

IN THE DISTRICT COURT OF MAYES COUNTY,

STATE OF OKLAHOMA.

THE STATE OF OKLAHOMA,

Plaintiff,)

-vs-

GENE LEROY HART,

Defendant.)

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

FILED IN THE DISTRICT COURT
MAYES COUNTY, OKLAHOMA

PRELIMINARY HEARING

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VOLUME VIII

ELOISE RIST, Court Clerk
BY *[Signature]*
Deputy

HEARD BEFORE: Honorable Jess B. Clanton, Jr., Special Judge

June 26, 1978

A P P E A R A N C E S

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P R O C E E D I N G S

June 26, 1978

THE COURT: This is CRF-77-131, 132 and 133.

State of Oklahoma versus Gene Leroy Hart.

Let the record show that the Defendant is present with counsel; State is present.

Call your next witness, Mr. Isaacs.

MR. ISAACS: Call Nan Cook.

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

THE WITNESS: I do.

NANETTE COOK,

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

DIRECT EXAMINATION

BY MR. ISAACS:

Q Miss Cook, what's your full name?

A Nanette Cook.

Q Where do you live?

A McAlester.

Q Miss Cook, are you acquainted with Camp Scott Girl Scout area?

A Yes.

Q Have you ever been there before?

1 A Yes.

2 Q When was that?

3 A Last summer, during camp.

4 Q Had you been there before that time?

5 A No.

6 Q How long have you been a Girl Scout?

7 A With Magic Empire?

8 Q Yes.

9 A Just for the summer, but I was a Girl Scout when
10 I grew up.

11 Q Miss Cook, do you know Barbara Day?

12 A Yes.

13 Q And how do you know her?

14 A She was my English teacher in Pennsylvania.

15 Q Which school was that?

16 A Mitchell Prep.

17 Q Have you stayed in contact with Barbara Day since
18 you graduated from Mitchell Prep?

19 A She just let me know that she was coming to Tulsa,
20 getting married.

21 Q In the summer of 1977, did you apply for a job at
22 Camp Scott as a counselor?

23 A Yes.

24 Q And what person hired you as a counselor at Camp
25 Scott?

1 A Barbara Day.

2 Q Directing your attention to the week of June 6th,
3 would you tell me what happened before the camp commenced at
4 Camp Scott?

5 A You mean pre-camp?

6 Q Yes, ma'am?

7 A We had sessions of instructions, how to work with
8 the kids, and our training program to let us know what to
9 do with the kids as far as camp activities and we slept out
10 there the week prior to that Sunday.

11 Q During that week, did anything unusual happen at
12 Camp Scott?

13 A One day, our classes weren't held because of the
14 treasurer had died and there was a funeral service which the
15 Director and some of the other hired staff had to go to.

16 Q Did anybody report a theft from Camp Scott during
17 the week before the camp opened officially?

18 A No.

19 Q Did anyone report any strangers or intruders?

20 A No.

21 Q Did anything unusual happen to any of the tents that
22 week?

23 A Not during that week, no.

24 Q Who was in attendance at the orientation week that
25 preceded the opening of camp?

1 A All staff and counselors in training who weren't
2 being paid.

3 Q You were hired as a counselor, were you not?

4 A Yes, a unit leader.

5 Q Which unit were you to be a unit leader?

6 A Arapaho.

7 Q Where is Arapaho located in reference to the Kiowa
8 camp?

9 A It's the next one back towards the back.

10 Q Towards the back; do we mean north?

11 A I'm not sure which direction as far as north,
12 south.

13 Q Now, we go down Cookie Trail to go in the camp;
14 right?

15 A The Cookie Trail?

16 Q Yes?

17 A I'm not familiar with the trail.

18 Q Well, the road that we enter and exit?

19 A Uh-huh.

20 Q To the camp, runs north and south doesn't it?

21 A Okay, so it was on the north side.

22 Q All right. Who else was in the Arapaho Unit with
23 you as a counselor or unit leader?

24 A Melinda was Assistant Unit Leader and Jill was
25 Assistant Unit Leader and Ann was a counselor-in-training.

1 Q Nan, how many campers do you have in Arapaho Camp?

2 A Twenty-eight.

3 Q How many tents?

4 A Seven, not counting the counselor's, so there's
5 eight.

6 Q On Friday, June 10th, the orientation period ended,
7 did it not?

8 A Yes.

9 Q After the orientation period ended, where did you
10 go?

11 A Back to Tulsa.

12 Q During that weekend, Friday, Saturday and Sunday,
13 where did you stay?

14 A At a friend of mine's house in Tulsa.

15 Q All right. What is your friend's name?

16 A Dee Ann Clary.

17 Q On Sunday, what time did you report back to the
18 camp?

19 A About 1:00 o'clock.

20 Q When you got back to the camp, what were your
21 duties?

22 A To get the rest of my equipment and get set up for
23 the girls to arrive so we could easily find out which ones
24 were our girls and take them back to our unit.

25 Q How is that done, Nan?

1 A By color code, which they marked the bags up in
2 Tulsa and my color was yellow, so I picked up all the yellow
3 bags and put them together and then someone then would take
4 the truck and bring them all down, just drop them out in
5 front of my kitchen area.

6 Q Nan, did you have a list of the names of the girls
7 that would be in Arapaho Camp on Sunday afternoon at 1:00
8 o'clock?

9 A Yes, I was issued it that day.

10 Q Who gave you that list?

11 A Barbara.

12 Q Were you aware that assignments had been made to
13 the unit before the opening of camp?

14 A Yes.

15 Q Are you aware how that was done?

16 A No. Mainly by age, I think.

17 Q All right. What time was it when Mrs. Day gave you
18 your assignment list?

19 A Oh, it was about thirty minutes before the girls
20 were supposed to arrive.

21 Q After the girls arrived, you took them down to the
22 unit; is that not correct?

23 A Right.

24 Q And after they had settled in, I believe you have
25 some activities; is that correct?

1 A Before they settled in, I instructed them what we
2 were going to do this week and assigned patrols by them.

3 Q Nan, what are the rules for the -- what are the
4 hours for leaving the camp and coming back on the campgrounds?

5 A Uh, the rules for leaving was on your day off.
6 You have a scheduled day off that you set up with your unit
7 leader and you're supposed to be back by 10:30, and there's
8 only one counselor and her assistants who stay with her
9 and they have to sit hill, be in charge of the --

10 Q When you say "sit hill", what do you mean?

11 A Means you're not allowed to leave the unit at all.
12 You're in complete charge.

13 Q What's the latest hour that you can still enter the
14 camp without having to climb over the gate?

15 A The gate was to be locked at 10:30.

16 Q Who has the keys to the gate?

17 A The Director.

18 Q Anybody else?

19 A No.

20 Q Mr. Woodward have a key?

21 A Ben -- is that his name?

22 Q Yes.

23 A He possibly could; I don't know.

24 Q If someone was locked out, who would you go to to
25 get a key to open the gate?

1 A Probably up to the Director.

2 Q All right, so that's the protocol, the rule that
3 you're to follow if somebody is locked out of the camp and
4 needs in; right?

5 A Well, it wasn't really discussed but probably
6 that way.

7 Q Later on that day, it started raining, didn't it?

8 A Yes.

9 Q Will you tell me what time it started to rain, to
10 the best of your memory?

11 A Uh, shortly after dinner when we were having sing-
12 ing porch.

13 Q Singing porch is what?

14 A It's kind of -- you sit around and teach the kids
15 songs, just sing.

16 Q Would you estimate for me what time you had singing
17 porch?

18 A Probably around 6:00 o'clock.

19 Q Had anybody seen any unusual people on the campground
20 that day?

21 A No.

22 Q Nobody had reported seeing anybody unusual to you?

23 A Not to me.

24 Q Had you seen anyone?

25 A No.

1 Q During the orientation period, were the campers -
2 were the tents already set up in each one of the units?

3 A They were set up, yes.

4 Q Do you know who set those up?

5 A They were set up before we came to pre-camp.

6 Q Now, after you had the singing porch, what did you
7 do?

8 A Well, it started raining so we just kept them up
9 there until it tried to die down and I sent two of my
10 assistant unit leaders to go back and roll the tent flaps
11 down so that everybody's belongings wouldn't get wet.

12 Q Who were your two assistant leaders?

13 A Ann.

14 Q Ann Mullins?

15 A Yes.

16 Q Who else?

17 A Uh, I think Jill went back with her and then they
18 came back up and we started to parade our group down towards
19 the unit in the rain and it started raining a lot heavier so
20 we stopped in at the porch to the staff house and set around
21 and we made our plans for the next day.

22 Q What time was that, Nan?

23 A Probably getting close to 7:00 o'clock or so.

24 Q Then what did you do?

25 A After it died down, took the kids back and started

1 having them clean up and get ready for bed.

2 Q What age group of campers did you have in your
3 unit?

4 A Third and Fourth Graders.

5 Q After you took them back to the unit and got them
6 ready for bed, what did you do?

7 A Well, just kind of talked to some that were homesick,
8 killed bugs and, uh, just tried to, you know, knew that they
9 were going to be up talking because it was their first night
10 and just kind of was patient and just checked on them and
11 make sure they were all in there, kind of waited around until
12 they all was asleep.

13 Q What time did they finally go to sleep?

14 A Probably 12:00 o'clock, 12:30 at the latest.

15 Q What time did you go to sleep?

16 A Probably about 1:00 o'clock.

17 Q Did anything unusual happen during the evening
18 hours there in your unit - Arapaho?

19 A No.

20 Q Nan, how far apart are each of these units? Well,
21 let me withdraw that question. How far is it from Arapaho
22 to the Kiowa Unit?

23 A Probably about a block and a half at the most.

24 Q And on the average, how far apart are each of
25 these little tents?

1 A Between five to ten feet at the most.

2 Q What happened the next morning when you woke up?

3 A Well, I was woken by someone that was calling for
4 Ann, and I thought they said "Nan", and it was Carla.

5 Q What time was that?

6 A A little bit after 6:30. I didn't check my clock
7 or anything at that time and something was different, you
8 know. She looked real scared and I said, "What's wrong?"
9 She said, "I can't tell you right now. We'll be back later."
10 So Ann got dressed and I decided that since I was already
11 up, I'd get ahead of everybody and get a shower so I went to
12 take a shower.

13 Q Did you get a hot shower?

14 A Yes.

15 Q Where is that located?

16 A Staff house.

17 Q Did anything happen on the way to the shower of the
18 staff house?

19 A Not on the way.

20 Q Did you see any strangers?

21 A No.

22 Q Then, what happened after you had your shower?

23 A Well, when I was walking back, when I looked out the
24 window, I saw some girls being paraded up toward the Great Hall
25 for breakfast and I thought that was kind of early because I

1 hadn't had to wake my kids up yet. So I already knew some-
2 thing was different than normal at camp. So I saw a counse-
3 lor-in-training and --

4 Q What was her name?

5 A Brenda -- I'm not sure of the last name.

6 Q Okay.

7 A And I said, "What's going on?" Because like every-
8 thing was in a flurry in their unit and she said, "I have
9 to tell you something." And she took me into her -- the
10 staff tent.

11 Q Which unit was this?

12 A I think it was Quapaw. It was the one with the
13 youngest kids.

14 Q What happened there?

15 A Well, she told me that, uh, three girls had been
16 found dead in a sleeping bag on the side of the road and I
17 just instantly -- I didn't say anything -- I just instantly
18 took off running for my unit and started screaming for my
19 girls, my counselors, and no one responded. Everybody was
20 out of there by that time.

21 Q Somebody had already moved them out of your unit?

22 A Yes.

23 Q Who moved them?

24 A The Director had already sent people down and got
25 them up on the side road, the main road.

1 Q What time was it when Brenda told you about the
2 little girls?

3 A It was getting probably close to 7:00.

4 Q Then, what did you do, Nan?

5 A Well, I didn't know what to do, so I got dressed
6 real quick and went up toward the Staff House and ran into
7 the nurse.

8 Q Is that Mrs. Alaback?

9 A Yes, and she told me that they had taken all the
10 kids up to Great Hall and were just sitting around and sing-
11 ing and stuff and so I immediately went up there to check up
12 on my girls.

13 Q Now, Nan, on the weekend that you were gone from
14 Camp Scott, did anything unusual happen that you later knew
15 about?

16 MR. WISE: If it please the Court, we would object
17 to this question as asking for a hearsay response. If she
18 wasn't there, she can't know of her own knowledge.

19 THE COURT: Objection is overruled. You may answer.

20 A (By Miss Cook) Answer it?

21 THE COURT: If you know of your own knowledge.

22 A I don't know of my own knowledge. I was told
23 something.

24 Q Were you told about something unusual?

25 MR. WISE: If it please the Court, we would renew

1 our objection. He's begging for a hearsay response.

2 MR. ISAACS: It's not hearsay, unless it's a
3 statement that is offered to prove the truth of the matters
4 asserted. We're not offering it to prove that. I'm offer-
5 ing it to prove a conversation between someone and my next
6 question is going to be "Who told you?"

7 THE COURT: Objection is overruled.

8 Q Were you told that something unusual happened?

9 A That a tent had been slashed.

10 Q Who told you that?

11 A I don't remember.

12 Q Was it a counselor or one of the campers or one
13 of the employees?

14 A Employees, meaning staff?

15 Q Yes, ma'am?

16 A I think it was one of the staff.

17 Q After you had the conversation with Miss Alaback,
18 what did you do, Miss Cook?

19 A Went to the Great Hall and sat around and had
20 breakfast.

21 Q Let me back up a moment. Where did you have the
22 conversation with Mrs. Alaback?

23 A Directly south of the staff building.

24 Q Then what happened after you got back up to the
25 Great Hall?

1 A We just had breakfast and tried to slow everything
2 down to find out what to do next.

3 Q Now, I believe you organized some hikes for the
4 little girls; is that correct, some swimming activities; is
5 that correct?

6 A Right. Well, we didn't organize it. The Director
7 did. She told us to.

8 Q Did you participate in those activities for the
9 remainder of the day?

10 A We did until the bus came to pick us up.

11 Q Miss Cook, did you go into the Kiowa Unit area?

12 A No.

13 Q Did you at any time see the tent where the little
14 girls were?

15 A No, I'd never been in that unit.

16 Q Did you have a conversation with anybody about some
17 blood in the tent?

18 A A conversation?

19 Q Yes, ma'am?

20 A Yes, with the counselor.

21 Q And what was the name of the counselor that you had
22 your conversation with?

23 A Carla.

24 Q When did you have that conversation?

25 A When we were sitting around to be talked to by the

1 investigators.

2 Q What time was that?

3 A Well, had to have been around 1:30 when the girls
4 left.

5 Q What did Carla tell you about the tent?

6 MR. WISE: If it please the Court, we would object
7 to that as asking for a hearsay response again.

8 THE COURT: Objection is sustained.

9 MR. ISAACS: Judge, I am going to show that this
10 is inconsistent with the statement that Miss Wilhite gave
11 earlier.

12 THE COURT: Objection is sustained.

13 MR. ISAACS: Judge, what I'm trying to do is lay
14 the foundation for the admission of a prior inconsistent
15 statement in evidence.

16 MR. WISE: If it please the Court, the objection
17 has been sustained.

18 THE COURT: Objection is sustained on the basis of
19 hearsay, Mr. Isaacs.

20 MR. ISAACS: Judge, we'll recognize the exception
21 of hearsay rule as prior inconsistent statement and I'd like
22 to make an offer of proof at this time but if she was permit-
23 ted to testify that she would say that Miss Wilhite told her
24 that she saw the blood when she looked in the tent and later
25 on in the day, a statement was made to Miss Cook about somebody

1 trying to clean up the blood in a twenty minute time span
2 after the original visit to the tent by Miss Wilhite.

3 MR. WISE: If it please the Court, the State would
4 simply respond that this is a self-serving declaration on the
5 part of the Defense Counselor. We're here at Preliminary
6 Hearing, not a trial.

7 THE COURT: Objection is sustained.

8 MR. ISAACS: Will you show my exception, Your Honor?

9 THE COURT: Yes.

10 MR. ISAACS: At this time, I'd like to present argu-
11 ment to the Court.

12 We feel like this is a material issue and I should
13 be permitted to ask the witness questions in good faith.

14 THE COURT: I've already ruled on the objection
15 and you've had your exception. Ask your next question, Mr.
16 Isaacs.

17 Q Miss Cook, did you later in the day, have occasion
18 to speak with members of the OSBI and other law enforcement
19 agencies?

20 A Yes.

21 Q Where was that?

22 A It was in the Great Hall.

23 Q How long did they talk to you in the Great Hall?

24 A About five minutes.

25 Q What was the substance of that conversation you had

1 with them?

2 A Just if we had heard anything or seen anything in
3 particular.

4 Q After you had the conversation with the OSBI,
5 where did you go?

6 A I went back to my unit and packed up my stuff and
7 went back to Tulsa.

8 Q Did anybody go with you back to Tulsa?

9 A Yes.

10 Q Who was that?

11 A Carla.

12 Q And after you and Carla went to Tulsa, where did
13 you go?

14 A I took her to her house in Sand Springs.

15 Q Were you notified by anybody with any law enforce-
16 ment agency to come for an interview?

17 A Not for me, but Carla came home with me.

18 Q You went back to McAlester, Miss Cook?

19 A Yes.

20 Q Were you notified in McAlester to come to a parti-
21 cular place for an interview with a law enforcement agent?

22 A She was notified. She didn't have any transporta-
23 tion so I drove her.

24 Q Where was that interview conducted?

25 A At Locust Grove.

1 Q In what building in Locust Grove?

2 A About three different ones. It started in the
3 Craft Hut, then in the Great Hall and then in the First Aid.

4 Q What was the substance of those interviews?

5 MR. WISE: If it please the Court, we'll have to
6 object. Miss Wilhite would be the best witness as to what
7 the interviews with the OSBI would be, certainly not a third
8 person.

9 THE COURT: Overruled.

10 Q What was the substance of those interviews, Miss
11 Cook?

12 A You mean as far as talking to me?

13 Q Yes.

14 A Well, they were just wanting to talk to her and
15 then they turned around and asked who I was and I just said
16 Arapaho Unit Leader, so then they took some information
17 from me and --

18 Q What information did they take from you?

19 A First, they took a photograph and --

20 Q Of you?

21 A Yes.

22 Then they took a hair sample and they told me --

23 Q Was that hair from your head?

24 A Yeah. And then they took -- they wanted my finger-
25 prints.

1 Q Why did they tell you they wanted your finger-
2 prints?

3 A They didn't tell me.

4 Q Did they later take some fingerprints from you
5 at another place?

6 A Yes, because they hadn't gotten them and they
7 called and wanted them so I had them done in McAlester.

8 Q Why did you do that?

9 A Because they had forgotten to get them, I guess.

10 Q All right. Do you know why they wanted those
11 fingerprints?

12 A I guess since I was up there.

13 Q All right. Did anybody tell you about a finger-
14 print found anyplace?

15 A The agent that talked to me in McAlester.

16 Q What was the substance of that conversation?

17 A Well, I was just curious because I'd never been
18 fingerprinted. I was asking a lot of questions and I asked
19 how they could tell fingerprints and he said from moisture
20 and he said something back that a fingerprint had been found;
21 that's all.

22 Q Did he tell you where?

23 A Yeah.

24 Q Where was that?

25 A On the buttocks.

1 Q Of one of the little girls?

2 A He didn't say.

3 Q In reference to the interviews at Camp Scott,
4 what was the subjects of those interviews?

5 A They asked me all about - kind of like questions
6 before and after and about people there and if I'd known
7 anybody. The only person I knew was Barbara.

8 Q Was this Tuesday morning when you and Miss Wilhite
9 went back to Camp Scott?

10 A No, I think it was like Thursday.

11 Q Did anybody report any theft Tuesday morning to
12 you?

13 A Glasses.

14 Q Whose glasses?

15 A Carla's, because she didn't have them.

16 Q Was anything else taken from Carla?

17 A No, not that I remember.

18 Q Do you remember another girl missing her purse?

19 A Yeah.

20 Q Do you remember that girl's name?

21 A (No response.)

22 Q Would it have been Dee Elder?

23 A No, it was --

24 Q Susan Emery?

25 A No.

1 MR. WISE: If it please the Court, she says she
2 doesn't know.

3 MR. ISAACS: Well, we'll recognize the way to
4 refresh the recollection of a witness is a leading question,
5 Judge. I'm trying to help her out a little bit.

6 THE COURT: Well, give her a couple of more names.

7 Q How about Mary Ann Alaback?

8 A No.

9 Q Just can't remember?

10 A I don't know. I know she has short hair, that's
11 all. She's from a small town.

12 Q Did anybody talk to you about the tent being
13 changed, Miss Cook, about the tent the little girls were in
14 being changed?

15 A I think that day, when we first - being up there,
16 waiting to find out when we could go home, they - I guess the
17 investigator or policeman said something about that, from the
18 first time they looked in to the second time, someone had
19 tried to clean it up.

20 Q Wipe something up?

21 A Yeah.

22 Q Do you remember that fellow's name?

23 A No.

24 Q Do you remember the name of the fellow that told
25 you about the fingerprint on the buttocks?

1 A No.

2 Q Miss Cook, after your having the interview in
3 the -- I believe you said the first one was in the Great
4 Hall; is that correct?

5 A Right.

6 Q Where did they have the second interview with you
7 and Miss Wilhite?

8 A Well, I wasn't with her; she was separate.

9 Q Okay, so you were by yourself?

10 A Yeah.

11 Q What did you do after that first interview at the
12 Great Hall?

13 A The day that I --

14 Q The second day?

15 A They just asked me a lot of questions and showed
16 me - if I could identify anything they had in a sack.

17 Q What did they show you?

18 A Some duct tape and a capo and a flashlight and a
19 tin can.

20 Q A tin can?

21 A Yes.

22 Q Do you recall what brand name was on the tin can?

23 A It didn't have a label on it, I don't think. We
24 use them to cook out in.

25 Q How big was the tin can?

1 A About, oh --

2 Q Quart size?

3 A Yeah.

4 Q What else?

5 A I don't know.

6 Q What else?

7 A Pardon?

8 Q What else did they show you?

9 A I can't remember what else.

10 Q After you had that interview, when was the next
11 time that they interviewed you and where?

12 A The next interview was with you.

13 Q Where was that one?

14 A That was in McAlester with my lawyer.

15 Q And after I interviewed you, did the OSBI speak to
16 you again?

17 A Yeah, they did call me.

18 Q When was that?

19 A I wasn't home, so I don't remember. I'd been
20 traveling.

21 Q Have you talked to any OSBI Agents since that time?

22 A Yes.

23 Q When and where?

24 A I called them back when I was in Tulsa and told them
25 I'd tried to get ahold of them, to see what they wanted and

1 they just had - they asked me just a couple of questions and
2 then that's all.

3 Q What was the substance of the conversation you
4 had with the OSBI Agents in Tulsa?

5 A About a footprint - I mean a type of sneaker or
6 tennis shoe.

7 Q What type of sneaker was it?

8 A I wasn't -- I mean, they didn't say any particular
9 type. They just said had you been talked to to help identify
10 it and I said yes, but I'd been out of town and I hadn't seen
11 it. And they had - they didn't say what else they had for me
12 to see. They wanted to talk to me and that's all.

13 Q Can you describe that show for me?

14 A No, they didn't give any description to me.

15 Q Did they show it to you - show one to you?

16 A No, see, I didn't go see them.

17 Q Did you see any footprints?

18 A No.

19 Q Were you shown any evidence during that interview
20 in the possession of the OSBI, any evidence that they had in
21 their possession?

22 A That was at that second time that I saw them that
23 I just said.

24 Q But later on, in Tulsa?

25 A No.

1 Q Have you talked to anyone since the Tulsa inter-
2 view about this case?

3 A I don't understand your question.

4 Q Have you talked to anybody about this case since
5 your interview in Tulsa?

6 A You mean OSBI or lawyers?

7 Q Any law enforcement officers?

8 A No.

9 Q Miss Cook, what was the main topic of the interviews
10 with the OSBI Agents?

11 MR. WISE: If it please the Court, the question has
12 been asked and answered, I think several times.

13 MR. ISAACS: No.

14 THE COURT: Sustained. Why don't you rephrase it
15 to mean other than those mentioned, Mr. Isaacs?

16 Q Other than those you've already mentioned, what was
17 the main topic?

18 A They asked about counselors there and people's
19 relationships with friends and stuff.

20 Q What type of relationships are we talking about?

21 A Well, they were referring to if there was any type
22 of closeness and have you ever saw anybody walk off together
23 or spend time away from camp together and they asked me if I
24 knew anybody there that had any type of homosexual relation-
25 ship.

1 Q Miss Cook, have you told me everything you know
2 about this case, everything you remember?

3 A Everything that I can remember.

4 MR. ISAACS: Just a moment. No further questions.

5 THE COURT: Cross examine?

6 CROSS EXAMINATION

7 BY MR. WISE:

8 Q How long did Mr. Isaacs spend with you visiting
9 when you said you were interviewed by Mr. Isaacs?

10 A The first time?

11 Q Oh, several times? Yes, tell me about your visits
12 with Mr. Isaacs.

13 A Well --

14 Q How many times have you visited with him?

15 A With him, once; and with --

16 Q Mr. Pitchlynn?

17 A The second time, yes.

18 Q How much total time do you suppose you spent with
19 them?

20 A Well, it was -- he found out about my name from a
21 neighbor, that I had been a counselor and he was wanting to
22 talk to me and he came down and we decided to have our lawyer
23 present because we didn't really know what was going on.

24 Q All right.

25 A And we were at my lawyer's office it seemed like a

1 real long time.

2 Q Over an hour?

3 A Yes.

4 Q Two hours?

5 A Yeah, a little bit over that.

6 Q Two hours, and then when Mr. Pitchlynn came, how
7 much time did he spend with you?

8 A Well, that was at the Magic Empire and that was
9 probably around 45 minutes to an hour.

10 MR. WISE: I have no further questions, thank you.

11 THE COURT: Anything else, Mr. Isaacs?

12 MR. ISAACS: No.

13 THE COURT: You may step down.

14 (WHEREUPON, the witness was excused and withdrew
15 from the hearing room.)

16 MR. ISAACS: Call Mary Turner.

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

20 THE WITNESS: I do.

21 MARY CARSON TURNER,

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 Would you state your name for the record, please,
2 ma'am?

3 A Mary Carson Turner.

4 Q Mary, in the summer of 1977, what was your employ-
5 ment?

6 A I was Waterfront Director at Camp Scott.

7 Q What's a waterfront?

8 A A waterfront -- I taught swimming, canoeing and
9 sailing.

10 Q Okay. How long have you been a Girl Scout?

11 A I guess since about 1965.

12 Q Been to Camp Scott quite a few times?

13 A Five years as a camper and five years as staff.

14 Q What's your occupation now?

15 A I'm a Child Care Worker for Children's Medical
16 Center.

17 Q Your home address?

18 A 928 South Yale.

19 Q June 6th, 1977, you were to Camp Scott for an
20 orientation week preceding the opening of Camp Scott; right?

21 A Yes, sir.

22 Q Tell me what you did during that week?

23 A Well, it's a week where the counselors get to know
24 one another and learn about Girl Scout Programs and learn
25 the camp areas and the things that you will be doing with

1 the girls and you learn about program ideas and the basics
2 that are going to follow.

3 Q Did they lay down rules and regulations for campers
4 and counselors at that time?

5 A Yes, sir.

6 Q What are the rules on coming and going in the night
7 hours at Camp Scott when camp is in session?

8 A What night hours? I mean, are you talking about
9 evenings or sleeping time?

10 Q What time do they lock the gate?

11 A Well, either 10:30 or 11:00.

12 Q Who locks the gate?

13 A Well, in the past summers, it's either been Ben or
14 the Camp Director.

15 Q How long have you known Ben Woodward?

16 A Since the first summer he came there which was, I
17 believe, the summer previous.

18 Q Three or four years ago?

19 A Yeah, two summers before that.

20 Q Mary, if you're locked out of the camp, who do you
21 go to for a key to get in?

22 A Well, you generally have to walk in and then go up
23 to either Ben or the Camp Director and ask them to come open
24 the gate so you can get the car in.

25 Q During the orientation week, are all the Unit

1 Leaders and Counselors apprised of the fact that if you're
2 out past 10:30 or 11:00 o'clock, you're going to be locked
3 out and have to come to Ben or Barbara to get the key?

4 A Yes, sir.

5 Q Did anybody else have a key to your knowledge?

6 A No.

7 Q Is there anyplace where a master key is kept?

8 A Not that I know of.

9 Q On the week preceding June 12th, did anything unus-
10 ual happen in the camp area?

11 A Not to my knowledge.

12 Q Anybody report a theft?

13 A Not that I know of.

14 Q Did anyone report seeing an intruder?

15 A No.

16 Q After the orientation week ended on Friday, where
17 did you go?

18 A I went back home.

19 Q Anybody with you?

20 A I don't remember.

21 Q Camp re-opened on Sunday afternoon at about 1:00
22 o'clock; is that correct?

23 A Yes, sir.

24 Q Were you there when it opened?

25 A Yes, sir.

1 Q Did you have an assignment list with you at that
2 time?

3 A No, I'm not -- I wasn't a Unit Counselor. I was
4 Director of the Waterfront.

5 Q Where do you live at Camp Scott as Director of the
6 Waterfront?

7 A Well, different places, but this -- for the first
8 week, we were going to be in Seminole.

9 Q Seminole is how far from the Kiowa Unit in which
10 direction?

11 A Okay. I have to think about my directions here.

12 Q Spring Creek runs north and south, doesn't it?

13 A If you say so, okay. Then Seminole is east of
14 Kiowa and slightly north and it is, I guess, half a mile.

15 Q Mary, that afternoon when you arrived, did someone
16 give you a particular list of duties that you were to do?

17 A No.

18 Q So you more or less had the afternoon off?

19 A No.

20 Q You did not?

21 A I was told verbally the things that were expected of
22 me.

23 Q All right, and what were you expected to do there?

24 A Well, the waterfront staff and myself, since we
25 weren't assigned to a particular unit, we were to help with

1 the luggage - lugging the luggage and taking the luggage
2 down to the different units. Then we went up to Great Hall
3 and helped with dinner.

4 Q Did you see anybody unusual on the campgrounds that
5 afternoon?

6 A No.

7 Q Do you know who put the tents up the week before
8 orientation period?

9 A I think there were either some Girl Scouts that
10 came down and helped do it or else Ben had hired some local
11 people to help him put them up.

12 Q Mary, you've been going up there a long time. If
13 you needed some rope for your tent, where do you go to get
14 rope?

15 A The chick hut.

16 Q The chick hut is located up towards the center of
17 the camp area?

18 A Right. It's across from the nurse's station, around
19 in there, right catercornered from the Camp Director's Office.

20 Q If anybody has a problem needing some repair equip-
21 ment, would that be the place to go, the logical place?

22 A For certain equipment. If you needed an extra
23 dutch oven, you might go up there and check or else you might
24 go to another unit and borrow one of theirs. Just depends
25 on what you needed.

1 Q Kiowa Unit has a storeroom behind the kitchen
2 there in the middle of the camp. Are all the units set up
3 like that?

4 A Yes, they are.

5 Q What is contained in the way of tools and repair
6 items in those storage units in each camp?

7 A As far as tool and repair items?

8 Q Yes.

9 A Oh, not a whole lot. Mostly -- it mostly contains
10 things for cookouts, like dutch ovens and spoons and things
11 like that, and things to clean up the latrines and, uh, brooms
12 so the girls can sweep tents. I think there's a rake. I
13 can't remember. There might have been extra rope in each of
14 them but not that I know of.

15 Q During this orientation period, are you advised
16 where to go for repair items and tools?

17 A Yes, sir.

18 Q During orientation period, you are advised about
19 camp security, are you not?

20 A Yes, sir.

21 Q After the little girls had settled in to their
22 particular unit on Sunday afternoon, sometime during the
23 afternoon hour, say around 5:00 o'clock, what was your next
24 duty?

25 A Well, dinner came up then. Dinner was at 6:00

1 o'clock, I believe. That was the standard time. I don't
2 know if --

3 Q Do the waterfronts have a particular duty at
4 dinnertime?

5 A We help serve tables, just like every other staff.

6 Q Who was in the waterfront group with you?

7 A Peggy Harris, Annette Croft, Donna Dixon.

8 Q So all of you were there helping with the dinner
9 at 5:00 o'clock; is that correct?

10 A Yes, sir.

11 Q A little later on, there was a storm in the evening,
12 was there not?

13 A Yes, sir.

14 Q What happened during the storm in reference to you?

15 A Well, I don't remember it raining until after I was
16 in bed. Now, if it stormed earlier, I don't remember but I
17 put down my tent flaps.

18 Q Did you go off the campground that night?

19 A I don't remember going into Locust Grove. I don't
20 know for sure.

21 Q Did you see anybody unusual wandering around the
22 campsite area that night?

23 A No, sir.

24 Q Did you have any particular duties after dinner
25 which would involve some of the campers?

1 A No, not campers. I was setting up schedules for
2 swim lessons, canoeing, free swims, sailing for the next
3 week.

4 Q Where did you go to set up those schedules?

5 A Oh, I worked on them in the staff house and then I
6 don't know if I visited all the units that night but I went
7 around and told the different unit leaders - I might have
8 told some of them when they came up there - and gave them
9 when they swam and when they had canoeing.

10 Q What time was it when you started going from one
11 unit to the other?

12 A I don't know. I would guess about 8:00 or 8:30.

13 Q Was it dark yet?

14 A I don't know.

15 Q You went from each unit, though, talking to the
16 unit leader?

17 A I went to at least one or two units, I know.

18 Q Do you remember which units you went to?

19 A Well, I can remember going to Kiowa because I knew
20 the counselors so well and I stopped and visited counselors
21 for a minute and I --

22 Q What counselor?

23 A Dee.

24 Q Dee Elder?

25 A Yes, and then I don't remember directly about any

1 of the others. I may have talked to the unit leaders as they
2 came into the staff house and gave them their assignments for
3 waterfront schedules.

4 Q What time was it when you had your conversation with
5 Miss Elder approximately?

6 A Probably between eight and nine.

7 Q Did you see any intruders or anything unusual at
8 that time?

9 A No, sir.

10 Q See Mr. Woodward at that time?

11 A I don't remember seeing Ben, no.

12 Q Okay. After you had the conversation with Miss
13 Elder and the girls from the Kiowa Unit, unit leaders, what
14 did you do?

15 A Well, I can't - I don't directly remember. I'm
16 sure I probably just went back to the staff house and then
17 went on down to my unit and spent the rest of the evening
18 down in my unit.

19 Q Who was with you down there?

20 A Well, there was the three other waterfronts and
21 there was Annette who was in charge of Obis and two cooks,
22 three program aides, and I believe that was all that was in
23 our unit.

24 Q Do you know the names of the program aides?

25 A I can't remember them.

1 Q What time did you go to bed that night, Mary?

2 A I don't remember. It was fairly early, probably
3 around 11:00 o'clock, 11:30 at the latest, I would guess.

4 Q Had you seen anything unusual since you left the
5 Kiowa Camp like an intruder or somebody at Camp Scott that
6 didn't belong there?

7 A No, sir.

8 Q Tell me what happened when you woke up the next
9 morning?

10 A Well, Barbara Day walked into my tent and I sat up
11 in bed. I don't think she said anything to me yet. I just
12 felt her presence. And she said, uh -- she told me to get
13 everybody from my unit up to the Great Hall and not to use
14 the foot path, but to use the main road. I went and got
15 everybody up in my unit and we went up to Great Hall.

16 Q After you got up to Great Hall, what happened?

17 A Well, not a whole lot for awhile. We sat around
18 and we couldn't figure out what was going on. None of us
19 knew anything that had happened. We didn't know why we were
20 up there and I found out a little bit before breakfast what
21 had happened and then we had breakfast with the girls.

22 Q Do you remember who told you what happened?

23 A Peggy Harris, I believe, and then I talked to Carla.

24 Q After you had breakfast, what did you do?

25 A Well, that's kind of a jumble. The girls were out

1 on the front porch, the decision was made to take the girls
2 down to the creek, I think at that time. And I was checking
3 on the canoes to see if we could take the canoes down there
4 and that's about all I can remember of that time.

5 Q Miss Turner, at any time during the morning hours
6 after Mrs. Day came to your tent, woke you up and told you
7 to take your -- get your people up to the Great Hall, and for
8 you to meet them up there, did you see anybody unusual in the
9 Camp Scott area, any strangers?

10 A No, sir.

11 Q When you got finished with your assignment, taking
12 the little girls on waterfront activities, what did you do?

13 A Well, I set up at the staff house for awhile and we
14 just sat there in front of it. And if -- when parents or
15 somebody came in, we turned them back or else had them come
16 in and sit in the staff house and then, after that, we went
17 to get the girls.

18 Q From each individual unit?

19 A Well, when the buses came.

20 Q What time did the buses come?

21 A Around 1:00 o'clock, I think.

22 Q After the buses came, and after the girls had been
23 loaded on the buses, what happened?

24 A Well, we went up to Great Hall and we had sandwiches.

25 Q This is the counselors we are talking about?

1 A Right. This is all the staff, and everybody had
2 sandwiches and then the OSBI -- Barbara talked to us for a
3 few minutes, and then the OSBI talked to us and everybody
4 got ready to --

5 Q Did they talk to you individually, Miss Turner?

6 A Yes, they did.

7 Q What was the substance of the conversation you had
8 with an OSBI Agent?

9 A He asked me if I had seen anything unusual and asked
10 me my name and all the vitals about myself, how long I'd
11 been at camp and things like that and if I knew anything
12 that would be relevant and I hadn't seen anything or heard
13 anything.

14 Q Did you tell him everything you've told us here
15 today?

16 A (No response.)

17 Q Did you tell him the same things you've told us
18 here today?

19 A Oh, yeah, because I didn't have anything to say.

20 Q Do you remember the name of the OSBI Agent that
21 interviewed you at Camp Scott?

22 A No, I don't.

23 Q Did you ever go into the Kiowa Unit area on the
24 day of the homicides?

25 A No, sir.

1 Q After the interview with the OSBI Agent, what did
2 you do?

3 A I got my waterfront staff together and before
4 any of us left, we went down to the pool and put up all the
5 equipment that we had gotten out the previous week, all the
6 keg boards and the safety equipment and then we put the
7 canoes in the craft hut and we got in the pickup and we went
8 and got the sailboats from Lake Hudson and we put them up
9 and we put all the waterfront equipment up and then we all
10 went down to Seminole and got our personal belongings ready
11 to go.

12 Q After you loaded your personal belongings up and
13 left camp, were you contacted by the OSBI?

14 A You mean like later this year?

15 Q Yes?

16 A Yes, sir.

17 Q When was that?

18 A Probably two or three months ago.

19 Q Where were you when you were contacted by that
20 Agency?

21 A Either they called me at home and I called them
22 back because my mother called me at work, or else they called
23 me at work. I don't remember which way it was.

24 Q Did they set up an interview with you?

25 A Yes, sir.

1 Q Where was that interview held?

2 A At the Camelot -- no, not the Camelot, the Trade
3 Winds or, well, it's right across the street from where I
4 work almost; right across from the Hilton.

5 Q Who was present?

6 A An OSBI Agent.

7 Q And you?

8 A And myself, yes.

9 Q What was the substance of that interview?

10 A He showed me a picture and asked me who it was and
11 he showed me a tennis shoe and asked me if it looked familiar
12 to me and that's about all I can remember of it.

13 Q Did you know the person in the picture?

14 A Yes, sir.

15 Q Who was the person in the picture?

16 A Louise Liggins.

17 Q Would you describe the picture for me?

18 A It was a picture taken of a picture, a picture that
19 was obviously the picture, the original had been torn in
20 pieces and it had been reconstructed and a picture taken of
21 it. That's what I saw.

22 Q Do you know where the picture came from?

23 A No, I don't.

24 Q Had you ever seen it before?

25 A It looks familiar but I couldn't tell you whose it

1 was.

2 Q Are you Louise Liggins?

3 A Yes.

4 Q In what capacity?

5 A She was a staff there the summer before.

6 Q Was she a member of the staff this past summer?

7 A No, sir.

8 Q Would you describe for me the geographical location
9 of the picture of Miss Liggins?

10 THE COURT: I don't understand your question, Mr.
11 Isaacs.

12 Q Have you ever been to the place where the picture
13 was taken, Miss Turner?

14 A Well, it looked like it was taken right outside
15 the Quapaw Unit but I don't know for sure. It was -- it
16 looked like it was part of the camp area.

17 Q Would you describe for me the tennis shoes that
18 the OSBI Agent showed you?

19 A I think it was gold and it had some type of a, oh,
20 white racing thing on the side, but that's about all I remem-
21 ber of it and he showed me --

22 Q How about the tread?

23 A Well, he showed it to me but I couldn't tell you
24 what it looked like.

25 Q Did he show that to anybody else?

1 A Did I?

2 Q No.

3 A Or did he? As far as I know, he set up appoint-
4 ments with other staff.

5 Q Had you ever seen that type of shoe before?

6 A Well, if I had, it didn't register.

7 Q During the weekend preceding Camp Scott's official
8 opening, did something unusual happen, to your knowledge, at
9 Camp Scott?

10 A I heard about a tent being ripped but that's about
11 all.

12 Q Do you know what unit that was in?

13 A That was in Kiowa.

14 Q Were you at Camp Scott earlier in the year at the
15 Cadet Camporee?

16 A No, sir.

17 Q Did anybody report the theft of any items from
18 Camp Scott in the Kiowa Unit on or about the 12th and 13th
19 of June?

20 MR. WISE: If it please the Court, she just testi-
21 fied she wasn't there.

22 MR. ISAACS: I believe the 12th and 13th of June
23 are the days in question here, Judge.

24 THE COURT: I don't understand what your question
25 is. Did she -- was it reported to her on that day or a theft

1 on that day reported to her at some other time? Your ques-
2 tion is confusing.

3 Q Miss Turner, on the 12th and 13th day of June, did
4 anybody mention to you some item of personal property was
5 taken from a tent in the Kiowa Unit?

6 A I heard about eyeglasses but I don't know if it was.

7 Q How about a purse?

8 A And I heard about that and I think I heard about it
9 that day but I don't know for sure.

10 Q Miss Turner, did any law enforcement agency take
11 your fingerprints?

12 A No, sir.

13 Q Take any blood samples from you?

14 A No, sir.

15 Q Hair samples?

16 A No, sir.

17 Q Have you told me everything you know about the
18 homicides at Camp Scott on the 12th and 13th of 1977?

19 A Yes, I have.

20 MR. ISAACS: Just one moment.

21 Q Miss Turner, was more than one tent ripped?

22 A Not that I know of.

23 MR. ISAACS: Thank you. That's all I have of this
24 witness.

25 MR. WISE: We certainly would have no questions,

1 Your Honor.

2 THE COURT: You may step down.

3 (WHEREUPON, the witness was excused and withdrew
4 from the hearing room.)

5 MR. WISE: May we inquire if the air conditioning
6 is functioning?

7 THE COURT: I was told earlier it is as low as it
8 can go. If counsel are too warm, you may remove your coats.

9 MR. ISAACS: Judge, can we take a brief recess.

10 THE COURT: About ten minutes?

11 MR. ISAACS: Yes, sir.

12 (Following a ten minute recess, the proceedings
13 continued as follows:)

14 THE COURT: I believe we're ready, Mr. Isaacs, if
15 you are.

16 MR. ISAACS: Mr. Pitchlynn is going to take this
17 witness, Your Honor.

18 MR. PITCHLYNN: Call Celia Stall.

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

22 THE WITNESS: Yes.

23 CELIA ELAINE STALL,

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

DIRECT EXAMINATION

1
2 BY MR. PITCHLYNN:

3 Q Celia, for the record, would you state your full
4 name?

5 A Celia Elaine Stall.

6 Q Celia, what is your occupation?

7 A Right now?

8 Q Yes.

9 A I'm a full time student at OSU.

10 Q What is your place of residence?

11 A Tulsa.

12 Q Celia, in June of 1977, were you employed by Magic
13 Empire Girl Scout Council?

14 A Yes.

15 Q And what was the nature of your employment?

16 A Oh, I was Assistant Unit Leader.

17 Q In what unit would that be?

18 A Quapaw.

19 Q Quapaw Unit. Did you take part in a pre-camp train-
20 ing week?

21 A Yes.

22 Q The week preceding the opening of the camp?

23 A Yes.

24 Q What was the nature of this orientation week?

25 A Oh, it was to prepare the counselors. Just -- we

1 briefed over everything that was going to happen that week.

2 Q Did you have classes that week?

3 A No, we just met like different times during the
4 day and she talked about different things - Barbara would
5 talk about different things.

6 Q So Barbara was your instructor?

7 A Uh-huh.

8 Q Okay. During this week, did you go through rules
9 or guidelines for the counselors at camp?

10 A Yes.

11 Q And could you describe what these rules and guide-
12 lines were?

13 A Well, for what -- for safety or what?

14 Q Security or responsibility of counselors in the
15 unit and so forth?

16 A Well --

17 THE COURT: That's too broad a question, Mr.
18 Pitchlynn. Why don't you narrow it down to a certain area?

19 MR. PITCHLYNN: Okay.

20 Q Let's go back to what type of rules or guidelines
21 were given dealing with the security of the camp -- security
22 of Camp Scott and the unit you were in?

23 A Well, we had walkie-talkies. We were to be given
24 walkie-talkies and uh, safety - health - whatever those are,
25 Red Cross First Aid box, and they said they locked -- they

1 were going to lock the gate at maybe 11:00, I think, and if
2 we were supposed to take the medicine for the girls up to
3 Barbara's Office; it's all stuff like that.

4 Q Okay. Who was to lock the gate?

5 A I don't know; she didn't say. "They."

6 Q Did they say who had the keys to the gate?

7 A I know Barbara and Ben did.

8 Q You don't know of any others?

9 A No. No, I don't know.

10 Q The gate was to be locked at what time?

11 A I think it was 11:00, 10:30 or 11:00. We were vot-
12 ing what time we had to be back in and if we didn't, we had
13 to stay outside all night.

14 Q Okay. If you didn't make it in by 11:00?

15 A Right. We were locked out until we got the key.

16 Q Did anyone, in fact, get left outside?

17 A No. We didn't have a chance. We never did go out.

18 Q During the pre-camp week, did you see any strangers
19 on the campgrounds, anyone in your judgment that didn't
20 belong in the camp?

21 A No.

22 Q Were there a number of workers or were there, in fact,
23 workers on the campgrounds setting up the camp?

24 A Ben, Marty, Richard was there and I -- he wasn't
25 there during pre-camp or I don't think he was; I can't

1 remember.

2 Q Okay. So Ben --

3 A Ben was there all the time. He did a lot of --

4 Q And Marty were the only people that you saw in the
5 camp, other than Girl Scouts?

6 A Yes, I think -- yeah, pretty sure.

7 Q Was it during this week that you received an assign-
8 ment to the unit that you were to be working at as a counse-
9 lor, unit leader?

10 A Did I receive assignment then?

11 Q Yes, during this week of pre-camp?

12 A Yeah, yes, it was.

13 Q Do you remember when?

14 A Uh, no, no, I can't remember when. It was some-
15 time during the middle of the week. I don't think we had
16 them, the assignments yet. No, we did have the assignments;
17 we did have the assignments when we went.

18 Q But you don't recall exactly when you received
19 them?

20 A No, huh-uh.

21 Q Do you recall if the assignment included the assign-
22 ment of campers to the unit?

23 A The list of girls?

24 Q Right.

25 A It seems like it would have to because we had

1 already -- I believe that we had put the girls in tents. I
2 wouldn't -- the U. L. in my unit, she would have all that
3 information, whether they had or not. Seems like we did.

4 Q Okay. During this week of pre-camp, were you
5 involved in any repair work, clean-up work around the unit?

6 A Oh, we had to go check and make sure that we had
7 all the right equipment and I -- we did do some work up there.
8 Jill and I worked photography hut, and it was different
9 things, moving beds around and things like that.

10 Q Okay. During the week of pre-camp, was there any
11 unusual occurrences anything out of the ordinary that happen-
12 ed to you?

13 A Not to me.

14 Q Did you have any personal knowledge of anything
15 that happened to anyone else?

16 A Yes.

17 Q What would that be?

18 A Well, Sunny and Donna were followed one night,
19 followed by a flashlight down -- I guess it was Cookie Trail.
20 They were followed into the staff house.

21 Q Cookie Trail is the main road coming into camp and
22 they were followed down Cookie Trail?

23 A I think that's what they told me. I don't know.
24 I'm pretty sure that was the road. It was either that road
25 or the one from Great Hall. I don't know which one. It was

1 one way or the other but they were followed down a road.

2 Q What were their names?

3 A Sunny and Donna.

4 Q Do you remember their last names?

5 A Uh-huh, Sunny Doherty and Donna Dixon. They were
6 followed by a flashlight and they went to the staff house
7 and hid under a car or something.

8 Q Do you know if they reported this?

9 A No, I don't know. I don't think Donna -- Barbara
10 knew about it. She said she didn't know about it until
11 August.

12 Q Until August?

13 A Yes.

14 Q Did they tell you anything else about their exper-
15 ience that you can recall?

16 A No.

17 Q Pre-camp ended on Friday, I believe. Did you leave
18 the camp on Friday?

19 A Beg your pardon?

20 Q Did you leave camp on Friday, at the end of the week
21 of pre-camp?

22 A Uh-huh.

23 Q About what time did you leave the camp?

24 A Oh, sometime in the afternoon. It wasn't late. It
25 was the afternoon, probably. I don't know, 3:00, 2:00, some-

1 thing like that, as soon as we could get out.

2 Q Now you received your assignments to the unit. Did
3 you make any kind of preparation in terms of moving your own
4 personal belongings, setting up your own tent before you
5 left camp?

6 A Before we left?

7 Q Yes.

8 A It seems like we did. One of the girls in our
9 unit stayed up there, stayed up at camp that weekend.

10 Q Okay, who was that?

11 A Linda Henderson. I believe she did and I believe
12 she stayed and -- because Barbara tried to get her to stay
13 up in the office, in the nurse's office with Gwen or someone
14 and she -- I think she -- I don't know whether she slept up
15 there or not but she moved her gear and I kind of think that
16 we moved our gear, too, because we were all -- towards the
17 end of pre-camp, we were all moving everything around using
18 the truck and hauling stuff around. I think that was -- I
19 think it was that day. I can't remember though.

20 Q You left that afternoon? Where did you go?

21 A Home.

22 Q Home?

23 A I believe I went home. I just can't remember.

24 Q Do you recall if -- who, if there was anyone that
25 left with you?

1 A Jan, Jill and Judy.

2 Q When did you arrive at Camp Scott?

3 A I can't remember that. I really can't. Well, we
4 had to -- I think it was Sunday because the Girl Scouts,
5 they didn't go up there on Sunday, so we must have -- no, I
6 can't remember if we went home or not. I'm pretty sure we
7 did. I just can't remember.

8 THE COURT: Miss Stall, if you don't remember the
9 answer to a question, all you have to say is "I don't remember."
10 Ask your next question, Mr. Pitchlynn.

11 Q Celia, do you recall what you did, what your
12 activities were when you arrived back to Camp Scott?

13 A Yeah, I do. We had tagged the girls at the Scout
14 Office that afternoon and we took them back up to camp
15 Sunday and unloaded their luggage in a little brown -- you
16 know, the brown, yellow and orange tags, and into piles, and
17 when they unloaded them, we took them to units -- took the
18 girls to the unit that afternoon.

19 Q Did you have meetings that afternoon with your
20 girls?

21 A With the girls?

22 Q Yes, the campers?

23 A Well, yes, we were with them.

24 Q You made -- you said you had assignments. Did you
25 give their tent assignments and their tent-mate?

1 A I don't remember.

2 Q You had dinner that evening in the Great Hall; is
3 that correct?

4 A Yes.

5 Q Do you recall what time it was?

6 A No, probably -- it was 5:00.

7 Q Could you tell me what process you used to get
8 the girls to the Great Hall and serve the girls their meal?

9 A Uh-huh. I took, probably maybe six or eight girls
10 up there ahead of time. They were called the hoppers and we
11 set the table. I showed them how to set the tables and then
12 the other girls followed up in about fifteen minutes, the
13 whole camp.

14 Q So you had dinner about 5:00 o'clock. About what
15 time would you have finished?

16 A Oh, 6:00.

17 Q 6:00 o'clock?

18 A After we finished cleaning up and stuff or finished
19 dinner.

20 Q What, if anything, occurred after dinner?

21 A Singing porch.

22 Q Singing porch? Would you tell us what singing
23 porch is?

24 A Well, that's where all the girls go out there and
25 everybody lines up on the porch and they all sing. That's all.

1 After dinner.

2 Q Do all the girls -- all the campers, all the
3 counselors take part in singing porch?

4 A Uh-huh.

5 Q How long did singing porch last?

6 A Well, they go out there and sing until the girls --
7 the hoppers get the tables cleaned up and then the hoppers
8 come out and they sing for maybe ten or fifteen minutes more.
9 Probably takes thirty minutes, twenty minutes.

10 Q What was the weather like at the time; cloudy?

11 A It -- yes, it was. As soon as we left, I think
12 we maybe even had to close singing porch early because it
13 started to rain and we all ran back to the units because it
14 was starting to, you know, rain, starting to sprinkle, so
15 we all left and went back to our units.

16 Q So you went from singing porch directly back to
17 your unit to get out of the rain?

18 A Uh-huh.

19 Q After you returned back to your unit, did it rain
20 for some time? Did it continue to rain?

21 A I believe it did rain. It rained about -- it
22 seems like it rained until -- well, it's hard to tell because
23 the rain keeps dripping off the leaves, so I don't know if
24 it was finished raining or not. It was raining quite awhile
25 afterwards, though, after we got back to our unit, until dark

1 I'm sure.

2 Q Were there any other activities after dinner and
3 after you returned back to the unit?

4 A I don't think so; I don't remember.

5 Q No other meetings or conversations?

6 A I don't remember.

7 Q Who was sitting hill at your unit?

8 A Who was sitting hill?

9 Q Right; if you recall?

10 A I don't believe we had that that night. I believe
11 we took turns just going to take showers and we stayed in
12 our units that night so nobody went out. Everybody kind of
13 set hill.

14 Q Were there any visitors in your unit?

15 A Outside visitors or from other --

16 Q From outside your unit or the camp either?

17 A I don't think so, no, I don't believe so.

18 Q What time that evening did the little girls start
19 to go to bed and start quieting down?

20 A They didn't quiet down because they were up running
21 around until I don't know how late. We were in bed but they
22 were still talking in their tents until probably 11:00 or
23 12:00, talked forever.

24 Q So you could hear them talking and playing?

25 A Oh, yeah, screaming and squealing.

1 Q Did any of the counselors ever go out of the tent
2 for any reason to check on the girls or to --

3 A We did, all of us went out once but I'm not sure --
4 we were all asleep and this -- we heard this scream or cry
5 out in the woods so we all went out and we found this little
6 girl out wandering around she'd been sleepwalking and we
7 asked her the next morning and she didn't remember a thing
8 about it. That was -- it was after I was asleep and I don't
9 think the other ones were -- maybe a couple of us were asleep.
10 We all went out to find out where it came from and it was
11 just a little girl that had been out sleepwalking.

12 Q Where did you find her?

13 A I don't know where we found her. I can't -- I don't
14 know. It was -- we was all asleep. She was there, she
15 wasn't there -- I don't know how.

16 Q Do you recall her name by chance?

17 A No, no, I don't.

18 Q So the girls were talking and playing rather late,
19 the counselors were apparently trying to go to sleep. What
20 time would you say that things finally quietened down, the
21 girls?

22 A Well, they quit coming to our tents at about, oh,
23 probably midnight, 11:00 or midnight, somewhere along there.

24 Q So until midnight, they had been coming to your
25 tent?

1 A Yeah. Up running around and telling on each other
2 and stuff like that.

3 Q Celia, what time Monday morning did you awake or
4 were you awakened?

5 A Early; real early. I don't know the exact time.
6 It was before -- it was probably around 6:00 o'clock, pretty
7 early.

8 Q Who woke you up?

9 A Dee Elder.

10 Q And who is Dee?

11 A She was from Kiowa.

12 Q From Kiowa Unit?

13 A I think she was maybe a unit leader in Kiowa.

14 Q Why did Dee come to your tent to wake you?

15 A She came to our unit and she was crying and she
16 woke up Linda Henderson and took Linda off and told her
17 something and then they went around and checked all of the
18 -- this is what Linda told me. They went around and checked
19 all the units in our -- all the tents, each tent in our unit
20 to make sure there were four girls in each tent. And then
21 Linda came back and woke -- well, Kathy and I were sort of
22 awake -- sort of were. She came back and told us what had
23 happened and I don't know where Dee had gone after that.

24 Q What did she tell you had happened?

25 A That three girls had been murdered.

1 Q Anything more?

2 MR. WISE: If it please the Court, we're going to
3 have to object to his inquiring and begging for a hearsay
4 response -- third party.

5 THE COURT: Sustained.

6 Q After they had gone through the unit to the tents
7 to make sure all the little girls were in their tent, what
8 did you do next? What was the next thing?

9 A She came and woke us up and we -- and someone, I
10 don't know who it was, came down and told us we were going
11 to go to breakfast early and I don't know whether it was
12 Barbara -- I don't know who it was -- came and told us and
13 we went after Linda had gone around and checked all the tents,
14 we went and woke the girls up, had to awaken all of them.

15 Q So the girls in your unit were still asleep?

16 A Uh-huh.

17 Q So you woke the girls up and got them ready for
18 breakfast?

19 A Right.

20 Q As you were instructed by Barbara, by someone?

21 A Yes.

22 Q How long did it take you to get the girls up to go
23 to breakfast?

24 A I don't know; very shortly.

25 Q Were you given other instructions how to take them

1 up there?

2 A No, it seems like someone rang the bell, the big
3 bell, because it rang.

4 Q Were you instructed to use any particular route
5 or --

6 A No, we went -- we took the same path out. Kiowa
7 came through our unit and we didn't follow them out. We
8 went out the other way.

9 Q Okay. When you went to breakfast then, breakfast
10 probably wasn't ready?

11 A No, I don't think it was but I don't know. It
12 seems like -- I don't think it was, because we didn't have a
13 chance to take the hoppers up there or anything so we all
14 went up and we waited on the front porch.

15 Q Okay. So you had breakfast after a short walk.
16 What happened after breakfast? What did you do with the
17 girls after breakfast?

18 A We went straight down to Sycamore Valley. We waited,
19 I believe for one other unit and went down to Sycamore Valley.

20 Q What's Sycamore Valley?

21 A It's -- it's a hike from the camp, you know, maybe
22 a mile or mile and a half down. It's a place where the girls
23 go swimming and taking canoeing lessons down there.

24 Q Do you remember what units went to Sycamore Valley?

25 A Everybody but Kiowa went down there.

1 Q Do you know what -- do you know of your own
2 knowledge what Kiowa Unit was doing at that time?

3 A Uh-huh. They were up at the -- up at the nurse's
4 office or Barbara's office talking to OSBI Agents when I
5 went up there.

6 Q Okay. Were you at any time on Monday questioned
7 by the authorities, OSBI, Sheriff's Department?

8 A Me or my girls?

9 Q Well, you first, personally interviewed?

10 A I was, uh-huh.

11 Q And for how long?

12 A Not very long, just asked a few questions.

13 Q What type of questions were you asked, Celia?

14 A Did we hear anything, did we see anything, I guess.
15 It's hard to remember.

16 Q Did you hear anything, see anything?

17 A No, I didn't.

18 Q Were any of the campers in your unit interviewed
19 by the authorities?

20 A Yes.

21 Q Who were they?

22 A Who? I don't know their names.

23 Q You don't recall their names?

24 A No.

25 Q How do you know they were interviewed?

1 A Because I took them up there. We went -- well,
2 when we were having the girls get dressed -- I don't remember
3 when this happened that day but it did happen that day.

4 Q On Monday?

5 A Monday, because we were having the girls get
6 dressed was when they was packing to go. Kathy Elder went
7 to help these girls pack and some of the girls started talk-
8 ing to her and telling her some things that they had thought
9 they had seen that night and then Kathy called me and I went
10 over there and they told me and I took them to the, uh,
11 whoever was up there in Barbara's office and took them up
12 there along with the Kiowa girls and they sat -- we sat there
13 with the Kiowa girls and then they -- Susan said she would
14 take care of them so I left them up there with her.

15 Q So you had conversation with some of the campers?

16 A Uh-huh.

17 Q In that conversation, something was said that made
18 you feel you should take the girls up to talk to the authori-
19 ties?

20 A Right.

21 Q What was said in that conversation?

22 A They told me that night they had seen a couple of
23 men behind their tents and one over by the latrine, one right
24 behind their tents and they had told me that one had on army
25 boots and kaki pants, the one that was on the tent. They

1 looked out the back of the tent and saw his feet and that's
2 -- one of them was swinging on the latrine door and they
3 were yelling back and forth to each other.

4 Q They were yelling?

5 A Well, just visiting, you know, they were talking.
6 Talking loudly.

7 Q Do you know how far it is from the latrine to the
8 tent where the girls were sitting in?

9 A Oh, not too far; maybe from here to the end of the
10 courtroom, maybe. Maybe a little bit further.

11 Q What else did they say in terms of description?

12 A That's all they said and they said there were just
13 two men talking and that they had gotten so scared they had
14 gotten so scared that they'd crawled into a sleeping bag and
15 slept that way for the rest of the night.

16 Q Did they overhear any conversation that occurred?

17 A No, I don't think so. I don't remember but I am
18 sure they didn't say that.

19 Q So you took the girls up to talk to the authorities.
20 Do you recall it was? Was it an OSBI Agent?

21 A It was a whole -- just a bunch of men up there in
22 Barbara's office that had gone up there when they called
23 them.

24 Q And you left the girls with Susan - Susan Emery?

25 A Uh-huh, Susan Emery, yeah.

1 Q Did any of the other campers or anyone from your
2 unit mention anything unusual or out of the ordinary?

3 A No.

4 Q And had any of the girls mentioned anything of
5 personal property taken that was missing?

6 A No, except my unit leader, Kathy. She wasn't one
7 of the girls, though.

8 Q Do you know what Kathy was missing?

9 A A purse. It had been stolen that day. Monday.

10 Q And do you have any idea what was in the purse,
11 what was taken?

12 A I know her billfold was and I -- I don't know
13 whether her glasses were or not. I know her billfold was.

14 Q So she discovered that on Monday morning?

15 A Well, when we were packing to go home, she couldn't
16 find her purse. It was right there by the edge of the tent.

17 Q What time had that been Monday?

18 A It was Monday afternoon when she found it was gone.

19 Q Celia, were you interviewed again later at any
20 time during the week?

21 A During the week?

22 Q Yes.

23 A I was called over the phone a few weeks later.

24 Q Do you know who called you?

25 A Some lady from -- I don't know where. I guess it

1 was OSBI, I don't know.

2 Q What did she ask you?

3 A If I was missing any red panties with black lace.

4 Q And were you?

5 A No.

6 Q And were there any later conversations?

7 A With who?

8 Q With the OSBI?

9 A Yes.

10 Q When did that take place?

11 A Just awhile back, up at Stillwater.

12 Q Just recently?

13 A Uh-huh.

14 Q Weeks, within the last month?

15 A Uh, no, it wasn't. It was when I was up at school.

16 Q And what was the nature of that?

17 A They wanted us to identify tennis shoes and a
18 photograph that had been torn up and pieced back together.

19 Q Could you identify any of those?

20 A No.

21 Q Do you recall what the brand name of the shoe was

22 or --

23 A No, I couldn't tell you what it looked like, just
24 a tennis shoe.

25 Q Were there any other pieces of -- anything that they

1 showed you, any other items or pictures?

2 A I don't think so. No, they just showed us two
3 things that day.

4 Q Who else was with you?

5 A Jan.

6 Q Jan Grumley?

7 A Yes.

8 Q Celia, did you happen to hear a scream on Monday
9 morning by any chance?

10 A No.

11 Q Do you have any personal knowledge of anyone that
12 did hear a scream Monday morning?

13 A No, except for that little girl that said - got
14 over the KRMG radio and said all that stuff. She's the only
15 one that I heard say anything, was supposed to have heard
16 something. That's all I heard.

17 MR. PITCHLYNN: Just a moment, Your Honor.

18 Q Celia, do you know Judy Hall?

19 A Yes.

20 Q Did you know that Judy Hall had been frightened
21 during the week of pre-camp by a man answering --

22 MR. WISE: If it please the Court, this is totally
23 an improper question. We object to it, Your Honor, as being
24 irrelevant, immaterial, no basis for such a question being
25 asked.

1 THE COURT: Was that witness called by the State,
2 Mr. Wise?

3 MR. WISE: What was the name?

4 MR. ISAACS: Judy Hall.

5 MR. WISE: No, Your Honor.

6 THE COURT: Objection is sustained. It assumes
7 facts not in evidence.

8 MR. ISAACS: Judge, how are we going to get it in
9 evidence?

10 Q Celia, do you know Judy Hall?

11 A Yes, I do.

12 Q Did you have a conversation with Miss Hall?

13 A Yes.

14 MR. WISE: If it please the Court, again, we're
15 calling for hearsay and we'd also like to know -- there's
16 no predicate being laid that Judy Hall is relevant to this
17 case or relevant to the State's presentation.

18 MR. PITCHLYNN: Your Honor, I'm trying to get into
19 evidence the substance of the conversation. I'm not trying --

20 THE COURT: Ask your next question, Mr. Pitchlynn.

21 Q What was the conversation with Judy pertaining to,
22 Celia?

23 MR. WISE: If it please the Court, it would be
24 hearsay.

25 THE COURT: I'll allow her to answer that question.

1 Overruled.

2 A What was the question again?

3 Q What was the substance of your conversation with
4 Judy Hall?

5 A Which time? We're best friends.

6 Q Towards the end of pre-camp, you had a conversation
7 with Judy Hall pertaining to a man entering her tent.

8 A Yes, I had one.

9 Q Could you explain to us what the substance of that
10 conversation was?

11 A Yes. She had said that a man was -- it was during
12 pre-camp and she was sick and we were all down somewhere. We
13 had all gone somewhere and she stayed in the tent and she
14 said a man came in the back of her tent and she just laid
15 there because she was, you know, she had come up there to go
16 to sleep and she said it didn't really bother her because,
17 well, she didn't know who it was but --

18 Q She didn't know who the man was?

19 A No, but then --

20 Q Did she tell you when this happened, what day of the
21 week it was, do you recall?

22 A No, it was probably - it was the day that she was
23 sick. I don't know.

24 Q It was during pre-camp?

25 A Yes.

1 Q You mentioned two of your friends that told you
2 that they had been followed. Do you remember what day that
3 was?

4 A Nope. I didn't even find out about it until after
5 I had gone.

6 Q Was that also during pre-camp?

7 A They didn't ever tell me. I don't think they
8 really ever said that to me but I assumed, I guess so.

9 Q When you found the little girl sleepwalking, do
10 you recall her name?

11 A No. She was -- I can't remember her name. She
12 was a real spacey -- she was a spacey one but I just can't
13 remember her name.

14 Q Who was with you when you found her?

15 A I guess all of us: Linda Henderson - like Linda
16 walked into the middle of camp with her but I -- we were all
17 real groggy and I just -- I think we were all looking. She
18 was just there. I don't know how it happened.

19 Q Did you find her? Did you personally find her?

20 A I don't know.

21 Q Do you remember when this happened?

22 A It was Sunday - Sunday night or Monday morning.

23 Q Approximately what time?

24 A I don't know. We were asleep. It could have been
25 any time. I think it was kind of early, like maybe 1:00, 2:00.

1 Q You didn't hear any other noises or see anything
2 else unusual, out of the ordinary?

3 A No, no.

4 Q Celia, did the little girls that reported seeing
5 the two men, did they give you any kind of description of
6 the man other than boots, kaki pants?

7 A Not that I can remember.

8 Q Okay. You said that you didn't recall the names
9 of the little girls?

10 A Oh, no.

11 Q Could you tell me which tent they were in?

12 A Maybe 3 -- might have been 3 or 4.

13 Q Tent 3 or 4?

14 A I think it was probably 3, but I don't know.

15 Q Can you give me a description of any of the girls?

16 A I think one of them was kind of chubby. I don't
17 remember though. One of them was chubby but I couldn't
18 tell you anything else.

19 Q And did -- in your conversation with Judy Hall, did
20 Judy give you any kind of description of the person that came
21 into her tent?

22 A No. She said -- she didn't give me a description.
23 She said that she thought it might have been Ben, but she
24 didn't even know who Ben was.

25 Q Okay.

1 A She thought he was just there to check the cots;
2 that's what she thought.

3 Q No description of the way that he was dressed?

4 A No.

5 Q Black, white or Indian?

6 A No.

7 Q Celia, have you told us everything you know about
8 the weekend at Camp Scott?

9 A Everything I know?

10 Q Yes.

11 A No, I can't think of anything.

12 Q Everything that you recall?

13 A I suppose, from what you've asked me, I can't
14 think of anything significant that I haven't told you.

15 MR. PITCHLYNN: No further questions.

16 THE COURT: Cross examine?

17 MR. WISE: I don't believe we have any. Thank you,
18 Your Honor.

19 THE COURT: You may step down.

20 (WHEREUPON, the witness was excused and withdrew
21 from the hearing room.)

22 THE COURT: Call your next witness.

23 MR. ISAACS: Judge, would you entertain breaking for
24 lunch at this time?

25 THE COURT: We'll have to start early, if we do.

1 MR. ISAACS: All right.

2 THE COURT: All right. We'll recess until 12:45
3 p. m.

4 (Following the lunch recess, proceedings continued
5 as follows:)

6 AFTERNOON SESSION

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

10 THE WITNESS: I do.

11 THE COURT: Be seated.

12 DICKIE JOE COOPER,

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

15 DIRECT EXAMINATION

16 BY MR. ISAACS:

17 Q State your full name for the record, please?

18 A Dickie Joe Cooper.

19 Q Where do you reside at this time?

20 A West Memphis, Arkansas.

21 Q How are you employed?

22 A I drive a truck.

23 Q Back in June of 1977, where were you living?

24 A At eight miles south of Locust Grove. I was staying
25 with my folks.

1 Q Do your folks have some property out there?

2 A Yes, sir.

3 Q Live there all your life?

4 A Yes, sir.

5 Q Dickie Joe, are you acquainted with the Camp Scott
6 camping area?

7 A Yes.

8 Q Directing your attention to Sunday, the 12th day
9 of June, 1977, will you tell me what you did that day?

10 A I stayed at my folks' home.

11 Q And during the evening hours of Sunday, what did
12 you do?

13 A I was home.

14 Q The next morning at about 8:00 o'clock in the
15 morning, some little girls were killed. Can you tell us where
16 you were before 8:00 o'clock?

17 A I was at my folks' home.

18 Q Dickie Joe, after the homicides, did anyone come to
19 you and interrogate you or question you about these homicides?

20 A Yes.

21 Q Who?

22 A The FBI and OSBI.

23 Q Who was the first law enforcement agency?

24 A The FBI.

25 Q The second one?

1 A OSBI.

2 Q What day was it when the FBI came to interview
3 you concerning these homicides?

4 A It was -- I believe the first time was early part
5 of October. I was in Wichita, Kansas.

6 Q And what happened when they interviewed you?

7 A They came up and they wanted to know where I was
8 at. I believe it was 6th and the 13th.

9 Q Did you tell him the same thing you told us here
10 today?

11 A Yes, sir.

12 Q Did you later -- were you later contacted by any
13 other law enforcement agencies?

14 A I was contacted later on - November, I guess - by
15 the FBI again.

16 Q Where was that?

17 A Ponca City.

18 Q What did they talk to you about in Ponca City?

19 A Wanted to know where I was at on 6th and 13th.

20 Q Did you tell them the same thing?

21 A Same thing.

22 Q Did they take your fingerprints?

23 A Not to my -- no, I don't remember them taking them.

24 Q Did they take samples of your hair?

25 A No.

1 Q Blood?

2 A No.

3 Q Saliva?

4 A No.

5 Q Dickie Joe, after the interview in Ponca City
6 with the FBI Agents, were you later interviewed at another
7 place?

8 A Yes.

9 Q Where was that?

10 A At, I believe it was Tahlequah, Oklahoma.

11 Q When was that?

12 A I believe it was around - somewhere around the
13 1st of March.

14 Q And what was the substance of that interview?

15 A It was the OSBI and they wanted to know where I
16 was at the 6th and the 13th.

17 Q Do you remember the name of the OSBI Agent who
18 interviewed you in Tahlequah?

19 A No, I don't. There was two or three of them.

20 Q Where did this interview take place?

21 A At my home, once at my job.

22 Q Which job?

23 A I worked for Ace Ready-Mix there in Tahlequah.

24 Q At that time, were you living in an Apartment 2593
25 Seminary Street?

1 A 532 Seminary Street.

2 Q What did the OSBI ask you about when they interviewed
3 you in Tahlequah?

4 A They wanted to know where I was at on the 6th and
5 13th.

6 Q Tell them the same things you told --

7 A The same thing.

8 Q Did they take any fingerprints?

9 A No.

10 Q Hair samples?

11 A No.

12 Q Saliva?

13 A No.

14 Q Blood?

15 A No.

16 Q After that interview, were you contacted by any
17 member of any law enforcement agency?

18 A The OSBI.

19 Q Where was that?

20 A At my apartment.

21 Q Where is that located?

22 A 537 Seminole, Tahlequah.

23 Q Did they interview you?

24 A Yes, sir.

25 Q What did they ask you about?

1 A Where I was at on 6 and 13th.

2 Q Did you tell them the same things you have told us
3 here today?

4 A Same thing.

5 Q Were you later contacted by a member of any law
6 enforcement agency?

7 A Just OSBI again.

8 Q When was that?

9 A Best of my knowledge, it was around sixty days ago.

10 Q Sixty days ago would have been April 26th; is that
11 correct?

12 A Somewhere around there; I'm not sure.

13 Q Where did they contact you, Mr. Cooper?

14 A Picked me up at my home and took me into Tulsa;
15 at 537 Seminar.

16 Q What was the substance of that interview?

17 A Polygraph test.

18 Q Did they ask you the same questions that they asked
19 you on the earlier interviews during the earlier interviews?

20 A No, they asked me different questions. Ten of them.

21 Q What was the substance of that interview?

22 A Well, it was -- they gave me the polygraph test
23 and asked me, I believe one of the questions was when was the
24 last time I'd seen Gene and if I would lie to save a friend
25 and I don't remember if they asked where I was at or not.

1 They asked me my name. There was ten questions asked.

2 Q After that interview, were you later interviewed
3 at another time and place?

4 A I wasn't interviewed but the OSBI was at my parents'
5 home this week -- not this week but last week.

6 Q Do you know the substance of that visit?

7 A Yes, they asked me -- they didn't ask me -- they
8 wanted confirmed from my mother and dad where I was at on
9 on the 6th and 13th.

10 Q Have you been contacted by any investigative agency
11 since that time?

12 A No. I take that back. I did talk to one out here
13 this morning.

14 Q Which fellow was that, Mr. Cooper?

15 A His name is Gary. I don't know his last name.

16 Q Is that the fellow sitting right here at the end
17 of the table?

18 A Yes, that one.

19 Q Okay, what was the substance of that interview?

20 A I asked him, you know, what he wanted last week
21 when he was down.

22 Q Okay. Have you told me everything you know about
23 these homicides at Camp Scott and the investigation that
24 followed, Mr. Cooper?

25 A Really nothing. I mean just everything I know is

1 just all hearsay.

2 MR. ISAACS: No further questions.

3 THE COURT: Cross examine?

4 MR. WISE: We have no questions.

5 THE COURT: You may step down.

6 (WHEREUPON, the witness was excused and withdrew
7 from the hearing room.)

8 THE COURT: Call your next witness.

9 MR. ISAACS: Judge, Mr. Cooper came here from --

10 MR. COOPER: West Memphis, Arkansas.

11 MR. ISAACS: West Memphis, Arkansas.

12 THE COURT: He is free to go unless you need him
13 for some other purpose.

14 MR. ISAACS: Judge, he's wondering about getting
15 his plane ticket money.

16 THE COURT: Well, he'll have to talk to the Court
17 Clerk. See Eloise Gist about any possible witness fees,
18 mileage fees and so forth.

19 MR. ISAACS: Call Richard -- Well, Jan McDermitt.

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

23 THE WITNESS: I do.

24 THE COURT: Be seated.

25

JAN LOUISE McDERMITT,

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

DIRECT EXAMINATION

BY MR. ISAACS:

Q Miss McDermitt, would you state your full name?

A Jan Louise McDermitt.

Q Miss McDermitt, what is your occupation?

A Right now?

Q Yes, ma'am?

A Nothing; I just live at home.

Q And were you a student at Oklahoma State University last year?

A Yes.

Q During the summer months, were you employed for Magic Empire Council?

A Yes, sir.

Q And in what capacity?

A I was an Assistant Unit Leader.

Q How long have you been a Girl Scout?

A Oh, every since you're able to do Brownies and on up.

Q Have you ever been to Camp Scott?

A Yes.

Q How many times?

1 A Oh, so many I probably couldn't count; lots of
2 times.

3 Q Directing your attention to June of 1977, you
4 were there as an Assistant Counselor; is that correct?

5 A Yes, sir.

6 Q And as an Assistant Counselor, would you tell us
7 what your duties are as Assistant Counselor at Camp Scott?

8 A We're to help the girls when they need it and to
9 keep them together and make sure they're doing everything
10 okay and to more or less just watch out for the girls and
11 help with activities.

12 Q Do you know Barbara Day?

13 A Yes, sir.

14 Q Is she the woman that hired you in that capacity?

15 A Yes.

16 Q During the week before camp officially opened, did
17 you attend an orientation period?

18 A Uh-huh. It was a week before it started.

19 Q During that week, what happened?

20 A We went over several drills, fire drills, what
21 to do in emergencies and then activities that we could do
22 with the kids.

23 Q Were you instructed about security?

24 A Yes, sir. We'd -- well, there was not a lot of
25 security but, you know, when the gate was closed and when

1 we could leave and when we couldn't. The girls were never
2 allowed to leave and stuff like that.

3 Q What time is the gate opened in the morning?

4 A I don't know what time it's opened.

5 Q What time is the gate closed at night?

6 A To be closed --

7 MR. FALLIS: If it please the Court, excuse me a
8 moment. Your Honor, I'm going to interpose an objection
9 based on the grounds that it's incompetent, irrelevant and
10 immaterial. We have fixed no time or date. I think the
11 critical aspect of this hearing is the date of, the evening
12 hours of the 12th of June, 1977, or the early morning hours
13 of June 13, 1977. We've gone through this line of question-
14 ing with many many people and I think for the sake of per-
15 haps of conserving some time and record, perhaps an objection
16 is also founded on the grounds that it has been asked and
17 answered and established, I think. There seems to be no
18 issue involved at this point. It's not particular material
19 to be subject for the Court.

20 MR. ISAACS: Judge, I'd say in response to that, the
21 question has not been asked of this witness and this witness
22 has not been permitted to answer the question. Anything
23 that this witness testifies to concerning the security and
24 what-have-you at Camp Scott, leading up to the homicides is
25 material.

1 MR. FALLIS: If it please the Court, it may be
2 material to a civil lawsuit but certainly not material to
3 the issues here.

4 THE COURT: Objection to that question is sustained.
5 It is not collateral but it is accumulative. Ask your next
6 question, Mr. Isaacs.

7 MR. ISAACS: Well, Your Honor, I asked the ques-
8 tion for this purpose to show that Mr. Hart was not seen by
9 this witness walking around Camp Scott.

10 THE COURT: You didn't ask that, Mr. Isaacs. You
11 ask her that question.

12 Q Did you see anyone walking around Camp Scott the
13 week before the camp started that looked to you to be a
14 stranger?

15 A Well, most of the people that, you know, come to
16 -- well, other than the girls, most of them were strangers to
17 me. You know, I didn't --

18 Q Didn't you see any strange men?

19 A No, just people that worked there, as far as I
20 knew.

21 Q During the week of orientation, did you observe
22 any men putting up tents in the Camp Scott area?

23 A No, sir.

24 Q Was it reported to you during that week that some
25 item of personal property was taken from one of the tents?

1 A No, sir.

2 Q Did anything unusual happen during that week which
3 would be cause for becoming alarmed about the safety of
4 either counselors or campers?

5 A Not to my knowledge.

6 Q Miss McDermitt, did you attend the Cadet Camporee
7 that occurred some months before June?

8 A No, sir, I didn't.

9 Q Now, the orientation period ended on Friday, did
10 it not?

11 A Yes, sir.

12 Q And on that Friday, did you go back to Tulsa or
13 to visit friends?

14 A I went to Coweta to stay with my sister.

15 Q Anybody else go with you?

16 A I took home Judy Hall, Celia Stall and Jill Mc-
17 Dermitt.

18 Q What time of day did you girls return to Camp Scott
19 on Sunday?

20 A We were to be there before the girls arrived,
21 which I think was 1:00, so probably 12:00.

22 Q Had you been given a copy of the assignments for
23 your unit?

24 A No, sir.

25 Q Which unit were you in?

1 A Choctaw.

2 Q How far is Choctaw from Kiowa -- just estimate
3 the distance, please?

4 A About a block, block and a half.

5 Q And that would be in a southeasterly direction, was
6 it not?

7 A No, it was west - it was west for me, I'm pretty
8 sure.

9 Q Kiowa Unit is west of you; right?

10 A Right.

11 Q On Sunday, when the girls arrived after 1:00 o'clock,
12 were you given a list of the campers to be assigned to your
13 unit?

14 A No, I wasn't.

15 Q When the girls arrived, tell us what you did?

16 A We unloaded the buses and got all the girls to a
17 certain units, whichever ones there was to be and everyone
18 was assigned to a certain specific job and then we took the
19 girls to the units, to their assigns.

20 Q To Choctaw?

21 A Yes.

22 Q How many campers did you have in Choctaw Unit?

23 A Oh, there was probably maybe twenty-eight, thirty
24 girls.

25 Q What ages, ma'am?

1 A About seven; around seven; age seven. I'm not
2 real sure, though.

3 Q On Sunday afternoon, did any of those girls report
4 seeing anything unusual?

5 A Not in my unit.

6 Q Did any of them report to you about seeing some-
7 thing unusual in another unit?

8 A No, sir.

9 Q Tell me what you did in the evening hours on Sunday,
10 June 12th?

11 A I had dinner and afterwards, we just all went back
12 to our units, sang songs or whatever.

13 Q What time was it when you got back to your unit?

14 A Oh, probably about eight o'clock; 7:30 or 8:00.

15 Q When you got back to your unit, what did you do?

16 A Well, it was the first night of camp so, you know,
17 we let the girls either go into their tents or they could
18 stay around, you know, the main place.

19 Q Darkness falls about what time in June?

20 A I guess about 8:00 o'clock. No, I don't know.

21 Q That night we were having a rainstorm, were we
22 not?

23 A Uh-huh.

24 Q So it was darker earlier than usual?

25 A Yes.

1 Q Did you see anybody unusual or any reason -- did
2 you see anybody which would cause you to have reason for
3 alarm from the time that you got back to camp until you put
4 the girls to bed?

5 A No, sir.

6 Q Who locks the gate at night at Camp Scott?

7 A I don't know.

8 Q If you're locked out of Camp Scott, who do you go
9 to get the key to get in?

10 A Well, if you're out, I don't know. If you're in
11 and you need to get out, I'd go to see Barbara Day.

12 Q Did anybody else have a key, to your knowledge?

13 A No.

14 Q Do you know Mr. Woodward?

15 A Ben Woodward?

16 Q Yes, ma'am?

17 A No, I don't know him. Just from association with
18 the camp.

19 Q What time was it when the little girls finally
20 quietened down and settled in?

21 A In my unit, it was between 9:00 and 12:30.

22 Q Did anything unusual happen between 9:00 and 12:30?

23 A No, just the usual.

24 Q At 12:30, did you check the area?

25 A I did, yes, sir.

1 Q Did you see anything unusual?

2 A No, all my girls were in their bags.

3 Q Did you see any people walking around with flash-
4 lights?

5 A No, sir.

6 Q Now Miss McDermitt, you've been to the Girl Scout
7 Camp quite a few times, have you not?

8 A Yes.

9 Q Where would you go to pick up supplies such as
10 rope or tools, if you are going to use those items to repair
11 a tent?

12 MR. FALLIS: If it please the Court, I object on
13 the grounds that it's cumulative and it's also calling for
14 a state of facts not in evidence before this Court. In some
15 instance, we might inquire of her where we might go to find
16 toilet tissue, where we might go to find towels, repair
17 material or anything else. It doesn't have anything to do
18 with this hearing.

19 MR. ISAACS: I think it's very material, Judge,
20 because testimony's been given about tape used to bind these
21 young girls -- about tape being used to bind them; different
22 types of blunt instruments were all over the girl scout camp.

23 MR. FALLIS: Where she might go to get anything is
24 not relevant to these issues, Your Honor.

25 THE COURT: The objection is sustained.

1 MR. ISAACS: Show my exception.

2 Q Now, Miss McDermitt, if something, some cause for
3 alarm arises, who do you report that to?

4 A Barbara Day.

5 Q What's the procedure for reporting an emergency?

6 MR. FALLIS: If it please the Court, again I
7 would object. Again, it has no bearing on the issues before
8 this Court. Certainly, we've gone through several witnesses
9 now and there's been no testimony offered by the State and
10 I can see nothing germane to this line of questioning except
11 spending time which we've done with some.

12 MR. ISAACS: If Mr. Fallis will let me do my thing,
13 I'll let him do his. He put his case on the way he thought
14 it ought to be put on and I'd like to ask these questions
15 because I feel like they're material. They go to prove that
16 my client did not cause the death of the young girls and also
17 that there are instruments that could be used to cause the
18 deaths right there in the Camp Scott area.

19 MR. FALLIS: Judge, I don't think there's been any
20 issue that many people have testified about the chick camp or
21 building or tent where rope was maintained, matters of this
22 type. I don't see any issue.

23 MR. ISAACS: I'll accept that stipulation.

24 MR. FALLIS: It's not a stipulation. It's been in
25 evidence twenty-five times.

1 THE COURT: I believe the question was where would
2 you go to turn in an alarm if something was wrong?

3 MR. ISAACS: Yes, sir.

4 THE COURT: I'll allow her to answer that question.
5 Objection is overruled. You may answer that question.

6 A I believe that each Unit Leader was to have a
7 walkie-talkie in the tents with them and was to report it
8 from there.

9 Q Were the walkie-talkies working that night?

10 A I didn't use it so I don't know.

11 Q What time did you go to bed that night?

12 A About 1:00.

13 Q Did anything unusual happen before you went to bed?

14 A No, sir.

15 Q Did you see any strange men in the area?

16 A No, sir.

17 Q The next morning, tell me what happened when you
18 woke up?

19 A We were woke up earlier than usual by Barbara.
20 She come by to the unit, to our tent and told us to go to
21 eat breakfast and get the girls up and go eat breakfast, take
22 the far route, however, whichever route that would be to
23 go to breakfast.

24 Q When was the first time that you learned of the
25 death of the three campers?

1 A At breakfast.

2 Q About what time was that?

3 A Probably about 7:30 or around 8:00; I'm not sure.

4 Q Jan, did you ever go into the Kiowa Unit area on
5 the 13th day of June?

6 A No, sir.

7 Q After you had breakfast, I believe you took the
8 girls on a canoe trip or sightseeing, down by the waterfront?

9 A Could you repeat the question?

10 Q After you had breakfast, I believe it's been
11 testified that the unit leaders took their campers on a
12 little hike that involved water activities?

13 A Yes, we were to get them out of the area and keep
14 them all together so we took them down to swim.

15 Q Were you with that group that took the children
16 down the river?

17 A Yes.

18 Q After you had been down to the river, what did you
19 do?

20 A We waited for the buses to come pick us up and from
21 the water, we took them straight to the buses.

22 Q After you loaded the girls on the buses, what hap-
23 pened?

24 A They took them back to the camp and we unloaded and
25 they were to go straight to their tents and pack up and then

1 get back on the buses.

2 Q Were you interviewed by any law enforcement agent
3 before leaving there on the 13th?

4 A Yes, sir.

5 Q When was that?

6 A It was after all the girls had left. We were all
7 to stay there and be questioned.

8 Q Who questioned you?

9 A I can't recall the name.

10 Q Where was the questioning?

11 A In the Great Hall where we ate.

12 Q Man or woman?

13 A It was a man.

14 Q Did you tell him the same things you told us today?

15 A No. He didn't ask the same questions. He just
16 really wanted to know if I'd seen anything. That was all.

17 Q What did you tell him?

18 A No.

19 Q Did any of your campers report to you about seeing
20 anybody strange in the area or any people in the area that
21 were strange people?

22 A No, sir.

23 Q After you had the interview with that OSBI Agent,
24 were you later interviewed by some law enforcement officer?

25 A Yes, I was called while I was at Stillwater.

1 Q When was that?

2 A Just before school was out. I can't remember;
3 whenever that was.

4 Q Were you interviewed personally?

5 A Yes.

6 Q What was the substance of that interview?

7 A They wanted to know if I had seen a couple of pairs
8 of shoes and a photograph.

9 Q What kind of shoes?

10 A A pair -- one was a tennis shoe and the other was
11 kind of a boot-like shoe.

12 Q Would you describe the boot for me?

13 A Oh, it was about ankle high, kind of leather on the
14 outside. It was brown, laced up, just a shoe.

15 Q How many laces?

16 A It went all the way to the ankles - from the toe
17 to the ankle.

18 Q More than two?

19 A Uh-huh.

20 Q More than two eyelets?

21 A Yes.

22 Q And the tennis shoe, can you describe that for me?

23 A It had stripes on the side and kind of an odd look-
24 ing sole.

25 Q What was odd about the sole?

1 THE COURT: We'll take about a five minute recess,
2 Mr. Isaacs.

3 (Following a five minute recess, the proceedings
4 continued as follows:)

5 MR. ISAACS: Call Richard Day.

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

9 THE WITNESS: I do.

10 RICHARD HAUSER DAY,

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

13 DIRECT EXAMINATION

14 BY MR. ISAACS:

15 Q Mr. Day, would you state your full name, please,
16 sir?

17 A Yes. Richard Hauser Day.

18 Q How are you employed, sir?

19 A I'm employed with Penmore Corporation, pharmaceuti-
20 cal representative.

21 Q Mr. Day, your wife is Barbara Day, isn't she?

22 A Yes.

23 Q And she was Director at Camp Scott during the summer
24 of 1977; is that not correct?

25 A Yes, it is.

1 Q Some time ago, your mother was Camp Director, was
2 she not?

3 A Yes.

4 Q About how many years ago was that?

5 A Approximately forty years.

6 Q So you're acquainted with the Camp Scott area and
7 have been for quite awhile.

8 A Yes.

9 Q Mr. Day, directing your attention to June of 1977,
10 were you at Camp Scott for an orientation period during one
11 of those days with your wife?

12 A I think I was there the weekend before but not
13 actually during the orientation -- no, I wasn't.

14 Q During the weekend, was anything unusual reported
15 to you about something happening at Camp Scott?

16 A Just in the evening. There was some hysteria caused
17 by one girl. I think she felt she saw something in a tree,
18 I think.

19 Q Yes, sir.

20 A If you are referring to that, yes.

21 Q Did anybody report finding a note?

22 A No.

23 Q Handwritten note?

24 A No.

25 Q Do you know anything about the handwritten note

1 found at Camp Scott some weeks before the girl scouts were
2 killed?

3 A Just what my wife has told me that some note was
4 found, yes.

5 Q Directing your attention to Sunday, June 12th, were
6 you at Camp Scott?

7 A Yes, I was.

8 Q Tell me what you did while you were there that
9 Sunday afternoon?

10 A Most of the time I spent exploring some parts of
11 the Girl Scout property that I wanted to familiarize myself
12 with as far as boundaries and where certain trails led and
13 so forth. I spent most of my time on the creek.

14 Q Did you go down on the creek by Wildcat Williams'
15 property, what they call "Wildcat Williams" property?

16 A I was by there. I wasn't on the creek in that area.
17 I was actually above that part.

18 Q Tell me what happened when you went down on the
19 creek?

20 A On the way back, after I went down this one trail
21 that leads away down to the furthest corner of the Girl Scout
22 property, on the way back, I did have an encounter with some-
23 one that was coming up from a -- what seemed a minor trail,
24 some person there.

25 Q Was this on the Girl Scout property?

1 A Yes, it was.

2 Q Would you describe that individual for me?

3 A It was a quick encounter so it's sort of hazy but
4 he was sort of medium length dark hair, tall, fairly thin
5 person.

6 Q How tall would you say he was?

7 A A little shorter than myself. Maybe, I'd say
8 around six feet, a little under, something like that.

9 Q And the race of this man, sir?

10 A White.

11 Q Did he have anything in his hands at that time?

12 A He did have a jug, yes.

13 Q What color of jug?

14 A It was a plastic jug, clear plastic jug. He
15 explained to me he was after water from the creek.

16 Q How far from the Camp Scott encampment area were
17 you when you saw this man?

18 A I'd say maybe a couple of miles plus; something
19 like that.

20 Q Was that one of the swimming holes that you were
21 near, one of the swimming holes used by the Girl Scout Camp?

22 A No, not then, no.

23 Q Would you describe for me the color of the man's
24 hair that you saw?

25 A It was dark.

1 Q Did you say black?

2 A I couldn't say it was exactly black. It was a
3 dark color as opposed to blond.

4 Q Do you recall the type of footgear that he had on?

5 A No, I don't.

6 Q Can you describe his clothing?

7 A He seemed to have jeans on and some type of work
8 shirt, if I remember. It's not real clear because I was
9 sort of startled seeing him there as well as he was.

10 Q Was anybody else with this man?

11 A No.

12 Q About what time in the afternoon was it that you
13 had the encounter with this stranger?

14 A 2:00 to 3:00 in the afternoon.

15 Q After you had that encounter, what did you do?

16 A Just came back to camp.

17 Q What type of automobile did you own, Mr. Day?

18 A At that time, I was driving a Volkswagen.

19 Q What color?

20 A Green.

21 Q The rest of the afternoon you were there in the
22 camp with your wife; is that not correct?

23 A Yes.

24 Q Later in the evening, what did you and your wife
25 do?

1 A Before dinner or after?

2 Q After dinner?

3 A We went to town.

4 Q How did you get to town?

5 A I believe we drove the van, I believe the Girl
6 Scout van.

7 Q When you were leaving the scout camp, did you see
8 anything unusual?

9 A Yes. At the gate, there was a car that was parked
10 off to the side and there was some people in the car.

11 Q How many people, Mr. Day?

12 A I saw two people in the back and I saw some feet
13 hanging out the front door in the front, but I don't know.

14 Q Could you tell the sex of those persons?

15 A No, I could not.

16 Q Can you tell me the race of those persons?

17 A No.

18 Q Could you describe the automobile they were in?

19 A Light colored.

20 Q Sedan?

21 A Sedan, right.

22 Q Who has a key to the gate at Camp Scott, Mr. Day?

23 A To my understanding, Ben, the ranger, has one and
24 my wife.

25 Q Are there any other keys that you know about?

1 A No.

2 Q What time approximately, to the best of your
3 recollection, was it when you saw these folks pulled off the
4 side of the road there by the gate?

5 A Around 7:00 o'clock, I think; maybe a little before
6 7:00 o'clock.

7 Q After you and your wife had gone into town and
8 gotten the milk and had driven back toward the camp, did you
9 see anybody by the gate at that time?

10 A No, they were gone.

11 Q What time did you return to the camp?

12 A Approximately 7:30.

13 Q Mr. Day, did you see any strangers in the Camp
14 Scott area, other than the man that you mentioned at the
15 creek and people in the car?

16 A No.

17 Q At 9:00 o'clock, you and your wife returned from
18 your milk run into Locust Grove; right?

19 A Yes.

20 Q What did you do for the rest of that evening?

21 A Most of it I just spent at the Director's cabin
22 there. She took care of some details, I think with the
23 campers. Most of it I just spent there sitting.

24 Q What time did you go to bed?

25 A Around 10:00 o'clock.

1 Q Did you see any strangers between the time you
2 got the milk and came back and went to bed?

3 A No.

4 Q Anything unusual reported to you?

5 A No.

6 Q Let me interrupt here just a moment and back up.
7 Did anybody report to you about a tent being cut or slashed
8 in the Camp Scott area during the weekend in between opening
9 of camp and the orientation week?

10 A No, I can't remember. I knew of it but I can't
11 remember when I found out about it. I can't.

12 Q Did anybody report anything about an intruder to
13 you or your wife in your presence?

14 A No.

15 Q About what time was it when you went to bed that
16 night?

17 A Around 10:00 o'clock.

18 Q When you woke up the next morning, tell me what
19 happened?

20 A I was woken up by one of the counselors at the door.

21 Q Carla Wilhite?

22 A Yes, I believe that's who it was.

23 Q What did you do after she had woken you?

24 A She explained to us that there were three of the
25 girls that were missing and one of them was by the side of

1 the road and she appeared dead and that we should come.

2 So, Barbara and I went.

3 Q Was anybody else with you when you went to the
4 Kiowa Unit?

5 A No.

6 Q Tell me what you saw when you arrived there?

7 A After we arrived there, I observed a young girl
8 that was laying unclothed, except for a shirt on.

9 Q Excuse me, was anybody with the bodies when you
10 and Carla and your wife drove up?

11 A Not right there, I don't think. I think there
12 might have been a counselor standing back but I'm not really
13 sure.

14 Q Nobody was there with the bodies?

15 A No.

16 Q Tell me what happened after you pulled up?

17 A I just -- I went over to examine the girl because
18 I noticed she had some blood and a wound on the right side of
19 her head.

20 Q You've had medical training in the past, have you
21 not?

22 A Yes, sir.

23 Q What type of medical training was that?

24 A I have had a great deal of first aid training as
25 well as surgical nurse.

1 Q Is that a military occupation?

2 A Yes.

3 Q Which branch of the service?

4 A Navy.

5 Q Tell us what you did when you observed the bodies?

6 A My first idea was -- the first thing that came to
7 me was this girl looked dead, yes, she did and so I examined
8 - obviously going to find a pulse and determine if she was
9 dead but there was something around her neck so I couldn't
10 get a pulse there and then it just became apparent to me
11 that she was dead. I did not take a pulse on her.

12 Q Did you at any time touch any of the bodies?

13 A No.

14 Q After you had looked at the body, what did you do?

15 A I instructed the nurse to stay there and to make
16 sure that nobody else came into the area and then my wife
17 and I went up to get Ben, the ranger.

18 Q What time was this, Richard, that all of this was
19 going on?

20 A 6:30.

21 Q Miss Alaback had arrived after you and your wife
22 and Miss Wilhite came upon the bodies?

23 A No, I think she was there first. I think she was
24 there first. They had gotten the nurse first. I think so.

25 Q She had walked over to the unit area when you all

1 pulled up; right?

2 A I'm not sure. I don't know where I could place
3 her.

4 Q Tell me what happened after your wife went to get
5 Ben, what you did?

6 A Well, I went in and woke Ben up.

7 Q Who was with you when you woke Ben?

8 A Barbara, my wife.

9 Q Just the two of you?

10 A Yeah.

11 Q You left Mary Ann Alaback and Carla Wilhite down
12 with the bodies?

13 A Yes. And I got Ben up and she went to her cabin
14 to phone the highway patrolman, the authorities, and then
15 Ben and I went back to the scene.

16 Q When you and Ben went back to the Kiowa Unit, who
17 was there?

18 A Carla -- not Carla, but the nurse.

19 Q Mary Ann Alaback?

20 A Mary Ann Alaback was there.

21 Q What was she doing when you drove up?

22 A Just standing.

23 Q What did you and Ben do after you got back to the
24 Kiowa Unit?

25 A Ben went over to check the girl out and I took Ben's

1 truck and went up to meet the authorities that came into the
2 gate.

3 Q The highway patrol?

4 A Yes.

5 Q What did you do when you got up to the gate?

6 A Opened the gate and just waited for them.

7 Q Was the gate locked?

8 A Yes.

9 Q Are you sure about that?

10 A Yes. When you questioned me before, I wasn't sure
11 because, uh -- and when I talked it over with my wife and
12 went over a few other things, I realized yes. I would have
13 had to open the gate, yes.

14 Q When you talked to me before, you told me the
15 gate was unlocked?

16 A No, I told you I didn't remember if I opened the
17 gate or not.

18 Q Whose keys did you use?

19 A Ben's keys.

20 Q When did Ben give you the key?

21 A They're in the truck.

22 Q Your wife had a key, too; right?

23 A Yes.

24 Q Tell me what you did when you opened the gate?

25 A Well, I just remember I pulled the truck up and

1 opened the gate and pulled the truck and turned it around
2 and had it facing back into camp and just sat there and
3 waited for the highway patrolman.

4 Q Do you remember the name of the first highway
5 patrolman?

6 A Harold Berry -- Officer Harold Berry.

7 Q What did you and Mr. Berry do when he arrived?

8 A I took him down to the site.

9 Q Then what happened?

10 A I stayed back by the truck and he went over and -
11 I think Ben was still there - and he examined the situation,
12 the scene.

13 Q What approximate time in the morning was it when
14 Mr. Berry arrived and you and Mr. Berry went back to the
15 Kiowa Unit?

16 A It would have to be approximate because I'm not
17 really sure.

18 Q Yes, sir.

19 A Guessing it to be somewhere after 8:00 or 8:15;
20 I'm not really sure. The time sequence is somewhat hazy.

21 Q Tell me what happened after you and Mr. Berry ar-
22 rived back at the Kiowa camp?

23 A I know he examined the scene and I just sort of
24 sat back and waited by the truck and in a short time, there
25 was some other officers that came. I think Pete Weaver, the

1 Sheriff was there, I think, and some other people that I
2 don't really recall and I think they then began to -- I
3 think I did go with them to look at some of the tents where
4 the girls had been missing.

5 Q Did you go over and look in the tent?

6 A Yes.

7 Q What did you see when you looked in the tent?

8 A Just a cot; there was a large pool of blood that
9 looked like it had been wiped up on the floor.

10 Q Did you see any bloody items of clothing lying
11 there in the tent area?

12 A No.

13 Q Did you see any blood anywhere else, Mr. Day?

14 A There seems like on the bed, or some blood on the
15 bed.

16 Q How long were you there at the tent with these
17 fellows:

18 A Just a few minutes.

19 Q What did you do after you had looked in the tent?

20 A They looked around and I just sort of stood there
21 and they checked a few things else out.

22 Q What, for instance?

23 A I think they went behind the tent, checked around
24 the surrounding area and I waited by the truck and by this
25 time, some other people were arriving and checking some

1 things out and I mainly just stayed in the background.

2 Q Would you approximate for me the time of day that
3 you looked in the tent?

4 A It would be a guess, maybe 8:30 or 9:00, quarter
5 of 9:00.

6 Q There were several law enforcement officers there
7 with you?

8 A Yes.

9 Q Would you give me the names of the officers that
10 you remember?

11 A Just Sheriff Pete Weaver and Officer Harold Berry
12 are the only two that I remember.

13 Q Anybody else?

14 A There might have been some others, but I don't know
15 their names.

16 Q After you looked in the tent and had gone back over
17 by the truck, tell me what happened?

18 A There was some ambulances that came. I believe --
19 I remember having to pull the truck back out.

20 Q Where was the truck parked at this time when you
21 got in it and moved it? We have a diagram here. If you
22 could indicate on that diagram, I'd appreciate it. Assuming
23 this is the road to the Kiowa Unit.

24 A Well, the little boxes there.

25 Q Big box or little box?

1 A Big box.

2 Q Where did you move the truck when you backed it
3 out?

4 A Back out by the staff house, there's a --

5 Q Were the ambulances there at that time?

6 A No. I remember I pulled it out so -- I knew they'd
7 need some access. That's why I pulled it out.

8 Q How many law enforcement officers were there at
9 that time, to the best of your memory?

10 A I don't know.

11 Q A dozen?

12 A Jeepers! I don't think a dozen, no, not a dozen.

13 Q Tell me what happened after you moved the truck?

14 A I just - I walked back down the road and I remember
15 waiting by the ambulances and there were law enforcement
16 people examining, doing some things and I just stood there
17 and waited.

18 Q Did anybody mention the name Gene Leroy Hart in
19 your presence that morning?

20 A No.

21 Q Did anybody report to you that a purse had been
22 stolen out of the counselor tent in the Kiowa Unit?

23 A No.

24 Q Did you see any glasses on the ground that morning?

25 A No.

1 Q Did you see what is called a guitar capo?

2 A No.

3 Q Did you see any other evidence while you were
4 walking around in the Kiowa Unit?

5 A No.

6 Q Tell me what you did for the remainder of the day?

7 A After awhile, the Girl Scout Director Bonnie was
8 there with a couple of people from the Board. I went back
9 up to the Director's cabin and waited there. The rest of
10 the day was spent -- well, we found out there was a possi-
11 bility that some of the girls' parents were going to show
12 because apparently, this information had been out on the
13 radio. So I went down to the counselor's cabin area and
14 waited to meet them there and I was instructed by Bonnie to
15 explain to them the situation, to assure them that it wasn't
16 their daughter involved and so forth and so on and waited
17 there and then I was also involved with taking the buses down
18 to pick up the girls at Wildcat Williams' and so forth.

19 Q After the buses came and picked up the little girls,
20 were you interviewed by any law enforcement officers?

21 A No.

22 Q What time was it that you left Camp Scott on the
23 13th?

24 A 5:00 o'clock -- 4:00 or 5:00 o'clock.

25 Q During that time, did you talk to any law enforcement

1 officers about what you did?

2 A Yes. Not law enforcement officers. I talked to
3 one person who was assistant to the District Attorney, Sid
4 Wise - a lady.

5 Q Mrs. Huff?

6 A Yes, I believe that's her name.

7 Q What was the substance of that interview?

8 A Basically, sort of what had happened and who I was
9 and what I was doing there.

10 Q Did you tell them the same things?

11 A Yes, I think; sure.

12 Q Was that the only conversation you had of an
13 interview nature with some law enforcement agent?

14 A Yes, as well as I can remember, yes.

15 Q When you left at 5:00 o'clock, where did you go?

16 A We went to some friends' house, some people that I
17 had met recently, and stayed at their home.

18 Q Where was that?

19 A It is further east on Highway 33, several miles
20 from back off the road.

21 Q What are their names?

22 A Mr. and Mrs. John Nielson.

23 Q Were you contacted later on by the Oklahoma State
24 Bureau of Investigation?

25 A Later on that day, or the next day?

1 Q Yes, sir.

2 A Later on that day?

3 Q That day?

4 A No, I was not.

5 Q Contacted the next day?

6 A We went back to the camp and did a few things,
7 picked up -- we had to take Barbara's belongings and things.

8 Q From the office?

9 A Yes, in the office.

10 Q Did you speak with anybody on that day concerning
11 the homicides?

12 A No.

13 Q After you had picked up her belongings, what did
14 you do?

15 A Went home.

16 Q When you went home, were you contacted at a later
17 date by any law enforcement agency?

18 A They asked us to come back to the camp the next
19 day.

20 Q So we're talking about the 15th? You were there
21 on the 13th, you spent the night with the Nielson's on the
22 13th, went back on the 14th and then, on the 15th, they
23 asked you to come back?

24 A Yes, I believe that is correct.

25 Q When you got back to camp on the 15th, were you

1 interviewed by any law enforcement agency?

2 A Yes, by an OSBI Agent.

3 Q Do you know his name?

4 A No, I do not.

5 Q What was the substance of that interview, Mr. Day?

6 A Specifically, we went over a review, the events
7 that happened, a little bit about my background, you know,
8 what I did after high school on up through the Navy, schooling
9 and et cetera.

10 Q Did they give you a blood test?

11 A No.

12 Q Take any blood from you?

13 A Not at that time, no.

14 Q At a later date, did they?

15 A No, I don't think they took a blood sample from
16 me; no, they didn't.

17 Q Have you told me everything about that interview
18 on the 15th?

19 A Just -- they took some fingerprints.

20 Q Your fingerprints?

21 A Yes.

22 Q Who took those?

23 A One of the agents. They set up a little area there
24 to take fingerprints.

25 Q For what purpose?

1 A It would be conjecture. I imagine just to eliminate
2 here if I had any involvement in it, I imagine.

3 Q After they took your fingerprints, did they tell you
4 to go on home, they'd be in contact with you?

5 A Yes.

6 Q What is the next day -- next date that any law
7 enforcement officers contacted you to the best of your recol-
8 lection?

9 A I think maybe, I'm not really sure, a couple of
10 days later, I think one of them dropped by the house and went
11 over a few things with us.

12 Q What was the substance of that interview?

13 A They were interested in some shoes.

14 Q What kind of shoes?

15 A Mainly a print. They were interested in a foot-
16 print that they had found and matching a shoe to a particular
17 footprint and they wanted to know if we knew anybody that
18 had this particular type of shoe or if we were familiar with
19 it.

20 Q Have you ever seen a pair like that before?

21 A No.

22 Q Did they show you any other photographs or pieces
23 of evidence?

24 A Not that I remember, no.

25 Q Is that the substance of the conversation you had

1 at your home that day?

2 A Yes.

3 Q Did they contact you at a later date, Mr. Day?

4 A Yes, they did.

5 Q What was the substance of that conversation?

6 A It was mainly a lie detector test.

7 Q Who was the agency that contacted you about that?

8 A (No response.)

9 Q If you remember?

10 A I don't remember his name. There were several OSBI
11 officers there. One came in and actually administered the
12 test.

13 Q Do you remember the date approximately?

14 A No, I don't.

15 Q About how long after the Camp Scott homicides were
16 you given this lie detector test?

17 A A week, something like that roughly.

18 Q After that interview, were you contacted again at
19 a later date?

20 A There was some periodic calls but no, not regular
21 interviews per se; some checking up of some of the different
22 items.

23 Q What, for instance?

24 A I think some names of counselors and some other
25 things like -- well, most of it was directed toward Barbara,

1 not myself.

2 Q Since then, have any law enforcement officers
3 contacted you or interviewed you or taken any samples of your
4 blood, hair?

5 A They took some hair samples that night I had the
6 polygraph test but they did contact me later on about the
7 shoe incident.

8 Q The shoes?

9 A Yes.

10 Q During the time you were at Camp Scott, both
11 including the week that preceded the opening of camp and the
12 camp, did you observe any men putting up tents?

13 A No, I did not.

14 Q Do you know who put the tents up?

15 A I would assume it was Ben.

16 Q Okay. At any time were you ever shown a bloody
17 towel?

18 A No.

19 Q Did any law enforcement officers show you a flash-
20 light and ask you to identify that flashlight if you could?

21 A No. They didn't show me the flashlight. I remem-
22 ber the flashlight.

23 Q Did you see that flashlight when you were there
24 near the body that day?

25 A Yes, that morning when I first went there, yes.

1 Q What else did you see near the body that morning?

2 A That's all, except the sleeping bags; I did see
3 that.

4 Q Mr. Day, about this man down on the creek, did he
5 have a hat on?

6 A Not that I remember, no.

7 Q Would you know him if you saw him again?

8 A Probably not.

9 Q Do you remember if he had any facial hairs; mus-
10 tache?

11 A I don't remember.

12 Q About how far were you when you first saw him?

13 A Ten feet approximately.

14 Q Did you get any closer than that?

15 A Maybe five feet.

16 Q How long did you see him?

17 A Just for a minute.

18 Q Sixty seconds?

19 A A minute or two; something in there.

20 Q When you went to the gate -- I'm kind of mixed up.

21 What automobile did you use to go to the gate in?

22 A Ben's truck.

23 Q But you went down there in another vehicle -- went
24 down to the Kiowa Unit in another vehicle?

25 A Yes.

1 Q In a separate one?

2 A Because we got Ben up and Barbara took the van
3 down to her office and Ben and I took his truck and went
4 back to the site.

5 Q Have you ever been shown any photographs?

6 A I think one time they showed me a photograph of
7 some counselor they found.

8 Q Louise Liggins?

9 A I don't know. At that time, nobody knew who it
10 was. I think it was found in the supply hut.

11 Q Is this the one that's been torn up and everybody
12 keeps talking about?

13 A Yes, I think it was; yes.

14 Q Did it have a car in the picture and a girl sitting
15 on some sleeping bags?

16 A No.

17 Q Describe for me the one you saw?

18 A There was just some girl standing, like someone
19 taking a snapshot of her, you know, standing there. The
20 background was some woods -- sleeping bag?

21 Q Have you ever seen that picture before?

22 A No.

23 Q Before Camp Scott?

24 A No.

25 Q In that Camp Director's cabin, there is a closet,

1 is there not, where old items used at Camp Scott are stored?

2 A I think so.

3 Q Was there a framed picture of a flag in one of
4 those closets?

5 A I don't know.

6 Q Did you ever look in there?

7 A I didn't look in there.

8 Q Did anybody make any statements to you that there
9 was a fingerprint found either on the body or some item of
10 evidence seized at Camp Scott?

11 A I learned somewhere after, sometime there was a
12 possibility there was a fingerprint on a body, but it was
13 like hearsay, filtered down.

14 Q Who told you that?

15 A I think Barbara mentioned it to me.

16 Q Do you know who told her that?

17 A I don't know.

18 Q Have you told us everything you can remember about
19 Camp Scott and the homicides that happened there on the 12th
20 and 13th of June?

21 A As best I can recall.

22 MR. ISAACS: Thank you, Mr. Day.

23 THE COURT: Cross examination?

24 MR. WISE: We'd have no questions.

25 THE COURT: You may step down.

1 (WHEREUPON, the witness was excused and withdrew
2 from the hearing room.)

3 THE COURT: Call your next witness.

4 MR. PITCHLYNN: Call Jill McDermitt.

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

8 THE WITNESS: Yes.

9 JILL ELAINE McDERMITT,

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

12 DIRECT EXAMINATION

13 BY MR. PITCHLYNN:

14 Q Give us your full name, please?

15 A Jill Elaine McDermitt.

16 Q Jill, what's your occupation, present occupation?

17 A Unemployed.

18 Q Were you employed in June of 1977 by Magic Empire
19 Council?

20 A Yes.

21 Q In what capacity were you employed?

22 A Pardon?

23 Q What capacity were you employed - what was your
24 job?

25 A I was Director of Photography.

1 Q Okay. Had you worked at camp before this summer
2 of '77?

3 A No.

4 Q Have you been at camp as a camper before in
5 previous years?

6 A Yes.

7 Q How many times?

8 A Oh, I've been there since Brownie, just through
9 the summer and camp-outs and cook-outs.

10 Q Did you participate in the week of orientation
11 preceding the opening of camp?

12 A Yes.

13 Q Where did you stay during that week?

14 A What unit?

15 Q What unit were you in?

16 A Choctaw.

17 Q And who did you share a tent with?

18 A Celia Stall.

19 Q During the week of orientation, Jill, did you
20 attend classes or meetings and receive instructions from
21 anyone in particular?

22 A We received instructions from Barbara Day, our
23 Camp Director.

24 Q What type of instructions did you receive?

25 A Oh, I can't remember, just the basics.

1 Q Was there a knot-tying session?

2 A Oh, yes, there was knot-tying, fire building,
3 tents.

4 Q Who taught the knot-tying session?

5 A Anna. I don't know her last name. She's CIT
6 Director.

7 Q She's CIT Director?

8 A CIT - Counselors in Training.

9 Q Do you recall what types of knots that you were
10 taught to tie during this session?

11 A No, I don't know knots.

12 Q During this pre-camp week, were you also instructed
13 on rules and regulations at camp in terms of security?

14 A Repeat that question.

15 Q Were you told what the rules were at camp in
16 terms of coming and going?

17 A Yes.

18 Q What were those rules?

19 A A certain time, I think it was about 10:30, the
20 gate was locked. We had to be back at that time if we left
21 camp - just the counselors.

22 Q Were there any restrictions on leaving camp other
23 than being back at a particular time?

24 A We had to tell the counselor -- I mean Barbara Day,
25 the Director.

1 Q Okay. So other than your normal duties in camp
2 and having to what you call "sit hill", you weren't restricted
3 from leaving the campground?

4 A No.

5 Q If you didn't get back to camp in time - 10:30 or
6 whatever that time was, who would you go to if you had
7 driven the car outside of camp, who would you go to?

8 A I don't know that I ever did that.

9 Q Do you know who had keys to the gate?

10 A No.

11 Q During the week of pre-camp, did you see any
12 strangers on the campgrounds?

13 A No.

14 Q Did you hear of strangers?

15 A No.

16 Q Okay, were there any workers doing any type of
17 work on the campgrounds?

18 A Cleaning the latrines.

19 Q Cleaning the latrines?

20 A Yes.

21 Q Do you know who those workers were?

22 A No.

23 Q Do you know Ben Woodward?

24 A The --

25 Q Ranger or whatever?

- 1 A Yes, I know him.
- 2 Q Was Ben Woodward one of those men?
- 3 A I didn't pay any attention to them.
- 4 Q Do you recall how many there were?
- 5 A No.
- 6 Q During the week of orientation, were there any
7 unusual occurrences, anything unusual, out of the ordinary
8 that happened that you know of?
- 9 A No.
- 10 Q And did you receive assignments during that week
11 of which units you would work in?
- 12 A Not until the last day.
- 13 Q The last day of pre-camp?
- 14 A Friday or I think it was Sunday, either one of
15 those days.
- 16 Q What unit were you assigned to?
- 17 A Cherokee.
- 18 Q Where is Cherokee located from Kiowa?
- 19 A South.
- 20 Q Did you also receive a list of campers that would
21 be in your unit?
- 22 A I did not receive them. My unit leader did.
- 23 Q Who was the unit leader?
- 24 A Jane -- I don't know her last name.
- 25 Q And do you know when she received this list?

1 A No.

2 Q Were you involved in any clean-up or repair work
3 in Cherokee Unit during the week of pre-camp?

4 A No.

5 Q And before you -- did you leave camp on Friday
6 after pre-camp was over?

7 A Yes.

8 Q Do you remember what time you left?

9 A In the afternoon.

10 Q Who did you leave with?

11 A Jan McDermitt, Judy Hall and Celia Stall.

12 Q Before you left the camp, did you move your
13 personal belongings from the area you had been staying for
14 pre-camp into your new assignment?

15 A I don't remember.

16 Q Where did you go when you left the campgrounds on
17 Friday?

18 A My grandmother's.

19 Q To Tulsa?

20 A Coweta.

21 Q When did you return to camp?

22 A Sunday afternoon.

23 Q What time?

24 A After lunch some time.

25 Q What time did the campers arrive on the buses?

1 A Around 12:30 or so.

2 Q What did you do? What were your activities that
3 afternoon after the girls arrived?

4 A Just to get them settled in their tents.

5 Q What did that consist of?

6 A Well, Jane read them the rules and regulations,
7 no running, stuff like that and, uh -- then we drew numbers
8 -- well, they called off numbers to see which girls would
9 go in the tents. They could -- normally, they could just
10 pick whatever tent they wanted to but we decided since they
11 were the older girls, to let them separate from their buddies.

12 Q So you did have a meeting then before tent assign-
13 ments were arranged?

14 A Yes.

15 Q What time was dinner that evening?

16 A 5:30 or 6:00.

17 Q What time was dinner completed?

18 A Eating dinner or dinner-dinner?

19 Q Your evening meal; what time were the kids all
20 through eating?

21 A Probably takes about thirty minutes.

22 Q And what happened after dinner? What activities
23 after dinner?

24 A We sat on the porch and sang and Barbara welcomed
25 the girls to camp.

1 Q Do you know how long this took place?

2 A No.

3 Q Was it raining by this time?

4 A I don't remember.

5 Q Where did you go after the singing was completed?

6 A Back to the unit.

7 Q Okay. Did you go back with all the girls, all
8 the campers together in a group?

9 A Yes.

10 Q What were the activities in your unit when you
11 arrived back at your tent area?

12 A Just going around to see if all of the girls were
13 settled in and check the tents, you know, to see if they
14 had any problems or anything.

15 Q Were there any problems of any kind that evening,
16 any major --

17 A There was one little girl misplaced.

18 Q Pardon?

19 A There was one little girl misplaced.

20 Q What was her name, do you recall?

21 A No.

22 Q What do you mean by "misplaced"?

23 A She was in the wrong unit.

24 Q Okay. What did it -- it did rain that evening, is
25 that correct?

1 A Yes.

2 Q And approximately what time, if you recall, did it
3 begin to rain?

4 THE COURT: Mr. Pitchlynn, I've heard all the
5 questions about rain I care to hear. Ask your next question.

6 MR. PITCHLYNN: Your Honor, this is a new witness.

7 THE COURT: It's cumulative. Ask your next ques-
8 tion.

9 Q Jill, what time that evening did the girls start
10 to settle in for the night?

11 A When it got dark.

12 Q And about what time would that be?

13 A Oh, Daylight Savings Time, let's see, about 8:30
14 or 9:00 o'clock or so.

15 Q What time did the counselors turn in?

16 A I didn't turn in until 11:00 or so and that's
17 about what time the other counselors did.

18 Q Were you in the tent most of the time during that
19 evening?

20 A No, I was in the photography hut.

21 Q What time did you return then?

22 A 11:00.

23 Q Was there anything unusual about that particular
24 night? Were you awakened in the night?

25 A No.

- 1 Q What time the next morning did you awake?
- 2 A 7:30.
- 3 Q How were you awakened?
- 4 A Anna, the CIT Director, came in and woke us up.
- 5 Q Why did Anna wake you up?
- 6 A Uh, she -- I slept through the bell and she said
- 7 we had to go through emergency procedures and that's why she
- 8 woke us up.
- 9 Q Did she explain?
- 10 A No, she just said emergency procedures.
- 11 Q What did you do?
- 12 A I got dressed and went and got the girls up.
- 13 Q And took the girls to breakfast?
- 14 A Great Hall.
- 15 Q Had you heard anything by this time about what
- 16 had happened?
- 17 A Right before breakfast.
- 18 Q And who told you?
- 19 A Celia Stall.
- 20 Q What did Celia tell you?
- 21 A Three little girls had been murdered.
- 22 Q Did she explain -- did she go any further?
- 23 A No.
- 24 Q Okay. While you were at breakfast, did you learn
- 25 anything more about what happened?

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A No.

Q And following breakfast, what did you do with your girls?

A We took them back to get their swimsuits.

Q Okay. Took them swimming?

A Yes.

Q Were you questioned on Monday by authorities?

A That was the day the girls had been murdered; right?

Q Yes, that morning.

A Yes.

Q Who questioned you; do you recall?

A FBI Agent.

Q An agent - an FBI Agent?

A Yes.

Q You don't recall the name?

A No.

Q How long were you questioned; for what length of time?

A About a minute.

Q Okay, and the nature of the questions?

A Did I hear anything in the night; what time did I go to bed.

Q What did you tell him? Did you hear anything?

A No, I didn't hear anything.

Q Did anyone report to you or did you hear of reports

1 of missing personal property on Monday?

2 A When? That day?

3 Q Right; on Monday?

4 A No.

5 Q Monday afternoon?

6 A No.

7 Q Did you later hear of property that was missing?

8 A In the news reports.

9 Q And you had no personal knowledge of any of that?

10 A No.

11 Q Were you interviewed later by any authorities?

12 A No, not until you interviewed me at the Girl Scout
13 Office.

14 Q Have you since that time been interviewed?

15 A No.

16 Q Jill, did you ever have an occasion to go into the
17 Kiowa Unit after the incident that Monday morning?

18 A No.

19 Q And you never saw the tent or saw the bodies?

20 A No.

21 Q Okay. Have you told me everything that you can
22 recall about those days, the investigation that followed,
23 interviews?

24 A Yes.

25 MR. PITCHLYNN: Okay. No further questions.

1 THE COURT: Cross-examine?

2 MR. FALLIS: Just a question, Your Honor.

3 CROSS EXAMINATION

4 BY MR. FALLIS:

5 Q Miss McDermitt, you mentioned one little girl being
6 misplaced?

7 A Uh-huh.

8 Q Was she a little girl in the Choctaw Unit?

9 A She was in the Kiowa Unit.

10 Q Do you recall her name?

11 A No, I don't.

12 Q Do you know, ma'am, of your own personal knowledge
13 if it was one of the little girls that was victimized in
14 this particular case?

15 A (No response.)

16 Q Either the little Milner girl or the little Farmer
17 girl or the little Guse girl?

18 A No, it wasn't.

19 Q It's not one of those little ladies?

20 A No.

21 THE COURT: Redirect on this point?

22 MR. PITCHLYNN: No.

23 THE COURT: You may step down.

24 (WHEREUPON, the witness was excused and withdrew
25 from the hearing room.)

1 MR. ISSACS: Judge, we call Charlie Newton.

2 THE COURT: Would you step, Deputy, to the next
3 courtroom see if Officer Newton is available from that court-
4 room?

5 MR. ISAACS: Judge, I don't have anymore witnesses
6 for the day.

7 THE COURT: Let's take about a ten or fifteen
8 minute recess. Perhaps he will finish in the other court-
9 room.

10 (Following a fifteen minute recess, the proceed-
11 ings continued as follows:)

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

15 THE WITNESS: Yes, sir.

16 CHARLES D. NEWTON,

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 Mr. Newton, would you state your full name, please?

22 A Charles D. Newton.

23 Q What is your occupation?

24 A State Trooper, State of Oklahoma.

25 Q How long have you been so employed?

1 A Since February 19, 1966.

2 Q Directing your attention to the Camp Scott area on
3 or about June 13th, June 12th, 1977, did you respond to a
4 call to pick up some OSBI Agents?

5 A Yes, sir.

6 Q Where did you go to pick those people up?

7 A Pryor Municipal Airport.

8 Q After you picked them up, you took them back to
9 the Camp Scott area?

10 A Yes, sir.

11 Q Tell me what happened after you arrived at Camp
12 Scott?

13 A We arrived at Camp Scott and received information
14 of the location of where the Agents were needed and I trans-
15 ported them with the equipment that they had to that loca-
16 tion which was the Kiowa Camp area.

17 Q Do you know the names of those agents?

18 A One agent, Arthur Linville is the only one I know -
19 knew. I had previously met him before this and he was the
20 only one that I did know.

21 Q What time of day was it when you took these fellows
22 over to the Camp Scott Kiowa Unit?

23 A If I recall properly, the approximate time was
24 about 10:30 a. m. that I located them at the Pryor Airport
25 and we got to Camp Scott area approximately 11:15.

1 Q Describe the Kiowa Unit as it appeared on the
2 morning of the 13th, at 11:00 a. m.?

3 A There was one area as we entered the Kiowa camp,
4 it was to the lefthand side of the road, that was roped off
5 with a polyester nylon-type road, similar to ski rope; just
6 to the right of that, which I believe would be to the north
7 of that area, if the first tent. Then, from there to the
8 west, fanned north, is the location of seven other tents and
9 in the general area of the center of that whole location is
10 a concrete block inbuilding with a roof on it and north of
11 that is a campfire area. That's the general camp itself.

12 Q Now, the counselor's tent is located a little bit
13 to the east of that kitchen area, is it not, that concrete
14 block house I'm referring to?

15 A Yes, sir, I understand that first tent to the right
16 was the counselor's tent.

17 Q Were there quite a few people in the Kiowa Unit
18 area when you arrived?

19 A Yes.

20 Q Approximately how many?

21 A I honestly have no idea.

22 Q Were there other highway patrolmen already on the
23 scene?

24 A Yes, sir.

25 Q Were there representatives from the Mayes County

1 Sheriff's Office on the scene?

2 A Yes, sir.

3 Q Were there representatives from the Oklahoma State
4 Bureau of Investigation on the scene?

5 A Yes, sir.

6 Q Had Mr. Wise and his investigators from the District
7 Attorney's Office arrived?

8 A Yes, sir.

9 Q I believe that we have heard testimony that some
10 ambulance drivers were on the scene. Do you recall whether
11 or not the ambulance people had arrived?

12 A We met -- I say "we" -- I and the agents met
13 ambulances in the Locust Grove Municipal area on the main
14 street of Locust Grove as we were en route to the camp. They
15 have already left the location of the camp.

16 Q Had the bodies been moved when you arrived there?

17 A There was none there when we got there.

18 Q This is about 11:00 o'clock in the morning; right?

19 A Yes, sir.

20 Q Tell me what you did at the Kiowa Unit on the
21 morning of the 13th, after getting out of your car with the
22 OSBI Agents?

23 A It was my assignment to aid the Agents that I had
24 transported there with handling of their equipment and do
25 whatever I could to assist them. That was my only assignment.

1 Q Were you with Mr. Linville when he investigated the
2 crime scene?

3 A Part of the time, yes.

4 Q What did you see him do, Mr. Newton?

5 A As of now, I couldn't recall anything specific
6 since I was with him and the other agents, too. And speci-
7 fically, I wouldn't know who did what.

8 Q Mr. Newton, did you see any items of evidence
9 located there in the trees near the area that had been roped
10 off?

11 A I don't know whether -- what I would refer to --
12 I don't know whether I saw it there, then or later in pictures;
13 I can't recall. So I don't know whether it was -- I can't
14 recall whether it was there or not.

15 Q Mr. Newton, did you look in Tent No. 7?

16 A Yes, I did.

17 Q What did you see when you looked in Tent No. 7?

18 A There was four bunks, single style metal frame
19 bunks; there were clothing, camping bags, general camp Girl
20 Scout equipment. The floor of the tent had a large area
21 covered with what looked to me like blood.

22 Q Did you see any footprints in that blood?

23 A I saw what I believe to have been a footprint, yes.

24 Q Were pictures taken of those footprints?

25 A Yes.

1 Q Did you see anybody in the Camp Scott area wearing
2 shoes that would leave a footprint like the one in the floor
3 of the tent?

4 A No, sir.

5 Q After you looked in the tent and saw what you des-
6 cribed for us, what did you do then?

7 A Continued to assist the agents in different tasks
8 that they had. Mainly, carrying equipment to them and locat-
9 ing equipment for them so that -- save them footsteps, more
10 than anything else.

11 Q Did you at any time see a towel that had been used
12 to wipe up blood in Tent No. 7?

13 A Not that I know of, no, sir.

14 Q Did it appear to you -- just state whether or not
15 it appeared to you that something had been used to wipe up
16 the blood in the floor of that tent?

17 A Yes.

18 Q Do you know if any item of clothing or any towel
19 was seized in the Kiowa Unit that could have been the towel
20 or piece of clothing used to wipe up the blood?

21 A No, sir, I do not know.

22 Q How long were you there with these OSBI Agents,
23 Mr. Newton?

24 A I left the tent area, if I recall properly, around
25 6:00 or 6:30 that evening to prepare for additional assignments

1 that I had been given while there and then I returned to that
2 location at approximately 9:30 or 10:00 o'clock the same
3 evening.

4 Q And your duty at that time was merely to preserve
5 the crime scene area of Tent 7, Kiowa Unit; is that correct?

6 A And assist the agent in any way, yes.

7 Q What was the additional assignment given you?

8 A A section of the floor of the tent which I had
9 assisted in removing from the floor section floor was approxi-
10 mately three and a half foot wide by five foot, had been
11 removed from the floor proper and I was able to handle it by
12 myself and so therefore, I initialed it for purpose and used
13 that -- transported that and myself to Oklahoma City.

14 Q When did you do that, Mr. Newton?

15 A That evening.

16 Q After -- were you there the entire time that the
17 tent was being processed for possible scientific evidence?

18 A Not all the time, no, sir.

19 Q Were you there when a little vacuum cleaner was
20 used to vacuum up some hair?

21 A Yes, sir.

22 Q Would you describe for me what was done in reference
23 to this operation of that vacuum cleaner?

24 A That was part of the equipment that had been brought
25 by aircraft that morning and I observed as it was removed from

1 its case, fixed for operation. What all was done to it, I
2 don't recall.

3 Q Was that self propelled or did you have to have
4 an extension cord?

5 A It was electric operation and if I recall, we had
6 to wait until we could get an electric power which was a
7 portable generator on the scene to operate it.

8 Q Mr. Newton, those -- that piece of wood, did it have
9 one footprint?

10 A I believe there were more than one, a partial
11 print.

12 Q Could you describe for me the type of footprint
13 that was left there in the tent?

14 A Without anything to refresh my mind at this time,
15 I recall that the outside edge or the lining of the, uh --
16 giving the outline of the footprint itself had little round
17 circles or dots like around the outside edge of it but the
18 interior of it was covered crossways with lines. It was not
19 -- it did not all have round circles or dots. It was lines
20 and dots and the dots were on the outside of it.

21 Q Have you since then ascertained the type of shoe
22 that would leave a footprint like that?

23 A I have seen a shoe that would, yes.

24 Q What type of shoe is that?

25 A It was a sneaker-type track shoe.

1 Q Do you know what the brand name is or who makes
2 them?

3 A I have been shown one, have seen one that was a
4 brand name of Payless.

5 Q Was that one that an OSBI Agent had or a law enforce-
6 ment officer?

7 A Yes, sir.

8 Q When were you shown that particular item of foot-
9 wear?

10 A It was several days after - after the 13th; I don't
11 know what day.

12 Q Mr. Newton, what size was the shoe that left the
13 footprint in the tent?

14 A I have no idea, sir.

15 Q You were there when they processed the scene and
16 the floor was sawed up. Did you transport any other items of
17 evidence to the lab in Oklahoma City?

18 A No, sir, not of evidence. There was equipment that
19 they could not take back that I transported but not evidence.

20 Q When is the first time you ever heard anybody
21 mention Gene Leroy Hart's name in reference to these homicides?

22 A I have no idea when it was.

23 Q Mr. Newton, after transporting that floor into the
24 laboratory in Oklahoma City, what is the next thing you did
25 in reference to the investigation of these homicides at Camp

1 Scott?

2 A The next morning, I was re-assigned to pick up
3 agents also, again, from airport, which I believe, this time
4 they flew to a private strip southeast of Camp Scott, where I
5 picked them up and transported them to the camp and was as-
6 signed to their aid during that time.

7 Q Do you know the names of those agents, sir?

8 A I believe one was Arthur Linville and who the others
9 were, I do not know.

10 Q On that day, would you describe for me the activities
11 that you witnessed?

12 A Well, again, that day, there was approximately the
13 same as the day before. I simply followed around and assisted
14 these agents with transportation since they did not have
15 vehicles there, as well as locating whatever they may ask for
16 that I could assist them with was my assignment. Specifically,
17 I cannot recall.

18 Q Was there any items of evidence given to you or
19 any items of evidence seized in your presence?

20 A Not that I recall, no, sir.

21 Q On the following day, would you tell me what you
22 did with reference to the homicides at Camp Scott?

23 A I would again, the third day, I did not have an
24 assignment with the specific agents as before, but I was
25 assigned to aid there at Camp Scott and just the same general

1 type assignment.

2 Q My question would be the same for that day. Were
3 any items of evidence given to you for transportation or
4 any items of evidence seized in your presence?

5 A I don't recall on that day.

6 Q The next day was June 17th. Did you have a similar
7 duty on that day?

8 A Yes, sir.

9 Q Would your answers be the same for that date, for
10 the next two questions, about whether you were given evidence
11 and whether you transported any?

12 A This would be my answer generally for the period of
13 three weeks except for one particular.

14 Q June 18th?

15 A One particular day, yes. I don't know what day it
16 would be, possibly the 18th.

17 Q Would you tell me what you did on or about the
18 18th or the 16th of June?

19 A I believe it was approximately the 18th; I'm not
20 for sure of the date. But I went to a location southwest
21 of Camp Scott area in my personal vehicle, which is a Jeep.

22 Q Let me interrupt and back up here just a second.
23 On that morning, who notified you to go to that location?

24 A One of the other officers there in the camp. Who,
25 I don't know but I was asked to go with a particular person.

1 Q What was that person's name?

2 A His last name is Colvin.

3 Q Johnnie Colvin?

4 A Yes, sir, I believe it is.

5 Q W. R. Thompson was with him, was he not?

6 A I believe Thompson was the second person, yes.

7 Q For what reason did you go to that location?

8 A They had brought some item to the camp area and
9 had shown it to some person in the investigation there and
10 I was asked to go with them back to the location that they
11 had found this.

12 Q Do you know what the item was?

13 A It was, I believe, a bread sack, a plastic bread
14 sack that had some flour in it.

15 Q Anybody else go with you when you got to the area
16 that the bread sack was found?

17 A Yes, sir. Lake Patrolman Leon Rice.

18 Q Tell me what you did when you got down to the area
19 where the bread sack was found?

20 A We observed the area, which consisted of an abandoned
21 foundation of a house.

22 Q Yes, sir?

23 A Which there was a cellar underneath, what seemed to
24 have been the slab for a porch and a short distance from there
25 a dry dry-wash stream bed and then the stream bed on one side

1 in the embankment was a small cave and in these areas, we
2 found empty tin cans, some that had bean juice, bean-like
3 pork and beans - we found several other items along in with
4 that in this area.

5 Q Can you list for me the items that you found person-
6 ally?

7 A Items that I personally saw first, to state also
8 at this time, I instructed Colvin and Thompson and Leon Rice,
9 of course, him being an experienced officer, knew the infor-
10 mation already, but I instructed the other two not to remove
11 anything or not to move anything from its location but to
12 leave it as it lay. If they found anything such as food
13 cans or what-have-you, anything at all out of its ordinary
14 surroundings, to leave it where it was until we could decide
15 what to do with it. Let us look at it good and from there, I
16 recall I found personally, first location a plastic eye case
17 with a pair of what seemed to be sunglasses partly sticking
18 from this case. I found a partial roll of masking tape which
19 was approximately three-quarters inch in width, some food
20 cans, other items that we did observe, I can't recall as I
21 actually saw them first or found them but I did observe other
22 items also.

23 Q Do you recall who found the pictures there in that
24 area?

25 A I believe Leon Rice and one of the - either

1 Thompson or Colvin were actually the ones that first saw
2 them. I picked them up off the ground myself.

3 Q When these pictures were sited there at the area,
4 would you describe for me where they were and how they looked?

5 A If I recall properly, that would have been - the
6 directions not being completely clear in the area for the
7 way you would have to get there - but I believe it would
8 be southwest corner of the cellar, which would also have been
9 the end of the cellar or where the steps from a porch would
10 have gone to the ground, at that general area, within a few
11 feet of the cellar was where we found the pictures on the
12 ground.

13 Q Were they in the trees?

14 A I'd say possibly the closest tree was ten to twelve
15 feet.

16 Q Just out in some grass?

17 A Yes, sir.

18 Q Did it appear to you that those pictures had been
19 there for a long time?

20 MR. FALLIS: Your Honor, I'm going to object to
21 that. That's calling for a conclusion on the part of the
22 officer.

23 THE COURT: He can testified what he observed; not
24 a conclusion.

25 Q Tell me how they appeared to you when you looked at

1 them?

2 A They were folded and looked as if they had possibly
3 been carried - not necessarily in - like in a billfold - but
4 possibly just in a pocket and mashed flat, sticking the
5 face of the pictures together.

6 Q Can you describe for me how they were folded?

7 A They were not folded in an ordinary fashion, in
8 other words exactly being corner to corner and side to side,
9 but they had been folded in a disordered fashion.

10 Q How many of them were there, Mr. Newton?

11 A They were all stuck together and I didn't know
12 exactly whether there was more than one picture or not.

13 Q Who found the bean-flip?

14 A I believe Leon Rice and possibly either Colvin or
15 Thompson. We tried to pair together.

16 Q Who did you have with you?

17 A I believe Johnnie Colvin was the one with me.

18 Q How far from the steps of the cellar was
19 the roll of masking tape when you first saw it?

20 A Approximately fifteen feet.

21 Q In which direction was that?

22 A I believe it would have been almost due west.

23 Q There was also, I understand, a pair of red and
24 black panties found in the cellar. Did you find those or
25 someone else?

1 A Someone else observed them first but before anyone
2 went down in the cellar, I was shown where they were.

3 Q Would you describe for me where they were in the
4 cellar?

5 A They were in the far southwest corner of it from
6 the steps.

7 Q Were there any other items of clothing found there
8 in the cellar?

9 A None that I know of.

10 Q Any shoes?

11 A There were -- around the cellar there was some
12 partial shoe sole.

13 Q Yes, sir?

14 A The leather type or composition type of shoe sole
15 that apparently was ages old.

16 Q Did you see any -- did you see sunglasses there in
17 the area of the cellar, other than the one you have talked
18 about in the glass case?

19 A No. No, sir.

20 Q You mentioned earlier some tin cans had bean juice
21 in them. Would you describe for me how far they were from
22 the steps that you entered the cellar through?

23 A There were some right there within a matter of
24 two or three feet. There were other cans that also had
25 food debris from them and all in the area, anywhere from a

1 few feet to twenty-five or thirty feet away from the cellar.

2 Q How many cans would you estimate were in the area
3 of the cellar?

4 A It would only be a guess of maybe twenty-five or
5 thirty cans.

6 Q Were these new cans?

7 A Some of them were fairly new with labels still on
8 them and others were older that had rusted and --

9 Q Hunters often leave shotgun shells and shell casings
10 in the area, or ammunition boxes. Did you see any of those
11 near the cellar?

12 MR. FALLIS: Excuse me, Your Honor. I am going to
13 object. He can ask him if hunters left them there or if he
14 saw them there.

15 MR. ISAACS: I didn't ask him that.

16 MR. FALLIS: Well, this is his witness, Your Honor.

17 THE COURT: Objection is sustained.

18 Q Did you see any ammo boxes in the area of the
19 cellar?

20 A Not that I recall.

21 Q Did you see any shell casings in the area of the
22 cellar?

23 A I don't recall any of those.

24 Q What else did you find there, Mr. Newton?

25 A I'm trying to think what we have already mentioned.

1 Q You hadn't told me about the newspaper.

2 A We found portion of newspaper with a human debris
3 from that on some of that paper. We found a pair of gloves.
4 They were in the mouth of the cave.

5 Q Let me back up just a moment. This mouth of the
6 cave, would that have been the entrance near the steps going
7 into the cellar?

8 A Yes.

9 Q That's where the gloves were found?

10 A Yes, sir.

11 Q The newspaper -- can you give me the distance that
12 the newspaper with the human debris on it was from the mouth
13 of the cellar -- from the steps going into the cellar?

14 A I assisted in measuring this but I don't recall.
15 I know that we measured it with a tape to these different
16 locations but on that particular one, forty-five, fifty feet.

17 Q Which direction was that?

18 A It would be a little to the southwest of the steps
19 going down into the cellar.

20 Q So that would be away from the cave and away from
21 the cellar?

22 A Just south of the cave.

23 Q Were any other items seized as evidence in the
24 area of the cellar?

25 A Offhand, I can't recall what would have been.

1 Q How long were you and Mr. Rice and Colvin and Mr.
2 Thompson there in the cave-cellar area?

3 A The -- well, when we saw what was there, we had
4 no -- we was not prepared to pick up or to take into custody
5 for evidence any material at all, so I left -- uh, I left
6 Leon Rice and I believe Thompson there at the scene and
7 Johnnie Colvin and I went back to another location which we
8 had passed on the way to the cave to get some equipment --
9 box, sack or whatever, to pick the stuff up and transport it
10 back to the camp. Then I came back to that location. We
11 had then turned at that time by radio from another unit
12 contacted the personnel at the camp and they advised us to
13 bring what we had found to the camp, to the headquarters,
14 and we did by going back with the cardboard box and putting
15 the items in this box, keeping them separated with a paper
16 sack, brown paper sack, putting some inside, some around it
17 and some on top.

18 Q Did you see anybody in the area of the cellar that
19 morning when you were going down to the cellar?

20 A No, sir.

21 Q Did you see anyone in the area of the cellar when
22 you came back?

23 A No, sir.

24 Q Mr. Colvin or Mr. Thompson see anybody in the area?

25 A Not that I know of, no, sir.

1 Q All of these items that we've been talking about
2 were put in that box; is that correct?

3 A All but the gloves and the partial roll of tape
4 I believe were put in there.

5 Q What was done with the gloves and the partial roll
6 of tape?

7 A The partial roll of tape, as we were picking these
8 items up, it was missed -- in other words, we failed to pick
9 it up at that time. The gloves we had retrieved from the
10 mouth of the cave and laid them on a rock ledge above the
11 mouth of the cave and we did not take them back at that im-
12 mediate time.

13 Q Did you leave the area with all these items includ-
14 ing the pile of human debris and transport these items some-
15 place?

16 A Yes, sir, we did.

17 Q Did all of you leave?

18 A Yes, sir, we did.

19 Q Where did you take the items that you seized - the
20 pictures, the bean-flip, sunglasses, newspaper and human
21 debris?

22 A We took this back to the investigation headquarters
23 there at Camp Scott which is the Director's cabin.

24 Q Who did you turn that over to?

25 A Crime Bureau Agents that were there. I believe Mr.

1 Arthur Linville was one of them.

2 Q Would you state whether or not this pile of human
3 excrement was a recent deposit or an old deposit?

4 A My eyesight only, I'd say neither one, really; in
5 between. It was not an extremely old deposit and it was not
6 really fresh.

7 Q Who went back to the cellar area and picked up the
8 gloves and tape?

9 A I took Arthur Linville -- correction on that - I'm
10 not sure if it was Arthur or Larry Bowles -- and another
11 Agent - I've forgotten who he was at this time -- I took
12 two agents back to the scene with me and at this time while
13 I was showing them where we had found different items, I
14 relocated the tape which was in the same place it had been
15 before and relocated the gloves where we had placed them
16 and at this time, they did a more thorough investigation as
17 well as taking pictures and sketchings and measuring these
18 different locations.

19 Q Now was Mr. Linville and Mr. Bowles --

20 A I'm not sure if it was Arthur Linville. Larry Bowles
21 was there but I'm not sure at this time who the other agent
22 was. I think it was Harvey Pratt.

23 Q Mr. Newton, during the lengthy investigation of the
24 homicides at Camp Scott, did you seize any other items of
25 evidence or transport any other items of evidence?

1 A No, sir.

2 Q Did you interview any witnesses or suspects?

3 A No, sir, I did not interviews or that portion of
4 the investigation.

5 Q Did you participate in any of the searches involv-
6 ing the dogs?

7 A Yes, I did.

8 Q Tell me about that, when it was and what-have-you?

9 A Well, it took the different trips took over a
10 period of days in which the main use that I had was the use
11 of my personal Jeep which was being used in the rough ter-
12 rain area and we went many different places and I could not
13 recall at this time what day we went to which place exactly.

14 Q Well, did you ever go to Jack Shroff's place?

15 A Yes, sir.

16 Q Will you tell me to the best of your recollection
17 what day that was?

18 A Honestly, I have no idea.

19 Q Was that shortly after the homicides at Camp Scott
20 or within the week?

21 A I would say that it was probably within a week.

22 Q Did you follow the dogs or were you with the dogs
23 when they were tracking?

24 A Yes. Part of the time I was.

25 Q Where were the dogs let out and put on the scent?

1 A I don't know. I wasn't there when they were
2 started.

3 Q Where did you first see the dogs?

4 A On what's called "Cookie Trail".

5 Q Where did the dogs go?

6 A They went north up to Cookie Trail, to the section
7 line which runs east and west - be the first section line
8 north of the scout camp - they turned west and went to, uh --
9 all the way to the blacktop section line which runs north
10 and south and that would be the blacktop that goes to Twin --
11 what's located as Twin Bridges.

12 Q Yes, sir, and that would be located south of Camp
13 Scott, would it not?

14 A It would be going south, that location is due west
15 of Camp Scott but the road goes south, past Camp Scott, yes.

16 Q Then what did the dogs do?

17 A Turned south and went down that blacktop to the
18 metal gate, leading into the Shroff residence there.

19 Q What happened then, Mr. Newton?

20 A The dogs went through the gate.

21 Q Is this one of the dogs from Pennsylvania?

22 A Yes, sir, it was.

23 Q What happened then?

24 A The handler climbed over the gate and other officers
25 went with him and they went up the lane toward the Shroff

1 residence.

2 Q Did you go up there?

3 A No, sir, I did not at that time.

4 Q Did you stay out on the road?

5 A Yes, sir.

6 Q What happened while you were out on the road?

7 A We simply sat there and waited for someone to
8 bring a key so we could drive up to the area.

9 Q Who were the -- give me the names of the officers
10 who went up to Mr. Shroff's house with the dogs, if you can
11 remember?

12 A Offhand, I couldn't swear to their names.

13 Q Were they uniformed?

14 A I don't know whether they were uniformed at that
15 time or not. Part of the time we did not use uniforms
16 because of the rough terrain and brush country we were work-
17 ing in.

18 Q How long did you wait there on the road before
19 somebody came with a key to let you in?

20 A Probably thirty minutes.

21 Q When you went through the gate, what did you do?

22 A We drove up to the location of the house and spoke
23 with the handlers there at that time to find out what they
24 wanted to do from there. They wanted to check the area
25 past the house and surrounding the house. They did so and

1 the dogs led us up through a thickly wooded area that has a
2 slight trail on it. It made a circle and came back to the
3 house.

4 Q Which direction were the dogs traveling away from
5 the house? Was it in a westerly --

6 A When we left, it would be westerly direction;
7 westerly to a little south.

8 Q There's two ponds near Mr. Shroff's house, are
9 there not?

10 A Well, there's --

11 Q Two or three of them?

12 A There's ponds there; how many, I don't recall. I
13 know there's at least one.

14 Q Was this to the north of the pond that the dogs
15 traveled or to the south?

16 A We started due north, across, past the north side
17 of this particular pond that I recall was there and went
18 west from it.

19 Q Approximately how far did you travel west of those
20 ponds?

21 A My estimation would probably be around an eighth
22 of a mile. It made a circle and we came back right at the
23 house so I don't know exactly how far west we did travel.

24 Q What happened then?

25 A I believe from there, we loaded the dogs up and

1 went back to Camp Scott at the time.

2 Q Did anybody go into Mr. Shroff's house at that
3 time?

4 A No, sir, not while I was there.

5 Q Can you give me the names of the law enforcement
6 people that were with you?

7 A Officers, highway patrolmen that were aiding with
8 the dogs at that time. I don't know whether they were there
9 -- they had been assisting with the dogs, but it was Tom
10 Caldwell and Thorough Smith had been aiding with the hand-
11 ling of the dogs. There were officers there, I know, from
12 the Sheriff's Department but I don't recall who they were
13 at the time. There was one set -- one of the subjects
14 that was with me was one of the dog owners.

15 Q Was that the Pennsylvania State Trooper?

16 A No, he was the one that was walking with the dogs.
17 It was the other subject that was there and I can't recall
18 his name. He's one that owned one of the dogs.

19 Q After you loaded the dogs up, what did you do?

20 A Went back to Camp Scott.

21 Q Did anybody stay there at Mr. Shroff's house or
22 in that area?

23 A Not that I recall.

24 Q Did anybody make an attempt to call Mr. Shroff at
25 that time?

1 A I don't know, sir.

2 Q Do you know where they got the key to open the
3 gate to go into Mr. Shroff's place?

4 A The Sheriff or one of his Deputies had a key
5 that had been given to them by Shroff. They had it at some
6 location; I don't know where.

7 Q After you all came out with the dogs and went back
8 to Camp Scott, what happened?

9 A At that immediate time, I have no idea.

10 Q Let me ask you, what time of day was it when the
11 dogs made a trip up around Mr. Shroff's house and then came
12 back down to the house and you loaded them up and went back
13 to the camp; just an approximation?

14 A To be perfectly honest with you, all I could say
15 it was daylight. I worked that area for so long, for so
16 many days, I have no idea. I don't know what day, what hour
17 or what anything happened.

18 Q After you went back to camp, did you do anything
19 else that day?

20 A Of specifics, I don't remember.

21 Q Did you go on any other dog tracking missions?

22 A Yes.

23 Q When was that, Mr. Newton?

24 A As of what day, I don't recall the day, but we
25 worked with the dogs following that at a different location

1 which was several miles from camp near what's called Sam's
2 Corner, or a mile - approximately a mile south of Sam's Corner
3 and back east and they worked with the dogs also east of
4 Camp Scott -- correction -- west of Camp Scott, immediately
5 west.

6 Q Would that be in the area of Mr. Shroff's house?

7 A Be that area - that area would be back east of
8 the Shroff residence, near the Cavalier residence and between
9 Cavalier's residence and camp.

10 Q Were you with the men who had the item used for
11 scent?

12 A Part of the time.

13 Q What was that item?

14 A There was more than one item kept in separate
15 garbage-type bags and I recall that there was a hat.

16 Q Could you describe that hat for me?

17 A I believe it was a straw hat. I wouldn't swear to
18 that. I didn't mess with it or I didn't handle it or any-
19 thing.

20 Q But there was a hat?

21 A I believe there was a hat used for scene. There
22 was a part of a rug, I believe, carpet or something like
23 that.

24 Q Do you know where the hat came from?

25 A No, sir.

1 Q Do you know where that rug came from?

2 A No, sir.

3 Q Would you describe for me what the rug looked like?

4 A It was dirty. If I recall, it was a type of --
5 small type throw rug that is woven in a continuous spiral
6 but I couldn't swear that that was exactly what it was. It
7 was a type of throw rug that's left at a door to wipe your
8 feet on is what I'm getting at.

9 Q Did you use any other item for scent?

10 A There was, but I have no idea what they were. I
11 don't recall seeing them outside of the bag.

12 Q Would you state whether or not the trip to Mr.
13 Shroff's place was the first time you went with the dogs?

14 A Yes, sir. Yes, sir, it was.

15 Q Which one was the second trip you went on?

16 A The second trip was the one I was referring to
17 that we went through the Cavalier property.

18 Q Would you tell me about that one?

19 A I was told that the dog handlers could possibly
20 use assistance coming out through the Cavalier property,
21 that they were leaving the camp area, headed in that direction
22 and so I went around by the road to the Cavalier property
23 and Officer Harold Berry was with me and we stayed at that
24 property -- or at least I stayed there and Officer Berry
25 rode a horse back in the pasture, in the wooded area, going

1 north from that particular residence and --

2 Q Was that on the north side of that fence that
3 serves as boundary to Mr. Cavalier's property and some of
4 the Girl Scout property?

5 A I don't recall really whose property it was other
6 than it was the Cavalier's residence. There's a fence
7 that runs east and west approximately 200 yards from that
8 residence.

9 Q Was Mr. Berry north of that fence or south of
10 that fence?

11 A He started south of it but he rode up north of
12 there and came back.

13 Q What did the dogs do?

14 A When the dogs -- when I first observed the dogs,
15 they came out of the wooded area of Camp Scott, near that
16 fence area and traveled west along that fence and then south
17 past a barn and to the driveway or road coming to the house
18 and then went down that road, the driveway, west toward the
19 blacktop section line.

20 Q That's coming out of Mr. Cavalier's place, headed
21 west?

22 A Yes, sir.

23 Q When they got to the blacktop, which direction did
24 they turn?

25 A They turned south.

1 Q Where did they go after that?

2 A They went back to the gate and through the gate
3 to the Shroff residence again.

4 Q Did someone have a key to open the gate the second
5 trip?

6 A I don't recall. I waited there at the Cavalier
7 residence waiting for Officer Berry to come back.

8 Q When he came back, did you go to Mr. Shroff's
9 residence?

10 A Yes, I did.

11 Q What did you do then?

12 A As I recall, the gate was locked and there was no
13 one there and as I recall properly, we went back to the Camp
14 Scott area.

15 Q Was somebody inside of the Shroff place with the
16 dogs at that time?

17 A I do not recall. We -- I did not see anyone. I
18 did not see them from the road.

19 Q This second trip to Mr. Shroff's place, how many
20 days after the homicides at Camp Scott had occurred?

21 A I have no idea, sir.

22 Q Were any items of evidence seized that date?

23 A Not in my presence.

24 Q What happened after you and Mr. Berry went back to

1 Q Where did they go after that?

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3 to the Shroff residence again.

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5 trip?

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7 residence waiting for Officer Berry to come back.

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13 one there and as I recall properly, we went back to the Camp
14 Scott area.

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16 dogs at that time?

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18 did not see them from the road.

19 Q This second trip to Mr. Shroff's place, how many
20 days after the homicides at Camp Scott had occurred?

21 A I have no idea, sir.

22 Q Were any items of evidence seized that date?

23 A Not in my presence.

24 Q What happened after you and Mr. Berry went back to
25 Camp Scott?

1 A Continued in assistance to the other officers that
2 were doing the major part of the investigation.

3 Q You told me about a third trip you went on with
4 the dogs. Would you describe for me what happened on that
5 one?

6 A That was after we had received information of
7 someone - some subject being seen in a thickly wooded area,
8 rough terrain at the side of the hill.

9 Q Was that the Skunk Mountain area?

10 A I have no idea what the name of it is. I know
11 where it's located, the geographical --

12 Q Is that the report that Mr. Auxier gave the
13 Sheriff's Department, a fellow by the name of Auxier?

14 A Yes, I believe it is. To get to the location, it
15 is a mile east and a mile south of Sam's Corner on 33 Highway.

16 Q Describe for me what happened out in the area of
17 one mile - mile and a half south of Sam's Corner?

18 A We went to the location and I say "we", several
19 officers. Again, with the officers that have the dogs, went
20 - drove as far as we could possibly drive, then walked
21 approximately 200, 300 yards along a fence line up the side
22 of a hill in very rough terrain to a location where the man
23 -- the name that you gave?

24 Q Auxier?

25 A Auxier showed us the location where he had seen a

1 subject.

2 Q Did he say how long in the past it was that he had
3 seen this person?

4 A It had been within an hour of the time that we
5 got there.

6 Q Did they turn the dogs loose then?

7 A The dogs that we had with us at that time were
8 leashed dogs, were not turned loose off the leash.

9 Q What was used as a scent for the dogs at that time?

10 A The cave or ledge area there and what, exactly
11 what was used from that, I don't know.

12 Q Were there any items of evidence seized at that
13 location?

14 A There were, but I don't recall what there were
15 since I did not handle them.

16 Q Do you know the names of those people that seized
17 those items?

18 A Agent Larry Bowles, I know was there and offhand,
19 I don't remember who else was but there were several.

20 Q Now, on these technical reports, the location
21 where the pictures were found is called the cave-cellar area,
22 or cave area number one. Do you know what the designation
23 was for the area where the dogs were taken on the third
24 search? Was there a cave there?

25 A Well, there's a ledge or indentation in the ledge

1 that some persons may call a cave, possibly as much to be
2 protection from straight-down rain but it's not a cave
3 where you can't see all of it from standing outside of it.

4 Q Do you know if any items of clothing were found
5 there?

6 A No, I don't.

7 Q Any cans or shotgun shells or anything of that
8 nature?

9 A I don't recall what items were there.

10 Q Approximately how many people were out there in
11 that area when those items were picked up?

12 A Half a dozen.

13 Q And where did the dogs go after they were scented
14 and put on the trail?

15 A When they left that immediate location, they went
16 east and then from sound -- not from sight -- I could tell
17 that they went up the side of the hill and started back
18 west then.

19 Q They went east up the side of the hill?

20 A Yes. Went in an easterly direction, and then from
21 sound, I could hear them moving back west.

22 Q Was that on top of the hill or in a lower spot?

23 A It was going on top of the hill.

24 Q Did you see anybody out there that day?

25 A No one but officers that were involved.

1 Q No suspicious person?

2 A No, sir.

3 Q We've got the dogs traveling in a westerly direc-
4 tion. Describe for me what they did next?

5 A The area was worked out with what manpower we had
6 at the time and this was being along in the late afternoon
7 when this started and by this time, it was getting into the
8 evening and the lack of light, there was many people that
9 came voluntarily to the location to encircle an area which
10 would cover possibly as much as four square miles and that
11 was encircled all during the night until the next day and
12 then the next day, there was a continuous search after day-
13 light hours in that area.

14 Q Were you involved in that search the next day?

15 A Mostly in the central location of the cave or that
16 area there.

17 Q Did you seize any items of evidence the next day?

18 A No, sir.

19 Q Were any items seized in your presence?

20 A No, sir.

21 Q Did anyone give you evidence to transport to a
22 location?

23 A No, sir.

24 Q During that day, were the dogs used for tracking
25 purposes?

1 A They were.

2 Q Will you tell me about that?

3 A They were not used in my presence so I don't know
4 what they did.

5 Q Were the dogs ever used in your presence at any
6 other time, Mr. Newton?

7 A Not in my immediate presence, no, sir.

8 Q Did you at any time after the visit to Mr. Auxier's
9 residence seize any evidence in this cave?

10 A No, sir, I have not.

11 Q Take any statements from any witnesses?

12 A No, sir.

13 Q Have you told me everything you know about what
14 happened on the 12th and 13th of June and the days that
15 followed that would have anything to do with this investiga-
16 tion?

17 A Yes, sir, I believe so.

18 MR. ISAACS: Just a moment, Judge.

19 Q Mr. Newton, on that first tracking session with the
20 dogs, you went to Jack Shroff's house. Did they use that hat
21 and that rug both?

22 A I don't recall which was used when as scent.

23 Q They used both items both times or do you know?

24 A I don't know, sir.

25 Q That third trip, do you know what they used for

1 scent on that one?

2 A No, sir, I do not.

3 MR. ISAACS: No further questions of this witness.

4 THE COURT: Cross-examine?

5 CROSS EXAMINATION

6 BY MR. FALLIS:

7 Q Mr. Newton, do you have experience with dogs inso-
8 far as tracking and so on?

9 A No, sir, nothing more than I've explained.

10 Q As a point of reference, is there any designation
11 by number or by name for the roadway that is in front of
12 Jack Shroff's place?

13 A I don't -- nothing other than county road.

14 Q So county line road?

15 A There are many names that many different people
16 have used over the years. One is Cavalier Road; one is
17 White Bat Road; Twin Bridges Road.

18 Q Okay. Insofar as whether we call it Cavalier Road
19 or Twin Bridges Road, that would be a familiar name in this
20 area?

21 A Yes, sir.

22 Q Now, when the dogs - the day that you observed the
23 dogs go over into the Jack Shroff area, then it was across
24 this road that they went; is that correct?

25 A Partially down this road, yes, sir.

1 Q Now, had they started out in a southerly direction
2 on that road?

3 A Yes, sir.

4 Q And if you continue in a southerly direction down
5 that road, as a matter of fact, you get to the Twin Bridges
6 area, don't you?

7 A Yes, sir.

8 Q And the cellar and the cave area where you went
9 and recovered the photographs and matters of that type, is
10 that generally in the same direction?

11 A It would be there and back to the east; yes, sir.

12 Q Thank you, sir. Now, you do not recall, as I
13 understand your testimony, the days these dogs were taken
14 out to do this work?

15 A No, sir.

16 Q You can't tell us if it was the same day or four
17 or five days later or so on?

18 A No, sir.

19 MR. FALLIS: Mr. Newton, thank you. No further
20 questions.

21 THE COURT: Redirect?

22 REDIRECT EXAMINATION

23 BY MR. ISAACS:

24 Q Mr. Newton, how far as the crow flies, in your
25 estimation from Camp Scott down there to the area of that

1 cave-cellar?

2 A Approximately two or two and a half miles.

3 Q Mr. Newton, as you acquainted with Ella Mae Buck-
4 skin?

5 A I know who she is. I have never spoken to her in
6 person that I know of.

7 Q Do you know where she lived in 1977?

8 A Yes, sir.

9 Q How far were those dogs from her house when you
10 turned and went south down that road toward Jack Shroff's?

11 A From where I understand she lived at that time,
12 approximately a quarter of a mile.

13 Q That would be north of the turn-off?

14 A Yes, sir.

15 MR. ISAACS: Thank you.

16 RE-CROSS EXAMINATION

17 BY MR. FALLIS:

18 Q Excuse me, Ella Mae Buckskin, that's the Defendant's
19 mother; is that correct?

20 A Yes, sir.

21 Q How far did she live from the Camp Scott area at
22 that time?

23 MR. ISAACS: I'll stipulate that she lived about
24 a half mile.

25 Q In what direction, sir?

1 A Be north.

2 MR. FALLIS: Thank you. No further questions.

3 THE COURT: Anything further?

4 MR. ISAACS: No.

5 THE COURT: You may step down.

6 MR. ISAACS: Judge, could we have a recess for
7 today?

8 THE COURT: You don't have any other witnesses
9 that you can call?

10 MR. ISAACS: I didn't bring my files for anybody
11 else.

12 THE COURT: Well, then, we'll recess for today.

13 And tomorrow, I would request that you line up enough witness-
14 es to go to at least 5:00 p. m.

15 We'll be in recess until 9:45 a. m. tomorrow
16 morning.

17 (WHEREUPON, the cause in hearing was recessed until
18 9:45 a. m., on the 27th day of June, 1978.)

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