

1 IN THE DISTRICT COURT OF MAYES COUNTY,  
2 STATE OF OKLAHOMA.

3  
4 THE STATE OF OKLAHOMA, )  
5 )  
6 Plaintiff,) )  
7 )  
8 -vs- )  
9 )  
10 GENE LEROY HART, )  
11 )  
12 Defendant.)

Case No. CRF-77-131  
CRF-77-132  
CRF-77-133

FILED IN THE DISTRICT COURT  
MAYES COUNTY, OKLAHOMA

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Deputy

13 HEARD BEFORE: Honorable Jess B. Clanton, Jr., Special Judge  
14 June 29, 1978

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P R O C E E D I N G S

June 29, 1978

1  
2  
3 THE COURT: This is CRF-77-131, 132 and 133, State  
4 versus Gene Leroy Hart.

5 Let the record show the Defendant is present with  
6 counsel and the State is present. And I see that the State  
7 has filed a Motion for Cessation of the Preliminary Hearing.

8 MR. WISE: If it please the Court, yes. I would  
9 like to call the Court's attention to the fact that we have  
10 this morning filed a Motion for Cessation and at this time,  
11 if I may have permission of the Court to approach the bench,  
12 I would like to submit to the Court, the photostatic copies  
13 of the cases and briefs that are specifically in point on  
14 this question.

15 THE COURT: Why don't you put them right over  
16 here, Mr. Wise? I haven't had a chance to read your citation.  
17 I think I am familiar with a few of them that you have cited  
18 but for right now, I'll just table this and we'll take it up  
19 later.

20 Do you have a copy, Mr. Isaacs?

21 MR. ISAACS: Just received one.

22 THE COURT: If you want to prepare any response, say  
23 in the next twenty-four hours or so, why don't you do that  
24 and then I could look at both sides of this question.

25 MR. ISAACS: Thank you, Judge.

1 THE COURT: I do have a couple of things I want  
2 to go over.

3 In no way am I ruling on this motion that the  
4 State has, in what I am about to go over.

5 Mr. Isaacs, I think you mentioned to me off the  
6 record yesterday that from your point of view, you thought  
7 that about five additional days would enable you to conclude,  
8 is that correct?

9 MR. ISAACS: Yes.

10 THE COURT: All right.

11 MR. ISAACS: We have a large number of witnesses  
12 but these witnesses won't take as much time as some OSBI  
13 Agents and some other people we have called.

14 THE COURT: Okay. I am going to do something at  
15 this time which is probably a first instance in the State of  
16 Oklahoma - at least it may be.

17 I am going to schedule the termination of this  
18 Preliminary Hearing under the inherent power of this Court  
19 to control its case load and manage its case load and without  
20 ruling upon the State's Motion, I have arrived at the follow-  
21 ing schedule which I'll give you at this time and which you  
22 may already have some inkling of anyway.

23 On June 29th, which is today, this Court had indi-  
24 cated that it would be willing to perceive until 7:00 p. m.  
25 tonight and the Court is still willing to do that, if

1 necessary.

2 On June 30th, which is tomorrow, this Court will  
3 be in session on this hearing - that is, if the hearing is  
4 still in progress - from 9:30 a. m. until 5:00 o'clock p. m.

5 Next week, July 3rd, which is Monday, the day before  
6 the holiday, this Court will be in session, if this hearing  
7 is still in session from 9:30 a. m. until 7:00 o'clock p. m.  
8 if necessary and I indicated the 4th of July holiday, of  
9 course, we would not be involved with this case and on July  
10 5th, I have cases scheduled in another county on that day and  
11 I believe counsel has indicated some conflict of schedule  
12 so there will be no setting for July 5th in this case.

13 On July 6th, the Court schedules the following  
14 hours: From 9:30 a. m. until 7:00 o'clock p. m., if necessary,  
15 and upon completion of that day's testimony, the Preliminary  
16 Hearing will terminate. It may be noticed by counsel that  
17 the five days which Mr. Isaacs alluded to is really scheduled  
18 into four, which reveals my secret of caseload management.  
19 If you have missing witnesses, Mr. Isaacs, I'd call to your  
20 attention - I'm sure you're aware of 12 OS 688 and 22 OS 584  
21 regarding your duty in terms of handling that situation.

22 Also, there is some case law which I am sure you  
23 are aware. There's just one other thing and that is I have  
24 a new rule this morning: I am no longer willing to listen  
25 to cumulative or repetitious testimony or irrelevant testimony.

1 and so the bottom line, I guess, is if it is not something  
2 new, I don't want to hear it, Mr. Isaacs.

3 So with those announcements, I'm ready for your  
4 next witness.

5 MR. ISAACS: I'd like to say something at this  
6 time, Your Honor.

7 THE COURT: Yes.

8 MR. ISAACS: Two of the witnesses that I consider  
9 material to this case are Mr. Larry Mullins and Mr. Bruce  
10 Plank. We made an agreement with the Oklahoma State Bureau  
11 of Investigation.

12 THE COURT: Are these agents?

13 MR. ISAACS: Yes, sir. That these agents would be  
14 available on a 24-hour notice. I was notified yesterday  
15 that Mr. Mullins recently married and is on his honeymoon.  
16 I was informed yesterday that Mr. Plank was on annual leave  
17 and he was out of state.

18 I would ask the Court to schedule a particular time  
19 that we can take the testimony of Mr. Mullins and Mr. Plank  
20 sometime on the 10th day of July.

21 THE COURT: No. That Motion is denied. I have  
22 scheduled the termination of this hearing on July 6th. If  
23 there is some time -- there may be an exception to that, Mr.  
24 Isaacs. I haven't thought of one yet.

25 MR. ISAACS: Okay.

1 THE COURT: With every rule, there's probably an  
2 exception but you can file your Affidavit, if you have miss-  
3 ing witnesses and I'll consider it when the time arises. I  
4 am hoping that you and Mr. Wise as spokesmen for the witnesses  
5 involved with the State, can arrange some kind of an agree-  
6 ment for these men to be present if that's agreeable. I  
7 believe there is an agreement on file.

8 MR. WISE: It is the first time in my experience  
9 we've entered into an agreement and so did the Director of  
10 the OSBI and so did Sheriff Weaver, that we would honor a  
11 24-hour notice from Mr. Isaacs, with exceptions being, of  
12 course, obviously if somewhat had a subsequent court appear-  
13 ance that he had already had subpoenas to and of course,  
14 being out of state as this instance is. The point that I  
15 rose to comment on, Your Honor, and it would only take a  
16 moment, is that I do think that the Court should be advised  
17 that with this agreement, Mr. Isaacs has yet to give us  
18 24-hour notice.

19 MR. ISAACS: That's not true.

20 MR. WISE: May I finish my statement, Your Honor?  
21 He has, on two different occasions, at 4:00 o'clock, as we  
22 had recessed at 3:30 or 4:00, he comes to Mr. Thurman -- I  
23 would be glad for Mr. Thurman to confer with the Court, and he  
24 says these are the people that I need tomorrow. Now, that's  
25 not 24 hours notice from 4:00 o'clock or later in the afternoon



1 until 9:00 o'clock and the OSBI have broke their backs to  
2 get out and find these people after hours to get them here  
3 at 9:30.

4 THE COURT: Of course, I have urged Mr. Isaacs to  
5 line up as many witnesses as possible. It is possible that  
6 he was only trying to comply with my wishes in seeking --

7 MR. ISAACS: Your Honor, I would like to state in  
8 open court that I did do that on one occasion and only so  
9 that we could have a sufficient number of witnesses on the  
10 day in question. And those people appeared. And I have  
11 given 24 hours notice to the OSBI. I called them yesterday  
12 at 8:30 or 9:00 o'clock in the morning in Oklahoma City and  
13 in Tahlequah and agents were here this morning that I called  
14 for yesterday. I called this morning at 8:30 or 9:00 o'clock  
15 and they are going to furnish us with other witnesses tomor-  
16 row morning.

17 THE COURT: Mr. Wise, let me inquire. Do you know  
18 when Mullins and Plank will return?

19 MR. ISAACS: He doesn't even know that they're gone,  
20 probably.

21 MR. WISE: No. I knew that Mr. Plank was on vaca-  
22 tion but I didn't know that Mr. Mullins was on his honeymoon.

23 THE COURT: If you could check on that for us.

24 MR. ISAACS: Judge, in view of these scheduling  
25 procedures, may I have a ten minute recess to make a telephone

1 to Tahlequah to tell our investigators that there's been  
2 a change in the scheduling and to move witnesses for certain  
3 dates?

4 THE COURT: I think that's reasonable. We'll  
5 take about a ten minute recess for that purpose.

6 (Following a ten minute recess, the proceedings  
7 continued as follows:)

8 THE COURT: Okay. Call your next witness.

9 MR. ISAACS: Call Janice Davis.

10 JANICE M. DAVIS,

11 recalled as a witness on behalf of the Defense, having  
12 been previously duly sworn, testifies as follows:

13 DIRECT EXAMINATION

14 BY MR. ISAACS:

15 Q Mrs. Davis, yesterday you were testifying and at  
16 the end of your testimony, somewhere you asked if I had  
17 received your report of June 5th of '78, and I hadn't and  
18 you provided me a copy of it, did you not?

19 A Yes, sir, I did.

20 Q Item A-58-C, in that report, A-54-C and A-57-A  
21 were slides prepared by Dr. Hoffman of the Medical Examiner's  
22 Office, were they not?

23 A Yes, sir, they were each from different victims.

24 Q And did you examine those slides?

25 A Yes, sir, I did.

1 Q What did you see when you examined those slides?

2 A On Lab No. A-58-C, which was Milner's anal smear  
3 slide, from the Medical Examiner's Office at the time of  
4 autopsy, I determined it to contain what appeared to be  
5 decomposed sperm. Item A-54-C, which is the Guse's anal  
6 smear slide, from the Medical Examiner's Office, at the  
7 time of autopsy, I was able to determine it to contain what  
8 appeared to be decomposed sperm. Item A-67-A, which is  
9 Farmer's vaginal smear slide from the Medical Examiner's  
10 Office at the time of autopsy, I determined it to contain  
11 what appeared to be decomposed sperm.

12 Q Would you describe what decomposed sperm are?

13 A Yes, sir. In laboratory, in the forensic field,  
14 we normally encounter what are - we call intact sperm. These  
15 sperm have a well distinct head -- many you can see the  
16 crown in the head, you can see the collar and a portion of  
17 the tail and these particular sperm, in my opinion, are  
18 sperm of these slides, they were what appeared to be decom-  
19 posed or deformed in such a way that I could not see all  
20 the distinct features of the head, the collar and tail of  
21 the sperm.

22 Q Directing your attention to A-68-C, the Milner  
23 slide?

24 A Yes, sir.

25 Q Was there a crown present in that slide?

1           A     Specifically, I observed numerous sperm on each  
2 slide and to specifically recall which sperm had a crown,  
3 which sperm didn't; which had a collar, which didn't; which  
4 had a full tail -- I cannot say. In my opinion, I can say  
5 as to what I observed.

6           Q     Did all of what you say, what appeared to be  
7 decomposed sperm have a tail?

8           A     Again, I cannot comment on each sperm that I --  
9 decomposed or deformed sperm, cannot comment specifically  
10 as to which one, as to which part was present as to which  
11 part was not present.

12          Q     You said in your report what appears to be  
13 decomposed sperm?

14          A     Yes, sir.

15          Q     Is there a difference between a decomposed and a  
16 deformed sperm?

17          A     In my opinion, a deformed sperm is one where you  
18 can see the characteristics I have previously described.

19          Q     Characteristics being a crown, tail and collar?

20          A     The head, the crown, the tail, the central in the  
21 head, the collar and the tail. However, a deformed sperm has  
22 an abnormality about it that is unusual.

23          Q     Well, name some abnormalities which you would  
24 consider unusual.

25          A     Okay. The morthology of the head, the shape of the

1 head - you can have one that would be extra large head, you  
2 can have one that has a rather small head, you can have some  
3 that are two-headed, you can have some that are very odd  
4 shaped, that are not considered a normal, intact sperm. In  
5 my opinion, decomposed sperm are such that they are either  
6 shrunk or swollen from the atmosphere that they have been in,  
7 that you cannot see these distinct features. Therefore, you  
8 have to simply give your opinion as to what you are observing.

9 Q In the Guse slide, did you see a crown on the  
10 sperm?

11 A I cannot recall specifically as to each individual  
12 slide. There were numerous of these deformed decomposed  
13 sperm and I cannot recall specifically as to how many and  
14 the shape and the abnormality or the deformity or the decompo-  
15 sition of each one.

16 Q In the Farmer girl's slide, would your answer be  
17 the same to that question?

18 A I would simply have to give you an opinion.

19 Q Did you use any other type of tests to determine  
20 whether that slide contained what you have testified to as  
21 decomposed sperm?

22 A I don't understand the question.

23 Q Is the visual test with the naked eye the only  
24 test that you used to determine whether or not decomposed  
25 sperm were present in the slides?

1           A     The tests that I performed on these slides were  
2 utilized with the aid of a high powered microscope, not with  
3 the naked eye.

4           Q     Well, you looked through a microscope?

5           A     Yes, sir, with my eyes.

6           Q     You didn't perform any chemical tests?

7           A     Yes, I did.

8           Q     What chemical tests?

9           A     I looked for the presence of choline crystals on  
10 all of these slides.

11          Q     Did you see any choline crystals?

12          A     No, sir, I didn't. This is a Florence test and  
13 it is a test that is presumed indicative of seminal fluid.  
14 However, I did not observe any choline crystals.

15          Q     Isn't it true, Mrs. Davis, the only way we know  
16 that something is in truth and in fact seminal fluid, is the  
17 presence of sperm?

18          A     The only positively --

19          Q     No, no, yes or no, is that true or not?

20                MR. FALLIS: If it please the Court, we will object  
21 to the argument with his witness and as to the form of the  
22 question.

23                MR. ISAACS: I would like to ask for the witness to  
24 be responsive.

25                THE COURT: I'll allow her to answer yes or no but

1 since she is an expert witness, I will allow her to qualify  
2 her answer. You may answer yes or no.

3 A (By Miss Davis) Would you please repeat the ques-  
4 tion?

5 Q Is it not correct that the only way we can be  
6 positive that a particular fluid is semen is to see sperm  
7 in that fluid?

8 A In the opinion of the examiner, you would, in fact,  
9 for a positive identification of seminal fluid, you would  
10 have to observe, in your opinion, what appears to be sperm.

11 Q Yes, thank you. Now, Item A-68-A, A-68-B, A-54-A  
12 A-54-B, A-67-C and A-67-B were also slides taken from the  
13 three girls; is that correct?

14 A Yes, sir.

15 Q Were you able to detect presence of sperm in any  
16 of those slides?

17 A At this time, as my records reflect, I was unable  
18 to detect presence of sperm.

19 Q You are still looking?

20 A There is a possibility that I will continue to  
21 look, yes, sir.

22 Q Well, have you run any other tests on these slides?

23 A Yes, sir. The microscopic exam looking for sperm  
24 with the high powered microscope was done on all of these  
25 slides. As far as the Florence test, looking for choline

1 chrystals was only done on the vaginal and anal slides.

2 Q Mrs. Davis --

3 A To the best of my recollection.

4 Q How many tests have you performed?

5 A Looking for sperm?

6 Q Yes, ma'am?

7 A I would have to estimate that and it would be in  
8 the high thousands, I would think.

9 Q How long have you been a chemist for the OSBI?

10 A Three years.

11 Q During that time have you ever testified in a  
12 case that you found what appeared to be decomposed or deformed  
13 sperm?

14 A This is my first time, sir.

15 Q Okay. That's all -- well, let me ask just a couple  
16 of more.

17 Would you give me the names of some authorities?

18 THE COURT: You've already asked that question.

19 MR. ISAACS: I haven't asked about this particular  
20 test. I've asked about the acid phosphatase and blood group-  
21 ing test.

22 THE COURT: Okay, go ahead.

23 Q Mrs. Davis, would you give me the names of some  
24 learned treatises that you consider authoritative on this  
25 particular type of work?



1 A Particular type of work?

2 Q Yes, the detection of deformed and decomposed sperm?

3 A Yes, sir. Gradwall's Legal Medicine is a very  
4 well accepted reference source, reference source in the  
5 forensic field as far as abnormal sperm. It reflects back  
6 to Dr. Hodgekiss' book which is known as the founder of  
7 abnormal sperm, deformed sperm and as such.

8 Q What's his book?

9 A Hodgkiss?

10 Q Yes, ma'am?

11 A I believe the title is -- I can't recall the title.  
12 Publication is 1944.

13 Q Any others?

14 A I think it's Virility Sterility, but I'm not sure.

15 Q Virility?

16 A Virility Sterility. There is a book called Criminal  
17 Investigation by Kirk which deals with morthology of sperm,  
18 dated 1953 publication.

19 Q What else? Any others that you would consider  
20 authoritative?

21 A I consider these books of reference, not complete  
22 authoritative, simply as reference books to determine, you  
23 know, what you want to find out about abnormal sperm.

24 Q You don't consider Gradwall's authoritative?

25 A Not the entire book, no, sir.

1 Q Do you consider that portion on decomposed sperm  
2 authoritative?

3 A I do not consider anything in its entirely authori-  
4 tative.

5 Q Have you written books in this field?

6 A No, sir, I have not.

7 Q Have you presented papers in this field?

8 A I have not presented papers in this field.

9 Q Mr. Hodgkiss' book, Virility Sterility, is there  
10 any particular passage in that book which you consider  
11 authoritative?

12 A Simply use it as a reference source and I cannot  
13 consider anything completely authoritative unless looking at  
14 a sentence or something of that sort, I cannot take a chapter,  
15 book or entire book and say it is, in fact, authoritative.

16 Q Do you rely upon Grasswell, Hodgkiss and Kirk?

17 A Yes.

18 Q For reference?

19 A Yes, sir. I rely upon them for reference as well  
20 as many other references.

21 Q And part of your opinion is based upon references  
22 to those books?

23 A Yes, and others.

24 Q What other books?

25 A There are numerous articles written by men of

1 expertise, in the field of virility sterility. These are  
2 articles are publications and they are in books found in  
3 medical libraries. Most of these articles are found in  
4 books called virility sterility.

5 Q Could you give me the names of the authors of some  
6 of those books?

7 MR. FALLIS: If it please the Court, at this point,  
8 we would object. This would be improper direct examination.  
9 He has called this person as his own witness, ask the question  
10 and we would in no way challenge her qualifications.

11 MR. ISAACS: I didn't call her as an expert, Judge.

12 THE COURT: What you're asking is not too probative,  
13 Mr. Isaacs.

14 MR. ISAACS: Well, I'm sorry you feel that way,  
15 Judge. I think it is very material.

16 THE COURT: Why don't I allow her to give you a  
17 couple of names and we'll move on.

18 Q Give me names of a couple of books that turn you on  
19 when you read them about decomposed sperm?

20 A Mr. Isaacs, I am not turned on by reading any of  
21 the books as references to this subject matter.

22 Q Give me the names of a couple of passages from a  
23 couple of books which you think would be authoritative?

24 A You want articles or names?

25 Q Articles, names, anything you can consider authori-

1 tative. Judge is going to limit me to two or three of them  
2 so give me some good ones; Judge says two.

3 A Okay. These are as reference material, not total  
4 authoritative. There is a man who has done numerous years  
5 of study in the field whose name is Dr. John McLeod. There  
6 is a book called the Biochemistry of Seminal Fluid, which is  
7 referred to a good reference source in the field of forensic  
8 serology. The author is Thadeus Mann.

9 Q How do you spell that?

10 A Thadeus?

11 Q Yes, ma'am?

12 A I believe, to the best of my knowledge T-H-D-D-E-U-S,  
13 Mann, M-A-N-N.

14 Q Have you prepared any other reports that I don't  
15 have at this time, Mrs. Davis?

16 A Do I have any others?

17 Q Yes, ma'am?

18 A No, sir, this is my last report.

19 THE COURT: Cross examine?

20 MR. FALLIS: Just a moment, Your Honor. No ques-  
21 tions, Your Honor.

22 THE COURT: You may step down.

23 MR. WISE: I might make an announcement with regard  
24 to the witnesses that were inquired to about a little earlier.  
25 Mr. Mullins, who is on a honeymoon will be available to the

1 Defense Monday, if that is convenient. Mr. Plank, who is  
2 in Florida on vacation says he's been on this witness stand  
3 and it would be repetitious and repetitive for him to come.  
4 He says that's all he knows and he is in Florida.

5 THE COURT: All right. We will take up the matter  
6 of Mr. Plank at a later time.

7 MR. ISAACS: I wanted to examine him about the  
8 plaster casts, Judge, that he had prepared, what shoe size  
9 they were.

10 THE COURT: Fine. Call your next witness.

11 MRS. DAVIS: Am I excused from this Preliminary  
12 Hearing?

13 THE COURT: Yes, ma'am.

14 MR. ISAACS: Thank you for staying overnight.

15 MRS. DAVIS: Am I excused, Mr. Isaacs?

16 MR. ISAACS: Yes, ma'am. Call Mr. Wilkerson,  
17 Dick Wilkerson.

18 THE COURT: Raise your right hand. Do you swear  
19 to tell the truth, the whole truth and nothing but the truth,  
20 so help you God?

21 THE WITNESS: I do.

22 JAMES RICHARD WILKERSON,

23 called as a witness on behalf of the Defendant, having been  
24 first duly sworn, testifies as follows:

25 DIRECT EXAMINATION

1 BY MR. ISAACS:

2 Q Mr. Wilkerson, would you state your full name,  
3 please?

4 A My name is James Richard Wilkerson.

5 Q What's your occupation?

6 A I'm Deputy Director of the Oklahoma State Bureau  
7 of Investigation.

8 Q Directing your attention to the 13th of June, 1977,  
9 did you go to Camp Scott?

10 A No, sir, I did not.

11 Q Did you participate in that investigation at a  
12 later date?

13 A Yes, sir.

14 Q And when did you enter that investigation?

15 A The 16th.

16 Q Upon entering that investigation, did you go to  
17 Camp Scott?

18 A Yes, sir.

19 Q Will you tell me what you did when you arrived there?

20 A I met with Supervising Agent Ted Lempke, District  
21 Attorney Sid Wise and Mayes County Sheriff Pete Weaver.

22 Q What were your duties?

23 A I was sent over by the Director on a special tour  
24 to see if there was any way we could lend any more assistance  
25 or whether or not any more manpower was needed, or generally,

1 if anything else could be done.

2 Q Mr. Wilkerson, are your duties with the OSBI in  
3 a supervisory capacity?

4 A Yes, sir, they are.

5 Q Do you actively participate in the investigation  
6 of crimes?

7 A No, sir, just in staff functions.

8 Q The 16th day of June, 1977, did you participate in  
9 any investigation?

10 A No, sir.

11 Q Did you receive any evidence from anyone?

12 A No, sir, I did not.

13 Q Did you seize any evidence at any location?

14 A No, sir.

15 Q Mr. Wilkerson, did you interview any witnesses on  
16 that date?

17 A No, sir.

18 Q During the investigation of the Camp Scott homicides,  
19 have you taken any written statements from anyone?

20 A No, sir.

21 Q Have you taken any tape recorded statements from  
22 anyone?

23 A No, sir.

24 Q Have you been present when any interviews were  
25 conducted?

1 A Yes, sir.

2 Q Will you tell me when that was, to the best of  
3 your recollection?

4 A Earlier this year, when we talked to Larry Dry.

5 Q Where was that interview conducted?

6 A In my office.

7 Q Was that interview tape recorded?

8 A No, sir, it was not.

9 Q Was it a verbal interview?

10 A Yes, sir.

11 Q Would you tell me what you discussed at that time  
12 concerning the pictures that were supposedly left by Gene  
13 Leroy Hart in the cave-cellar area?

14 A I don't recall pictures being discussed specifically,  
15 sir.

16 Q Did you show him that photographic show-up at that  
17 time with those pictures?

18 A No, sir.

19 Q Who was with you at that time, Mr. Wilkerson?

20 A There was a Correctional Officer who transported  
21 Mr. Dry.

22 Q Was he brought from Granite Reformatory?

23 A Yes, sir, he was.

24 Q Was Mr. Dry promised any money to help you find Gene  
25 Hart?



1 A No, sir.

2 Q Promised parole?

3 A No, sir, he was not.

4 Q He's out of the penitentiary on special leave to  
5 assist you, is he not?

6 A Not at that time.

7 Q After you had that interview with Mr. Dry, did you  
8 request that he be given a special leave?

9 A Yes, sir, I did.

10 Q To whom did you submit that request?

11 A The Director and myself went to the Governor's  
12 Office and met Bob Morgan, Chief of Staff for the Governor.  
13 The Governor was out of town. Mr. Morgan got him on the  
14 phone, advised him of our request and he granted it.

15 Q What type of sentencing was Mr. Dry serving in  
16 the reformatory, if you know?

17 A It was an escape charge, I believe, sir.

18 Q Did anyone at that time promise Mr. Dry any money  
19 to help them locate Gene Hart?

20 A No, sir.

21 Q Promise him any special consideration for parole?

22 A No, sir.

23 Q You say they let him out on leave. Is he in your  
24 custody at all times thereafter?

25 A Not directly. He reported in every day.

1 Q Where did he reside during this investigation?

2 A In Locust Grove is my understanding.

3 Q What Agent has the duty to make communications,  
4 daily communications with Mr. Dry?

5 A Ted Lempke.

6 Q Anybody else?

7 A Larry Bowles did from time to time and I believe  
8 Mike Wilkerson at a later date.

9 Q Mr. Wilkerson, are you related to Mike Wilkerson?

10 A Yes, sir, I am.

11 Q Pat Wilkerson?

12 A Yes, sir.

13 Q Did Mr. Dry speak to you about some letters that  
14 he received in the mail at the Granite Reformatory?

15 A Yes, sir, he did.

16 Q Do you have those letters?

17 A No, sir.

18 Q Do you know who has them?

19 A No, sir.

20 Q Have you ever seen those letters?

21 A No, sir.

22 Q Do you know for a fact that they do exist?

23 A No, sir.

24 Q Does any law enforcement agency, to your knowledge,  
25 have those letters in their possession?

1 A No, sir, not to my knowledge.

2 Q Mr. Wilkerson, after Mr. Dry had been sent to the  
3 Locust Grove area to look for Mr. Hart, did you have any  
4 other involvement in the investigation of this case?

5 A Well, in my position, of course, I monitored the  
6 investigation.

7 Q Let me ask you, did you personally go to Locust  
8 Grove or Camp Scott or someplace to conduct an investigation  
9 or supervise an investigation of any nature?

10 A No, sir.

11 Q Pertaining to these homicides?

12 A No, sir, not after Dry was let out.

13 Q Mr. Dry has had a little trouble with the law since  
14 that time, has he not?

15 A That's my understanding, sir.

16 Q Has he been promised any leniency for testifying  
17 in this case on matters now pending against him?

18 A Not to my knowledge, no, sir.

19 Q Now Mr. Wilkerson, are you familiar with the rules  
20 and regulations for mail at the Granite Reformatory?

21 A No, sir, I'm not.

22 Q Were you present when Mr. Dry later gave a taped  
23 interview to Mr. Thurman or another agent?

24 A No, sir.

25 Q Mr. Dry testified here that he had to pull a gun.

1 on Mr. Hart to keep him from molesting a thirteen year old  
2 girl October, some year back. During the interview that you  
3 had with him in Oklahoma City, did he mention that to you?

4 A No, sir.

5 Q He testified further about letters that he said  
6 Mr. Hart had written him. Did he mention that to you?

7 A Yes, sir.

8 MR. FALLIS: I'm going to object to that. That's  
9 been asked.

10 THE COURT: Sustained.

11 Q Some pictures were found in Camp Scott, Locust  
12 Grover area, south of Locust Grove about six miles shortly  
13 after the homicides and Mr. Dry testified that Gene Leroy  
14 Hart had those pictures in his pocket back in 1973. Did he  
15 mention that to you in that interview?

16 A Yes, sir, he mentioned it.

17 Q Were you present when he was shown some photographs  
18 of a bunch of people at any time?

19 A No, sir.

20 Q I need to get the time sequence and I failed to do  
21 so. To your best estimate, what day was it that you had that  
22 interview with Mr. Dry in Oklahoma City, Mr. Wilkerson?

23 A Sir, I don't remember exactly the date it was. The  
24 date the Correctional Officer first brought him to Oklahoma  
25 City.

1 Q Mr. Wilkerson, would that have been after the  
2 first part of 1978, sometime in March or April?

3 A Yes, sir, probably around there.

4 Q Did you coordinate the efforts of any law enforce-  
5 ment agencies during this investigation, sir?

6 A No, sir.

7 Q When was the FBI called into this investigation?

8 A It's my understanding there was an unlawful flight  
9 warrant outstanding against Mr. Hart, subsequent to the fil-  
10 ing of the murder charge. I understand they increased their  
11 efforts in that area but there was an unlawful flight warrant  
12 previous to that time.

13 Q Can you give me the names of the agents that par-  
14 ticipated in that investigation?

15 MR. WISE: If it please the Court, we consider this  
16 to be outside the realm of the knowledge of this witness.  
17 If he wants to interview the FBI, call them.

18 THE COURT: Well, if the witness says he doesn't  
19 know; he doesn't know. Do you know?

20 MR. ISAACS: He's just going to tell me a couple  
21 of names, Judge.

22 A (By Mr. Wilkerson) Les Farris, Resident Agent in  
23 Miami, Oklahoma, was one.

24 Q Do you know anybody else, Mr. Wilkerson?

25 A The other agent - or another agent was Phil, but

1 I don't remember his last name.

2 MR. ISAACS: I believe that's all.

3 THE COURT: Cross examination?

4 MR. WISE: Just one question.

5 CROSS EXAMINATION

6 BY MR. WISE:

7 Q Mr. Wilkerson, do you know, had you and the  
8 Director not gone to the Governor and asked for a furlough,  
9 do you know when Mr. Dry would have been released from  
10 prison anyhow?

11 A September, sir.

12 Q Just a matter of a few months?

13 A Yes, sir.

14 MR. WISE: That's all the questions I have.

15 THE COURT: Anything further, Mr. Isaacs?

16 MR. ISAACS: No, sir.

17 THE COURT: You're excused.

18 MR. ISAACS: I call Mr. Harvey Pratt.

19 MR. WISE: If it please the Court, in this brief  
20 interim, if Mr. Isaacs would tell us, we have all these  
21 agents he's requested, milling around in our office. If  
22 he would tell us the next three he wants, we could have them  
23 outside the door, ready to go.

24 THE COURT: Might be a good idea.

25 MR. ISAACS: Let me get my reports out here.

1 THE COURT: Would you raise your right hand. Do  
2 you swear to tell the truth, the whole truth and nothing but  
3 the truth, so help you God?

4 MR. PRATT: I do.

5 THE COURT: Be seated.

6 HARVEY PRATT,  
7 called as a witness on behalf of the Defendant, having been  
8 first duly sworn, testifies as follows:

9 DIRECT EXAMINATION

10 BY MR. ISAACS:

11 Q Mr. Pratt, would you state your full name, please?

12 A Harvey Phillip Pratt.

13 Q Back there in June of 1977, what was your occupa-  
14 tion?

15 A Agent for the Oklahoma State Bureau of Investiga-  
16 tion.

17 Q Which office do you work out of?

18 A The Oklahoma City Office.

19 Q On the 13th day of June, were you called out to  
20 conduct an investigation in Locust Grove, Oklahoma at Camp  
21 Scott?

22 A No, sir, I was not.

23 Q Did you later go there to conduct?

24 A Yes, sir.

25 Q What day was that, Mr. Pratt?

1           A     The following Sunday; I don't remember the exact  
2     date.

3           Q     All right. What time did you arrive at Locust  
4     Grove?

5           A     Approximately 3:00, 3:30.

6           Q     For what purpose were you sent there?

7           A     To assist in an investigation.

8           Q     All right. Tell me what you did to assist in the  
9     investigation?

10          A     (No response.)

11          Q     Did you seize evidence?

12          A     I personally did not seize any evidence.

13          Q     Did you interview any person?

14          A     Yes.

15          Q     Where were those interviews conducted?

16          A     Some at residences and some at a residence.

17          Q     What were the names of the persons that you inter-  
18     viewed?

19          A     I don't really recall the name of the one individual  
20     and I did interview - a brief interview and follow down a  
21     lead on a subject that was seen near the stream carrying a  
22     plastic bucket.

23          Q     Would that have been the fellow by the name of  
24     Chaffin?

25          A     Yes.



1 Q Who did you interview in reference to Mr. Chaffin?

2 A I'm sorry?

3 Q Who did you interview in reference to Mr. Chaffin?

4 A I called to Kenneth Chaffin.

5 Q Talked to him personally?

6 A Yes, sir.

7 Q Did you obtain some poems from him?

8 A I did not.

9 Q Did he tell you about some poems?

10 A He told me that he wrote poetry.

11 Q Were any of those poems later seized by anyone as  
12 evidence?

13 A I have no direct knowledge of that.

14 Q In other words, you weren't there?

15 A No, sir.

16 Q Have you heard that they were?

17 A I read in the paper they were.

18 Q Mr. Pratt, on that Sunday afternoon, did you inter-  
19 view anyone other than Mr. Chaffin?

20 A No, sir.

21 Q I guess that would have been about June 20th, June  
22 19th; is that correct?

23 A When I arrived?

24 Q Yes, sir?

25 A Yes, sir.

1 Q Now, on that afternoon, did you go to the Jack  
2 Shroff residence?

3 A I did not.

4 Q At any time during your investigation in the Camp  
5 Scott area, did you go to the Jack Shroff residence?

6 A I may have been on the back side of his property  
7 at one time but I never did go to the residence.

8 Q Was that in August, later on in August?

9 A Yes, it was probably later on.

10 Q Did you go on the back side of Mr. Shroff's  
11 residence property to a cave?

12 A I was on that hillside. I did not go to the cave.

13 Q Did you take any ink scrapings from a cave wall?

14 A I did not.

15 Q Did someone give you some ink scrapings from a  
16 cave wall?

17 A Not to my knowledge, I don't recall.

18 MR. ISAACS: Let me refresh his recollection, Judge.

19 Q I have here a copy of a Technical Examination Report,  
20 Mr. Pratt. It states that on August 16th of '77 --

21 A Yes, I transported.

22 Q Do you know who gave you those; do you remember?

23 A To the best of my recollection, Sheriff Weaver  
24 did.

25 Q Also on that day, you transported some cigarette

1 butts with white filters; is that correct?

2 A Yes.

3 Q Do you know who gave you those?

4 A The Sheriff.

5 Q Did you interview anyone about the Jack Shroff  
6 burglary?

7 A I personally don't recall interviewing -- yes, I  
8 did speak with a man that lived near Chouteau. I don't  
9 recall his name.

10 Q Was that a colored man?

11 A No, he was an Indian man.

12 Q And that was about the Jack Shroff burglary?

13 A Well, not - not specifically. It was - I think he  
14 had kept some cattle there or something and we --

15 Q Mr. Pratt, did you interview other persons with  
16 reference to the homicides at Camp Scott?

17 A I'm sure I did, yes.

18 Q Could you give me the names of those people?

19 A I don't recall the names. If you have the report  
20 there?

21 Q Okay, on 7-7-77, that would have been July 7th,  
22 you submitted a torn colored photograph, taken from a storage  
23 house at Camp Scott; do you recall that?

24 A Yes, sir.

25 Q Who gave you that photograph?

1 A I found it.

2 Q Where was it found?

3 A Inside on Camp Scott's grounds, inside a supply  
4 shed.

5 Q Was this supply shed located in the middle of  
6 Camp itself?

7 A Yes, in a -- where the buildings were groups of  
8 buildings along the roadway there.

9 Q Would you describe what that picture depicted?

10 A It was of -- to the best of my recollection, it was  
11 of a young girl, probably --

12 Q Was this picture torn?

13 A Yes, sir, it was torn into numerous pieces and  
14 laying on a tarpaulin.

15 Q Is that the picture that was later shown to a  
16 number of Girl Scout Counselors?

17 A I have no idea.

18 Q Mr. Pratt, did you find anything else in that  
19 storage closet that you felt like might be evidence in this  
20 case?

21 A No, not unless you would be more specific.

22 Q Did you find a pair of shoes?

23 A I don't recall finding a pair of shoes.

24 Q Mr. Pratt, did you participate in any searches with  
25 dogs?

1 A I was there when the dogs were being used but --

2 Q Which day were you there when the dogs were being  
3 used?

4 A Oh, it was probably -- the dogs were in and out  
5 of there, the Sunday and the following Monday, but I person-  
6 ally did not lead the dogs or --

7 Q Did you follow them?

8 A I may have, just around the camp area.

9 Q Did anybody ever report to you that a person the  
10 dogs were tracking had left Camp Scott, had come back in  
11 there on Friday night?

12 A Which Friday night?

13 Q Friday night preceding June 20th?

14 MR. WISE: If it please the Court, we have to  
15 object to the form of this question as leading and suggestive.  
16 This is his witness and we are on direct.

17 THE COURT: I'll sustain it on the basis of hearsay.  
18 Ask your next question.

19 MR. ISAACS: Judge, I'm not asking for an out of  
20 court statement to offer or prove anything, just whether he  
21 heard or had a conversation.

22 Q Did you investigate the fact that somebody who had  
23 been involved in those homicides, someone tracked by the  
24 dogs to Jack Shroff's, did you investigate the tracking of

1 A I was there when the dogs were being used but --

2 Q Which day were you there when the dogs were being  
3 used?

4 A Oh, it was probably -- the dogs were in and out  
5 of there, the Sunday and the following Monday, but I person-  
6 ally did not lead the dogs or --

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10 dogs were tracking had left Camp Scott, had come back in  
11 there on Friday night?

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18 Ask your next question.

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20 court statement to offer or prove anything, just whether he  
21 heard or had a conversation.

22 Q Did you investigate the fact that somebody who had  
23 been involved in those homicides, someone tracked by the  
24 dogs to Jack Shroff's, did you investigate the tracking of  
25 that person from Camp Scott to Jack Shroff's and back to the

1 camp?

2 A I was not; I did not.

3 Q Do you know if anybody else did?

4 A I'm sure several agents did.

5 Q Did you seize any other items of evidence, Mr.  
6 Pratt?

7 THE COURT: He's already testified he seized no  
8 evidence during the investigation.

9 MR. ISAACS: Well, he just testified he picked up  
10 a picture, too, Judge. He says be more specific.

11 Q Do you recall picking up any cigarette butts at  
12 any particular place?

13 A I don't recall.

14 Q Have you had a chance to review your report before  
15 testifying?

16 A No, I have not.

17 Q If you did that, would you be able to remember  
18 better?

19 A Yes.

20 MR. ISAACS: Judge, I ask that he be allowed to  
21 review his reports and refresh his recollection.

22 THE COURT: What are you talking about?

23 MR. ISAACS: Judge, I don't know how many reports  
24 he submitted.

25 THE COURT: Don't you have them?

1 MR. WISE: He certainly does, Your Honor.

2 MR. ISAACS: No, I asked that they give me all Mr.  
3 Pratt's reports. I've got the Technical Reports, Judge.  
4 That's all I have, Technical Reports.

5 MR. WISE: We are at a loss. He is reading from  
6 the reports that he's asked him to testify from. I presume  
7 he wants him to read the reports he's got in his hands, which  
8 would only be repetitious to the information we've already  
9 furnished him, Your Honor.

10 MR. ISAACS: Well, there was a lot of evidence that  
11 was analyzed and we don't know where it came from or who  
12 got it, who picked it up.

13 THE COURT: Well, he's your witness, Mr. Isaacs.  
14 If he's not prepared to testify, I don't know what to tell  
15 you. Do you want to recall him later on today?

16 MR. ISAACS: I'd like to ask that he be able to  
17 refresh his recollection from his report.

18 THE COURT: Why don't you just excuse him and call  
19 another witness.

20 MR. ISAACS: Do you want to read your reports and  
21 come back in a little bit?

22 MR. PRATT: Okay.

23 THE COURT: Call your next witness.

24 MR. ISAACS: B. G. Jones.

25 MR. WISE: If it please the Court, we'd make our



1 same offer. If Mr. Isaacs would like to assist us in moving  
2 the thing along.

3 THE COURT: All right. Do you want to take a  
4 minute, Mr. Isaacs, to line up some names?

5 MR. ISAACS: That's fine.

6 MR. WISE: I'd be glad to do that if Mr. Isaacs  
7 would ask the agents to read their reports to refresh their  
8 memories before they got on the witness stand.

9 THE COURT: They're your witnesses, Mr. Isaacs.  
10 You line up some names and give them to Mr. Wise.

11 MR. ISAACS: Could I see all of them out in the  
12 hall and talk to them?

13 THE COURT: Yes.

14 MR. ISAACS: Thank you.

15 THE COURT: Don't take but about five minutes.

16 MR. ISAACS: I won't.

17 THE COURT: Raise your right hand. Do you swear to  
18 tell the truth, the whole truth and nothing but the truth, so  
19 help you God?

20 THE WITNESS: I do.

21 B. G. JONES,

22 called as a witness on behalf of the Defendant, having been  
23 first duly sworn, testifies as follows:

24 DIRECT EXAMINATION

25 BY MR. ISAACS:

1 Q Mr. Jones, would you state your name?

2 A B. G. Jones.

3 Q What office do you work out of for the OSBI?

4 A McAlester.

5 Q Back on June 13, 1977, did you investigate the  
6 homicide at Camp Scott?

7 A No, sir.

8 Q Were you later called in to do something concerning  
9 that investigation?

10 A Yes, sir.

11 Q What date?

12 A Juen 7th, 1978.

13 Q Where did you go on that day?

14 A Oklahoma State Penitentiary.

15 Q For what purpose?

16 A To interview Jimmy Bunch.

17 Q Who requested that you go interview Mr. Bunch?

18 A My supervisor.

19 Q What is his name?

20 A Ted Lempke.

21 Q Did he tell you for what purpose you were going to  
22 interview Mr. Bunch?

23 A He just told me to go out and interview him to see  
24 if he had any knowledge that may be pertinent to the investi-  
25 gation.

1 Q And did you go to the penitentiary and interview  
2 Mr. Bunch?

3 A Yes, sir, I did.

4 Q Did you make a tape recording of that interview?

5 A No, sir.

6 Q Reduce that to writing?

7 A Yes, sir.

8 Q Did Mr. Bunch sign that?

9 A No, sir.

10 Q Did he refuse to sign it?

11 MR. FALLIS: If it please the Court, at this  
12 point, we'd object to this as being totally outside the  
13 scope of proper examination of his own witness. If this is  
14 a further attempt to impeach a prior witness that was called,  
15 it is improper.

16 MR. ISAACS: Well, it's never improper to impeach  
17 a hostile witness, Your Honor. And if that witness wasn't  
18 hostile, I've never seen one.

19 MR. FALLIS: Well, I guess you might say that.

20 THE COURT: Objection is overruled at this point.

21 Q Did he refuse to sign that statement?

22 A I didn't ask him to sign one, no, sir.

23 Q You just took it?

24 A Yes, sir.

25 Q So you wrote it out in your writing?

1 A Yes, sir.

2 Q Who else was present?

3 A Joe Collins.

4 Q And what is Mr. Collins' occupation?

5 A He is an Agent for the Oklahoma State Bureau of  
6 Investigation, at McAlester, Oklahoma.

7 Q Do you have a copy of that statement with you here  
8 today?

9 A No, sir, I do not.

10 Q Could I see a copy of that if I contacted you in  
11 Oklahoma City?

12 A I don't --

13 MR. FALLIS: Excuse me, Mr. Witness. If I under-  
14 stand correctly, the agent has testified that he made notes  
15 of his interview. He's referring to a statement, not a sworn  
16 or signed statement of any type.

17 THE COURT: I'm not sure of the nature of your  
18 objection, Mr. Fallis.

19 MR. FALLIS: My objection is that counsel is trying  
20 to get to some work product, the officer's field notes, which  
21 he is not entitled to.

22 THE COURT: Your objection is to what any agreement  
23 that the witness might make to furnish him a copy; is that  
24 what you're objecting to?

25 MR. FALLIS: Yes.

1 THE COURT: That objection will be sustained based  
2 on the evidence so far.

3 Q Mr. Jones, at that time you interviewed Mr. Bunch,  
4 what did he tell you?

5 A He told me that you came down to visit with him  
6 and had asked that he testify on Gene Leroy Hart's behalf  
7 and that he had -- you had tape recorded certain portions of  
8 his interview. You had instructed him what to say off the  
9 tape and instructed him what to say on the tap and that - to  
10 tell that the OSBI had promised him a parole if he would  
11 testify on Gene Leroy Hart's behalf.

12 Q Did he tell you anything else about the interview  
13 that I had with him?

14 A None other than you had recorded it.

15 Q What was done with Mr. Bunch's statement after you  
16 had taken it?

17 A I reduced it to writing, my own writing.

18 Q What did you do with it then?

19 A It's on file.

20 Q Did you request that Mr. Bunch be transported to  
21 the Tulsa City Jail?

22 A No, sir.

23 Q Did Mr. Bunch at any time make a reference to  
24 having sent a letter to a woman named Jane Camp in Tulsa?

25 A Not to my knowledge, no, sir.

1 Q Did Mr. Bunch at any time make reference to hav-  
2 ing in that letter, instructed her to ask me to come to  
3 McAlester to take a statement?

4 A I don't know anything about any letter. I don't  
5 know that Jimmy Bunch sent a letter.

6 Q Do you know that -- have you ever heard of a woman  
7 named Jane Camp?

8 A Yes.

9 Q You interviewed her?

10 A No, sir.

11 Q Do you know a woman, any other women that Mr. Bunch  
12 writes?

13 A No, sir.

14 Q Do you know who requested that Mr. Bunch be trans-  
15 ferred from the State Penitentiary to the Tulsa City Jail?

16 A No, sir, I do not.

17 Q Now after you had interviewed Mr. Bunch, did you  
18 later do anything else concerning this investigation, such  
19 as interviewing any other witnesses?

20 A No, sir.

21 Q Did you seize any evidence?

22 A I don't know whether it was evidence or not.

23 Q Did you seize anything?

24 A I seized a sack or some sacks.

25 Q Where did you seize those sacks?

1 A Oklahoma State Penitentiary.

2 Q Were those Mr. Hart's - from Mr. Hart's cell?

3 A I don't know of my own personal knowledge, no, sir.

4 Q Who gave you those sacks?

5 A Bill Sparks gave me some and I believe Mike Pulchny.

6 Q Pulchny?

7 A Pulchny.

8 Q What was contained in the sacks?

9 A The sacks were sealed at the time I received them.

10 Q Did you later open them?

11 A No, sir, I didn't open any sacks.

12 Q Do you know what the contents were?

13 A I know what the contents of some of them were.

14 Q What were the contents?

15 A A pair of shorts.

16 Q Underwear?

17 A Yes, sir, boxer shorts.

18 Q Anything else in any of those sacks?

19 A There might have been some clothing. I don't recall  
20 for sure.

21 Q Did Mr. Pulchny ever give you anything else at that  
22 time, Mr. Jones?

23 A No, sir.

24 Q After your trip to the State Penitentiary on June  
25 7th, 1978, did you interview anyone else?

1 A No, sir, not to my knowledge.

2 Q Did you transport any evidence.

3 A Yes.

4 Q What evidence was that?

5 A The sack that I mentioned earlier.

6 Q All right, who did you take that to?

7 A OSBI Laboratory.

8 Q That's to Mrs. Davis?

9 A I deposited it in a locked box.

10 Q Did you transport anything else?

11 A If I did, I don't remember.

12 Q Did you at that time or any time thereafter inter-  
13 view any other witnesses?

14 A I don't believe I did.

15 Q Mr. Jones, when Gene Leroy Hart was arrested, were  
16 you present in Tahlequah?

17 A No, sir.

18 Q Did you ride in an airplane with him at one time?

19 A Yes, sir.

20 Q Did you ask him if he was ready to make a statement  
21 to you?

22 A Yes, sir.

23 Q What did Mr. Hart tell you?

24 A He said he wanted to talk to his lawyer.

25 Q Thank you, Mr. Jones. Mr. Jones, have you seized



1 any evidence or performed any technical investigation on any  
2 evidence other than that which you have testified about?

3 A Yes, that trip reminded me that I did seize a cigarette  
4 butt.

5 Q Yes, sir, anything else?

6 A Not to my knowledge that I can think of.

7 Q Was this a cigarette that Gene Hart had smoked?

8 A Yes.

9 MR. ISAACS: I believe that's all of this witness,  
10 Judge.

11 THE COURT: Cross examine?

12 MR. WISE: We have no questions, Your Honor.

13 THE COURT: You are excused.

14 MR. ISAACS: Judge, I'd move -- just a second -- at  
15 this time, I would move on the record that I be provided with  
16 a copy of his notes since they contain inconsistent statements  
17 with those that were testified to on the witness stand and  
18 also statements inconsistent with the statement that I have  
19 in my report that Mr. Bunch permitted me to record.

20 THE COURT: Do you wish to respond?

21 MR. WISE: Only, Your Honor, as the Court stated  
22 earlier that these are the work product of this agent. They  
23 are not sworn statements that are required for us to produce  
24 for the Defendant and there has been no proof of a contradic-  
25 tion that Mr. Isaacs speaks of.

1 MR. ISAACS: Well, I think Mr. Jones has told us  
2 what Mr. Bunch said and that varies greatly from what he  
3 testified to both on the witness stand and also to the sworn  
4 statement under oath that he gave me at the State Penitentiary  
5 and later signed in the Tulsa City Jail. I feel I am entitled  
6 to it.

7 THE COURT: Motion is denied. Call your next wit-  
8 ness.

9 MR. ISAACS: I'd call Fanning Young.

10 THE COURT: Raise your right hand. Do you swear to  
11 tell the truth, the whole truth and nothing but the truth, so  
12 help you God?

13 MR. YOUNG: Yes, sir, I do.

14 FANNING W. YOUNG,

15 called as a witness on behalf of the Defendant, having been  
16 first duly sworn, testifies as follows:

17 DIRECT EXAMINATION

18 BY MR. ISAACS:

19 Q Mr. Young, would you state your name, please?

20 A Fanning W. Young.

21 Q What office do you work out of?

22 A I work out of the McAlester Regional Office.

23 Q You're an Agent with the OSBI?

24 A Yes, sir, I am.

25 Q How long have you served in that capacity, approximately?

1 A Approximately two years.

2 Q Directing your attention to the 13th of June, 1977,  
3 did you investigate a homicide at Camp Scott?

4 A No, sir, I did not investigate the homicide at  
5 Camp Scott.

6 Q Were you later called in to aid in that investi-  
7 gation?

8 A Yes, sir.

9 Q What date were you called to assist in that inves-  
10 tigation?

11 A On June 10th.

12 Q I see, June 10th?

13 A Yes, sir.

14 Q Of which year?

15 A 1978 -- I'm sorry, that's April 10th, excuse me.

16 Q April 10th?

17 A 1978.

18 Q Did you go to Camp Scott?

19 A I had been to Camp Scott, yes, sir.

20 Q All right, on April 10th, did you interview any  
21 witnesses?

22 A No, I did not.

23 Q Seize any evidence?

24 A No, sir, I did not.

25 Q Transport any evidence?

1 A No, sir, I did not.

2 Q Conduct a search?

3 A No, sir.

4 Q Where did you go on that date?

5 A I accompanied Roger Chrisco to the residence that  
6 was east of Tahlequah, Oklahoma.

7 Q And which residence was that?

8 A The residence of Sam Pigeon.

9 Q This was on April --

10 A 10th.

11 Q -- 10th?

12 A Yes, sir.

13 Q For what purpose did you go there?

14 A To view the area and assist Agent Chrisco in what-  
15 ever needed to be done.

16 Q All right. You fellows were the only two there?

17 A Yes, sir.

18 Q What did you do when you got there?

19 A We viewed the area and returned to the Regional  
20 Office in Tahlequah.

21 Q By viewing the area, what do you mean?

22 A Just went back over it and walked the ground.

23 Q Just walked around Mr. Pigeon's house?

24 A Yes, sir.

25 Q Were you looking for anything?

1           A     Anything that might have been overlooked when the  
2 other agents were there the first time.

3           Q     All right, did you speak with anybody at that  
4 residence?

5           A     No, sir.

6           Q     April 10th would have been on what date?

7           A     I don't know.

8           Q     After your investigation with Mr. Chrisco on the  
9 10th day of April, did you later transport any items of  
10 evidence?

11          A     Yes, sir, on the 13th.

12          Q     Was that a shirt taken from Gene Hart in the Mayes  
13 County Jail?

14          A     I am not aware of the contents of the evidence.

15          Q     Did somebody give you a sack?

16          A     Yes, sir.

17          Q     Did you look in the sack?

18          A     No, sir, I did not.

19          Q     In between the 10th and the 13th, did you conduct  
20 any investigation with reference to Gene Hart or the homicides  
21 at Camp Scott?

22          A     No, sir, not that I recall.

23          Q     Mr. Young, what was the next thing, after April 13th  
24 when you transported the bag to the OSBI Office that you did  
25 in reference to these investigations?

1 A Also on April 13th, I re-interviewed an individual  
2 by the name of Larry Dry.

3 Q Where did you interview him, Mr. Young?

4 A In Oklahoma City.

5 Q What office?

6 A OSBI Office.

7 Q Did you take a tape recording from him at that  
8 time?

9 A No, sir.

10 Q Take a written statement?

11 A No, sir, was notes of the conversation.

12 Q Mr. Young, in that interview, did Mr. Dry mention  
13 to you letters that he had received in the Granite Reformatory  
14 allegedly from Mr. Hart?

15 A Not that I recall, no, sir.

16 Q On that date, did he mention to you anything about  
17 having pulled a gun on Mr. Hart to keep him from molesting a  
18 thirteen year old girl in the Spring Creek area in October,  
19 '73?

20 A He did mention two incidents where he stopped the  
21 Defendant from molesting young females. However, I don't  
22 remember a gun being mentioned.

23 Q Did Mr. Dry mention to you anything about Mr. Hart  
24 having pictures in the cave-cellar area of - during the year  
25 of 1973?

1           A     He advised that he had remembered something about  
2 some pictures but I don't recall any details that he mentioned  
3 about pictures.

4           Q     Mr. Young, to your knowledge, has Mr. Dry been  
5 promised any money for assistance?

6           A     No, sir, not that I'm aware of.

7           Q     Has he been promised leniency?

8           A     No, sir, not that I'm aware of.

9           Q     After you interviewed Mr. Dry up there in Oklahoma  
10 City, did you interview any other witnesses in this case?

11          A     No, sir, not that I can recall.

12          Q     Did you seize any evidence at any location?

13          A     No, sir.

14          Q     On or about April 6th, did you go to the residence  
15 of Sam Pigeon with some OSBI?

16          A     On the 6th? No, sir.

17          Q     Yes, sir.

18          A     No.

19          Q     Were you out there when Mr. Hart was arrested?

20          A     No, sir.

21          Q     The only evidence that you have transported or  
22 seized has been that evidence which we have discussed; is  
23 that correct?

24          A     Yes, sir.

25          Q     And the only interview you conducted pertaining to

1 Mr. Hart or the homicides was that interview with Mr. Larry  
2 Dry?

3 A Yes, sir.

4 MR. ISAACS: I believe that's all of this witness.

5 THE COURT: Cross examination?

6 CROSS EXAMINATION

7 BY MR. WISE:

8 Q Mr. Young - Agent Young, you said there were two  
9 incidents that Mr. Dry spoke of about young ladies. Was  
10 one of them this incident at the Twin Bridges or Spring Creek?

11 MR. ISAACS: Judge, I'm going to object to that  
12 because it is a statement that couldn't be cross-examined.  
13 If he is going to be allowed to go into it, I want a copy  
14 of it for impeachment purposes, to discredit Mr. Dry if they  
15 later call him.

16 THE COURT: Objection is overruled. You may  
17 answer.

18 Q Was one of them the incident at Spring Creek?

19 A Yes.

20 Q What was the other one?

21 A One was an incident where they were going to cross  
22 a piece of property.

23 MR. ISAACS: Judge, I object to that on the grounds  
24 that it is hearsay and also upon the grounds that it violates  
25 the 6th Amendment. I feel like I ought to be furnished a copy



1 of the statement.

2 THE COURT: Objection is sustained on the basis  
3 of hearsay.

4 MR. WISE: Very well. I have no further questions.  
5 Thank you.

6 THE COURT: Mr. Isaacs, any redirect?

7 MR. ISAACS: No. Thank you for coming.

8 THE COURT: You're excused. Thank you. Call your  
9 next witness.

10 MR. ISAACS: Recall Harvey Pratt.

11 HARVEY PRATT,

12 having previously been sworn, testifies as follows:

13 DIRECT EXAMINATION

14 BY MR. ISAACS:

15 Q Mr. Pratt, have you had a chance to review your  
16 reports?

17 A I was in the process of going through what papers  
18 I could find.

19 MR. ISAACS: Shall I call another one until he  
20 gets through?

21 THE COURT: Well, he's your witness, Mr. Isaacs.

22 MR. ISAACS: I'll get another one.

23 THE COURT: Raise your right hand. Do you swear  
24 to tell the truth, the whole truth and nothing but the truth,  
25 so help you God?

1 THE WITNESS: I do.

2 MR. ISAACS: Do you know, Judge, it's really  
3 strange to me that Mr. Wise is in such a hurry, after we  
4 were patient with him and allowed him every courtesy to his  
5 witnesses before he put them on and get them tuned in but  
6 Mr. Wise is in such a hurry to finish this thing --

7 THE COURT: Mr. Wise had no input whatsoever in  
8 my decision to set a termination for this hearing.

9 MR. WISE: Thank you, Your Honor.

10 THE COURT: And that's a true statement.

11 MR. ISAACS: Thank you.

12 THE COURT: Call your next witness.

13 BILL SPARKS,

14 called as a witness on behalf of the Defendant, having been  
15 first duly sworn, testifies as follows:

16 DIRECT EXAMINATION

17 BY MR. ISAACS:

18 Q Would you state your full name, please?

19 A I'm Bill Sparks.

20 Q Mr. Sparks, what is your occupation?

21 A I'm an Agent of the Oklahoma State Bureau of  
22 Investigation.

23 Q Back on the 13th day of June, 1977, did you parti-  
24 cipate in an investigation of homicides at Camp Scott?

25 A Yes, sir.

1 Q When did you arrive at that location, Mr. Sparks?

2 A It was on Tuesday morning. I got - I first got  
3 in Tuesday morning, I believe, the 14th, I believe.

4 Q What did you do when you arrived at Camp Scott?

5 A I met with an Agent in charge, Mr. Lempke and we  
6 began the investigation that day. As far as my part of it,  
7 that day.

8 Q And as an investigator, what did you do?

9 A Well, we conducted interviews of camp personnel.

10 Q Did any of the camp personnel during those inter-  
11 views, mention to you seeing a strange person on the camp-  
12 grounds at Camp Scott?

13 A Not on the campgrounds, no, sir. There was a Mr.  
14 Day I talked with at a later date mentioned the fact that he  
15 had met a man near a creek south of the Girl Scout camp.

16 Q All right. Did anybody else mention any strangers  
17 in the Camp Scott area?

18 A Not to my recollection.

19 Q Did Mr. Day mention a car parked at the gate  
20 around 7:30 in the evening?

21 A That evening, I believe --

22 MR. WISE: If it please the Court, he's inquiring --  
23 this is a repetitious and repetitive question.

24 THE COURT: Sustained.

25 MR. ISAACS: Judge, this is a different witness.

1 What he perceived is different than from what somebody else  
2 perceived along this line.

3 THE COURT: It is cumulative. Ask your next ques-  
4 tion.

5 Q Mr. Jones, did you seize -- excuse me, Mr. Sparks,  
6 did you seize any evidence at Camp Scott on the 14th?

7 A No, sir.

8 Q Did you take any written statement from anybody on  
9 the 14th?

10 A No written statement. I conducted an interview of  
11 one of the camp counselors.

12 Q Which counselor was that?

13 A Miss Wilhite.

14 Q On the 15th day of June, were you still assigned  
15 to Camp Scott?

16 A Yes, sir.

17 Q Did you conduct an interview that date?

18 A I'm sure I did. I don't remember exactly who we  
19 talked to that day.

20 Q Did anybody on that day report seeing strangers in  
21 the Camp Scott area?

22 A Not to my recollection, sir.

23 Q On the 16th of June, did you conduct interviews at  
24 Camp Scott?

25 A Again, yes, sir, or in the immediate area around

1 the camp.

2 Q I believe it was on Monday that - the 13th, was  
3 a burglary at Mr. Shroff's residence, or on Sunday night,  
4 the 12th. Did you participate in the investigation of that  
5 burglary?

6 A No, sir, there were other agents conducting that  
7 investigation.

8 Q Did you participate in the investigation of either  
9 of the burglaries at the Jack Shroff house?

10 A No, sir.

11 Q Now, on or about the week of the 13th to the 20th,  
12 did you take any written statements from anyone?

13 A No written statements, no, sir. I did an interview  
14 and reduced that to writing.

15 Q Was it signed?

16 A No, sir.

17 Q Did you seize any evidence during that period?

18 A No, sir.

19 Q Participate in any searches with any dogs?

20 A No, sir.

21 Q Transport any evidence?

22 A No, sir.

23 Q Did you interview anyone other than people at  
24 Camp Scott during that first week?

25 A The Camp Scott, on camp itself, or in the immediate

1 vicinity, we talked to a great number of people during that  
2 time.

3 Q Did you interview people other than Camp Scott  
4 personnel?

5 A No, sir, it was all surrounding camp there, either  
6 people that was on the camp at the time or people that were  
7 in the immediate vicinity around the camp. In other words,  
8 people that lived right around the camp area there. Most  
9 of my work was done in the camp itself.

10 Q Did any of those people around the perimetry report  
11 seeing any strangers or --

12 A Not to my recollection, not to me, no, sir.

13 Q Now a little later on, there were some searches of  
14 some caves in the Locust Grove area. Did you participate in  
15 any of the searches of any of those caves?

16 A No, sir, I did not.

17 Q Did you transport any evidence either which agents  
18 of the OSBI had seized or law enforcement officers of any  
19 other agency?

20 A Yes, sir, I transported a carload from the camp to  
21 the laboratory one night. I don't remember what day it was.

22 Q Mr. Sparks, were you staying at the camp at night  
23 when this investigation was going on?

24 A No, sir, I wasn't.

25 Q While you were there was an investigation made with

1 dogs to determine whether or not the person they were track-  
2 ing had gone to the Jack Shroff residence and then come back  
3 to the camp?

4 A Someone explained this to me. It didn't occur  
5 while I was there. I wasn't a party to it.

6 Q Do you recall who mentioned that to you?

7 A No, sir, I don't. There was a great number of  
8 people there.

9 Q After your stay at Camp Scott, did you conduct  
10 any interviews regarding the homicides that had occurred on  
11 June 13th?

12 A No, sir. I pulled out, I think two weeks - I was  
13 there two weeks and when I was pulled out, I went into another  
14 investigation.

15 Q On April 6, 1978, did you participate in a search  
16 and the arrest of Gene Leroy Hart?

17 A No, sir, I didn't.

18 Q Have you seized any evidence, transported any  
19 evidence from the Oklahoma State Penitentiary?

20 A Yes, sir, I have.

21 Q What was that?

22 A Underwear.

23 Q When did you do that?

24 A During the month of May. The exact date, I don't  
25 have; I don't remember.

1 Q How many pairs, Mr. Sparks?

2 A Probably half a dozen. This is a guess. I'd have  
3 to check my records.

4 Q Who did you receive those from?

5 A From the Correctional Officer, Mike Pulchny.

6 Q Pulchny?

7 A Yes, sir.

8 Q Did you interview any people at the State Peniten-  
9 tiary?

10 A In reference to what, sir?

11 Q To the homicides or Gene Leroy Hart?

12 A No, sir.

13 Q Talk to Jimmy Don Bunch?

14 A Briefly. Once, about noon one day.

15 Q And do you recall which day that was?

16 A No, sir, the exact date, I don't know.

17 Q What did Mr. Bunch tell you at that time?

18 A That day, I was -- he was accompanied by B. G. Jones,  
19 the Supervisor in that area and he said that he had talked  
20 with you that you had taped an interview with him and that  
21 he would - you would come back to him later and tell him  
22 what you wanted him to say out of that taped interview. He  
23 also said that you had approached him to testify for Gene  
24 Hart and that you wanted him to be a character witness for  
25 Gene Hart and then he reared back in his chair and laughed



1 and he said, can you imagine me being a character witness for  
2 anybody - and that would just about terminate the interview.

3 Q He told you that I had taped it and I was going to  
4 come back and tell him what to say?

5 A Yes, sir.

6 Q Did Mr. Bunch tell you anything else that you  
7 recall?

8 A Not to my recollection. It was very brief.

9 Q Did he say anything about me appearing before the  
10 Pardon and Parole Board?

11 A He did - now that you said that, he said that you  
12 - how did he phrase it - he said that you told him to tell  
13 the Court that the OSBI would give him a parole if this went  
14 down like you explained it to him. That was the gist of it.  
15 I don't remember the exact words that he used.

16 Q Was your interview with Mr. Bunch after the 5th of  
17 June? I think that's when I was down there.

18 A I'm sorry, I don't remember the date.

19 Q Would your records indicate what date it was that  
20 you and Mr. Jones talked to him?

21 A Mr. Jones' reports would. I didn't take notes dur-  
22 ing that particular interview.

23 Q Would you give me that date if I called you on the  
24 telephone or called Mr. Jones?

25 A Yes, sir.

1 Q What's the telephone number?

2 A My office?

3 Q Yes, sir?

4 A Area Code 918 423-6672.

5 Q Oh -- do you know who moved Jimmy Don Bunch from  
6 the State Penitentiary on Death Row up to the Tulsa City  
7 Jail?

8 A No, sir, I don't.

9 Q Do you know when he was moved?

10 A The same day that we talked to - I understand that  
11 he was moved that afternoon after we had this brief inter-  
12 view with him but as far as personal knowledge, I don't know.  
13 I was told this.

14 Q Mr. Sparks, did Jimmy Don Bunch mention a lady by  
15 the name of Campbell to you?

16 A Campbell?

17 Q Yes, sir.

18 A Not to my recollection, no, sir.

19 Q Did he ever mention to you that he had written to  
20 Mrs. Campbell and asked her to tell me to come to the peniten-  
21 tiary to interview him?

22 A I believe he did. I heard the name, I think from  
23 Mr. Jones. I don't believe Bunch mentioned it while he was  
24 in the room -- not to my recollection.

25 Q Did Bunch tell you that he had written anything

1 in that letter, anything about a threat or promise from the  
2 OSBI that he would testify that Hart confessed, that he  
3 would be given leniency?

4 A No, sir. Like I said, I think the name Campbell  
5 was brought up in a conversation with Mr. Jones. I don't  
6 know - I left the room a couple of times while we was in  
7 this brief interview and it may have come up in this while  
8 I was gone.

9 Q Did you interview anybody else pertaining to Gene  
10 Hart on the homicides or my conversation with Mr. Bunch?

11 A Pertaining to Gene Hart, yes.

12 Q Who did you interview?

13 A An inmate by the name of Charlie VanHuss.

14 Q VanHuss?

15 A Yes, sir.

16 Q Did you record that statement?

17 A I reduced it to writing. It was an oral interview.

18 Q What did Mr. VanHuss tell you?

19 A Basically that he had talked with Mr. Hart while on  
20 Death Row and that Hart had told him that he had lived in a  
21 cave after this homicide at Camp Scott and that's the gist of  
22 it. He talked about the caves and he never was quite certain  
23 as to whether or not Hart actually told him that he did this  
24 or not, but he stayed in the caves and he burglarized houses  
25 in the local area to have food to eat.

- 1 Q Where is Mr. VanHuss located at this time?
- 2 A He's on Death Row at the Oklahoma State Penitentiary.
- 3 Q What type of sentencing is he serving?
- 4 A I'd have to go back in my records and check.
- 5 Q Is he down there serving a death penalty sentence?
- 6 A No, sir, I believe - I believe he's a short - as  
7 to what we call short term - I'm not sure.
- 8 Q A short termer on Death Row, are usually put  
9 there for protection; is that not correct?
- 10 A Normally.
- 11 Q And that's because in the past, he's violated the  
12 code of the penitentiary by testifying to certain things  
13 against other inmates; is that correct?
- 14 A This has occurred in the past, yes, sir.
- 15 Q What punishment, if you know, was assessed against  
16 Mr. Bunch at that time he was on Death Row?
- 17 A I don't know.
- 18 Q Did you interview anybody else regarding these  
19 homicides or Gene Leroy Hart?
- 20 A No, sir.
- 21 Q Do you know what cell Mr. VanHuss is in?
- 22 A No, sir, I don't remember.
- 23 MR. ISAACS: That's all I have of this witness,  
24 Judge.
- 25 THE COURT: Cross examine?

1 MR. WISE: We certainly have none, Your Honor.

2 THE COURT: You may step down.

3 MR. ISAACS: I'll recall Mr. Pratt at this time.

4 THE COURT: Do you want to check and see if he's  
5 ready or not?

6 MR. ISAACS: Can I? That's a pretty big stack of  
7 reports.

8 THE COURT: Who's your next witness?

9 MR. ISAACS: Wellman. Mr. Wellman.

10 THE COURT: Raise your right hand. Do you solemnly  
11 swear to tell the truth, the whole truth and nothing but  
12 the truth, so help you God?

13 MR. WELLMAN: Yes, sir.

14 CHARLIE WELLMAN,

15 called as a witness on behalf of the Defendant, having been  
16 first duly sworn, testifies as follows:

17 DIRECT EXAMINATION

18 BY MR. ISAACS:

19 Q Mr. Wellman, would you state your full name?

20 A Charlie Ray Wellman, W-e-l-l-m-a-n.

21 Q Mr. Wellman, what was your occupation on the 13th  
22 of June, 1977?

23 A Agent with the Oklahoma State Bureau of Investiga-  
24 tion.

25 Q Were you called in to investigate the homicides at

1 Camp Scott?

2 A Yes, to assist.

3 Q And what date were you called in?

4 A I believe I arrived on the 20th of June.

5 Q On the 20th of June? Tell me what you did?

6 A Met with Agents who were present at the investiga-  
7 tion. Mr. Dick Wilkerson was coordinator of it at that time  
8 and they was giving us information concerning what had to  
9 be done the coming week.

10 Q What was your assignment that coming week?

11 A To assist and follow out any leads in the investi-  
12 gation.

13 Q Did you interview anybody as a result of follow-up  
14 leads?

15 A I assisted Leo Albro on two or three and specific  
16 dates I'm not aware of for sure on the dates, but --

17 Q Approximate them for me?

18 A It was around the 23rd and 24th.

19 Q Who did you interview on the 23rd?

20 A Well, the 23rd, there was an interview involved - it  
21 was on June 25th with James Thomas Vaughn.

22 Q Is that Jimmy Vaughn?

23 A Yes.

24 Q Where did you interview him?

25 A I believe at his residence.

1 Q Over in Locust Grove?

2 A Yes.

3 Q What was the substance of that interview?

4 A It was all negative information, had no significant  
5 information at all.

6 Q Who was the next person that you interviewed?

7 A Earl Vaughn, the same day, the 25th.

8 Q He is a relative of Jimmy Vaughn, is he not?

9 A Yes.

10 Q What did Mr. Earl Vaughn tell you about?

11 A Basically the same thing. There was nothing to it.

12 Q Interview anybody else?

13 A No, sir.

14 Q Did you seize any items of evidence in the Camp  
15 Scott area while you were working there?

16 A No, I did not.

17 Q Did you transport any items of evidence?

18 A No, sir.

19 Q During the month of June, did you have an occasion  
20 to leave Camp Scott and go to another place and conduct any  
21 interviews?

22 A No, not conduct any interviews, no, sir.

23 Q Did you go to another place to conduct a search?

24 A To assist with Cave No. 2 on collecting evidence.

25 Q Now, Cave No. 2, I believe is the cave that's

1 located south of Mr. Shroff's property and south of Camp  
2 Scott; is that correct?

3 A Yes.

4 Q Will you tell me who went with you and what you  
5 did when you got there?

6 A As far as everybody that went there, I would have  
7 to refer back to the case report itself. But some of the  
8 people there was Carey Thurman and John Gossler, myself,  
9 Larry Bowles - I believe there was a Highway Patrol Trooper,  
10 maybe a Sheriff's officer or two.

11 Q Did you have the dogs with you at that time?

12 A I think the dogs came up later.

13 Q What did you see in that cave?

14 A There was different items collected around the  
15 area of the cave and I didn't collect any of the items. I  
16 don't even really know what they were. My primary purpose  
17 for being there was to take a plaster cast of a print that  
18 was left there.

19 Q What type of print was that, Mr. Wellman?

20 A Kind of a military jungle boot track.

21 Q Could you describe that for me?

22 A Well, the outside area of the boot would be of a  
23 pattern of kind of a waffle - if you've ever seen the sole  
24 of a military boot, it's just normally the same pattern, about  
25 all of your military boots, but your jungle boots especially.



1 That's your jungle type soles and then there was a partial  
2 print in the cave.

3 Q How many plaster casts did you make of the print?

4 A There was one plaster cast taken of the print.

5 Q Mr. Wellman, are you able to determine the size  
6 of footprint?

7 A No, sir, I'm not able to determine it.

8 Q Do you have an opinion as to the size?

9 A No, sir, I do not.

10 Q Were there any footprints from tennis shoes left  
11 in that area?

12 A I didn't observe any at the cave area.

13 Q Did you perform any other technical type examination  
14 of the cave area or the contents?

15 A Did I?

16 Q Yes, sir.

17 A No, sir.

18 Q Did anybody in your presence?

19 A There were some other things taken at the cave  
20 but as far as technical examinations made at the cave, I  
21 couldn't personally say that I have knowledge of any.

22 Q Mr. Wellman, who took you to that cave south of  
23 Mr. Shroff's house?

24 A We was led up by somebody; I don't remember who  
25 the person was.

1 Q Was it a boy by the name of Creekmore?

2 A I don't know; I really don't. Several of us  
3 went up there and I was some of the latter bunch that went  
4 up to the cave area and I don't know who the person was.

5 MR. ISAACS: Just so we'll be sure we're talking  
6 about the right cave -- am I talking about the right one?

7 MR. THURMAN: I don't know if you're talking about  
8 the wrong one, but somebody's wrong.

9 MR. ISAACS: Was this the cave on Skunk Mountain  
10 or the one over by the Shroff house?

11 MR. THURMAN: Skunk Mountain. Auxier property.

12 Q Is Cave No. 2 the cave that had writing on the wall?

13 A I don't recall no writing on the wall of this cave,  
14 no, sir.

15 Q After you had been up to the cave there on Skunk  
16 Mountain, what did you do?

17 A Well, I stayed there. I was one of the later ones  
18 to leave because I had to wait for the plaster cast to set  
19 before I could remove it.

20 Q Did you make two casts of that one footprint?

21 A No, sir, made one cast.

22 Q A little bit later on that same day, did you make  
23 a plaster cast?

24 A No, sir, I did not.

25 Q I hand you a copy of Lab Report 77-177. Directing

1 your attention to that June 24th entry.

2 A You say later on that same day?

3 Q Yes.

4 A No, the plaster cast taken in that cave as two  
5 casts were taken at the same time. That would have been  
6 taken at a later time.

7 Q Okay. I was wondering if you had another foot-  
8 print. So you made two casts of the one footprint?

9 A I don't believe it was one footprint. I believe  
10 there was partially two prints there but the cast was made  
11 up but I didn't take two casts of the same footprint because  
12 once you take a cast, you're unable to take a second one.

13 Q All right, so you made them of two partial foot-  
14 prints there at that cave?

15 A Correct.

16 Q Mr. Wellman, after the investigation of Cave 2 on  
17 Mr. Auxier's property, did you conduct any other technical  
18 investigations?

19 A In reference to?

20 Q Plaster casts, fingerprints?

21 A No, I did not.

22 Q Blood, hair, saliva?

23 A No, sir, I did not.

24 Q None of those other than the casts?

25 A No.

1 Q Did you interview anyone in reference to the  
2 homicides at Camp Scott or the whereabouts of Gene Leroy  
3 Hart?

4 A No, none that I recall, no, sir.

5 Q Did you transport any evidence?

6 A I transported no evidence.

7 Q Did you investigate a burglary at Jack Shroff's  
8 house?

9 A No, sir.

10 Q The Grossman Grocery Store?

11 A No, sir.

12 Q T & H Grocery Store near Sam's Corner?

13 A No, sir.

14 Q Have you interviewed any witnesses in any of the  
15 State Penal Institutions?

16 A No, sir.

17 Q Were you present when any of them were interviewed?

18 A No, sir, I was not.

19 Q Mr. Wellman, did you participate on April 6th in  
20 a search and the arrest of Gene Leroy Hart?

21 A No, I did not.

22 Q Did you later go out to the Pigeon residence for  
23 any reason?

24 A No, sir.

25 Q Have you seized any item of evidence since April 6th?

1 A Nothing that I would classify as evidence.

2 Q Taken any evidence from anybody pertaining to this  
3 case?

4 A No.

5 MR. ISAACS: I believe that's all of this witness.

6 THE COURT: Cross examine?

7 MR. WISE: We have no questions, Your Honor.

8 MR. ISAACS: I will call Mr. Pratt, Judge. I think  
9 he's ready.

10 HARVEY PRATT,

11 recalled as a witness, on behalf of the Defendant, having  
12 been first duly sworn, testifies as follows:

13 DIRECT EXAMINATION (Continued)

14 BY MR. ISAACS:

15 Q Mr. Pratt, I don't recall if I asked you, but did  
16 you participate in the investigation of Jack Shroff burglary?

17 A No, sir.

18 Q The investigation of any of the caves?

19 A I had been to them. I didn't participate in any-  
20 thing.

21 Q Seize any evidence at any of them?

22 A No, sir.

23 Q Mr. Pratt, did you participate in the arrest of  
24 Gene Leroy Hart at the Sam Pigeon residence?

25 A Yes, sir.

1 Q Now that was on April 6, 1978?

2 A Yes, sir.

3 Q Is that correct?

4 A Yes, sir.

5 Q When you went up there and arrested Mr. Hart, tell  
6 me what you did?

7 A I personally did not arrest Mr. Hart. I was to  
8 the rear of the building and I came around the front, observed  
9 him on the ground with Agent Bowles standing by him.

10 Q Was he face down or face up?

11 A Down.

12 Q Face down. What happened after that?

13 A I --

14 Q Did you seize any evidence?

15 A I did not.

16 Q Conduct a search of the area for evidence?

17 A Some agents were left there but I did not partici-  
18 pate in any search.

19 Q Were you one of the agents that was left there?

20 A No, I was not left there.

21 Q You went with them back to headquarters over in  
22 Tahlequah; is that correct?

23 A Yes.

24 Q Did you interview anybody pertaining to any of the  
25 witnesses, pertaining to this case from June 13th until today?

1 A I interviewed --

2 THE COURT: Well, you've already asked him about  
3 Mr. Chaffin. We can eliminate Mr. Chaffin.

4 A (By Mr. Pratt) I interviewed a Steven Lewis  
5 Cumby.

6 Q Where did you interview him, Mr. Pratt?

7 A In Dallas.

8 Q What is his address?

9 A He was a prisoner.

10 Q For what reason did you go to Dallas to interview  
11 Mr. Cumby?

12 A He had sent a letter to some Judge claiming to have  
13 committed the murders of the three Girl Scouts.

14 Q Did you reduce that interview to writing?

15 A Briefly, we interviewed him briefly and found his  
16 -- as of June 13, 1977, he was in the El Reno Federal Reforma-  
17 tory and was not released until 10:00 a. m.

18 Q Did you interview anybody else?

19 A I - a Cannon - Mr. Cannon.

20 Q Where did you interview him?

21 A At his residence.

22 Q Where was that?

23 A A rural route, near Chouteau.

24 Q Is that the black fellow we've been talking about?

25 A No, sir, this is an Indian gentleman.

1 Q What was the purpose of interviewing him?

2 A He kept some cattle at Jack Shroff's residence and  
3 was there periodically and we were just trying to determine  
4 if he knew anything, whatever.

5 Q Did he know anything?

6 A No, sir.

7 Q Are you a technical investigator of any type?  
8 Fingerprint man?

9 A I have experience in that area.

10 Q Did you lift any fingerprints pertaining to this  
11 case?

12 A No.

13 Q Did you make any fingerprint comparisons?

14 A I looked at a thumb print of Mr. Hart's when he was  
15 arrested.

16 Q Was that an identification print?

17 A Yes, sir.

18 Q Did you have an occasion to inventory the evidence  
19 seized from Mr. Pigeon's house?

20 A No, I did not.

21 Q Do you know who did?

22 A No, I do not.

23 Q Do you know if Mr. Hart's billfold was in that  
24 particular evidence?

25 A I'm not aware of that.



1 MR. ISAACS: I believe that's all. Let me look  
2 here just one more time.

3 Q Mr. Pratt, you said Mr. Cannon was an Indian man.  
4 When was the last time that Cannon had been on Mr. Shroff's  
5 property?

6 A I believe to the best of my memory it was the day  
7 before the weekend - some time during the weekend, he was  
8 there checking some cattle.

9 Q Did he report seeing anybody in the area that was  
10 a stranger to him?

11 A No. I think he was with Mr. Shroff at that time.

12 Q Did you ever talk to Mr. Shroff?

13 A No, sir, never did.

14 Q Do you know how many burglaries there were at Mr.  
15 Shroff's residence?

16 A From June 13th?

17 Q Yes, sir.

18 A I can recall only one, to the best of my knowledge.

19 MR. ISAACS: I believe that's all, Judge.

20 THE COURT: Cross examination?

21 MR. WISE: We have no questions.

22 THE COURT: You may step down. Thank you. Do you  
23 have another one - another short one?

24 MR. ISAACS: Mr. Townsend.

25 THE COURT: Raise your right hand. Do you swear to

1 tell the truth, the whole truth and nothing but the truth,  
2 so help you God?

3 MR. TOWNSEND: Yes, sir, Your Honor.

4 COLEMAN TOWNSEND,  
5 called as a witness on behalf of the Defendant, having been  
6 first duly sworn, testifies as follows:

7 DIRECT EXAMINATION

8 BY MR. ISAACS:

9 Q Mr. Townsend, would you state your full name?

10 A Coleman Townsend.

11 Q What office do you work out of with the OSBI?

12 A Durant.

13 Q Back on the 13th day of June, 1977, were you called  
14 out to investigate a homicide at Camp Scott?

15 A I did not come up until the following week.

16 Q What day was that, approximately?

17 A The 20th.

18 Q When you arrived, will you tell me what you did  
19 in reference to the investigation?

20 A When I first arrived, I was naturally briefed on  
21 what had taken place, shown through the crime scene; of course  
22 it had already been processed and everything. The 21st,  
23 myself and Agent John Gosser traveled to a little store by  
24 Sam's Corner and processed a burglary scene.

25 Q All right. That was at T & H Grocery; is that

1 correct?

2 A I think so.

3 Q Tell me what you did when you processed it?

4 A All that Gosser and I did were take photographs of  
5 the back glass that had been broken out of the store and there  
6 was a slight footprint, it wasn't really -- we weren't able  
7 to plaster cast the print. We did take photographs of it.  
8 And I dusted the area around the window and some items that  
9 had been knocked over for fingerprints and that's about it.

10 Q Did you lift any latent fingerprints?

11 A We did get some prints and then Gosser returned and  
12 printed the personnel at the store for examination purposes.

13 Q Excuse me - I couldn't --

14 A Gosser - Agent Gosser printed the personnel at the  
15 store for elimination purposes.

16 Q Were those prints that you got for elimination  
17 purposes, the prints that you had lifted?

18 A Some of them were, yes. I didn't get the results  
19 on the rest of them. They were partials and probably had  
20 little value, if any.

21 Q Did anybody vacuum the store for hair?

22 A No, sir, I didn't.

23 Q Did anybody process the store for blood?

24 A Visually but not with chemicals or anything.

25 Q Kind of tough to do that. Do you know what items

1 were taken in that burglary?

2 A The store supplied us with a list of stuff that  
3 might possibly be missing and it was kind of canned items  
4 suitable for living in the woods.

5 Q This footprint that you saw there in the store,  
6 will you describe that for me as best you can, from what you  
7 remember?

8 A It was outside on the ground and we observed a  
9 footprint - took a picture of the print. I would hesitate  
10 to give a description of the print because I can't really  
11 remember. We intended to take a plaster cast of it but  
12 we waited until these tracking dogs got there and they messed  
13 it up and they stepped in it and we couldn't.

14 Q Was it a boot print or tennis shoe print?

15 A If I am not mistaken, it was a boot or shoe. I  
16 don't think it was a tennis shoe.

17 Q Have anything - unusual type sole on it?

18 A Not that I recall.

19 Q You say the tracking dogs were brought there?

20 Will you tell me what happened when they arrived at the  
21 grocery store?

22 A Well, they sniffed around and they tracked off in  
23 the direction - I really don't know what direction it would  
24 be - to the rear of the store - and then back to the right  
25 and then --

1 Q Well, to the rear of the store would be south,  
2 wouldn't it?

3 A I think so.

4 Q And then back to the right would be west?

5 A Right. Then they tracked a little ways and lost  
6 whatever they were trailing.

7 Q What were they scenting those dogs from, if you  
8 know?

9 A I don't remember, whatever they had been using.

10 Q Did they have something in a bag?

11 A They had something.

12 Q Did you see it?

13 A No.

14 Q After you processed that burglary there at Sam's  
15 Corner, what was the next thing you did with reference to  
16 the investigation at Camp Scott?

17 A Mostly what I did was take trouble calls like -  
18 well, what I'd call trouble calls - somebody would call in  
19 that had sighted somebody, would think possibly their house  
20 had been broken into. We checked a barn; negative results.  
21 Checked a trailerhouse with negative results and I interviewed  
22 several people. I can recall a few of them but not all of  
23 them, probably.

24 Q Would you give me the names of the ones you recall?

25 A I interviewed an elderly Indian.

1 Q Yes.

2 A By the name of Steele.

3 Q What did Mr. Steele tell you about these homicides?

4 A Very little. His name just came up and he was an  
5 old, old guy and the conversation I had with him was just  
6 to establish where he was when this event took place and he  
7 had been with a friend.

8 Q Who else did you interview?

9 A One subject by the name of Massey. I can't  
10 remember his first name. He was - had a lengthy record and  
11 he originally - when we interviewed him, he gave us the  
12 name Gilbert and he was unable to tell me his proper date of  
13 birth, so we questioned him and he admitted to the name  
14 Massey and we ran him through NCIC and he was a fugitive from  
15 some state on a \$50,000 bond.

16 Q Where was he interviewed?

17 A He was not in the area on the day the girls were  
18 hurt.

19 Q Do you know where he was interviewed? Do you  
20 remember?

21 A He was interviewed at the Police Department.

22 Q In Locust Grove?

23 A Yes, sir.

24 Q Was Mr. Massey driving an automobile when he was  
25 apprehended?

1           A     No, sir, he was not apprehended. He was just  
2     detained for questioning and when I questioned him, he was  
3     unable to remember his date of birth and, of course, this  
4     was because he was a fugitive but we was able to determine  
5     he was not available or in the area when the girls were.

6           Q     Mr. Wellman, do you recall the names of any other  
7     persons you had interviewed?

8           A     My name is Townsend, not Wellman.

9           Q     Excuse me.

10          A     And a boy by the name of Chaffin.

11          Q     Is that in reference to some poems that he had  
12     written?

13          A     He came to our attention to interview him because  
14     he was a resident of the area. He was a young fellow  
15     approximately nineteen, something like that - eighteen or  
16     nineteen. Yes, he had written a couple. He was turned  
17     over to the polygraph people. From there, I don't know.

18          Q     What was done with those poems that he had written,  
19     if you remember?

20          A     He, you know, verbally told me some of the stuff  
21     he had done.

22          Q     Anything about blood and children?

23          A     No, none of his poems that I can remember now, but  
24     I'm sure that none of his poems said anything about blood  
25     or children.

1 Q Anything about suicide?

2 A The boy, I remember in his conversation, was not  
3 concerned with death, either way, especially his. But when  
4 I questioned him about the young girls, he didn't think that  
5 was a proper thing to do, didn't feel that he was capable of  
6 committing such a crime.

7 Q Was he Caucasian or Indian?

8 A He was a white boy.

9 Q What color of hair?

10 A Dark blonde or light brown, if I remember correct-  
11 ly. It's been a year.

12 Q During your investigation, did anybody ever report  
13 the body of a suicide victim being found somewhere at Camp  
14 Scott area?

15 A No, sir.

16 Q After you had interviewed Mr. Chaffin, do you  
17 recall the names of any other people you interviewed?

18 A A lady by the name of David - one of the Deputy  
19 Sheriff's wives, if I remember.

20 Q When did you interview her?

21 A It was probably on the 25th or 26th and this  
22 consisted of -- she had sighted movement in the trees back  
23 of her house and they went out there. She only saw movement  
24 and no person, so that's all that it consisted of.

25 Q Did you seize any item of evidence and transport it?



1           A     The only items of evidence handled at all were  
2     some stuff turned over to me by the Tulsa Police Department  
3     and they found it south of Sam's Corner. It consisted of  
4     some bean cans and I think cigarette packs and I brought it  
5     back to the command post and it was transported - labeled and  
6     transported.

7           Q     Did you later investigate the Grossman burglary?

8           A     Excuse me?

9           Q     The Grossman burglary, east of Locust Grove?

10          A     No, sir, I don't recall.

11          Q     Have you told me about all the interviews with  
12     people that you can remember?

13          A     That I can remember, yes, sir.

14          Q     Did you later participate in a search or take part  
15     in the investigation of the Pigeon residence?

16          A     No, sir.

17          Q     Do you know what was done with Mr. Hart's clothing?

18          A     No, sir.

19          Q     What was done with the items seized there at the  
20     Pigeon residence?

21          A     I wasn't in on that at all. I wasn't even out there.

22          Q     Did you participate in the investigation of any  
23     case?

24          A     No.

25          Q     Those dogs that were at Sam's Corner, you said they

1 went back south and west. Did they go to somebody's house?

2 A I don't think so. I didn't follow them.

3 Q You weren't outside with them?

4 A Huh-uh.

5 MR. ISAACS: I believe that's all.

6 A (By Mr. Townsend) They reported back and had lost  
7 the scent.

8 THE COURT: Cross examination?

9 MR. WISE: No questions, Your Honor.

10 THE COURT: You're excused, thank you. We'll  
11 be in recess until 1:30 p. m.

12 (Following the lunch recess, proceedings continued  
13 as follows:)

14 AFTERNOON SESSION.

15 THE COURT: Mr. Isaacs, I understand there has been  
16 some concern about the specific times that I have mentioned  
17 we would be in session on those days and perhaps there was  
18 a question in your mind as to whether they were absolutely  
19 firm at this time?

20 MR. ISAACS: Yes, sir.

21 THE COURT: If you will give me some advance notice  
22 about any deviations that you want, I'll consider it. We  
23 can start earlier to accomodate a witness of yours that has  
24 to go to work - we might be able to do that.

25 MR. ISAACS: I would propose going late a couple of

1 nights.

2 THE COURT: I might consider that, too. Bring it  
3 up a day ahead of time, if you can, so we'll know what we're  
4 doing.

5 MR. ISAACS: At this time, I would ask if we  
6 couldn't go later on Monday, the 3rd of July and also the  
7 6th of July?

8 THE COURT: Might do it; might do it if necessary.

9 MR. ISAACS: Go until 8:00 o'clock each one of those  
10 nights, or 8:30.

11 THE COURT: If you have witnesses with material  
12 evidence to present, I don't see why not. I certainly  
13 wasn't denying you the presence of witnesses that have  
14 material evidence to give.

15 MR. ISAACS: Thank you, Judge.

16 THE COURT: Mr. Wise, did you have something?

17 MR. WISE: If it please the Court, during the noon  
18 recess, in talking to one of Mr. Isaacs' prospective witnesses,  
19 I learned for the first time that a statement was taken from  
20 Larry Gene Dry on the 10th of April before a court reporter,  
21 which would constitute in my opinion, a sworn statement and  
22 knowing any sworn statements are to be provided to counsel,  
23 I herewith present Mr. Isaacs with a copy.

24 THE COURT: When did you obtain that?

25 MR. WISE: During the noon recess, talking to Mr.

1 Larry Bowles, who was subpoenaed by Mr. Isaacs. Mr. Bowles  
2 produced this statement when I was visiting with him. This  
3 is the first time we became aware of it and also Mrs. Davis  
4 who testified left a couple of documents. This one, number  
5 one, I know he already has. These two I don't believe I've  
6 seen, so therefore, I presume he hasn't. They're from the  
7 Institute of Forensic Sciences at Dallas, signed by Dr. I. C.  
8 Stone, and I'm making copies available, Your Honor.

9 MR. ISAACS: We're ready to go, Judge.

10 THE COURT: All right, go ahead.

11 MR. ISAACS: Call Dr. Collins.

12 THE COURT: Raise your right hand. Do you swear to  
13 tell the truth, the whole truth and nothing but the truth,  
14 so help you God?

15 THE WITNESS: I do.

16 DONALD COLLINS,  
17 called as a witness on behalf of the Defendant, having been  
18 first duly sworn testifies as follows:

19 DIRECT EXAMINATION

20 BY MR. ISAACS:

21 Q State your full name, sir?

22 A Dr. Donald Collins.

23 Q What is your occupation?

24 A I'm a Medical Doctor.

25 Q Back on the 13th day of June, 1977, did you go to

1 the Camp Scott area for some purpose?

2 A Yes.

3 Q Who did you go there with, Doctor?

4 A One of the ambulance drivers.

5 Q When you got there, tell me what you did?

6 A I was called to examine the scene of where there  
7 was three deceased individuals.

8 Q Yes, sir. Was that in the Kiowa Unit at Camp Scott?

9 A I don't remember the names of the units.

10 Q Would you tell me if you saw any items of personal  
11 property near those bodies and where those items were?

12 A The only item that I can remember was a lantern-type  
13 flashlight.

14 Q The color?

15 A I think it was red.

16 Q Doctor, what did you do in reference to the examina-  
17 tion of those bodies at that time?

18 A One of the subjects was outside of a sleeping bag  
19 in a supine position. I just determined that she was dead  
20 and did not actually do anything else.

21 Q Did you at any time move any of the other bodies?

22 A No.

23 Q What time of day was it when you arrived?

24 A I think it was about 7:30.

25 Q Do you recall who had arrived in the Kiowa Unit before

1 you got there?

2 A Sheriff Weaver is the only one that I recall and  
3 know the name of.

4 Q After you had made the determination that one of  
5 the victims was deceased, what did you do?

6 A Nothing.

7 Q Did you examine any of the surrounding area for  
8 any items of evidence?

9 A No.

10 Q You just stayed there until the body was loaded?

11 A I just wandered around that area.

12 Q Did you see anything unusual?

13 A What do you mean by that?

14 Q Something out of the ordinary that shouldn't have  
15 been in a place where you were wandering?

16 A Not that I remember.

17 Q While you were there, Doctor, did you participate  
18 in any search of the Kiowa Unit?

19 A No, not really.

20 Q What time was it when you left the Kiowa Unit?

21 A I don't remember. I think it was about 10:00 o'clock,  
22 maybe a little later.

23 Q Did you remain there until the bodies were removed?

24 A Yes.

25 Q Doctor, what were the weather conditions like that

1 morning in the Kiowa Unit?

2 A Now, I think it was clear. I believe it was some-  
3 what humid and I don't really remember what the temperature  
4 was. It was fairly warm.

5 Q Similar to the weather we have been having these  
6 past few days?

7 A I would say that.

8 Q Could we say the temperature was in the 80's and  
9 90's?

10 A Not at that time of day.

11 Q What would you estimate the temperature to be at  
12 that time, at that place when you arrived at the Kiowa Unit?

13 A I would suspect it is a matter of record. I don't  
14 know. I would say somewhere around 65 to 75.

15 Q Doctor, would you describe for me the condition of  
16 the body that you examined?

17 A It was - the body was warm, there was no rigor  
18 mortis at that time.

19 Q Did you see any foreign substances in the mouth  
20 area?

21 A I don't remember anything, any foreign substances.

22 Q In the nostrils?

23 A I don't remember any. You are talking about dirt  
24 and this sort of thing here?

25 Q Yes, sir.

1 A I don't remember seeing any dirt.

2 Q Do you remember seeing anything else?

3 A Personally, I do not remember if there was any  
4 blood. Are you referring to blood?

5 Q I am referring to anything. I want to know what  
6 you saw.

7 A I didn't see any foreign material that I can  
8 recall.

9 Q Was there dirt in some other place on the body?

10 A I did not carry out an extensive examination.

11 Q Did you examine the Milner girl's vagina - the  
12 Milner girl was the girl on top of the sleeping bag?

13 A I looked at that area. I did not --

14 Q What did you see?

15 A As I recall, there was some blood in that area.

16 Q Was there anything else?

17 A I don't remember anything else.

18 Q Did you see any dirt?

19 A I don't think so. I don't remember.

20 Q Leaves?

21 A I don't remember if there was. I don't recall any  
22 dirt.

23 Q Doctor, did you participate in any way in loading  
24 the bodies into the ambulances?

25 A I can't remember.



1 Q Did you participate in the autopsy?

2 A No.

3 Q After the bodies had been removed from the Kiowa  
4 Unit, did you return to the hospital here in Pryor?

5 A Yes.

6 Q Have you told me everything you did in reference  
7 to that investigation at Camp Scott, to the best of your  
8 recollection?

9 A I think so.

10 MR. ISAACS: I have nothing further of this witness.

11 THE COURT: Cross examination?

12 MR. WISE: We would only thank the doctor for his  
13 participation and cooperation.

14 MR. ISAACS: Thank you for coming, Doctor.

15 THE COURT: You may step down.

16 MR. ISAACS: Judge, I'd call Arthur Linville.

17 ARTHUR LINVILLE,

18 called as a witness on behalf of the Defendant, having been  
19 first duly sworn, testifies as follows:

20 DIRECT EXAMINATION

21 BY MR. ISAACS:

22 Q Mr. Linville, you've been previously sworn and given  
23 testimony, have you not?

24 A Yes, sir.

25 Q And that was concerning the investigation in the Kiowa

1 Unit on June 13th; am I not correct?

2 A Yes, sir.

3 Q On June 13th, were you involved in processing a  
4 burglary scene at the Shroff residence, located a short  
5 distance from the Kiowa camp?

6 A No, sir, it would have been the following day, on  
7 the 14th.

8 Q And on the 14th, at what time did you go to the  
9 Shroff residence?

10 A It was in the afternoon. I don't recall the exact  
11 time.

12 Q Who went there with you?

13 A Myself and an OSBI Technician by the name of  
14 Paul Esquinaldo.

15 Q When you arrived at the Shroff residence, was  
16 anyone present?

17 A Mr. Jack Shroff was.

18 Q Did you interview Mr. Shroff?

19 A We talked with him pertaining to the - what he says  
20 was the burglary. We didn't interview him per se, I don't  
21 suppose.

22 Q What time did Mr. Shroff report the burglary to  
23 some law enforcement agency?

24 A Sir, I don't know the time. I feel certain that  
25 it was -- well, I don't really know. I had been contacted and

1 requested to investigate the burglary and assist in the  
2 processing of the scene.

3 Q When did he discover the burglary?

4 A I don't know that either.

5 Q Was anyone else there with Mr. Shroff?

6 A No, sir.

7 Q Anyone live there other than Mr. Shroff?

8 A Not to my knowledge. It was my understanding from  
9 speaking to Mr. Shroff that it was a - well, he actually has  
10 a residence in Tulsa and it might be a country home or what-  
11 ever, but they vacation there and things like that.

12 Q When you process a burglary scene, you have the  
13 duty of lifting fingerprints, do you not?

14 A Yes, sir.

15 Q And also looking for other forms of scientific  
16 evidence, is that not correct?

17 A Yes.

18 Q What type of investigation did you conduct at the  
19 Shroff residence?

20 A Well, I directed Mr. Esquinaldo to take photographs  
21 of the scene first and, of course, we were particularly inter-  
22 ested in it because Mr. Shroff had indicated a black roll of  
23 duct tape was missing and I would say his primary reason -  
24 we were there conducting a burglary investigation. So after  
25 having talked with him, he pointed out where the black tape

1 allegedly was located prior to it being found missing by  
2 him. We took photographs of that area. Mr. Esquinaldo  
3 dusted the residence and areas of points of possible entry  
4 for fingerprints and I secured a burlap-type bag from under  
5 the sink area where Mr. Shroff said the tape would have been  
6 lying, also a gold cloth-type bag. I also obtained a sample  
7 of black tape which Mr. Shroff represented to me of having  
8 come from the roll that he had previously had there. I  
9 obtained a small piece of cord for comparison with the cord  
10 that was used to tie the victims and the reason for getting  
11 the cloth material underneath the black tape was that I had  
12 noticed a small fibrous material on the edges of the black  
13 tape and in hoping that we might match those.

14 Q Mr. Linville, were you able to match those fibers  
15 with any fibers on the tape?

16 A Not to my knowledge.

17 Q Mr. Linville, you talked about point of entry. Was  
18 there more than one point of entry?

19 A No. There was just the door which apparently had  
20 been pried open.

21 Q Mr. Linville, later on in the week, did you return  
22 to Mr. Shroff's residence and investigate yet another burglary?

23 A No, sir.

24 Q Do you know if anybody involved in the Camp Scott  
25 investigation went there for that purpose?

1           A     Not to my knowledge. I did return to the residence  
2 not for the purpose of investigating a subsequent burglary.

3           Q     Back on the 14th day of June, after you and Mr.  
4 Esquinaldo had photographed and gathered evidence, what was  
5 the next thing you did to investigate that burglary?

6           A     On that date?

7           Q     Yes, sir.

8           A     We maintained chain of evidence on that material  
9 and I submitted it to the laboratory at the OSBI Headquarters  
10 in Oklahoma City that evening.

11          Q     Did you lift any latent fingerprints from Mr.  
12 Shroff's house?

13          A     Not to my knowledge.

14          Q     Was Mr. Mullins with you and Mr. Esquinaldo at that  
15 time?

16          A     I don't believe he was. I spoke to him a few  
17 weeks ago, if I recall correctly, he wasn't in the area at  
18 the Shroff residence. He was Monday, the 13th at the initial  
19 crime scene but I don't believe Mr. Mullins was present at the  
20 Shroff residence.

21          Q     As a result of your investigation of the Shroff  
22 burglary, did you submit any other evidence pertaining to that  
23 burglary to any law enforcement agency?

24          A     Yes, sir. On the following Thursday, I obtained  
25 two pieces of veneer from the door. I also obtained a section

1 of the door facing for comparison with a crowbar which we  
2 had found.

3 Q Was a comparison made?

4 A Yes.

5 Q Who made that comparison?

6 THE COURT: I think the question --

7 MR. WISE: It has been asked and answered by the  
8 witness that made the examination.

9 Q Was it Mr. Plank?

10 A I'm not sure.

11 Q Mr. Jordan?

12 A I would assume --

13 THE COURT: I thought you had him as a witness  
14 yesterday?

15 MR. WISE: If it please the Court, the question  
16 has been asked and answered.

17 MR. ISAACS: Somebody the other day said there  
18 were two points of entry at the Shroff residence. I want  
19 to know what they were and what examination was done with  
20 each one of them. Mr. Linville says there was one point of  
21 entry.

22 MR. WISE: If it please the Court, this is the  
23 fourth time this witness has been called before this Court  
24 and evidence which is being sought at this time is repetitive,  
25 cumulative and a waste of our time, Your Honor. And if it

1 please the Court, the people who examined and did the compari-  
2 sons that counsel is making reference to have already been  
3 his witnesses.

4 MR. ISAACS: Judge, from what has been testified  
5 to here in this courtroom and what I have heard from talking  
6 to other witnesses, it seems to me there must have been  
7 two burglaries or two or three trips to Mr. Shroff's house.  
8 Now, that's the avenue I want to pursue with Mr. Linville. I  
9 know Mr. Linville was there. I know he gathered evidence.  
10 I want to ask him what he gathered and what tests were per-  
11 formed. I think that's very material to this case. The  
12 evidence has been introduced to connect the perpetrator of  
13 the homicides with Jack Shroff's house.

14 MR. WISE: If it please the Court, my recollection --

15 THE COURT: Who was the toolmark man who testified?

16 MR. ISAACS: Tom Jordan.

17 MR. WISE: Tom Jordan, Your Honor.

18 THE COURT: Was that yesterday or this morning?

19 MR. ISAACS: Yes, sir, Your Honor.

20 MR. WISE: If it please the Court, my recollection  
21 is from Mr. Esquinaldo --

22 MR. ISAACS: Esquinaldo.

23 MR. WISE: Esquinaldo, that there was an attempt  
24 made of one other door but entry was not gained. If it  
25 please the Court, this witness has been asked by Mr. Isaacs

1 is there any other burglaries you examined and his answer was  
2 no.

3 THE COURT: Did you ask him who submitted the fac-  
4 ings to the door? Did you ask this witness, Mr. Isaacs?

5 MR. ISAACS: He said he submitted them, I think.

6 THE COURT: In that case, the objection is over-  
7 ruled. The examination of Tom Jordan, indicated it was a  
8 portion of the door submitted by Larry Mullins. You may  
9 pursue your line of questioning.

10 Q That door facing you're talking about was submitted  
11 for examination, right?

12 A Yes.

13 Q You submitted them, right?

14 A Yes, sir.

15 Q Mr. Linville, did you see any other marks on the  
16 house that could have been a point of entry?

17 A No, sir.

18 Q Mr. Shroff visits that house on weekends, does he  
19 not - it's kind of a weekend home?

20 A That's my understanding, sir.

21 Q Is there a telephone in that home?

22 A Yes, sir.

23 Q And was anything done in reference to lifting finger-  
24 prints from that telephone?

25 A I don't recall whether attempts were made on the



1 telephone or not, sir.

2 Q Was anything else done in reference to the tele-  
3 phone?

4 A Not as to the instrument itself. I made inquiry  
5 as to Mr. Shroff and requested that he supply his telephone  
6 bill, in essence, and he obtained it to examine it and see  
7 if there were any foreign numbers that he himself had not  
8 dialed.

9 Q Did he do that?

10 A Yes, sir.

11 Q Did you find any foreign numbers?

12 A He did not supply it to me. At that point, an  
13 investigator for Southwestern Bell coordinated with one of  
14 my supervisors and I don't know the results of it. I don't  
15 believe there were any foreign numbers, no, sir.

16 Q Do you know what investigator coordinated the  
17 efforts to obtain the telephone numbers from Southwestern  
18 Bell?

19 A Ordinarily, Paul Boyd, who is Supervisor, would have  
20 contacted them and I don't know whether the information would  
21 have come to Ted Lempke or Mr. Dick Wilkerson or who.

22 Q Have you told me everything you did in reference  
23 to that burglary at the Jack Shroff residence, Mr. Linville?

24 A There were also photographs taken of footprints,  
25 plaster casts made of footprints and we also took into

1 possession, a piece of gold carpet with a footprint clearly  
2 visible on it.

3 Q Was this piece of gold carpet given to the dog  
4 handlers in purpose of scenting the dogs?

5 A Yes.

6 Q How was that done?

7 A I transferred chain of custody of that carpet to  
8 Mr. Pat Wilkerson on Wednesday, the 15th day of June, 1977,  
9 and after that, it was in his custody, I assume it would have  
10 been Wednesday or Thursday.

11 Q Agent Linville, directing your attention to  
12 Technical Report Lab No. 77-177, did you submit Item No. 13,  
13 3 beer bottles, on June 18th, 1977?

14 A Yes, sir.

15 Q What brand of beer were those bottles?

16 A Pabst.

17 Q Where did those bottles come from, if you know?

18 A Yes, sir, from an area west of the Girl Scout  
19 Camp, near a fence line, approximately 200 yards west, I  
20 would say slightly in a southerly direction also.

21 Q Was Mr. Shroff missing any beer from his house?

22 A Yes, sir.

23 Q What brand of beer was taken?

24 A Pabst Blue Ribbon.

25 Q Were those beer bottles tested for latent finger-

1 prints?

2 A Yes, sir.

3 Q Were any fingerprints found?

4 A No, sir.

5 Q None?

6 A Not to my knowledge, no, sir.

7 Q Were any partial prints found?

8 A Not to my knowledge.

9 Q How many bottles of beer were taken from the  
10 Shroff home, if you know?

11 A I don't.

12 Q Item No. 12, 1 clear bag containing torn film  
13 packaging; did you submit that item?

14 A Yes, sir.

15 Q Where was that found?

16 A We're talking about the film packaging. It would  
17 have been submitted on Tuesday, I believe.

18 Q Yes, sir.

19 A Yes, sir, that was found in the tent area.

20 Q Do you have any idea whether or not any film was  
21 taken from Mr. Shroff's residence or any film packaging?

22 A No, sir, there were not that I know of.

23 Q One empty flashlight box on June 14th. Did you  
24 submit that item?

25 A Yes, sir.

1 Q What is a flashlight box?

2 A It's a cardboard box containing a Girl Scout  
3 flashlight.

4 Q Okay.

5 A Which did at one time contain -- it was empty.

6 Q Where was that found?

7 A In the tent of the deceased girls.

8 Q Now Mr. Linville, Item No. 14, of that same Techni-  
9 cal Report, is an evidence envelope submitted on June 18th,  
10 containing P. A. cans, two cans bearing P. A. labels. Where  
11 did those items come from?

12 A From the cave. What's been referred to heretofore  
13 as Cave No. 1.

14 Q The Bellaire cigarette package?

15 A From inside of one of the Prince Albert cans.

16 Q The three Curad band-aids?

17 A From inside the same Prince Albert can.

18 Q Inside portion of a rubber shoe sole?

19 A On the ground -- well, of course, this particular --  
20 where the shoe sole was found, I don't know, because they  
21 brought it to me. It was in the cave area.

22 Q These are items that Trooper Newton and W. R.  
23 Thompson and John Colvin had found down between the cave and  
24 cellar?

25 A That's right.

1 Q I see here a J, an advertisement for the Hustler  
2 Club. Was that advertisement found in the same place?

3 A Yes, sir, to my knowledge, it was represented to  
4 me as such.

5 Q Were all of those items processed for fingerprints?

6 A Yes, sir.

7 Q Were any latent fingerprints lifted from any  
8 of them?

9 A No, sir.

10 Q Any partial fingerprints?

11 A I don't believe so.

12 Q Were they checked for hair?

13 A I don't know.

14 Q It would have been the general policy to check  
15 those items for hairs, would it not?

16 A It should have been done, yes, sir.

17 Q Item No. 5 is a black plastic trash bag containing  
18 a white sack with canned goods and frozen orange juice. Is  
19 that the sack that came from the cave-cellar area?

20 A Yes, sir.

21 Q Is there anything unusual about that sack?

22 A Not that I recall.

23 Q The white sack, not the plastic.

24 A Not that I remember or I noticed.

25 Q Was it examined for blood?

1           A     I doubt it. It was very damp and completely  
2 soaked with the orange juice that had spoiled.

3           Q     Item 17 is one piece of plastic submitted on June  
4 18th. Where did that piece of plastic come from?

5           A     There were various pieces but if I submitted it on  
6 the 18th, I feel like it would have been found near the  
7 crowbar and beer bottles, depending on the size of it.

8           Q     Those were the ones found on the Cavalier property?

9           A     I don't know whose property, no, sir. I would say  
10 these were the ones that were found west and slightly south  
11 of the Kiowa Camp itself, along with beer bottles and the  
12 crowbar and small pieces of green plastic there.

13          Q     Agent Linville, after going to Mr. Shroff's resi-  
14 dence and processing that residence, were you involved in  
15 processing the scene of any other burglary?

16          A     No, sir.

17          Q     Did you interview witnesses?

18          A     Yes, sir.

19          Q     Well, tell me the names of the witnesses that you  
20 interviewed?

21          A     I am not sure of how you are using the term  
22 "witness", just anyone pertaining to this case that I inter-  
23 viewed?

24          Q     Yes, anyone that you would classify as a possible  
25 witness, whether or not they have been endorsed by the State

1 of Oklahoma or not.

2 MR. WISE: If it please the Court, I'm inclined to  
3 believe that that question has been asked and answered before,  
4 of this same witness when he was on the stand one of the  
5 three previous times.

6 MR. ISAACS: Judge, if I remember right, the  
7 examination was limited to what he did on the 13th and part  
8 of what he did on the 14th. I may be wrong.

9 THE COURT: You cross examined this witness for -  
10 concerning his visit with Mrs. Buckskin when Gary Brewer was  
11 present. Other than that, I don't think you have asked him  
12 about any other interviews, so other than that one, I think  
13 your question is good.

14 MR. ISAACS: I don't remember Gary Brewer being  
15 present.

16 THE COURT: Well, that's the name I've got in my  
17 notes.

18 A (By Mr. Linville): You're right, Your Honor, that  
19 was the name that I used and I need to make a correction.  
20 The officer present at that time was Dennis Davis.

21 THE COURT: All right.

22 Q Dennis Davis?

23 A Yes, sir.

24 Q Is he an OSBI Agent?

25 A He was at that time.

1 Q Mr. Linville, what other interviews did you have  
2 of a possible witness in these homicide cases?

3 A I was present during an interview of Carla Wilhite.  
4 I interviewed, talked with Patricia Ann Dawson, I've talked  
5 to --

6 Q Did you take a statement from Mrs. Dawson?

7 A No, sir. Other agents did, I think - not a written  
8 statement.

9 Q It was not a sworn statement?

10 A I don't believe so.

11 Q Was that tape recorded?

12 A Mine wasn't; whether they did or not, I don't know.

13 Q Where was that interview conducted?

14 A At her residence near Locust Grove.

15 Q Who else did you interview?

16 A I interviewed a Steven Lewis Cumby in Dallas, Texas;  
17 and I interviewed a Jerry Allen Hinsman in Denver, Colorado;  
18 I interviewed --

19 Q Mr. Hinsman in Denver, Colorado. What was his address  
20 at the time you interviewed him?

21 A Sir, he was in a Veteran's Administration Hospital  
22 at that time.

23 Q For what reason?

24 A He had committed himself. I don't know the reason.

25 Q Mr. Cumby was the fellow that confessed to having



1 killed the Girl Scouts; is that correct?

2 A Yes, sir.

3 Q Mr. Hinman do the same thing?

4 A No, sir.

5 Q Mr. Hinman give you a written statement?

6 A No, sir.

7 Q Did you tape record his statement?

8 A There was a tape recording made in the initial  
9 stages. Actually, he refused to talk with us, actually,  
10 and then did speak with us later.

11 Q Who else did you interview, Mr. Linville?

12 A A man by the name of Bob Arthur Taylor from Enid.

13 Q What is his address?

14 A I don't know it, sir. He works as a hairdresser in  
15 Enid. I'm not sure of his address. I can get it for you.

16 Q Who else did you interview?

17 A There were some individuals in San Jose, California,  
18 in the San Jose County Jail there. Tommy Purdue, Charles  
19 Purdue and if I'm not mistaken, a man by the name of Michael  
20 Tarsch, a man by the name of Jamie Escobar and an FBI Agent  
21 by the name of Tom Weston.

22 Q How do you spell Tarsch?

23 A T-A-R-S-H.

24 Q Escobar?

25 A E-S-C-O-B-A-R.

1 Q Did you interview any other persons?

2 A I spoke with Irene Pratt, who would be the mother  
3 of Patricia Ann Dawson.

4 Q When and where?

5 A I would say on Friday, June the 17th, 1977, at  
6 her residence.

7 Q Anybody else?

8 A No, sir, not that I recall.

9 Q Mr. Linville, other than the evidence you have  
10 testified about, did you seize any other items at any of  
11 the caves?

12 A Not that I haven't testified to that I recall.

13 Q Did you participate in the arrest of Gene Leroy  
14 Hart?

15 A No, sir.

16 Q Agent Linville, did you perform any type of techni-  
17 cal examination on anything that I haven't asked you about?

18 A No, sir.

19 MR. ISAACS: I believe that's all of this witness,  
20 Judge.

21 THE COURT: Cross examination?

22 MR. WISE: We would ask that this witness for the  
23 fourth time be allowed to go back to Chickasha, Your Honor.

24 THE COURT: You're excused.

25 MR. ISAACS: Could we take a short recess before my

1 next witness Mr. Bowles?

2 THE COURT: Five minutes.

3 (Following a five minute recess, proceedings  
4 continued as follows:)

5 LARRY WAYNE BOWLES,

6 called as a witness on behalf of the Defendant, having been  
7 first duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MR. ISAACS:

10 Q Mr. Bowles, would you state your full name, sir?

11 A Larry Wayne Bowles, (G) (U)

12 Q Mr. Bowles, on the 13th day of June, you were  
13 involved in an investigation at Camp Scott area south of  
14 Locust Grove, were you not?

15 A Yes, sir, I was.

16 Q You have testified previously about the arrest of  
17 my client, Mr. Hart, over at Mr. Pigeon's house, have you  
18 not?

19 A Yes, sir, I have.

20 Q I want to ask you about your part in the investi-  
21 gation in the Camp Scott area, about what you did and what  
22 evidence you seized on the 13th day of June. Were you assigned  
23 to the Camp Scott area?

24 A No, sir, I was not. I was assigned to the State  
25 Medical Examiner's Office in Tulsa.

1 Q For what purpose were you assigned to the Medical  
2 Examiner's Office?

3 A Photographing the victims.

4 Q Are you a technical investigator?

5 A I have processed crime scenes. We have certain  
6 employees in Oklahoma City that they call Crime Scene  
7 Technicians.

8 Q So you take photographs, lift fingerprints, collect  
9 samples of soil, hair, saliva?

10 A Yes, sir.

11 Q Mr. Bowles, at the Medical Examiner's Office in  
12 Tulsa, what evidence did you collect?

13 A The only evidence I collected was the taking of  
14 the photographs of the victims.

15 Q Did you transport any evidence?

16 A No, sir, none other than the film.

17 Q There were two fellows there in the Medical Examiner's  
18 Office, when the autopsies were performed named Hybarger and  
19 Sparks. Do you know who those men are?

20 A Yes, sir. Bill Sparks is an Agent out of the Mc-  
21 Alester Office; Hybarger is an investigator for the Medical  
22 Examiner's Office. There was also another gentleman there  
23 by the name of Starks. He's a --

24 Q What's his duty? Does he work for the Medical  
25 Examiner?

1 A Yes, sir, he does.

2 Q After photographing the bodies, what was the next  
3 thing you did in reference to the investigation at Camp  
4 Scott?

5 A I went to the Camp Scott area the following day,  
6 which was a Tuesday.

7 Q What was your assignment there?

8 A Interviewing people, fingerprinting people, subjects.

9 Q There is a long list of people that were finger-  
10 printed. Was that -- were those your fingerprints that were  
11 submitted - some of them?

12 A I fingerprinted the majority, yes, sir.

13 Q Okay, Mr. Bowles, you said you interviewed people.  
14 Will you give me their names and the place and time that you  
15 interviewed them to the best of your recollection. I know  
16 you interviewed Mr. Dry on April 10th and made a copy of that  
17 statement?

18 A Yes, sir.

19 Q Who else?

20 A I interviewed Larry Dry.

21 Q Well, let's just start with Mr. Dry and maybe some-  
22 thing will jog your memory. Was Mr. Dry promised any money  
23 for helping the authorities find Gene Leroy Hart?

24 A Not to my knowledge.

25 Q Has Mr. Dry been promised any leniency on his

1 present charges?

2 A No, not to my knowledge.

3 Q Name another person you've interviewed?

4 A Richard Castell.

5 Q Where did you interview him?

6 A I interviewed him in the Camp Scott area.

7 Q Do you know Mr. Castell's address today?

8 A No, sir. He lives in the Earbob community area,  
9 just off Earbob Road.

10 Q Did you take a sworn statement from him?

11 A No, sir.

12 Q Tape record that statement?

13 A No, sir.

14 Q Does that statement Mr. Castell gave you contain  
15 any exculpatory evidence - evidence that would show someone  
16 else committed these crimes?

17 A No, sir, it doesn't.

18 Q On or about what day was this interview with Mr.  
19 Castell?

20 A It was in the latter part of the first week of the  
21 incident.

22 Q And on June 15th, you submitted a hatchet to the  
23 OSBI Office. Was that hatchet an item that you seized as a  
24 part of the investigation?

25 A No, sir, it was given to me by another agent, or an

1 other employee.

2 Q Do you know where he got it?

3 A No, sir, I don't.

4 Q Also on the same day, one pair of men's blue jeans,  
5 Big Smith brand. Did you get the jeans from the same person  
6 who gave you the hatchet?

7 A I don't remember. The jeans, I believe, came  
8 from another subject living in the area.

9 Q What person?

10 A Ben Woodward.

11 Q Did you interview Mr. Woodward?

12 A I believe Mike Wilkerson interviewed Woodward.

13 Q Were you present when he was interviewed?

14 A No, sir.

15 Q Who else did you interview?

16 A I can't remember at this time.

17 Q Now out there at Camp Scott some dogs were brought  
18 in and several searches conducted in the Camp Scott area. I  
19 understand you participated in some searches?

20 A Yes, sir, I was there.

21 Q Did you follow the original group of tracking dogs,  
22 the first group that was brought in there from Pennsylvania?

23 A No, sir.

24 Q Did you follow someone else's dogs?

25 A No, sir. I followed some dogs that were brought in

1 from Pennsylvania. I was in the area when they were being  
2 used.

3 Q I see. Did you investigate any area that the dogs  
4 led the tracking personnel to?

5 A No, sir.

6 Q Have you ever investigated the area surrounding  
7 the Jack Shroff residence?

8 A Yes, sir.

9 Q Did you seize any evidence at that location?

10 A No, sir.

11 Q Was this on or about the 15th of June when you  
12 conducted that investigation?

13 A Approximately, yes, sir.

14 Q Did you visit the location of the cave-cellar area  
15 or what is commonly reported Cave 1?

16 A Yes, sir, the old homeplace where there is a cellar,  
17 yes, sir, I was there.

18 Q Describe for me what you did when you went to the  
19 cave-cellar area with Mr. Linville, Mr. Colvin and Mr. Thompson?

20 A I was there only once and that was with Harvey  
21 Pratt and Charles Newton, a Trooper. I took photographs.

22 Q Did you gather any evidence?

23 A No, sir, I didn't.

24 Q I believe that's on or about the 17th day of June;  
25 would that be correct?



1 A On the 16th of June.

2 Q Did you investigate any of the burglaries that are  
3 related to the homicides at Camp Scott, the burglary of T &  
4 H Grocery, located at Sam's Corner or the burglary commonly  
5 referred to in the reports as the Grossman Burglary?

6 A No, sir.

7 Q Did you ever go to the area referred in the reports  
8 as Cave No. 2, Skunk Mountain area?

9 A I'm not sure what you're referring to.

10 Q Cave No. 2 is located west of Locust Grove. Some  
11 tracking dogs were taken there after a local citizen had  
12 sighted someone up in that area?

13 A Yes, sir, I was there.

14 Q Were you there?

15 A Yes, sir.

16 Q Did you seize evidence?

17 A No, sir.

18 Q Transport any evidence?

19 A No, sir.

20 Q Did you take any statements from anybody about that  
21 sighting?

22 A Yes, sir, from Victor Auxier.

23 Q What did Mr. Auxier tell you about that sighting?

24 A That he had been out looking at the fence on his  
25 property. He was climbing up a small incline, observed

1 someone's feet hanging out from an overhang. He protected  
2 or tried to give an impression that he hadn't noticed and he  
3 went back to his residence and called the Camp Scott area,  
4 notifying authorities.

5 Q Did he notice the footwear worn by the person in  
6 the cave?

7 A Some type of boots.

8 Q Did he give you a description of the tread of those  
9 boots?

10 A No, sir.

11 Q Did he tell you the race of the person in that  
12 cave?

13 A No, sir.

14 Q Did he tell you anything about the clothing that  
15 the person wore?

16 A Not that I remember.

17 Q Mr. Bowles, have you been to the area of Cave No. 3,  
18 which is south of the Shroff residence and south of Camp  
19 Scott?

20 A Evidently not, not that I can remember.

21 Q On August 24th, you submitted a piece of glass with  
22 a stain on it - white envelope containing piece of glass with  
23 a stain on it and another white envelope with a piece of  
24 glass with a stain on it. Where did you obtain those items?

25 A I don't remember.

1 Q Do you remember who gave them to you?

2 A No, sir.

3 Q Would looking at the report help jog your memory?

4 A It may.

5 Q Okay.

6 A I believe this came from Leo Albro.

7 Q Do you know where Mr. Albro picked up those items  
8 of evidence?

9 A He investigated a burglary east of Locust Grove or  
10 east of Salina.

11 Q Would that be the Grossman burglary, the burglary  
12 of the grocery store?

13 A I believe it was.

14 Q On August 25th, you submitted a paper sack contain-  
15 ing 9-7 fluid bottles of Miller High Life beer. Where did  
16 you obtain those items?

17 A These items were obtained from A. D. David.

18 Q Do you know where Mr. David got those beer bottles?

19 A Came out of a residential burglary on Earbob Road.

20 Q Which residence?

21 A I don't recall the name; A. D. David made the investi-  
22 gation.

23 Q Quite a few items of evidence submitted. Do you  
24 know anything about any of those items other than you trans-  
25 porting them?

1           A     I dusted some of those beer cans for fingerprints  
2     - latent fingerprints.

3           Q     Did you find any?

4           A     They were negative.

5           Q     Did you find any partial prints?

6           A     No, sir.

7           Q     Mr. Bowles, did you take any more statements from  
8     anybody other than the people we have discussed?

9           A     I may have; I can't recall at this time.

10          Q     All right. One other Technical Report about some  
11     beer bottles and broken pieces of glass, F-77-332. Could  
12     you tell me where those items of evidence came from and what  
13     you know about them?

14          A     Okay, these items of evidence were brought to the  
15     Tahlequah laboratory by Leo Albro and I transported them  
16     to Oklahoma City.

17          Q     Were they dusted for fingerprints?

18          A     Not by me, no, sir.

19          Q     Did someone else do that?

20          A     They were processed in Oklahoma City.

21          Q     Did you perform any other technical type examination  
22     other than the ones I have asked you about?

23          A     No, sir, not that I can remember.

24          Q     Did I ask you about the T & H Grocery Store burglary  
25     at Sam's Corner?

1 A Yes, sir, you did.

2 Q Did you perform any examination of any items of  
3 evidence found at that location?

4 A I accompanied Vernon Glenn, another agent to the  
5 T & H Grocery, where to compare a price marking on the top  
6 of a food item can, which the can had been previously marked  
7 and was still at the store.

8 Q What type of can was that?

9 A It was a vienna sausage can.

10 Q Were the markings similar?

11 A Yes, sir.

12 Q Where did you find the can that you used for compari-  
13 son then to the one at the store?

14 A They were found by Victor Auxier in a pond near  
15 his home.

16 Q We don't know whether those things were bought at  
17 the store or they were part of a burglary, do we?

18 A No, sir.

19 MR. ISAACS: I don't think I have anything else of  
20 this witness.

21 THE COURT: Cross exam?

22 CROSS EXAMINATION

23 BY MR. WISE:

24 Q Just so I understand you. On this last question, you  
25 are saying that you did make comparison of the cans that were

1 found by Victor Auxier with cans at the T & H Grocery Store  
2 that was burglarized and they did compare?

3 A Yes, sir.

4 MR. WISE: I have no further questions. Thank you.

5 THE COURT: You're excused.

6 MR. ISAACS: Call John Gosser.

7 THE COURT: Raise your right hand. Do you swear to  
8 tell the truth, the whole truth and nothing but the truth, so  
9 help you God?

10 THE WITNESS: I do.

11 JOHN HOWARD GOSSER,

12 called as a witness on behalf of the Defendant, having been  
13 first duly sworn, testifies as follows:

14 DIRECT EXAMINATION

15 BY MR. ISAACS:

16 Q Mr. Gosser, would you state your full name, please?

17 A John Howard Gosser.

18 Q What was your occupation back on the 13th day of  
19 June, 1977?

20 A I was an Agent with the Oklahoma State Bureau of  
21 Investigation.

22 Q On or about that date, were you directed to the  
23 Camp Scott area to perform an investigation?

24 A Yes, sir, I was.

25 Q What day?

1           A     It was the Sunday afternoon after the murders or  
2 the incident. I'm not sure exactly what date that was.

3           Q     Mr. Gosser, are you an agent trained in a technical  
4 specialty?

5           A     I wouldn't say so, no.

6           Q     All right, sir, you are an investigator, right?

7           A     Yes.

8           Q     Tell me what you did when you arrived at Camp Scott  
9 that Sunday afternoon?

10          A     We - the agents that came that day just checked in.

11          Q     Were you given a particular assignment?

12          A     Yes, sir, I was.

13          Q     What was that assignment?

14          A     Do an interview with a party.

15          Q     What was that party's name?

16          A     I'm not sure what his name was.

17          Q     Did you bring a copy of your reports here with you  
18 today?

19          A     No.

20                MR. ISAACS: Judge, could this witness be excused  
21 to go review his report and I'll get the other fellow.

22                THE COURT: I thought he said he didn't bring his  
23 reports today.

24                MR. ISAACS: He has one.

25                MR. GOSSER: We have the other reports. I don't have

1 a copy of my report, no.

2 THE COURT: If you were excused for a few minutes,  
3 is there something that you would review here in the Court-  
4 house?

5 MR. GOSSER: Yes, sir.

6 THE COURT: Oh, all right. I understood him to  
7 say he didn't bring it at all or didn't have it. See if  
8 you can find another witness.

9 MR. ISAACS: Okay.

10 THE COURT: Raise your right hand. Do you swear to  
11 tell the truth, the whole truth and nothing but the truth,  
12 so help you God?

13 THE WITNESS: I do.

14 LEO ALBRO,

15 called as a witness on behalf of the Defendant, having been  
16 first duly sworn, testifies as follows:

17 DIRECT EXAMINATION

18 BY MR. ALBRO:

19 Q Mr. Albro, would you state your full name?

20 A Leo Albro.

21 Q Back in June of 1977, what was your occupation?

22 A Agent with the Oklahoma State Bureau of Investiga-  
23 tion.

24 Q On that date, were you assigned to the Camp Scott  
25 area to conduct an investigation into a homicide?



1 A Yes, sir.

2 Q What were your duties while conducting that investi-  
3 gation?

4 A Interviewed a lot of people.

5 Q Would you give me the names and places of where  
6 you interviewed those people?

7 A Mr. Isaacs, I couldn't begin to tell you all I  
8 interviewed.

9 Q Can you remember the ones that you thought were  
10 important?

11 A Yes.

12 Q All right. Give me their names.

13 A Ella Mae Buckskin.

14 Q Where was that interview conducted?

15 A At her home.

16 Q What date?

17 A That was on or about the 24th, I believe. Just a  
18 moment --

19 Q Who was with you?

20 A Excuse me -- on June 24th.

21 Q Who was with you, Mr. Albro?

22 A Two FBI Agents.

23 Q What were their names?

24 A Youngblood and Harrigan, I believe.

25 Q Did you make a tape recording of that interview?

1 A No, sir.

2 Q Who was present other than you, Mrs. Buckskin and  
3 Mr. Youngblood and Mr. Harrigan?

4 A Alice Littledave was there, her daughter, a son-  
5 in-law, Tammy and I think Millard - Millard Johnson and --

6 Q Thurmond Johnson?

7 A And Kirby boy.

8 Q Kirby Vaughn?

9 A Kirby Vaughn, I believe he was there.

10 Q Tell me the names of the other people that you  
11 interviewed that you feel like that are important?

12 A Mr. Isaacs, I just - I interviewed people by the  
13 name of Ballou, some people by the name of Vaughn, people  
14 up and down Earbob Road.

15 Q You were pretty busy then?

16 A Yes, we were pretty busy.

17 Q Covered a big part of the south end of Mayes County,  
18 does it not?

19 A Well, yes, sir.

20 Q Did you process any crime scenes for evidence, such  
21 as fingerprints and --

22 A We found a footprint.

23 Q Where was that?

24 A In front of the C. P. Director's -- well, where we  
25 had headquarters set up.

1 Q All right, describe that footprint?

2 A It was a tennis shoe - tennis shoe type print.

3 Q When you arrived at Camp Scott, did you have an  
4 occasion to look in the tent where the little girls had  
5 been sleeping before they were killed?

6 A No, sir.

7 Q Did you ever see a picture of the floor?

8 A I was there a couple of days after - I was there.  
9 I didn't go the first day.

10 Q Did you see that picture later on, Mr. Albro, of  
11 the flooring, footprint in the blood?

12 A Mr. Isaacs, I don't think I've seen any of the  
13 photographs taken in this case.

14 Q Describe the tennis shoe footprint that was in  
15 front of the Camp Director's headquarters?

16 A I can't describe it. There was a plaster cast made  
17 and it was photographed.

18 Q Who made the plaster cast?

19 A I made the photograph. I don't know who made the  
20 plaster cast.

21 Q Another OSBI Agent?

22 A Yes, sir.

23 Q Did you find any other footprints?

24 A No, sir, that's all.

25 Q What day was this footprint - tennis shoe footprint

1 discovered?

2 A On June 15th.

3 Q Mr. Albro, you were assigned there, no doubt, for  
4 a long period of time; is that correct?

5 A Off and on, yes, sir.

6 Q Beginning in June - June of 1977, when you were  
7 assigned there up until today, have you interviewed any of  
8 the following people: Larry Dry?

9 A No, sir.

10 Q Have you been present when he was interviewed?

11 A No, sir.

12 Q Have you taken -- have you interviewed Jimmy Don  
13 Bunch?

14 A No, sir.

15 Q Been present when he was interviewed?

16 A No, sir.

17 Q Have you taken any sworn statements from any of  
18 these people?

19 A No, sir.

20 Q Taken any tape recorded statements from any person  
21 that you interviewed?

22 A No, sir.

23 Q Have you seized any items of evidence?

24 A No, sir.

25 Q Were you in any way involved in the investigation

1 of the burglaries at the Jack Shroff residence?

2 A Let me back up a minute.

3 Q Yes, sir.

4 A I gathered some evidence on August 23rd from a  
5 Woodland Junction Grocery Store, east of Locust Grove.

6 Q That would be the Grossman burglary?

7 A I believe that's right.

8 Q What evidence was that, sir?

9 A Some beer cans. I have a list of it here.

10 Q Okay, would you read that list into the record?

11 Just a second. I think we can save a bunch of time here.

12 I hand you what has been marked as S-77-332 for identification  
13 by your office of a technical report. Does that contain a  
14 list of the evidence that you and Mr. Bowles signed?

15 A Yes, sir.

16 Q That identification number is not a number that I  
17 put on it. It's one by your office; is that correct?

18 A Yes.

19 Q Did you dust any of those items for fingerprints?

20 A No, sir, I dusted some inside the building.

21 Q Were any latent fingerprints lifted?

22 A There was an attempt to lift two, but they were  
23 negative in value.

24 Q Two partial prints?

25 A Yes, sir.

1 Q But not enough points to identify anything?

2 A That's true.

3 Q When you investigated that burglary over there at  
4 the Grossman Grocery Store, did you sweep the floor with one  
5 of those little vacuum cleaners for hair?

6 A No, sir, I didn't.

7 Q I notice no blood was found in any of those items.  
8 However, on a piece of broken glass, there was some blood.  
9 Will you describe for me where that glass came from?

10 A Entrance was through the rear window which my  
11 direction recollection was on the west side of the building,  
12 the window had been knocked out, part of the glass was in-  
13 side the building on the floor, part of it was outside the  
14 building on the ground.

15 Q Were there any footprints at that burglary scene?

16 A It had rained that night.

17 Q Did you take any pictures of any prints?

18 A Yes, sir.

19 Q Where were those?

20 A Beg your pardon?

21 Q Where were they?

22 A Where were they?

23 Q Yes, sir.

24 A I have them in my possession.

25 Q Where were the footprints?

1 A I didn't take pictures of footprints.

2 Q Fingerprints?

3 A Yes, sir.

4 Q What fingerprints were those?

5 A They were on the refrigerator where the beer was  
6 taken out of the case.

7 Q All right. Were you able to make a comparison of  
8 those fingerprints to any fingerprints on file?

9 A No, sir, they weren't any good.

10 Q They weren't?

11 A No, sir.

12 Q Why not?

13 A They were partial latents.

14 Q Not enough points then; is that correct?

15 A That's correct. Part of them is smudged.

16 Q Any other items of evidence submitted other than  
17 the ones on this sheet?

18 A That's all I can recall.

19 Q Mr. Albro, were you present when Gene Leroy Hart  
20 was arrested at the Sam Pigeon residence on April 6th?

21 A No, sir.

22 Q Did you conduct any investigation at the Pigeon  
23 residence?

24 A No, sir.

25 Q Mr. Albro, did anybody live in that building where

1 Grossman burglary occurred?

2 A No, sir.

3 Q Did you participate in the investigation of any  
4 caves in the south end of Mayes County?

5 A No, sir.

6 Q Participate in any searches conducted with dogs  
7 and bloodhounds?

8 A No, sir.

9 Q Those interviews that you had taken all of them in  
10 one fell swoop, did anybody mention to you that they had  
11 seen strangers in the Camp Scott area on or about the 13th  
12 of June, 1977?

13 A I think some of the Girl Scouts -- well, Mrs. Day  
14 saw some people outside the gate.

15 Q Yes, sir.

16 A I think one of the little girls thought she saw  
17 somebody in the camp area and we checked this out and verified  
18 that it was another counselor or something.

19 Q Anybody else mention any other strangers at any  
20 time?

21 A Nothing that I recall, no, sir.

22 MR. ISAACS: I think that's all of this witness.

23 THE COURT: Cross examination?

24 CROSS EXAMINATION

25 BY MR. WISE:



1 Q Mr. Albro, first of all, with regard to the list  
2 that you compared with Mr. Isaacs, was that principally  
3 staple foods, things of that nature?

4 A No, sir, I didn't give that list.

5 Q The list that Mr. Isaacs has, is that principally  
6 staple foods, vienna sausages and stuff like that?

7 A No, sir. That was what was taken from the burglary  
8 is vienna sausage cans.

9 Q Things of that nature?

10 A And staple foods, yes, sir.

11 Q Rather than money, jewelry and television sets?

12 A Yes, sir. This was beer that he has and broken  
13 glass.

14 Q Now, with regard to the location of this tennis  
15 shoe print, do you recall, Mr. Albro, the dispensary where  
16 we've heard the peanut butter sandwiches were dispensed?

17 A Yes.

18 Q Where in location to that would that print have  
19 been found, if you recall?

20 A If I recall, it was on the path that led from the  
21 road in front of the building you're talking about and the  
22 headquarters that the C. P., down a path that led toward a  
23 camp - I believe it was between the Cherokee Camp and Choctaw  
24 Camp.

25 Q So rather a remote area there?

1 A Well, it wasn't too far in front of the cabins.

2 Q Now, with regard to the burglary at the Grossman  
3 Grocery Store and the blood, did you submit a piece of glass  
4 with blood on it?

5 A Yes, sir.

6 Q From the destruction of that window there at the  
7 scene?

8 A Yes, sir.

9 Q Did you have that compared for blood type?

10 A Yes, sir.

11 Q Can you tell us of your own knowledge what was  
12 that type?

13 A Type O.

14 MR. ISAACS: We'll stipulate it's Type O, Judge.

15 Q And Mr. Albro, with regards to your interview of  
16 Ella Mae Buckskin, would you tell us the contents of that  
17 interview?

18 MR. ISAACS: Object; hearsay.

19 THE COURT: Sustained.

20 MR. WISE: We'd have no further questions, Your  
21 Honor.

22 THE COURT: Anything further, Mr. Isaacs?

23 MR. ISAACS: Nothing further, Your Honor. Could we  
24 have a short break?

25 THE COURT: You're excused.

1 MR. ISAACS: I think the doctor will be next; then  
2 we'll take Mr. Gosser.

3 Judge, the doctor isn't here yet and the other  
4 fellow hasn't completed his reports.

5 THE COURT: Well, why don't we take another five  
6 minute recess.

7 (Following a five minutes recess, proceedings  
8 continued as follows:)

9 JOHN HOWARD GOSSER,  
10 called as a witness on behalf of the Defendant, having been  
11 first duly sworn, testifies as follows:

12 DIRECT EXAMINATION (Continued)

13 BY MR. ISAACS:

14 Q Mr. Gosser, I was asking you some questions about  
15 interviews awhile ago. Have you had a chance to refresh  
16 your recollection?

17 A Yes.

18 Q Give me the names of people you interviewed?

19 A Richard Leon Cannon.

20 Q Where did you interview him?

21 A At his residence.

22 Q Where was that?

23 A (No response.)

24 Q Locust Grove?

25 A I'm not sure - no, it's the town west of Locust

1 Grove.

2 Q Chouteau?

3 A Yes, that's right.

4 Q When was that interview conducted?

5 A That evening.

6 Q The evening I believe we're talking about is the  
7 14th?

8 A The evening that I got there, I believe.

9 Q All right, who else did you interview while you  
10 were in this investigation at Camp Scott?

11 A I conducted no interviews as such.

12 Q Did you take any written, sworn statements from  
13 anybody?

14 A I didn't.

15 Q Did you take a tape recorder with you and record  
16 any interviews?

17 A No.

18 Q Mr. Gosser, did you participate in the investigation  
19 of the burglary at Jack Shroff's house?

20 A No, sir, I didn't.

21 Q Did you participate in the investigation of the  
22 burglary of the Sam's Corner grocery store?

23 A I did.

24 Q Tell me what you did at that investigation?

25 A I took photographs of the crime scene and attempted

1 to lift latent prints.

2 Q Were you able to lift any fingerprints?

3 A I was.

4 Q Did you identify those prints with anyone's that  
5 you had in your possession for comparison?

6 A I didn't; I didn't find any of those, no.

7 Q You didn't identify anybody or you didn't make  
8 the comparison?

9 A I didn't make the comparison.

10 Q Were those submitted to Mr. Mullins or Mr. Esquinal-  
11 do for comparison?

12 A Yes, they were.

13 Q What else did you do when you investigated the  
14 burglary at Sam's Corner?

15 A I took fingerprints from the owner and all the  
16 people that worked there.

17 Q Did you gather any physical evidence?

18 A No.

19 Q Did you participate in the investigation of the  
20 burglary at Grossman Grocery Store located east of Locust  
21 Grove?

22 A No.

23 Q Did you participate in the investigation of the  
24 area commonly referred to as Cave No. 1?

25 A No.

1 Q Any of the caves?

2 A Yes.

3 Q Which cave?

4 A The one there called Cave No. 2.

5 Q That's the one on Skunk Mountain on the Auxier's  
6 property; is that correct?

7 A Yes, sir.

8 Q Tell me what you did when you went there?

9 A I assisted in the collection of the evidence.

10 Q What evidence did you collect?

11 A I was present when hair, fibers and cigarettes  
12 butts and matchsticks were picked up.

13 Q Anything else seized in your presence?

14 A There were certain canned or empty cans and canned  
15 goods found at different locations in that area.

16 Q Did you gather any of those items personally or  
17 were you just there basically watching people?

18 A Other people picked those items up.

19 Q Did you just transport it to anyone?

20 A I didn't, no.

21 Q Did you process anything at the scene of Cave No. 2  
22 for fingerprints?

23 A No.

24 MR. WISE: If it please the Court, we would object  
25 to the further continuance of this as being cumulative.

1 THE COURT: Well, you are talking about a different  
2 location here.

3 MR. ISAACS: Cave 2, the Auxier property, Judge.

4 THE COURT: I think the objection is good as to  
5 if you mention these fingerprints that he --

6 MR. ISAACS: You mean this witness?

7 THE COURT: -- that he gathered. He talked about  
8 the prints that he lifted and didn't compare that was from  
9 the Sam's Corner. Auxier property, he talked about cigarette  
10 butts, hair samples and canned goods. What was the question  
11 now that Mr. Wise objected to - fingerprints and those items?

12 MR. ISAACS: I asked him if he obtained fingerprints  
13 from anything taken.

14 MR. WISE: My whole objection was to the line of  
15 questioning regarding Cave 2, which we heard from several  
16 other witnesses have testified on behalf of this thing, who  
17 were the persons who collected the evidence who have told us  
18 this same, repetitious, cumulative evidence, Your Honor.

19 THE COURT: Since the question was directed to what  
20 he did, I'll overrule it.

21 Q Did you gather any fingerprints - lift any prints  
22 or dust any of the cans found there?

23 A I did not.

24 Q Mr. Gosser, were you present at any time a fellow  
25 by the name of Larry Dry was interviewed? Did you interview

1 him?

2 A No.

3 Q Were you present when Gene Leroy Hart was arrested?

4 A No.

5 Q After the arrest, did you go to the Pigeon  
6 residence and conduct an inventory search of the property  
7 and the premises?

8 A No.

9 Q Did you seize any items of evidence that we  
10 haven't talked about here today and submit them for analysis?

11 A Yes.

12 Q What evidence was that?

13 A Some soil samples around the area where the bodies  
14 were found.

15 Q How was that done?

16 A The dogs that were used at the time were taken  
17 to an area, or that area, a sample of semen used to scent  
18 the dogs and then the areas that the dogs seemed to attract  
19 mostly to was dug up and sent in by me.

20 Q Sample of semen?

21 A Well, supposedly. It's just earth, but you mean  
22 as a sample of the scenting?

23 Q I understand how this was done. You said you had  
24 a sample of semen.

25 A Yes.



1 Q Where did that come from?

2 A From -- I don't know, someone. It was semen. I'm  
3 not sure where it came from. It wasn't mine.

4 Q Who had it?

5 A I don't know where it came from. The dog handler  
6 had it.

7 Q All right, did the dogs do anything unusual when  
8 they were given that scent?

9 A They went to certain areas in that vicinity where  
10 the bodies were.

11 Q In the vicinity of the Kiowa Unit?

12 A Yes.

13 Q Will you show me on the map where the dogs went  
14 when they were given that scent? If this "X" marks where  
15 the bodies were, can you show me approximately the area the  
16 dogs went?

17 A That's where the bodies were, then right here  
18 (indicating).

19 Q That's where they went?

20 A Right.

21 Q Did you do anything else in reference to the investi-  
22 gation of the homicides that was of a technical nature?

23 A Not that I recall.

24 Q Did you ever use the dogs for tracking purposes or  
25 follow those dogs?

1 A I followed along on a few occasions, yes.

2 Q Did you ever follow the dogs when they went over  
3 to the Shroff residence and then turned around and came back?

4 A No, I didn't.

5 Q Do you know the results of the soil samples that  
6 you took?

7 A No, I don't.

8 Q Were they used for comparison to any other item  
9 of evidence that had been gathered?

10 A I don't know.

11 Q On June 24th, you submitted one empty pop bottle;  
12 do you remember that?

13 A I refreshed my memory but I don't recall it now, no.

14 Q Mr. Gosser, where did they give the dogs the scene  
15 of the semen?

16 A Where did they?

17 Q Yes, sir.

18 A In that same general vicinity.

19 Q All right. Is that the only place the dogs went  
20 there in that unit?

21 A Yes. They weren't taken out over the unit, if that  
22 is what you're asking.

23 Q Yes.

24 A No, they were used in that area to define certain  
25 points which were the points that were dug up.

1 MR. ISAACS: All right. Thank you. I believe  
2 that's all.

3 MR. WISE: We certainly have no questions from  
4 Mr. Gosser.

5 THE COURT: You are excused. Thank you.

6 MR. ISAACS: Judge, Dr. Martin, isn't here. He  
7 will be my last witness for today.

8 THE COURT: Do you know when he'll be here?

9 MR. ISAACS: He said he'd be here about 3:00 or  
10 3:30.

11 THE COURT: You do expect him, he's not in emergency  
12 surgery or anything?

13 MR. ISAACS: He hadn't at noon.

14 THE COURT: Is there no other witnesses that you  
15 can put on before the doctor?

16 MR. ISAACS: That's it.

17 THE COURT: And this is Dr. Martin? Is this the  
18 Dr. Martin who is local?

19 MR. ISAACS: Yes.

20 MR. WISE: If it please the Court, we would make two  
21 observations and that is Dr. Martin, to our knowledge has  
22 never been in this case except that he was the doctor who was  
23 available when the samples were taken at this Court's Order  
24 of blood, saliva and hair. We would certainly stipulate that  
25 that doctor was present or whatever is appropriate for

1 facilitating this case, speeding it along. We would also  
2 comment to the Court, if it please Your Honor, that I  
3 thought we were going to go a full day until 7:00 o'clock  
4 tonight so we could get this case over with.

5 THE COURT: Let's go back to the testimony of  
6 Dr. Martin. Is there some way it can be stipulated to?

7 MR. ISAACS: Yes, sir, we'll stipulate that that's  
8 the only involvement that Dr. Martin had. We'll accept the  
9 stipulation. He was an endorsed witness by the State.

10 THE COURT: Will the State so stipulate?

11 MR. WISE: Certainly, Your Honor.

12 THE COURT: In that case, it's not necessary to  
13 call Dr. Martin.

14 MR. ISAACS: No.

15 THE COURT: Why don't you notify him of that he's  
16 not needed. I'll let you leave to do that.

17 MR. ISAACS: What are we going to do with the  
18 remainder of the day?

19 THE COURT: Well, we'll talk about that when you  
20 get back.

21 MR. ISAACS: He's just walked in and I told him we  
22 stipulated him away.

23 THE COURT: Okay. So I understand there are no  
24 more Defense witnesses for today?

25 MR. ISAACS: Yes, sir. I think we had thirteen -

1 we had thirteen or fourteen lined up in accordance with our  
2 agreement and Judge, it didn't take as long as we thought.

3 THE COURT: All right. I have a suggestion of  
4 what you might do with the remainder of today. If you feel  
5 like that it might be beneficial, you could consider going  
6 over with Mr. Wise some of your remaining witnesses to see  
7 if there is areas that can be stipulated to to shorten the  
8 hearing and with that, I will announce that the hearing is  
9 adjourned until 9:30 a. m. tomorrow morning.

10 MR. WISE: We would -- excuse me, the State would  
11 only renew its Motion at this time to Cessation of this  
12 Preliminary Hearing.

13 THE COURT: I have taken that under advisement.

14 MR. WISE: Very well, Your Honor.

15 (WHEREUPON, the cause in hearing was recessed until  
16 9:30 a. m., on the 30th day of June, 1978.)

1 we had thirteen or fourteen lined up in accordance with our  
2 agreement and Judge, it didn't take as long as we thought.

3 THE COURT: All right. I have a suggestion of  
4 what you might do with the remainder of today. If you feel  
5 like that it might be beneficial, you could consider going  
6 over with Mr. Wise some of your remaining witnesses to see  
7 if there is areas that can be stipulated to to shorten the  
8 hearing and with that, I will announce that the hearing is  
9 adjourned until 9:30 a. m. tomorrow morning.

10 MR. WISE: We would -- excuse me, the State would  
11 only renew its Motion at this time to Cessation of this  
12 Preliminary Hearing.

13 THE COURT: I have taken that under advisement.

14 MR. WISE: Very well, Your Honor.

15 (WHEREUPON, the cause in hearing was recessed until  
16 9:30 a. m., on the 30th day of June, 1978.)

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