 Ave E | Billings | MT | 59105 |
| Scott | West | | | 5220 US Hwy 312 | Billings | MT | 59105 |
| Dalton | Williams | | | 100 Church Ave | Sioux Falls | SD | 57103 |
| Rebecca | West | | | 5220 US Hwy 312 | Blgs. | MT | 59105 |
| Larry | Hogsett | | | 112 E Maryland | Laurel | MT | 59044 |
| Jeff | Clark | | | 616 Main St. | Denton | MT | 59430 |
| Art | Schlosser | | | 5805 Silver Saddle Dr. | Shepherd | MT | 59079 |
| Sandra | Schlosse | | Sschlosse2010@hotmail.com | | Shepherd | MT | 59079 |
| Chris | Toplin | | | 1229 AVE F | Billings | MT | 59102 |
| CLARA | Stahl | | | 2546 Cook Ave | Billings | MT | 59102 |
| Lacie | Stahl | | | 2546 Cook Ave | Billings | MT | 59102 |
| Chantal | Hale | | | 11054 Oasis Dr. | El Paso | TX | 79936 |
| Russell | Hale | | | 11054 Oasis Dr. | El Paso | TX | 79936 |
| Mary | Vidrine | | | 902 Robbinette Dr. | Ruston | LA | 71270 |



State of Montana: In the Name of Justice, Free Barry Beach

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|-------------------|------------------|-------------------------------|--------------|------------------|-------------|--------------|------------|
| Bob | Reed | <i>Bob Reed</i> | | 13470 Mt Hwy 200 | FT Shaw | MT | 59443 |
| Howard | Tuss | <i>Howard Tuss</i> | | PO Box 1 | Grass Range | MT | 59032 |
| Dennis | Tilley | <i>Dennis Tilley</i> | | PO 561 | Lewistown | MT | 59457 |
| Deb | Grippy | <i>Deb Grippy</i> | | Box 173 | Grass Range | MT | 59032 |
| Gerald | Martin | <i>Gerald Martin</i> | | Box 257 | Hays | MT | 59527 |
| Trent | Seaford | <i>Trent Seaford</i> | | 524 W Eveleyn | Lewistown | MT | 59457 |
| Michael | Williams | <i>Michael Williams</i> | | 5711 Haynes Rd | Shepherd | MT | 59079 |
| Amika | Crafter Williams | <i>Amika Crafter Williams</i> | | 5711 Haynes Rd | Shepherd | MT | 59079 |
| Mike | Williams | <i>Mike Williams</i> | | 3539 Toboggan Rd | Billings | MT | 59101 |
| Paxton | Lambrecht | <i>Paxton Lambrecht</i> | | P.O. Box 21 | Shepherd | MT | 59079 |
| Sam | Lambrecht | <i>Sam Lambrecht</i> | | " | " | " | " |
| Norm | Painter | <i>Norm Painter</i> | | P.O. Box 468 | Greybull | WY | 82426 |
| Leonard | Mann | <i>Leonard Mann</i> | | 304 S. Hauer | Anaconda | MT | 59711 |
| Charles | Celander | <i>Charles Celander</i> | | P.O. Box 486 | Miles City | MT | 59301 |
| Maureen | Celander | <i>Maureen Celander</i> | | P.O. Box 486 | Miles City | MT | 59301 |
| Del | Williams | <i>Del Williams</i> | | 121 Meadow Ln | Miles City | MT | 59301 |



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|------------|-----------|-----------|-------|----------------------|-------------|-------|-------|
| Shane | Williams | | | 3539 Toboggan rd | Billings | MT | 59101 |
| Nancy | Robinson | | | 127 Buckhorn | Zortman | MT | 59546 |
| Julia | Cebulski | | | 720 Thompson St | " | " | " |
| Jane | Adams | | | 5942 7 mile Rd. | Zortman | MT | 59546 |
| Jeremy | Winton | | | 152 Longkiller Rd | Poplar | MT | 59527 |
| Barbara | Chaff | | | P.O. Box 118 | Hays | MT | 59527 |
| Victoria | Chaff | | | 3900 Olympic Blvd. | Billings | MT | 59102 |
| Coast | Ercow | | | 326 Eskimo Ave | Harlow | MT | 59526 |
| Sumanta | Spina | | | | Zortman | MT | 59546 |
| Pete | Ziehl | | | 806 1st Ave SW | Great Falls | MT | 59909 |
| Paul | Sherman | | | | Hays | MT | |
| Will | Chasco | | | 100 Johnny Chasco Rd | Dalton | MT | 59534 |
| John | Chasco | | | 1751 Bear Gulch Rd | Zortman | MT | 59546 |
| Andrew | Sung | | | P.O. Box 120 | Hays | MT | 59527 |



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|-------------------|------------------|--------------------|--------------|-----------------|-------------|--------------|------------|
| Lona | Boushie | Lona Boushie | | HCB3 Box 5285 | Dodson | MT | 59524 |
| Rocky | Jones | Rocky Jones | | PO Box 145 | Hays | MT | 59527 |
| Tyler | Hanley SR | Tyler Hanley SR | | P.O. Box 1072 | Hays | MT | 59527 |
| Tyrell | LaRoque | Tyrell A. LaRoque | | P.O. Box 357 | Hays | MT | 59527 |
| Sequiter | Demond | Sequiter Demond | | 2291 St Perrerd | Boxelder | MT | 52521 |
| Donald E | Jean Bear | Donald E Jean Bear | | Brighton CO. | | | |
| Ken A. | Hawley SR | Ken A Hawley SR | | Box 344 | Hays | MT | 59527 |
| Shirley | Wright | Shirley Wright | | 1820 Kaganst | | | |
| Donald | Wright Jr. | Donald Wright Jr. | | P.O. Box 495 | Hays | MT | 59527 |
| James | Wright | James Wright | | P.O. Box 450 | Hays | MT | 59527 |
| Anne | Wright | Anne Wright | | | Hays | MT | |
| Esse | Rylander | Esse Rylander | | | | | |
| Bridgette | Wright | Bridgette Wright | | P.O. Box 491 | Hays | MT | |
| Samantha | Webb | Samantha Webb | | P.O. Box 234 | Hays | MT | |
| Gene | Wright | Gene Wright | | 580 S Green Rd | Dodson | MT | 59524 |



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|-------------------|------------------|------------------------|---------------------|----------------|-------------|--------------|------------|
| Bruce | Denny | <i>Bruce Denny</i> | | P.O. Box 565 | Hays | MT | 59527 |
| Dink | Skirkaldie | <i>Dink Skirkaldie</i> | | P.O. Box 1022 | HAYS | MT | 59527 |
| Ruby | Brock | | | P.O. Box 122 | Hays | MT | 59527 |
| Janelle | Sorrell | <i>Janelle Sorrell</i> | | 1567 maggio | Helena | MT | 59606 |
| Talte | Carr | <i>Talte Carr</i> | | Box 1011 | Hays | MT | 59527 |
| SAVANIA | DIMAY | <i>Savania Dimay</i> | lunmygize@yahoo.com | Box 1011 | Hays | MT | 59527 |
| Clinton | Hackanson | | | Box 114 | Hays | MT | 59527 |
| VILLIE | BROD | <i>Villie Brod</i> | | PO Box 15 | Hays | MT | 59527 |
| | | | | | | | |
| Chris | Johnson | <i>Chris Johnson</i> | | Box 422 | Harlem | MT | 59526 |
| Beau | Monten | | | Box 991 | Hays | MT | 59527 |
| Mary | Finney | | | Box 505 | Hays | MT | 59527 |
| Chris | Johnson | <i>Chris Johnson</i> | | Box 207 | Hays | MT | 59527 |
| Edward | Cole | <i>Edward Cole</i> | | Box 06 | Hays | MT | 59527 |
| Mary | Monten | | | P.O. Box 337 | Hays | MT | 59527 |



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|----------------------|------------------|------------------|--------------------------|-----------------------|-------------|--------------|------------|
| Ashley Foxe | | | Foxe_Ashley@yahoocal.com | Hays | MT | 59527 | |
| Kenneth Lamere | | | | 3399 Monument Peak rd | Deedson | MT | 59527 |
| Drew Turnspenty | | | drewturnspenty@yaka.com | | Billings | MT | 59101 |
| GILBERT BRADLEY | A. Bradley | | NONE | 252 | Hays | MT | 59527 |
| Wendy Kirkkaldie | | | | | Hays | MT | 59527 |
| Clayton Hawley Sr | | | | Box 305 | Hays | MT | 59527 |
| Wendy St-Hamm | Paul | | | Box 242 | Hays | MT | 59527 |
| Judy Kirkkaldie | | | judykay_2008@yahoo.com | | Hays | MT | 59527 |
| Russel Kirkkaldie Sr | | | | | LP VFD | MT | 59524 |
| Catherine Alony | | | | Box 417 Hays | MT | 59527 | |
| Shelley Racine | | | | 1915 1st Street N.E. | Hays | MT | 59501 |
| Lachele Doney | Lachelle | | | 31014th Ave | Hays | MT | 59501 |
| Lynn T. Cliff | | | | P.O. Box 118 | Hays | MT | 59527 |
| Debrae Mount | | | | 11400S 8th Harlem | MT | 59526 | |
| Howard Mount Jr | | | | 11400S 8th Harlem | MT | 59526 | |



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|------------|--------------|---------------------|---------------------------|-----------------------|-----------|---------|-------|
| Carol | Shurtman | | Carol.Shurtman@aol.com | 1547 N. ... | Hays | MT | 59527 |
| Jhenda | DuBois | Jhenda DuBois | | 1547 N. ... | Newtown | ND | 58763 |
| Alber | Stahl | Alber Stahl | | PO Box 225 | Hays | MT | 59527 |
| Tina | Has The Edge | Veiva Winkler | | 1028 N. Dodge Pole Rd | Dodson | MT | 59524 |
| Tyrell | Hankanson | Tyrell Hankanson | tyrellhankanson@yahoo.com | P.O. Box 453 | Hays | MT | 59527 |
| Russell | Moyette | Russell Moyette | | PO Box 196 | Brixfield | MT | 59501 |
| Andrea | Edelman | Andrea Edelman | | 2771 Monument PK Rd | Dodson | MT | 59524 |
| Jeremy | Wings | JEREMY WINGS | | " | " | " | " |
| Annie | Mount | Annie Mount | | Box 153 | Hays | MT | 59527 |
| Jane | Ray | Jane Ray | | Box 321 | Hays | Montana | 59527 |
| Blomaris | Parrywater | Blomaris Parrywater | | Box 1014 | Hays | MT | 59527 |
| John | Beck | John Beck | | Box 132 | " | " | 59527 |
| Paul | Jell | Paul Jell | | Box 1 | Hays | MT | 59527 |
| Art | LeBaron | Art LeBaron | | Box 404 | Hays | MT | 59527 |
| Denise | Kirkaldie | Denise R. Kirkaldie | | Box 236 | Hays | Mont. | 59527 |

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|-------------------|------------------|----------------------------|--------------|------------------|-------------|--------------|------------|
| perry | mauld | <i>Perry Mauld</i> | — | P.O. box 414 | HAYS | MT | 59527 |
| Mary | Hoyes | <i>Mary Hoyes</i> | | Box 417 | Hays | MT | 59527 |
| Louis | Werk | <i>Louis Werk</i> | | PO box 212 | Hays | MT | 59527 |
| <i>Carrie</i> | <i>Werk</i> | <i>Carrie Werk</i> | | 2782 monument rd | Hays | MT | 59527 |
| Theresa M. | Fox | <i>Theresa M. Fox</i> | | PO Box 105 | Hays, MT | | 59527 |
| Lila | Shell | <i>Lila Shell</i> | | Box 357 | Hays | MT | 59527 |
| Lattu | Eagleson | <i>Lattu Eagleson</i> | | P.O. Box 255 | Hays | MT | |
| Karen | Harkonen | <i>Karen Harkonen</i> | | 1915 1st St. NE | Hays | MT | 59527 |
| Shelby | Mar | <i>Shelby Mar</i> | | P.O. Box 387 | Hays | MT | 59527 |
| Darlene | Shortman | <i>Darlene Shortman</i> | | Box 21 | Hays, MT | | 59527 |
| Shannon | Hausley | <i>Shannon Hausley</i> | | Box 1032 | Hays | MT | 59527 |
| Lilly | Standing Bear | <i>Lilly Standing Bear</i> | | P.O. Box 133 | Hays | MT | 59527 |
| Mikki | Campbell | <i>Mikki Campbell</i> | | PO Box 617 | Hays | MT | 59527 |
| Becky | Campbell | <i>Becky Campbell</i> | | Box 617 | Hays | MT | 59527 |
| Jean | Bear | <i>Jean Bear</i> | | PO Box 308 | Hays | MT | 59527 |



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|------------|-----------|------------------------|-------------------------------|-------------------|-----------|-------|-------|
| Michael | Fof | <i>Michael Fof</i> | <i>draftinguy@</i> | 103 School RD | Hays | MT | 59527 |
| Lelann | Boe | <i>Lelann Boe</i> | <i>yanowifan</i> | PO Box 215 | Hays | MT | 59527 |
| Baron | Standing | <i>Baron Standing</i> | <i>baron.standing@</i> | 360 Dahood.com | Lodgepole | MT | 59524 |
| Lauri | Main | <i>Lauri Main</i> | <i>lmain</i> | Lodgepole | Dodson | MT | 59524 |
| Rena | Sears | <i>Rena Sears</i> | | Box 4 | Hays | MT | 59527 |
| Randy | Hawley | <i>Randy Hawley</i> | | Hays | MT | 59527 | |
| Dan | Collins | <i>Dan Collins</i> | | Lodgepole, | MT | 59524 | |
| Karen | Stiff | <i>Karen Stiff</i> | | Lodgepole, | MT | 59524 | |
| Margaret | Martin | <i>Margaret Martin</i> | | Box 46 | Hays | MT | 59527 |
| Alicia | Werk | <i>Alicia M. Werk</i> | <i>crow.weman@gmail.com</i> | PO Box 7 | Hays | MT | 59527 |
| Michelle | Black | <i>Michelle Black</i> | | PO Box 491 | HAYES | MT | 59527 |
| Jean | Wright | <i>Jean Wright</i> | | PO 461 | HAYS | MT | 59527 |
| Brockie | Lance | <i>Brockie Lance</i> | <i>brockie@rocketmail.com</i> | PO Box 1053 | Hays | MT | 59527 |
| Michelle | Hawley | <i>Michelle Hawley</i> | | Hays | MT | 59527 | |
| Etty | Rae | <i>Etty Rae</i> | <i>etty.rae@ymail.com</i> | PO Box 1577 | Hays | MT | 59527 |



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|------------|------------|--------------------|----------------------------------|--------------|------|-------|-------|
| Jessie | White | Jessie White | mt_wildfire@400.com | P.O. Box 571 | Hays | MT | 59527 |
| Downy | Mount | Downy Mount | hubdelcity9@yahoo.com | Box 153 | Hays | MT | 59527 |
| Jessie | White | Jessie White | Jessie@400.com | P.O. Box 571 | Hays | MT | 59527 |
| Bethany | Nottingham | Bethany Nottingham | | P.O. Box 331 | Hays | MT | 59527 |
| Charles | Green | Charles Green | | | | | |
| Emerald | Tucker | Emerald Tucker | EmeraldTucker@backstreetmail.com | | Hays | MT | 59527 |
| Justice | R. Lovejoy | Justice R. Lovejoy | | P.O. Box 612 | Hays | MT | 59527 |
| Damon | Cassillo | Damon Cassillo | | Box 612 | Hays | MT | 59527 |
| Duane | Snow | Duane Snow | | Box 20 | Hays | MT | 59527 |
| Andrea | Doney | Andrea Doney | | Box 447 | Hays | MT | 59527 |
| Barbara | Gardner | Barbara Gardner | | Box 117 | Hays | MT | 59527 |
| Whitney | Doney | Whitney Doney | | Box 257 | Hays | MT | 59527 |
| Sheila | Martin | Sheila Martin | | Box 257 | Hays | MT | 59527 |
| Gerald | Martin | Gerald Martin | | Box 257 | Hays | MT | 59527 |
| Jan | Martin | Jan Martin | | P.O. Box 327 | Hays | MT | 59527 |



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|--------------------------|------------------|--------------------------|---------------------------------|--------------------|-----------------|---------------|------------------|
| Kristin Mount | Mount | Kristin Mount | mrschase@montana.gov | Box 236 | Hays | MT | 59527 |
| Kristin | Mount | Kristin Mount | mrschase@montana.gov | Box 236 | Hays | MT | 59527 |
| Chase | Morin | Chase Morin | | Box 236 | Hays | MT | 59527 |
| Dakota | Wetke | Dakota Wetke | d.wetke@jailbo.com | Box 202 | Hays | MT | 59527 |
| Mable D. | Hoops | Mable Hoops | | Box 429 Rte. 9 | Dobson | MT | 59524 |
| Wendell H. | Haakanson | Wendell Haakanson | | Box 429 Rte. 9 | Dobson | MT | 59524 |
| Therienne King | Chapman | Therienne King Chapman | | Box 460 | Hays | MT | 59527 |
| Shakayla | Whitlow | Shakayla Whitlow | | Box 571 | Hays | MT | 59527 |
| Robert | Fox | Robert Fox | | Box 451 | Hays | MT | 59527 |
| Christy | Warrick | Christy Warrick | | Box 584 | Hays | MT | 59527 |
| John | L. Garte | John L. Garte | | P.O. Box 128 | Hays | MT | 59527 |
| Judith | Powdermilk | Judith Powdermilk | | P.O. Box 613 | Hays | MT | 59527 |
| Josie | Cliff | Josie Cliff | | 4417 Mitchell Ave | Hays | MT | 59527 |
| Angel | Hemley | Angel Hemley | | P.O. Box 302 | Hays | MT | 59527 |
| Vivienne | Jay | Vivienne Jay | | Box 248 | Hays | MT | 59527 |
| Bill | Main | Bill Main | | Box 113 | Hays | MT | 59527 |



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|-------------------|------------------|------------------|--------------|--------------------------|-------------|--------------|------------|
| Steve | gelakoski | | | 398 59 Butte Lane | Landusky | MT | 59546 |
| Jessica | Longknife | | | 815 pinegrove Rd | Hays | MT | 59527 |
| Carol | Johnson | | | 815 Pinegrove Rd | Hays | MT | 59527 |
| Tom | Snell | | | P.O. Box 443 | Hays | MT | 59527 |
| Raymond | Snell | | | P.O. Box 443 | Hays | MT | 59527 |
| Jaeda | HasTheEagle | | | 10286 Lodgepole Rd | Dodson | MT | 59524 |
| HasTheEagle | Tina | | | 10286 Lodgepole Rd | Dodson | MT | 59524 |
| Ja | Cichosz | | | 513 S 33rd | Billings | MT | 59601 |
| Shawonda | Doney | | | Box 326 | Hays | MT | 59527 |
| S. R. | Wanner | | | | Hays | MT | 59527 |
| Nicole | Bull | | | 1260 105th W apt 203 | Havre | MT | 59501 |
| FRANKIE | A Hawley | | | PO BOX 45 | Hays | MT | 59527 |
| JESSIE | NORQUA | | N/A | 1915 1st ST NE Apt. B-12 | HAVRE | MT | 59501 |
| Karlene | Obenman | | | P.O. Box 505 | Hays | MT | 59527 |
| Morgan | Hawley | | | P.O. Box 251 | Hays | MT | 59527 |



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|-------------------|------------------|--------------------|------------------------------|----------------|-------------|--------------|------------|
| D Lynn | Snell | <i>[Signature]</i> | deedish2013@yahoo | Box 327 | Hays | MT | |
| Jacob | Rider | <i>[Signature]</i> | jacko55@yahoo.com | Box 576 | Hays | MT | 59526 |
| Jeremy | Richey | <i>[Signature]</i> | aboveall11@gmail.com | P.O. box 1005 | Hays | MT | 59527 |
| Randi | Shortman | <i>[Signature]</i> | | P.O. box 1005 | Hays | MT | 59527 |
| Maura | Brocker | <i>[Signature]</i> | MM2ISL8@gmail.com | 415 1st Ave | Hays | MT | 59501 |
| Dean | Donex Sr. | <i>[Signature]</i> | | PO Box 38 | Hays | MT | 59527 |
| Lana | Stallam | <i>[Signature]</i> | white-clay1@yahoo.com | | " " | " " | " " |
| Ashley | Snell | <i>[Signature]</i> | | P.O. Box 25 | Hays | MT | 59527 |
| Mark | Snell | <i>[Signature]</i> | mark.snell | Hays | PO Box 25 | MT | 59527 |
| Claire | Shank | <i>[Signature]</i> | | Box 418 | Hays | MT | 59527 |
| Harold | Pattler | <i>[Signature]</i> | | Rocky | Boys | MT | |
| Barry | Kirkal | <i>[Signature]</i> | | Hays | | | |
| Shannon | Fox | <i>[Signature]</i> | michaelargelo59527@yahoo.com | | Hays | MT | 59527 |
| Leon | Joy | <i>[Signature]</i> | | Box 24 | Hays | MT | 59527 |
| Derrick | Shambo | <i>[Signature]</i> | dshambo32@gmail.com | PO Box 203 | Hays | MT | 59527 |

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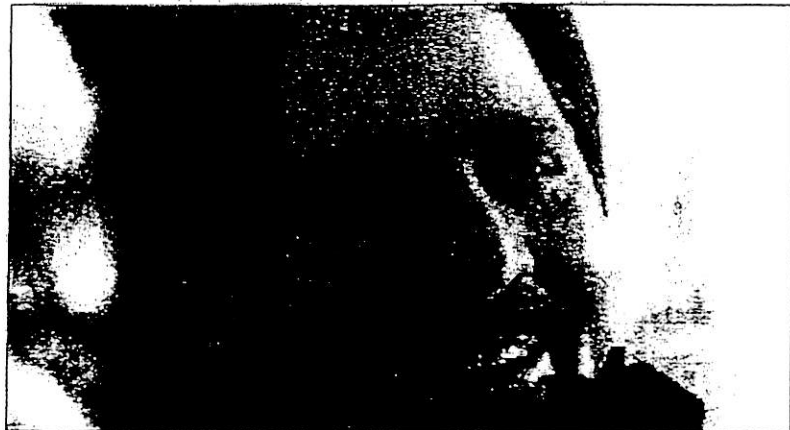
State of Montana: In the Name of Justice, Free Barry Beach

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|-------------------|------------------|--------------------|--------------|-----------------------|-------------|--------------|------------|
| Norelle | Reak | Norelle Reak | | PO Box 551 | Hays | MT | 59527 |
| Holly M | Kirkaldie | Holly M Kirkaldie | | PO Box 41 | Hays | MT | 59527 |
| Julia | Lambert | Julia Lambert | | PO Box 158 | Hays | MT | 59527 |
| Dawn | Bradley | Dawn Bradley | | PO Box 252 | Hays | MT | 59527 |
| Mina | Flores | Mina Flores | | 2701 E Pacific Ave | Spokane WA | | 99202 |
| Helen | Lingle | Helen Lingle | | 2701 E Pacific Ave | Spokane WA | | 99202 |
| Luis | Flores | Luis Flores | | 2703 E Pacific Ave | Spokane WA | | 99202 |
| Antonetta | Doney | Antonetta Doney | | P.O. Box 438 | Hays | MT | 59527 |
| Laurencia | Cochran | Laurencia Cochran | | Box 623 | Harlem | MT | 59526 |
| Dustin D. | Kirkaldie | Dustin D Kirkaldie | | P.O. Box 461 | Hays, MT | | 59527 |
| Marie | Longknife | Marie Longknife | Box 433 | PO Box 433 | Hays, MT | | 59527 |
| Melvin | Wells | Melvin Wells | PO Box | 174 Rough Stock | Harlem | MT | 59526 |
| Adrienne | Perry | Adrienne Perry | | 249 Enemy Killer Rd | Dodson | MT | |
| Cheryl | Kirkaldie | Cheryl Kirkaldie | | PO Box 432 | Hays | MT | 59527 |
| Beverly | Werk | Beverly Werk | Box 1016 | | Hays, MT | | 59527 |
| Carol A | Cochran | Carol A. Cochran | Box 391 | | Harlem | MT | 59526 |



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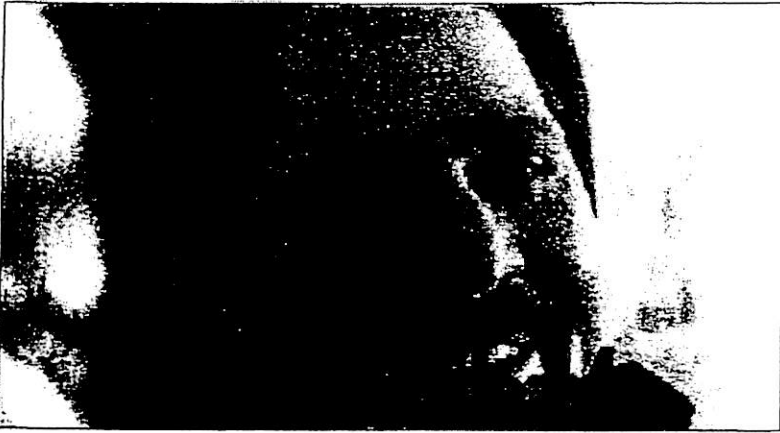
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|-------------------|------------------|------------------|--------------|----------------------------|-------------|--------------|------------|
| Robert | Flanagan | | | 514 1/2 3rd ST W. Bldg. m2 | Billings | MT | 59101 |
| Teresa | Atchrock | | | 1686 Viewcrest Dr #1 | Billings | MT | 59101 |
| Mark | Geiss | | | 645 Dunnuck | Sheridan | WY | 82801 |
| Isaac | more | | | 714 Ave B | Billings | MT | 59102 |
| Crystal | Bush | | | 1226 Yale Ave | Billings | MT | 59102 |
| Raymond | Tetzlaff | | | 1226 Yale Ave | Billings | MT | 59102 |
| Krista | Bakula | | | 5641 Falcon | Helena | MT | 59602 |
| John | Walks | | | HL 36, 2230 | Hardin | MT | 59043 |
| Allie | Walking Eagle | | | 458 E 900 N | Springville | UT | 84663 |
| F. | Harjits | | | 821 No. 27 - #248 | Blfg | WY | 59101 |



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|-------------------|------------------|----------------------|--------------|-------------------|-------------|--------------|------------|
| Just | Thomas | Just Thomas | | 414 Springdale Ln | Hobson | MT | 59452 |
| IVEN | McCRORIE | IVEN M'Crorie | | P.O. BOX 71 | Columbus | MT | 59019 |
| JETT | McCRORIE | Betsy McCrorie | | PO. BOX 71 | Columbus | MT | 59019 |
| Glenn | McCloud | Glenn McCloud | | 4015 Corbin Dr. | Billings | MT | 59106 |
| EARL | HENDERSON | Earl Henderson | | 4149 STONE | BILLINGS | MT | 59101 |
| Orrin | KASPER | Orrin Kasper | | 55 Metcalfe Court | Georgetown | OW | 67647 |
| Maurice | Rennet | Maurice Rennet | | 1144 Miles Ave | Billings | MT | 59102 |
| Dan | Mock | Dan Mock | | 3941 Babolink | Billings | MT | 59101 |
| Michelle | Dandrea | Michelle Dandrea | | 1022 8th Ave. S. | Great Falls | MT | 59405 |
| Nancy | O'Hara McManus | Nancy O'Hara McManus | | 2123 Westworth Dr | Billings | MT | 59105 |



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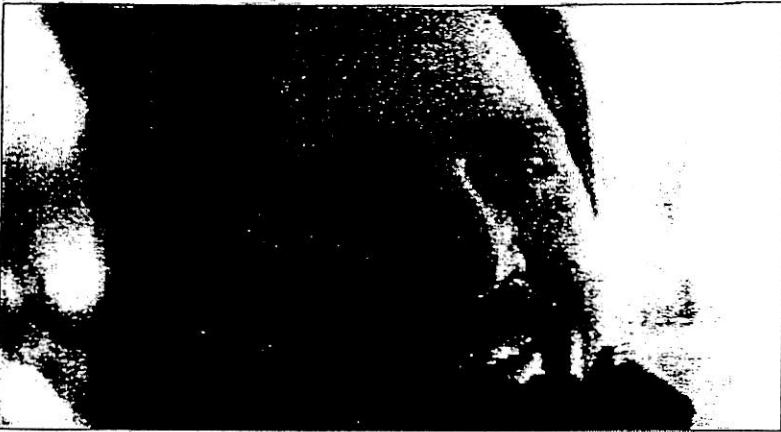
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|-------------------|------------------|------------------|--------------|----------------------|-------------|--------------|------------|
| Van | Pittman | | | 2521 1st Ave N. | Bill | MT | 59101 |
| Van | Pittman | | | 220 Maple Dr | Billings | MT | 59102 |
| Koselyn | Trotter | | | 1320 4th St West | Billings | MT | 59101 |
| Tom | Ibara | | | 2521 10th Av. N. | Billings | MT | 59101 |
| Richard | Pemberton | | | 9044 Hobb/E Creek Dr | Billings | MT | 59101 |
| Donnette | Pemberton | | | 9044 Hobb/E Creek Dr | Billings | MT | 59101 |
| Rebbe | Fredrickson | | | Lake Elmo | Billings | MT | 59102 |
| Alysa | Williams | | | Lake Elmo | Billings | MT | 59102 |
| Robert | Coyne | | | 1005 Capital Dr. | Billings | MT | 59101 |
| Don | McNeil | | | 632 Washington | Billings | MT | 59101 |
| Anders | Koyne | | | 1340 Crawford Dr | Billings | MT | 59102 |



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|------------|-----------|------------------------|----------------------------------|-------------------|-----------|-------|-------|
| Haley | Berube | <i>Haley Berube</i> | <i>haley@worcesterroots.org</i> | | Worcester | Ma | 01606 |
| Bobby | St John | <i>Bobby St John</i> | | | High Hon | WV | 82533 |
| Linda | Sebastian | <i>Linda Sebastian</i> | | | Billings | MT | 59102 |
| JOEL | SEBASTIAN | <i>Joel Sebastian</i> | | | Blgs | MT | 59102 |
| | | | | <i>Billings</i> | | | |
| Terry | McAnally | <i>Terry McAnally</i> | | | Poplar | MT | 59255 |
| Robert | McAnally | <i>Robert McAnally</i> | | | Poplar | MT | 59255 |
| Steven | Fairstar | <i>Steven Fairstar</i> | <i>steven.fairstar@gmail.com</i> | | Billings | MT | 59105 |
| Sue | Faddes | <i>Sue Faddes</i> | | | Billings | MT | 59105 |
| Brandy | Natalie | <i>Brandy Natalie</i> | | | Billings | MT | 59102 |
| Jennifer | Day | <i>Jennifer Day</i> | | <i>629 Clause</i> | Blgs | MT | 59105 |



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|------------------|-------------------|--------------------------------|----------------------|---------------------|------------|-------|-------|
| Stacey | Cole | <i>Stacey Cole</i> | | 90 Shannon Creek Rd | Jacoby | MT | 59263 |
| Jon | Joseph | <i>Jon Joseph</i> | jonjoseph911@aol.com | 1820 Yellowstone | Billings | MT | 59102 |
| Verri | Chapman | <i>Verri Chapman</i> | | 203 Avenue F | Billings | MT | 59102 |
| Eraig | Braaten | <i>Eraig Braaten</i> | | 987 Dixon | Billings | MT | 59105 |
| Doris | Braaten | <i>Doris Braaten</i> | | 987 Dixon | Billings | MT | 59105 |
| Lisa | Forney | <i>Lisa Forney</i> | | 409 S. 39th | Billings | MT | 59101 |
| Ben | Huber | <i>Ben Huber</i> | | 822 Sage Elm | Billings | MT | 59105 |
| Patty | Swain | <i>Patty Swain</i> | | 2244 Pueblo Dr | Billings | MT | 59102 |
| Martin | DeWitt | <i>Martin DeWitt</i> | | 6336 Rodeo Rd. | Wolf Point | MT | 59201 |
| Daria | Brenna | <i>Daria Brenna</i> | | PO box 983 | Glasgow | MT | 59230 |
| Daria | Brenna | <i>Daria Brenna</i> | | | Missoula | MT | 59802 |

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|-------------------|------------------|-------------------------|----------------------------|-------------------------------|-----------------|--------------|------------|
| 1. BJ | DRWENSKI | <i>BJ Drwenski</i> | bj.drwenski@gmail.com | 3426 1 st Ave No | Great Falls | MT | 59401 |
| 2. | Espinoza Johnson | <i>Espinoza Johnson</i> | email | 3800 9 th St South | Great Falls, MT | | 59404 |
| 3. | Lori Pales | <i>Lori Pales</i> | nolalarequired@hotmail.com | 72949 th St. S. | Great Falls | MT | 59405 |
| 4. | Peggy Bacon | <i>Peggy Bacon</i> | | 5500 8 th Ave S. | Gr. Falls | MT | 59402 |
| 5. | ANDREW DRWENSKI | <i>Andrew Drwenski</i> | ANDREW.DRWENSKI@gmail.com | 811 MONROE | MSLA, | MT | 59802 |
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|-------------------|------------------|------------------|---------------------|-----------------------------------|-------------|--------------|------------|
| Michael | Fof | | draftinguy@ | 103 School RD Hays | MT | 59527 | |
| Leann | Boe | | @yanow.com | PO Box 215 Hays | MT | 59527 | |
| Baron | Standing Rock | | baron.standingrock@ | 360 Dishes Com Reggie's Lodgepole | MT | 59524 | |
| Lauri | Main | | | Lodge Pole Dodson | MT | 59524 | |
| Rava | Sears | | | Box 4 Hays | MT | 59527 | |
| Randy | Hawley | | | Hays | MT | 59527 | |
| Parker | Collins | | | Lodgepole, | MT | 59524 | |
| Karen | Stiff | | | Lodgepole, | MT | 59524 | |
| Margaret | Martin | | | Box 46 Hays, | MT. | 59527 | |
| Alicia | M. Werk | | cmw.werk@gmail.com | PO Box 7 Hays | MT | 59527 | |
| Michelle | Black | | | PO Box 491 | HAYES, MT | 59527 | |
| Juan | Wiggins | | | PO 461 Hays | MT | 59527 | |
| Brookie | Lance | | brookie.lance@ | PO Box 1053 Hays | MT | 59527 | |
| Eric | Hawley | | | Hays | MT | 59527 | |
| Etty | Rae Hawley | | etty.rae@ynews.com | PO Box 1577 Hays | MT | 59527 | |



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| Josie | White Cow | Josie White Cow | mt.wildfire@4 th com | Bx. 571 | Hays | MT | 59527 |
| Dawnita | Mound | Dawnita Mound | hubdieoxy9@yahoo.com | Bx153 | Hays | MT | 59527 |
| Jessie | Stearns | Jessie Stearns | Jessie@alphac.com | P.O. Box 25 | Hays | MT | 59527 |
| Bernamy | Notari | Bernamy Notari | | PO Box 331 | Hays | MT | 59527 |
| Cherise | Erean | Cherise Erean | | "Sara" | | | |
| Emerald | Teckler | Emerald Teckler | | Blackstone | Hays | MT | 59527 |
| Jasica | B. Lovejoy | Jasica B. Lovejoy | | P.O. Box 612 | Hays | MT | 59527 |
| Dawn | Cassillo | Dawn Cassillo | | Box 611 | Hays | MT | 59527 |
| Duane | Snow | Duane Snow | | Box 20 | Hays | MT | 59527 |
| Andrea | Doney | Andrea Doney | | Box 447 | Hays | MT | 59527 |
| Barbara | Gardner | Barbara Gardner | | Box 117 | Hays | MT | 59527 |
| Wallace | Doney | Wallace Doney | | Box 227 | Hays | MT | 59527 |
| Sheila | Martin | Sheila Martin | | Box 257 | Hays | MT | 59527 |
| Gerale | Martin | Gerale Martin | | Box 257 | Hays | MT | 59527 |
| Jan | Stearns | Jan Stearns | | PO Box 327 | Hays | MT | 59527 |



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|--------------------------|------------------|--------------------------|-----------------------------|-----------------------|-----------------|---------------|------------------|
| Kristin Mount | Mount | Kristin Mount | mrschsemarin@... | Box 236 | Hays | MT | 59527 |
| Kristin | Mount | Kristin Mount | mrschsemarin@... | Box 236 | Hays | MT | 59527 |
| Chase | Morin | Chase | | Box 236 | Hays | MT | 59527 |
| Dakota | Wetke | Dakota Wetke | d.wetke... | Box 212 | Hays | MT | 59527 |
| Mable O. | Hoops | Mable Hoops | | Box 429 Rte. 9 Dodson | MT | | 59524 |
| Wendell H. | Hackanson | Wendell Hackanson | | Box 429 Rte. 9 Dodson | MT | | 59524 |
| Cherienne | King | Cherienne King | | Box 460 Hays | MT | | 59527 |
| Shakyla | Whitlow | Shakyla Whitlow | | Box 571 Hays | MT | | 59527 |
| Robert | Fox | Robert Fox | | Box 451 Hays | MT | | 59527 |
| Christy | Wark | Christy Wark | | Box 584 Hays | MT | | 59527 |
| John | LeGarde | John LeGarde | | P.O. Box 128 | Hays | MT | 59527 |
| Judith | Powderfare | Judith Powderfare | | P.O. Box 613 | Hays | MT | 59527 |
| Joie | Cliff | Joie Cliff | | 11417 Mitchell Ave | MT | | 59101 |
| Angel | Hendry | Angel Hendry | | P.O. Box 302 | Hays | MT | 59527 |
| Blaine | Jay | Blaine Jay | | Box 248 | Hays | MT | 59527 |
| Bill | Main | Bill Main | | Box 113 | Hays | MT | 59527 |

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|-------------------|------------------|-------------------|--------------|--------------------------|-------------|--------------|------------|
| Steve | Galakoski | | | 398 59 Butte Lane | Landusky | MT | 59526 |
| Jessica | Longknife | | | 815 Pinegrove Rd | Hays | MT | 59527 |
| Colby | Johnson | | | 815 Pinegrove Rd | Hays | MT | 59527 |
| Tom | Snell | | | P.O. Box 443 | Hays | MT | 59527 |
| Raymond | Snell | | | P.O. Box 443 | Hays | MT | 59527 |
| Jasda | HasTheEagle | Jasda HasTheEagle | | 10286 Lodgepole Rd | Dodson | MT | 59524 |
| HasTheEagle | Tina | Uena HasTheEagle | | 10286 Lodgepole Rd | Dodson | MT | 59524 |
| Lu | Cichosz | Lu Cichosz | | 513 S 33rd | Billings | MT | 59101 |
| Shawonda | Doney | | | 508 old Hwy | Hays | MT | 59527 |
| S. R. | Wanner | | | Box 326 | Hays | MT | 59527 |
| Nicole | Bully | | | | Hays | MT | 59527 |
| FRANCIS | A Hawley | Francis A Hawley | | 1260 108th W apt 203 | Havre | MT | 59501 |
| JESSIE | NORQUA | | N/A | PO Box 45 | Hays | MT | 59527 |
| KAREN | BOENMAN | | | 1915 1st St NE Apt. B-12 | Havre | MT | 59501 |
| Barbara | Hawley | | | P.O. Box 505 | Hays | MT | 59527 |
| | | | | P.O. Box 251 | Hays | MT | 59527 |

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|-------------------|------------------|------------------|------------------------------|----------------|-------------|--------------|------------|
| Dlynn | Snell | | deelish2013@yahoo | Box 327 | Hays | MT | |
| Jacob | Rider | | jacko_55@yahoo.com | Box 576 | Harlem | MT | 59526 |
| Jeremy | Richey | | aboveall111@gmail.com | P.O. box 1005 | Hays | MT | 59527 |
| Randi | Shortman | | | P.O. box 1005 | HAYS | MT | 59527 |
| Maureen | Brocker | | MM2ISL8@gmail.com | 415 1st Ave | Harlem | MT | 59501 |
| Dean | Doney Sr. | | | PO Box 38 | Hays | MT | 59527 |
| Lana | Stillarm | | white-clay1@yahoo.com | | " " | " " | " " |
| Dashley | Snell | | | P.O. Box 25 | Hays | MT | 59527 |
| Joseph | Snell | | merle.snell | Hays | PO Box 25 | MT | 59527 |
| Care | Shambo | | | Box 418 | Hays | MT | 59527 |
| Michael | Shambo | | sdont@msn.com | Rocky | Hays | MT | |
| Enannon | Fox | | michaelangelo59527@yahoo.com | | Hays | MT | 59527 |
| Leon | Fox | | | Box 424 | Hays | MT | 59527 |
| Derrick | Shambo | | dshambo32@gmail.com | PO Box 203 | Hays | MT | 59527 |

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|------------|-----------|---------------------|----------|-----------------------|---------|-------|-------|
| Norelle | Rak | Norelle Rak | | PO Box 551 | Hays | MT | 59527 |
| Holly M | Kirkaldie | Holly M Kirkaldie | | PO Box 41 | Hays | MT | 59527 |
| Julia | Lambert | Julia Lambert | | PO Box 158 | Hays | MT | 59527 |
| Dawn | Bradley | Dawn Bradley | | PO Box 252 | Hays | MT | 59527 |
| Mina | Flores | Mina Flores | | 2701 E. Pacific Ave | Spokane | WA | 99202 |
| Helen | Lingle | Helen Lingle | | 2701 E. Pacific Ave | Spokane | WA | 99202 |
| Luis | Flores | Luis Flores | | 2703 E. Pacific Ave | Spokane | WA | 99202 |
| Antonetta | Doney | Antonetta Doney | | P.O. Box 438 | Hays | MT | 59527 |
| Laurencia | Cochran | Laurencia Cochran | | Box 683 | Harlem | MT | 59526 |
| Dustin D. | Kirkaldie | Dustin D. Kirkaldie | | P.O. Box 461 | Hays | MT | 59527 |
| Marie | Longknife | Marie Longknife | Box 433 | PO Box 433 | Hays | MT | 59527 |
| Melvin | Wells | Melvin Wells | REDO | 174 Rough Stock | Harlem | MT | 59526 |
| Adrienne | Perry | Adrienne Perry | | 299 Enemy Killer Rd | Dodson | MT | |
| Cheryl | Kirkaldie | Cheryl Kirkaldie | | P.O. Box 432 | Hays | MT | 59527 |
| Beverly | Werk | Beverly Werk | Box 1016 | | Hays | MT | 59527 |
| Carol A | Cochran | Carol A. Cochran | | Box 391 | Harlem | MT | 59526 |



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|------------|---------------|-----------|-------|-------------------------|-------------|-------|-------|
| Robert | Flanagan | | | 514 1/2 3rd ST W. Bldg. | Billings | MT | 59101 |
| Teresa | Atchcock | | | 1686 Viewcrest Dr #1 | Billings | MT | 59101 |
| Mark | Geiss | | | 645 Dunnuck | Sheridan | WY | 82801 |
| Isaac | Moore | | | 714 Ave B | Billings | MT | 59102 |
| Crystal | Bush | | | 1226 Yale Ave | Billings | MT | 59102 |
| Raymond | Tetzlaff | | | 1226 Yale Ave | Billings | MT | 59102 |
| Kirsty | Sakuma | | | 5641 Falcon | Helena | MT | 59602 |
| John | Walls | | | HL 36, 2230 | Hardin | MT | 59043 |
| Allie | Walking Eagle | | | 458 E 900N | Springville | UT | 84663 |
| F. | Sturjys | | | 821 No. 27th #248 | Billings | MT | 59101 |



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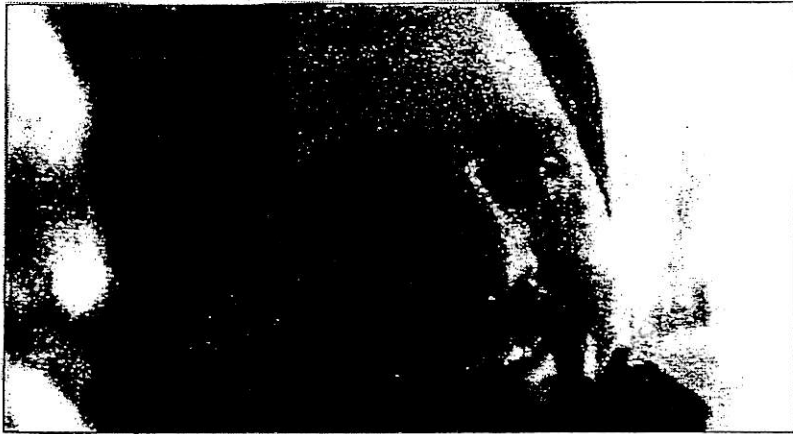
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|------------|----------------|----------------------|-------|-------------------|-------------|-------|--------|
| Jane | Thomas | Jane Thomas | | 414 Springdale Ln | Hofson | MT | 59452 |
| IVEN | MCCRORIE | Iven M'Corrie | | P.O. Box 71 | Columbus | MT | 59019 |
| BETTY | MCCRORIE | Betty McCrorie | | P.O. Box 71 | Columbus | MT | 59019 |
| Glen | McCloud | Glen McCloud | | 4015 Carbin Dr. | Billings | MT | 59106 |
| EARL | HENDERSON | Earl Henderson | | 4149 STONE | BILLINGS | MT | 59101 |
| ORRIN | KASPER | Orrin Kasper | | 55 Metcalfe Court | Georgetown | OW | 4764N7 |
| Maurice | Renner | Maurice Renner | | 1144 Miles Ave | Billings | MT | 59102 |
| Jamie | Mock | Jamie Mock | | 3941 Babelink | Billings | MT | 59101 |
| Michelle | Davdson | Michelle Davdson | | 1022 8th Ave S. | Great Falls | MT | 59405 |
| Nancy | O'Hara McManus | Nancy O'Hara McManus | | 2123 Westworth Dr | Billings | MT | 59105 |



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|-------------------|------------------|------------------|--------------|----------------------|-------------|--------------|------------|
| Van | Pittman | | | 2522 1st Ave N. | Bill | MT | 59101 |
| Van | Pemberton | | | 220 Double Dr | Blgs | MT | 59102 |
| Koselyn | Trotter | | | 1320 4th St West | Billings | MT | 59101 |
| Tony | Ibara | | | 2521 10th Av. N | Billings | MT | 59101 |
| Richard | Pemberton | | | 9044 Hobble Creek Dr | Billings | MT | 59101 |
| Donnette | Pemberton | | | 9044 Hobble Creek Dr | Billings | MT | 59101 |
| Steppe | Fredrickson | | | Lake Elmo | Billings | MT | 59102 |
| Alysa | Williams | | | Lake Elmo | Billings | MT | 59102 |
| Richard | Conroy | | | 1005 Capital Dr. | " | MT | 59105 |
| Don | McNeil | | | 632 Washington | Blgs | MT | 59101 |
| Anders | Kay | | | 1340 Crawford Dr | Billings | MT | 59102 |



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|-------------------|------------------|------------------------|---------------------------|-----------------|-------------|--------------|------------|
| Haley | Berube | <i>Haley Berube</i> | Haley@worcesterroots.org | | Worcester | Ma | 01606 |
| Bobby | St John | <i>Bobby St John</i> | | | Big Horn | WY | 82833 |
| Ainda | Sebastian | <i>Ainda Sebastian</i> | | | Billings | MT | 59102 |
| JOEL | SEBASTIAN | <i>Joel Sebastian</i> | | | Blgs | MT | 59102 |
| | | | | <i>Bullshot</i> | | | |
| Terry | McAnally | <i>Terry McAnally</i> | | | Poplar | MT | 59255 |
| Robert | McAnally | <i>Robert McAnally</i> | | | Poplar | MT | 59255 |
| Steven | Fourstar | <i>Steven Fourstar</i> | Steven.Fourstar@gmail.com | | Billings | MT | 59105 |
| Sue | Podder | <i>Sue Podder</i> | | | Billings | MT | 59105 |
| Brandi | Noland | <i>Brandi Noland</i> | | | Billings | MT | 59102 |
| Jennifer | Day | <i>Jennifer Day</i> | 629 clause | | Blgs | MT | 59105 |

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|-------------------|-------------------|-------------------------|----------------------|---------------------|-------------|--------------|------------|
| Stacey | Cole | <i>Stacey Cole</i> | | 90 Shannon Creek Rd | Seeley | MT | 59263 |
| Jon | Joseph | <i>Jon Joseph</i> | jonjoseph911@aol.com | 1820 Yellowstone | Billings | MT | 59102 |
| Terri | Chapman | <i>Terri Chapman</i> | | 203 Avenue F | Billings | MT | 59102 |
| GRAIG | BRAATOR | <i>GRAIG BRAATOR</i> | | 987 Dixon | Billings | MT | 59105 |
| Doris | Braator | <i>Doris Braator</i> | | 987 Dixon | Billings | MT | 59105 |
| Lisa | Forney | <i>Lisa Forney</i> | | 409 S. 39th | Billings | MT | 59101 |
| Ben | Huber | <i>Ben Huber</i> | | 822 Lake Elmo | Billings | MT | 59105 |
| Patty | Swain | <i>Patty Swain</i> | | 2244 Pueblo Dr | Billings | MT | 59102 |
| Martin | DeWitt | <i>Martin DeWitt</i> | | 6336 Rodeo Rd. | Wolf Point | MT | 59201 |
| Daria | Prenna | <i>Daria Prenna</i> | | PO Box 983 | Glasgow | MT | 59230 |
| Brian | Conroy | Brian Conroy | | | Missoula | MT | 59802 |



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|-------------------|------------------|--------------------|--------------|------------------------|-------------|--------------|------------|
| Shane | Williams | <i>[Signature]</i> | | 3539 Toboggan rd | Billings | MT | 59101 |
| Margaree | Snow | <i>[Signature]</i> | - | 1001 1/2 Penn Crasford | Dodson | MT | 59524 |
| Vicki | Hofeldt | <i>[Signature]</i> | | 20495 Barney Olson Rd | Chinook | MT | 59523 |
| Mahaula | Hofeldt | <i>[Signature]</i> | | 20495 Barney Olson Rd | Chinook | MT | 59523 |
| Kashy L | Davis | <i>[Signature]</i> | | Box 410 | Zortman | MT | 59546 |
| Jean | Brown | <i>[Signature]</i> | | | Zortman | MT | 59546 |
| Keri | Fanning | <i>[Signature]</i> | | | HAURE | MT | 59501 |
| Richard | Hawley | <i>[Signature]</i> | | PO Box 575 | Hays | MT | 59527 |
| Geos | Shaffer | <i>[Signature]</i> | | 824 N 25th | Bly's | MT | 59101 |

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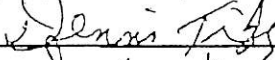

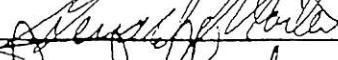


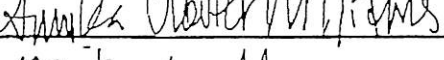
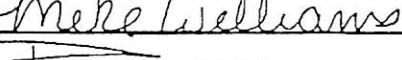




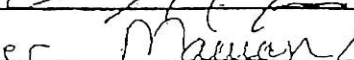

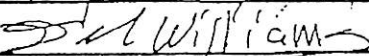
| <u>First Name</u> | <u>Last Name</u> | <u>Signature</u> | <u>Email</u> | <u>Address</u> | <u>City</u> | <u>State</u> | <u>Zip</u> |
|-------------------|------------------|-------------------------|----------------------------|------------------------|-------------|--------------|------------|
| David | Oswald | <i>David N. Oswald</i> | | 623 Ave E | Billings | MT | 59105 |
| Scott | West | <i>Scott West</i> | | 5220 US Hwy 312 | Billings | MT | 59105 |
| Dalton | Williams | <i>Dalton Williams</i> | | 100 Church Ave | Swanton | ND | 58053 |
| Rebecca | West | <i>Rebecca West</i> | | 5220 US Hwy 312 | Blys. | MT | 59105 |
| Larry | Hogsett | <i>Larry Hogsett</i> | | 112 E Maryland | Laurel | AK | 54044 |
| Jeff | Clark | <i>Jeffrey Clark</i> | | 616 Main St. | Denton | MT | 59430 |
| Art | Schlusser | <i>Art Schlusser</i> | | 5805 Silver Saddle Dr. | Shepherd | MT | 59079 |
| Sandra | Schlusser | <i>Sandra Schlusser</i> | Sschlusser2010@hotmail.com | | Shepherd | MT | 59079 |
| Chris | Toplin | <i>Chris Toplin</i> | | 1229 AVE F | Billings | MT | 59102 |
| CLARA | Stahl | <i>Clara Stahl</i> | | 2546 Cook Ave | Billings | MT | 59102 |
| Lacie | Stahl | <i>Lacie Stahl</i> | | 2546 COOK AVE | Billings | MT | 59102 |
| Chantal | Hale | <i>Chantal Hale</i> | | 11054 Oasis Dr. | El Paso | TX | 79936 |
| Russell | Hale | <i>Russell Hale</i> | | 11054 Oasis Dr. | El Paso | TX | 79936 |
| MARY | Vidrine | <i>Mary Vidrine</i> | | 902 Robunette Dr | Ruston | LA | 71270 |

State of Montana: In the Name of Justice, Free Barry Beach

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| <u>First Name</u> | <u>Last Name</u> | <u>Signature</u> | <u>Email</u> | <u>Address</u> | <u>City</u> | <u>State</u> | <u>Zip</u> |
|-------------------|------------------|--|--------------|------------------|-------------|--------------|------------|
| Bob | Reed |  | | 13470 Mt Hwy 201 | FT Shaw | MT | 59443 |
| Howard | Tuss |  | | PO Box 1 | GRASS RANGE | MT | 59032 |
| Dennis | Tilley |  | | Po 561 | Leicester | MT | 59457 |
| Deb | Griffith |  | | Box 173 | Grass Range | MT | 59032 |
| Gerald | Martin |  | | Box 257 | Hays | MT | 59527 |
| Trent | Seaford |  | | 524 W Eveleyn | Leicester | MT | 59457 |
| Michael | Williams |  | | 5711 Haynes Rd | Shepherd | MT | 59079 |
| Annika | Crafter Williams |  | | 5711 Haynes Rd | Shepherd | MT | 59079 |
| Mike | Williams |  | | 3539 Toboggan Rd | Billings | MT | 59101 |
| Paxton | Lambrecht |  | | P.O. Box 21 | Shepherd | MT | 59079 |
| Sam | Lambrecht |  | | " | " | " | " |
| Norm | Painter |  | | P.O. Box 468 | Greybull | WY | 82426 |
| Leonard | Mann |  | | 304 S. Haucer | Anaconda | MT | 59711 |
| Charles | Celander |  | | P.O. Box 486 | Miles City | MT | 59301 |
| Mauriceen | Celander |  | | P.O. Box 486 | Miles City | MT | 59301 |
| Del | Williams |  | | 121 Meadow Ln | Miles City | MT | 59301 |

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|------------|-----------|------------------------|-------|----------------------|-------------|-------|-------|
| Shane | Williams | <i>Shane Williams</i> | | 3539 Toboggan rd | Billings | MT | 59101 |
| Yancy | Robinson | <i>Yancy Robinson</i> | | 127 Burkhardt | Zortman | MT | 59546 |
| Julia | Cebulski | <i>Julia Cebulski</i> | | 720 Thompson St | " | " | " |
| Jane | Adams | <i>Jane Adams</i> | | 5942 7 mile Rd. | Zortman | MT | 59546 |
| Ermy | Walker | <i>Ermy Walker</i> | | 157 ... Rd | Zortman | MT | 59527 |
| Barbara | Chiff | <i>Barbara Chiff</i> | | P.O. Box 118 | Hays | MT | 59527 |
| Victoria | Chiff | <i>Victoria Chiff</i> | | 3900 Olympic Blvd. | Billings | MT | 59102 |
| Carol | Erceaux | <i>Carol Erceaux</i> | | 326 Eskimo Ave | Harlow | MT | 59526 |
| John | Ziehl | <i>John Ziehl</i> | | 800 18 Ave SW | Great Falls | MT | 59709 |
| Daryl | Shurman | <i>Daryl Shurman</i> | | | Hays | MT | |
| Michelle | Chasco | <i>Michelle Chasco</i> | | 100 Johnny Chasco Rd | Wadsworth | MT | 59534 |
| John | ... | <i>John ...</i> | | 1751 Burkhardt Rd | Zortman | MT | 59546 |
| Andrew | Sing | <i>Andrew Sing</i> | | P.O. Box 120 | Hays | MT | 59527 |



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|-------------------|------------------|-------------------|--------------|-------------------|-------------|--------------|------------|
| Lona | Boushie | Lona Boushie | | Hc63 Box 5285 | Dodson | MT | 59524 |
| Rocky | Jones | Rocky Jones | | PO Box 145 | Hays | MT | 59527 |
| Tyler | Hanley Sr | Tyler Hanley Sr | | P.O. Box 1032 | Hays | MT | 59527 |
| Tyrell | LaRoque | Tyrell LaRoque | | P.O. Box 357 | Hays | MT | 59527 |
| Sequiter | Demaree | Sequiter Demaree | | 2291 St Pierre rd | Boxelder | MT | 52521 |
| Donald E | Jean Bear | Donald Bear | | Brighton CO. | | | |
| Ken A. | Hawley Sr | Ken A Hawley Sr | | Box 344 | Hays | MT | 59527 |
| Blenda | Hawley | Blenda Hawley | | H20 Highway 141 | | | |
| Donald | Hawley Jr. | Donald Hawley Jr. | | P.O. Box 495 | Hays | MT | 59527 |
| Dawn | Don't | Dawn Don't | | P.O. Box 450 | Hays | MT | 59527 |
| Anne | Wick | Anne Wick | | | Hays | MT | |
| Essie | Russell | Essie Russell | | | | | |
| Bridgette | Grant | Bridgette Grant | | P.O. Box 141 | Hays | MT | |
| Samantha | Webb | Samantha Webb | | P.O. Box 234 | Hays | MT | |
| Gene | Wick | Gene Wick | | 580 Highway 141 | Dodson | MT | 59527 |



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|--------------------|------------------|--------------------|----------------------|----------------|-------------|--------------|------------|
| Bruce | Denny | <i>[Signature]</i> | | P.O. Box 565 | Hays | MT | 59527 |
| Dan | Skutaldi | <i>[Signature]</i> | | P.O. Box 1020 | HAYS | MT | 59527 |
| Ruby | Brockus | | | P.O. Box 122 | Hays | MT | 59527 |
| Janelle | Sorelli | <i>[Signature]</i> | | 11507 Maggie | Shelby | MT | 59806 |
| Talita | Carry | <i>[Signature]</i> | | Box 1011 | Hays | MT | 59527 |
| SAVANA | DINEY | <i>[Signature]</i> | lurmygirlz@yahoo.com | Box 1011 | Hays | MT | 59527 |
| Clinton | Haakanson | | | Box 114 | Hays | MT | 59527 |
| VILLENE | BROSDO | <i>[Signature]</i> | | PO Box 155 | Hays | MT | 59527 |
| <i>[Signature]</i> | | | | | | | |
| Christy | Stegerson | <i>[Signature]</i> | | Box 422 | Harlem | MT | 59526 |
| Beau | Monten | | | Box 491 | Hays | MT | 59527 |
| Megan | Finlay | | | Box 505 | Hays | MT | 59527 |
| Chris | Lehman | <i>[Signature]</i> | | Box 207 | Hays | MT | 59527 |
| Edward | Cole | Edward Cole | | Box 06 | Hays | MT | 59527 |
| Mary | Monten | <i>[Signature]</i> | | P.O. Box 337 | Hays | MT | 59527 |



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|------------|---------------|----------------------------|---------------------------|-----------------------|----------|-------|-------|
| Ashley | Fox | <i>Ashley Fox</i> | FoxA-OUTLAW2@yahoocom | Hays | MT | 59527 | |
| Kenneth | Hamere | <i>Kenneth Hamere</i> | | 3399 Monument Peak rd | Dodson | MT | 59525 |
| Drew | Turnsplenty | <i>Drew Turnsplenty</i> | drewturnsplenty@yokcc.com | | Billings | MT | 59101 |
| GILBERT | BRADLEY | <i>G. Bradley</i> | None | 252 | Hays | MT | 59527 |
| Wendy | KirkKaldie | <i>Wendy KirkKaldie</i> | | | Hays | MT | 59507 |
| Clayton | Hawley Sr | <i>Clayton Hawley Sr</i> | | Box 305 | Hays | MT | 59527 |
| Wendy | Sti-Halm | <i>Wendy Sti-Halm</i> | | Box 242 | Hays | MT | 59527 |
| Judy | KirkKaldie | <i>Judy KirkKaldie</i> | judykay_2008@yahoo.com | | Hays | MT | 59527 |
| Ryker | KirkKaldie Sr | <i>Ryker KirkKaldie Sr</i> | | FPVFD | MT | 59524 | |
| Catherine | Alony | <i>Catherine Alony</i> | | Box 417 Hays | MT | 59527 | |
| Shelley | Radne | <i>Shelley Radne</i> | | 1915 1st Street N.E. | Hays | MT | 59501 |
| Lachelle | Doney | <i>Lachelle Doney</i> | | 31014th Ave | Hays | MT | 59501 |
| Lynn | T. Cliff | <i>Lynn T. Cliff</i> | | P.O. Box 118 | Hays | MT | 59527 |
| Howard | Mount | <i>Howard Mount</i> | | 114 TABS 8th | Harlem | MT | 59506 |
| Howard | Mount Jr | <i>Howard Mount Jr</i> | | 114 TABS 8th | Harlem | MT | 59506 |

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| First Name | Last Name | Signature | Email | Address | City | State | Zip |
|------------|--------------|-----------------------------|-------------------------|-------------------------------|-----------|-------|-------|
| Carol | Shelburne | <i>Carol Shelburne</i> | Jaared.Stone@aol.com | Hays | MT | 59527 | |
| Jrenda | DuBois | <i>Jrenda DuBois</i> | | 1547 NE | Newtown | ND | 58763 |
| Albra | Haulby | <i>Albra Haulby</i> | | PO Box 323 | Hays | MT | 59527 |
| Tina | Has The Edge | <i>Tina Has The Edge</i> | | 1028 W Dodge Pk Rd | Dodson | MT | 59524 |
| Tyrrell | Haukanson | <i>Tyrrell Haukanson</i> | tyr.hauks@earthlink.net | P.O. Box 453 | Hays | MT | 59527 |
| Russell | Morissette | <i>Russell Morissette</i> | | P.O. Box 196 | Box Elder | MT | 59501 |
| Andrea | Farmer | <i>Andrea Farmer</i> | | 2771 Monument PK Rd | Dodson | MT | 59524 |
| Jeremy | WINS | <i>JEREMY WINS</i> | | " | " | | |
| Annie | Mount | <i>Annie Mount</i> | | Box 153 | Hays | MT | 59527 |
| Jane | Ray | <i>Jane Ray</i> | | Box 321 | Hays | MT | 59527 |
| Blasario | Parrywatter | <i>Blasario Parrywatter</i> | | Box 1014 | Hays | MT | 59527 |
| John | Beaumont | <i>John Beaumont</i> | | Box 133 | " | " | 59527 |
| John | Beaumont | <i>John Beaumont</i> | | Box 1 | Hays | MT | 59527 |
| Art | LeBarrow | <i>Art LeBarrow</i> | | Box 404 | Hays | MT | 59527 |
| Denise | Kirkaldie | <i>Denise Kirkaldie</i> | | Box 236 | Hays | MT | 59527 |

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|-------------------|------------------|---------------------|--------------|-------------------|-------------|--------------|------------|
| Perry | Mauld | Perry Mauld | — | P.O. box 414 | HAYS | MT | 59527 |
| Mary | Hays | Mary Hays | | Box 417 | Hays | MT | 59527 |
| Louis | Werk | Louis Werk | | PO box 212 | Hays | MT | 59527 |
| Grace | Werk | Grace Werk | | 2782 monument ave | Dodson | MT | 59524 |
| Theresa M. | Fox | Theresa M. Fox | | PO Box 105 | Hays, MT | | 59527 |
| Lila | Spell | Lila Spell | | Box 357 | Hays | MT | 59527 |
| Lattu | Eaglerma | Lattu Eaglerma | | P.O. Box 255 | Hays | MT | |
| Jannet | Hankerson | Jannet Hankerson | | 1915 1st St. NE | Haure | MT | 59501 |
| Sue | Mair | Sue Mair | | P.O. Box 387 | HAYS | MT | 59527 |
| Darlene | Shortman | Darlene Shortman | | Box 21 | HAYS, MT | | 59527 |
| Shannon | Hanley | Shannon Hanley | | Box 1032 | Hays | MT | 59527 |
| Lilly | Standing Bear | Lilly Standing Bear | | P.O. Box 133 | Hays | MT | 59527 |
| Mikki | Campbell | Mikki Campbell | | PO Box 617 | Hays | MT | 59527 |
| Becky | Campbell | Becky Campbell | | Box 617 | Hays | MT | 59527 |
| Jean | Bear | Jean Bear | | PO Box 308 | Hays | MT | 59527 |