

August 31, 1979

Dewey woman, son bound over for trial

A Dewey woman and her son have been bound over for trial on perjury charges stemming from their testimony during the Gene Leroy Hart trial last March.

Joyce Payne, 40, and her son, Larry Short, 19, were bound over for trial late Thursday afternoon by Associate District Judge William M. Thomas.

Both were released on \$8,000 each had previously posted.

Payne was one of the witnesses called by Hart defense attorney Garvin Isaacs during the month-long trial.

She testified that Bill Stevens, now an inmate at the Kansas State Industrial Reformatory at Hutchinson and once a suspect in the Girl Scout slayings, came to her home "sometime before noon" on June 13, 1977, with "brownish-red stains on his boots."

Mrs. Payne told the jurors that Stevens "looked tired. His eyes were red and he had scratches on his arms."

Both Payne and Short testified they recognized a flashlight found next to the bodies of the girl scouts as being the same one they had given to Stevens to use to go fishing.

Shortly after the trial ended with Hart's acquittal, Mayes County Sheriff Pete Weaver received a call from Linda Stevens, sister of the suspect, telling Weaver she had proof that her brother was nowhere near Locust Grove on June 13, 1977.

Subsequent investigation established that Stevens was working in Seminole for an independent contractor on that date.

Payne's attorney, Lou Amberler of Bartlesville, became irritated several times at the response to questions put to Weaver and Larry Bowles, agent for the Oklahoma Bureau of Investigation.

At one time, Amberler asked Judge Thomas to hold Bowles in contempt of court for not reviewing reports the agent had prepared on the

Payne-Stevens connection. Thomas refused to cite Bowles saying the court did not have the right to do so in this instance.

Obviously frustrated, Amberler sat down and rested his case a short time later.

Authorities contend that testimony by Payne and Short was just a part of a much larger conspiracy involving Payne's common-law husband, Dewayne Peters, himself now an inmate at the prison where Stevens serves time.

The alleged conspiracy began to unwind when word surfaced as to Stevens' employment June 13, 1977. It further came apart at the seams when Peters changed his mind about a story he had told to authorities in which Stevens admitted being the killer of the three girl scouts.

A Kansas State Bureau of Investigation report concerning Peters' story was mentioned during the preliminary but was never

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Perjury

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introduced as evidence.

Judge Thomas ordered both defendants back to Mayes County on Sept. 18 for arraignment on the charges in District Court.

Apparently, Judge William Whisler, the same judge who presided over the Hart trial where the alleged perjury was to have been committed, will also preside over the Payne-Short trial.

Bizarre plot firms up perjury charge

By LARRY WILLIAMS
Times Staff Writer

Daily Times has obtained a copy of a Kansas State of Investigation report which details a bizarre con-plot told by Dewayne Peters, common-law husband of Payne.

He is one of two defendants bound over for trial on charges stemming from her testimony in the Gene Leroy murder trial.

Report states that on December 9, 1979, Peters, who is inmate at the Kansas State Industrial Reformatory, told authorities that an acquaintance, Williams Stevens, told him the wrong man had been arrested for the murder of Girl Scouts near Locust Grove on June 13, 1977.

According to Peters' original statement, Stevens said he had led the murders.

On January 3, 1970, Payne's attorney, Lou Amberler, and a State Bureau of Investigation agent interviewed Peters at KSIR, when Peters restated his information. Suddenly on March 19, 1979, the same day the Hart jury

was being sworn in, Peters retracted his statement concerning Stevens.

Two days later, Amberler contacted OSBI and requested that Peters be interviewed and examined on the polygraph.

Two days after Amberler's request, Peters was interviewed and examined on a polygraph in a private room at the KSIR with only Peters and the examiner present.

During the preliminary interview, Peters furnished background information about himself and his connection with Stevens and Payne.

Peters is reportedly a member of the Yakima Indian tribe from Washington state. He was born in San Francisco October 11, 1957.

About three years ago, Peters said he got to know Joyce Payne. Later while attending Oklahoma State Tech in Okmulgee, Peters became acquainted with Stevens, who is a native of Okmulgee.

From the time the murders were discovered in the early morning hours of June 13, 1977, Peters said he was interested in the case and read everything in print concerning it.

He was therefore knowledgeable of small details of the murder

case.

In the spring of 1978, they departed Okmulgee for Washington state where Peters was supposed to get a tribal payment. They began drinking in Oklahoma and ran out of money in Garden City, Kans.

They became involved in a rape-robbery-kidnapping episode in Finney County, Kansas and as a result Peters is doing a fifteen years to life term on the rape and kidnapping charges.

Peters stated during the interview that shortly after he entered prison, he and Joyce Payne jointly conceived a plan where he could possibly obtain his freedom.

It seemed to them that due to Stevens being from the area of the murders and having been subsequently involved in a violent sex offense in Kansas, that authorities could be convinced that Stevens could have committed the Locust Grove murders.

The credibility of the information would be enhanced by the detailed knowledge of the case already in Peters' mind.

Peters envisioned that he would be transferred to an Oklahoma institution during the investigation and trial of Stevens, and that eventually in exchange for his testimony, he would

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Plot

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receive a pardon.

Peters was apparently unable to get this information out to the proper authorities while a prisoner at KSIR, so the information was surfaced in Oklahoma by Joyce Payne.

After telling the false story concerning Stevens, Peters said he had a change of heart and decided to retract his statements. One of the reasons Peters said he decided to tell the truth was that he became suspicious of Payne's loyalty to him. According to Peters, she appeared erratic and interested only in his assets which he owns through his headright in the Yakima tribe.

Peters stated that he drinks in moderation and that he has used marijuana. He denied using any other illegal drugs.

According to the report, Peters said he was taking the polygraph examination voluntarily.

Aside from the present charges of rape and kidnapping, he has arrests for possession of marijuana and driving while intoxicated.

On the polygraph, Peters registered no specific reaction to the following questions and each of his responses:

Q. Do you intend to tell the complete truth during this examination?

A. Yes.

Q. Did Stevens ever discuss the Locust Grove killings with you?

A. No.

Q. Did Stevens tell you that he killed those girls?

A. No.

Q. Did you make up the story that Stevens was involved in those murders?

A. Yes.

Q. Have you told the truth about why you made up the story?

A. Yes.

Q. At this time, do you know who was involved in the Locust Grove murders?

A. No.

Q. Are you trying to withhold any information concerning the Locust Grove murders?

A. No.

Conclusions of the polygraph examiner were that Peters appeared to react normally under the polygraph test. After careful analysis of the polygrams resulting from this test, "It is the conclusion of this examiner that Peters was substantially telling the truth during the examination," according to the report.

The report was written under the name of Thomas B. Lyons, special agent for the Investigation Division of the Kansas State Bureau of Investigation.

A carbon copy of the report was indicated to have been sent to Lou Amberler, Attorney at Law, P.O. Drawer 1287, Bar-

8-31-79

Pair plotted perjury to get pardon?

By SUSAN WITT
Of The Tribune Staff

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REFERENCE DIVISION

PRYOR — An Oklahoma woman charged with perjury in the murder trial for Gene Lantry, had plotted with her common-law husband to murder on another Kansas inmate in hopes of gaining a pardon for the husband, according to a Kansas crime bureau report.

The woman, Mrs. Joyce Paline, and her son, Larry Short, were ordered Thursday to trial for perjury during the Hart trial for their testimony that Bill Stevens came to Mrs. Paline's home in Okmulgee with blood on his shoes and acting "jittery and nervous" a few hours after the girls were murdered at a camp near Locust Grove.

MRS. PALINE ALSO testified in the March trial, which ended in Hart's acquittal, that she had earlier given Stevens a flashlight found near the bodies of the three slain girls.

Hart, who died of a heart attack in June, was charged with first-degree murder in the beating deaths of Lori Lee Farmer, 8, Michele Guse, 8, and Doris Denise Miller, 10.

According to a Kansas Bureau of Investigation report filed by special agent E. Mauldin Jr. and agent Thomas H. Lyons, Mrs. Paline's common-law husband, Dewayne Peters, told KBI agents while he was in a Kansas prison that he and Mrs. Paline conspired to have Peters' name removed from the indictment and eventually pardoned for the testimony against Stevens.

THE KBI REPORT states that in December 1978 Peters told KBI agents that Stevens, a co-defendant with Peters in a Kansas rape-kidnapping, had told Peters he committed the Girl Scout murders.

On January 3, 1979, Peters reportedly gave the same story to an Oklahoma State Bureau of Investigation

agent and Mrs. Paline's attorney, Lewis Ambler, according to the report.

On March 21, the day the jury for the Hart trial was sworn in, Mauldin reported that Peters retracted his earlier story and said Stevens had nothing to do with the Locust Grove slayings.

On March 21, Mauldin reported, Ambler contacted him and asked that agents give Peters a polygraph test.

THE KBI REPORT states that Peters said he and Mrs. Paline conspired the plan shortly after Peters entered the Kansas prison.

She said they decided that since she was from the General Area of the man's prison, she would see Peters frequently involved in a "don't see" fence, that the story would have credibility, the KBI agent reported.

Mauldin also reported that Peters said he had followed news accounts of the murders closely and knew many details of the offenses that

would enhance the credibility of the story.

The KBI agent said Peters told him he had envisioned being transferred to an Oklahoma prison during the investigation and trial of Stevens and eventually receiving a pardon in exchange for his testimony against Stevens.

The report stated that Peters said he was unable to get the information out of the prison, so it was surmised that Peters, through Mrs. Paline, contacted Mrs. Paline and contacted Kansas County officials, OSBI officials and Hart's defense attorney, Gerald A. Starnes.

The KBI report said Peters told the agents he had in "charge of the agents" and decided to retract the earlier story partly because he said he no longer trusted Mrs. Paline.

Peters, according to the report, said she had begun acting erratically and said he feared her only interest in him was his assets, including holdings in the Yalima clan tribe.

The polygraph examination in which Peters was telling the truth, according to the KBI report, in a preliminary hearing on perjury charges Thursday, defense attorneys called four witnesses who previously testified for the prosecution.

AMONG THEM WERE Gene Belter, a former Seminole, contractor, and his wife, who testified she was working for him June 1977, the day of the slayings. Sheila Frie Weaver testified she was contacted by Stevens later in 1977, who told him Stevens was in the prison on that day. Patricia Belter, Owens Short, were dismissed in June. Prosecutors, who did not have a transcript of the Hart trial when charges against him were filed, discovered Owens Short did not corroborate Mrs. Paline's testimony.

Perjury Trial Set For September 18

Trial will begin Sept. 18 for two persons accused of committing perjury during this spring's murder trial of Gene Leroy Hart.

Joyce Paine and Larry Short were bound over for trial on the perjury charges by Associate District Judge Bill Thomas at the conclusion of an often-delayed preliminary hearing Thursday.

Paine and Short testified during the trial that Bill Stevens had appeared at the Paine home in Okmulgee on the day of the Girl Scout killings, with scratches on his arms and red stains on his shoes.

Several witnesses at the preliminary hearing testified that Stevens was employed in Seminole at the time of the murders. They included Stevens' father, Charles and Mr. and Mrs. Gene Beller, a contractor who employed Stevens from June 13 to June

16, 1977. Stevens is currently serving a prison sentence for rape in Kansas.

Other witnesses at Thursday's hearing were Sheriff Pete Weaver and OSBI agent Larry Bowles.

SEPTEMBER 20, 1979

Paine Gets

New Attorney

Joyce Paine has a new attorney in the latest chapter of a perjury case connected with the murder trial of Gene Leroy Hart.

Mrs. Paine and her son, Larry Short, are accused of committing perjury during the Hart trial in March.

During Mrs. Paine's arraignment yesterday, her attorney, Lewis Ambler, withdrew because he may be called as a witness in the case. Ambler, acting as Mrs. Paine's attorney, had earlier called in the OSBI to investigate Mrs. Paine's testimony. Gary Jay was appointed to take Ambler's place as Mrs. Paine's lawyer.

Mrs. Paine and Short had testified that William Stevens came to the Paine home in Okmulgee on the day of the murders at Camp Scott. They said he had red stains on his shoes and scratches on his arms. Stevens is currently serving a prison sentence for

rape in Kansas.

Ambler and Short's attorney, Michael Fought, had filed motions seeking dismissal of the information filed against their clients. The charges had been filed by John Mahoney, then a legal intern in the district attorney's office. Ambler and Fought contended that a legal intern did not have the authority to initiate a felony action.

Assistant district attorney Austin O. Webb filed an amended information, which he had signed, yesterday afternoon.

Judge Byron Ed Williams ruled that from this time the district attorney or one of his assistants should be responsible for initiating felony procedures.

Since Mrs. Paine has a new attorney, the arraignment was continued to Oct. 16. The defendants will probably be tried in December.

Paine, Short perjury trial opens here

By MARY JEAN SELL,
Staff Writer

The perjury trial of Joyce Paine and Larry Short began this morning in Pryor with the introduction of the transcripts of their testimony during the Gene Leroy Hart trial in March 1979.

Paine and her son, Short, are accused of perjuring themselves on the witness stand in testimony concerning a man named Bill Stevens. They both testified that Stevens had come to their home in Okmulgee the morning of June 13, 1977. They said his arms and neck were scratched and his boots had reddish-stains on them which he attempted to wash off in their bathroom.

The bodies of three young Girl Scouts were found in Camp Scott, near Locust Grove, that same morning. Hart was arrested and charged with the three deaths. He was acquitted of the crimes a year ago in March.

In their Hart testimony, as read by Carol Sue Fugate, court reporter for that trial, both said Stevens had come to their home, stayed about 40 minutes, then left.

He returned in about an hour and a half and took Short with him to buy some new boots. Short said Stevens was having trouble with his car and returned in a pick-up owned by his girlfriend.

Both testimonies identified a flashlight given by Paine to Stevens. The flashlight was found by investigators at the scene of the murders.

Defense Attorney Mike Faught of Tulsa tried to offer the testimony of George Owen Short, Paine's son, into evidence but met with resistance from Assistant District Attorney Austin Webb. Faught maintains that the second Short testimony will corroborate the testimony of the others. Webb objected because the man is not charged along with his mother and brother.

Short was named when the original charges were filed April 11, 1979. Those charges were later dropped.

Stevens was brought into court to be sworn as a witness. Faught immediately objected to his testimony. The jury was excused for lunch so Faught could present his arguments to the court.

He maintains that since Stevens never testified in the preliminary hearing for this trial that he nor co-counsel Gary M. Jay have had time to prepare a sufficient defense.

Stevens was brought to Mayes County Jail March 10, 1980 and has been there since. During questioning by District Judge Byron Ed Williams, Faught admitted that he had been told he could see Stevens at the jail at any time for a private conference. Faught also said he did not take any statements by affidavit.

The trial began Monday in Pryor with the selection of the jury. Twenty-seven prospective jurors were questioned before settling on the panel of seven women, five men and one male alternate. It took attorneys five hours to approve the group.

Opening arguments provided outlines for the jury of the witnesses and their possible testimony. Webb plans to put Stevens on the stand along with Gene Beller, a Seminole contractor Stevens supposedly worked for during those days in June of 1977; possibly Mrs. Beller, who was bookkeeper for the job; Stevens' father; Oklahoma State Bureau of Investigation officers; and Dwayne Peters, a cellmate of Stevens' at the Kansas State Penitentiary at Hutchinson.

Faught said he planned to call many of the same witnesses. He said conflicts would develop in the identification of Stevens from Beller and his son. He said that testimony would show several attempts by Paine to have investigators look into Stevens' activities but they ignored her when they could and would step on her if they couldn't.

Jay has reserved his opening statement for the beginning of the defense case. He is representing Paine while Faught represents Short.

Stevens' Seminole alibi gains support

By MARY JEANSELL
Staff Writer

Charlie Stevens has supported his son's denial of being in Okmulgee the morning of June 13, 1977, when the bodies of three murdered Girl Scouts were found in Camp Scott, near Locust Grove.

Stevens testified this morning in the perjury trial of Joyce Paine and Larry Short on behalf of his son, Bill Stevens. Gene Leroy Hart was charged with the murders and acquitted of the charges in March of 1979.

Paine and Short testified during the last days of the trial that Stevens had come to their home in Okmulgee the morning of June 13. They said he had scratches on his arms and neck and reddish stains on his boots which he tried to wash off in the bathroom of their home.

Stevens' father said he and his son had been together all weekend, from June 10 to June 12.

"He had called and said he needed a fan. So I got ready and my wife and I went to Seminole to see him and take him a fan," Stevens said this morning. "I saw him on Friday night. We were together all day Saturday, Saturday night and Sunday, til I went back to Okmulgee about 8:30 or 9 o'clock."

"He called me the next afternoon from Seminole to ask if he could borrow some money to buy some tools because he had started to work. I didn't have any to lend him but my wife and a neighbor took him some groceries," Stephens went on.

Stevens produced a copy of his telephone bill for that time period. Defense Attorney Mike Faught went over each call on the list for several days, asking what Stevens remembered about each one.

Defense Attorney Gary M. Jay challenged Stevens' testimony from the preliminary hearing for this trial. From the transcript, Stevens' did not mention the

time he spent with his son on Saturday night. They attended chicken fights according to his testimony today.

Stevens repeatedly insisted he has spent the entire weekend with his son, whether he had testified to it earlier or not. "They didn't ask me about the chicken

fights," he said.

Stevens was questioned at length by Jay and Faught about the 1974 Pontiac he sold his son. The car belonged to Mrs. Stevens and was kept in a garage. Stevens maintains that his son never drove the car until he bought it in October. Pressed by Jay, Stevens said he know his son

had never driven it because he wasn't supposed to, didn't have a license or insurance.

Paine and Short both claim he was driving the car when he came to their house.

Shortly before lunch today, Gene Beller, the man Stevens worked for in Seminole in June of 1977, took the stand.

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Witness says Paine plotted Stevens' rap

By MARY JEAN SELL Staff Writer

Joyce Paine has been directly involved in formulating a plan to accuse one man of murder to free another man from prison. Dewayne Peters revealed yesterday that he carried it out during his testimony today and himself as "a very good boyfriend" of Paine's who had lived with her "off and on" for two to four months in 1977.

His testimony also accuses Attorney Harry Cousins and Lewis B. Ambler of encouraging him to tell the story that a friend of his Bill Stevens had committed the murders of three young Girl Scouts at Chimp Scott, near Locust Grove, June 13, 1977. Gene Leroy Hart was arrested and charged with those crimes. He was acquitted of the charges in March of 1978. Garvin Isaacs of Oklahoma City was Hart's defense attorney and Cousins worked for him at that time.

Hutchinson. Peters, took the stand late Wednesday and told the court that Paine had come to him while he was in jail in Garden City, Kan. "She told me she had a way to get me out of the Kansas penitentiary," he said. "She wanted me to tell them that Bill Stevens had confessed to the Girl Scout murders in Oklahoma. She said she would help with the details so they would believe me. She told me about the flashlight being taped to make the

beam smaller." "She told me about the Hart case and the Hart trial and how we could bar two sons to back my story," he said. "I was gonna get a full pardon, no probation or reporting, complete freedom." "Who promised you that?" asked Assistant District Attorney Austin Webb. "Cousins," Peters replied. "Garvin Isaacs," Peters stated.

Isaacs had never made any promises to him. "Cousins said he was an associate of Isaacs and he would see what they could do to get me a pardon," he said. Jay questioned if Isaacs had ever talked to him, contacted him, written him letters or telephoned him. Peters answered "no" each time. He admitted telling Cousins that Stevens had killed the three girls and had raped them. Asked if he had said Stevens did it for the fun of it,

he replied, "For the excitement." "Did you tell them Stevens was happy when Gene Leroy Hart was arrested?" asked Jay. "Yes." Peters recounted several visits with Paine, Short, Cousins and Ambler at the Kansas facility. He said he hadn't liked the plan from the beginning "because I thought I could get out of the Kansas trouble on my own." He said he finally told Ambler and Cousins he did not want to be a part of the scheme about two weeks before the Hart trial began March 19, 1979. Webb asked "Did Bill Stevens ever tell you he had anything to do with the Girl Scout murders?" "No," Peters answered. "Did he ever come to the Paine house in Okmulgee the morning of June 13, 1977?" "Not that I know of," Peters said. "I was there. I had spent the night there. I didn't see him all day. I didn't" (Continued on Page 2)

Perjury Trial

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see him until later that week." Paine and Short testified during the Hart trial that Stevens had come to their home that morning. They said he had scratches on his arms and neck. They described reddish stains on his boots which he tried to wash off in their bathroom. They said he was driving a 1974 Pontiac maroon that chocked when he arrived the first time. When he came back later in the morning, they said he was driving his girl friend's pick-up.

many hours the check represented or what exact dates during his testimony Wednesday. He said his wife had kept the time cards and had written the check. When Mrs. Beller testified she could not pinpoint the dates Stevens had worked or the amount he was paid per hour. She finally admitted there were not any notations on the time card to actually show how many hours or when Stevens worked other than the issuing of the check on the 17th.

Stevens stoutly maintained that his son did not ever drive the 1974 Pontiac from the time of his return home from the Army in March of 1977 to the time he bought the car in October of 1977. "He didn't have a driver's license or insurance and he was not supposed to drive the car," Stevens said. "He was not driving that car in June."

In his own testimony Tuesday, Stevens denied going to the house on June 13. He said he began work on a new job that morning in Seminole. He worked for the S-C Construction Co., owned by Gene Beller, four days remodeling a home. Beller paid him by check for \$63 on June 17. Beller could not recall how

Stevens' father, Charlie Stevens, testified that he was with his son from Friday, June 10, to Sunday evening, June 12. He said he had taken him a fan for his apartment on Friday. He jocked him up early Saturday morning and they visited in the Seminole area during the day. He said they went to the chicken fights all of Saturday night and part of Sunday morning.

There had not been many spectators in the district courtroom this week until this morning. Members of the news media from Tulsa and Oklahoma City including television crews and an artist attended today. Peters' mother and aunt have attended since Tuesday. The father of Michelle Guse, one of the dead girls, came in today.

Perjury Trial: Day 5 Hart lawyer Isaacs may take stand

By MARY JEAN SELL
Staff Writer

Attorneys Garvin Isaacs and Barry Cousins were expected to take the stand this afternoon as the defense attorneys for Joyce Paine and Larry Short began their side of the perjury trial.

Paine and Short have been accused of perjury with regard to their testimony in the Gene Leroy Hart murder trial a year ago. Hart was accused of killing three Girl Scouts at Camp Scott, near Locust Grove, June 13, 1977.

They testified that Bill Stevens had come to their home the morning of June 13, 1977. They said he had scratches on his arms and neck and reddish stains on his boots which he attempted to wash off in their bathroom.

Isaacs was the leader of the Hart defense team and Cousins worked with him on the case.

Cousins has been accused of promising Dewayne Peters a pardon for his testimony in the Hart trial that Stevens had confessed killing the Girl Scouts to him. Peters told the court Wednesday evening that Cousins and Isaacs had promised him a pardon for telling what he knew.

During his testimony Thursday, Peters said Isaacs never made any contact with him or promised him anything. Peters admitted that Cousins had said he would do what he could.

The state rested its case at 11:50 a.m. today. The start of the trial was delayed 45 minutes as Defense Attorneys Gary M. Jay and Mike Fought and Assistant District Attorney Austin Webb argued in District Judge Byron Ed Williams' chambers about the admissibility of a report from Oklahoma State Bureau of Investigation Agent Larry Bowles.

Bowles began his testimony late Thursday as a state witness but was stopped by Jay and Fought as he attempted to read portions of a report.

According to Judge Williams, the argument over the report continued this morning in an in camera hearing. He ruled that Bowles could refresh his memory from the report but could not read it nor could the prosecution offer it into evidence.

Bowles testified that he had talked to Paine in Attorney Lewis Ambler's office in Bartlesville in December of 1977. She told him that Stevens had been to her home in Okmulgee June 13 and had taken Short into town with him to buy new boots.

Bowles said he had gone to the Kansas State Industrial Reformatory at Hutchinson to interview Peters about his story Jan. 2, 1979.

Stevens and Peters had been arrested in Dodge City, Kan., Nov. 22, 1977. Stevens was charged with rape, kidnap and robbery of a 54-year-old woman in Garden City, Kan. Peters was charged with robbery and kidnaping in the same incident. Both pleaded guilty and received 15 years to life imprisonment.

Bowles said Peters told him the story of Stevens confessing the murders to him. "He said Stevens told him of watching the Girl Scout Camp the way he had watched camps in Viet Nam," he said. "He told me Stevens had been raised in the Locust Grove area and knew about the camp. He said he had refused to believe Stevens at first."

As Jay outlined the defense case in his opening statement this morning, he said Cousins would play tape recordings of interviews with Peters in the Kansas Reformatory.

He said the tapes would show "Peters' pathetic attempt to frame a former friend to extricate himself from his lie."

Jay also expects to put Paine and Short on the stand to tell their side of the story to the jury. He said Paine would tell of repeated efforts to get authorities to investigate Stevens' activities June 12 and 13 before Hart's arrest and during the trial.

Peters was a difficult and frustrating witness Thursday for attorneys. He forced all of them to repeat even the most simple questions at least twice or three times before deliberating over his own answer.

He gave nearly five hours of actual testimony Wednesday and Thursday as he told his side of the conspiracy to frame Stevens: Peters maintained all the way through that Paine had come to him in Garden City, Kan., with the plan to accuse Stevens of the Girl Scout murders in exchange for Peters' freedom.

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— Perjury Trial —

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Peters said he backed out of the deal two weeks before the Hart trial began in March of 1979. "I decided I didn't want no part of it," he said. "I didn't think it would be right to do something like that to another man that wasn't involved."

He testified that Paine had assured him several times that her two sons, Larry Short and Owen Short, would back her story at the trial.

Peters revealed Thursday afternoon that Paine had written him letters discussing the plan while he was in the Reformatory.

Paine and Short are assisting Jay and Fought as they question witnesses. Paine takes notes during questioning for reference and occasionally makes suggestions. Short sits quietly but occasionally talks to Fought.

Neither show much reaction or emotion to the testimony as it is given. Paine's red-brown hair curls down her back now—it was short during the Hart trial. She isn't wearing glasses. She dresses neatly for court each day.

Short has worn a three-piece suit and tie most of the week but chose blue jeans and a dress shirt Thursday.

All of the witnesses are kept out of the courtroom so they cannot hear other's testimony. Stevens' father has come to court each day as have Peters' mother and aunt. Stevens has to remain outside the courtroom because he was a witness.

Richard Guse, father of Michelle Guse, one of the slain Girl Scouts, has attended since Wednesday afternoon. He paces the halls during recesses and smokes, occasionally shading his head.

Curious on-lookers have been in the courtroom since the trial began Monday. The group grows each day as more testimony is printed or broadcast. Tulsa and Oklahoma news media representatives were on hand Thursday.

Judge Williams would not allow the jury to be photographed as it left the courtroom for lunch, invoking Oklahoma statutes against the cameraman.

In other testimony this week, Stevens defended himself against the accusations of Paine and Short Tuesday. He said he started working for a construction company in Seminole the day the murders were discovered. He worked four days and was paid \$63. He said he knew Paine and Short and had visited with them frequently but did not go to their home June 13, 1977.

Stevens said he did not purchase the 1974 Pontiac from his father until October of that year and had not driven it before he bought it. He did not have a driver's license or insurance.

Charlie Stevens supported his son's story. He said they were together in Seminole the entire weekend, from Friday to Sunday evening. They spent Saturday visiting friends and relatives, Saturday night at the chicken fights and Sunday at the elder Stevens' mother's in Seminole.

The Gene Bellers, owners of 4-G Construction, testified paying Stevens for work on June 17, 1977. Neither could remember or produce records to show what days he had actually worked or rate of pay. Both admitted the dates on the check had been put on after the check had gone through the bank and been returned.

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Isaacs believed Paine testimony

By MARY JEAN SELL
Staff Writer

Attorney Garvin Isaacs said he believed Joyce Paine's story and put her on the witness stand March 27 during the Gene Leroy Hart murder trial. Attorney Barry Cousins said Dewayne Peters had told him that Paine's story was a lie on March 19 and he had told Isaacs. Conflicting stories about who told who what and when and flamboyant performances threw the perjury trial of Joyce Paine and her son, Larry Short, into chaos Friday afternoon. The two are accused of perjury in their testimony during the Hart trial. They

testified that Bill Stevens had come to their home in Okmulgee on the morning the bodies of three Girl Scouts were found in Camp Scott, near Locust Grove, June 13, 1977. They said he had scratches on his arms and neck and reddish stains on his boots. Hart was charged with the murders but acquitted by a jury at the end of March. Isaacs was the second witness for the defense Friday. As Paine's attorney Gary M. Jay attempted to question him, Isaacs would launch into explanations that apparently had no relevance to the questions. Assistant District Attorney Austin

Webb would object immediately. District Judge Byron Ed Williams reminded attorneys and the witness several times of proper courtroom procedure and behavior. As spectators began to giggle and snigger, Judge Williams threatened to clear the courtroom. Isaacs was asked about a letter addressed to the "Sheriff of Locust Grove" from Paine received by Locust Grove Police Chief Kenneth DeCamp. "I had to leave Pryor so fast when the Hart trial was over," he began. Webb ob-

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jected to the comments. "Well, I lost it," Isaacs finally said. "I don't know where it is. I had the original and the envelope it came in and I don't have either one now." Asked when he had first heard from Paine, he said it was in June of 1976. He said he hadn't done anything about it because so many cranks and crackpots were calling and writing. Later, he said she called him at home in Guthrie. "I hung up on her," he said. "She called me back and said I was rude but she wanted me to know what she knew."

Isaacs said he met with Paine and her attorney, Doug Brown of Shawnee, in Oklahoma City. She told them that Stevens had come to her house in Okmulgee that morning and had blood on his boots.

Isaacs swore he had never met Dewayne Peters, Paine's "very good boyfriend," or offered him any deals in return for his testimony.

Peters told authorities and lawyers that Stevens had confessed killing the Girls Scouts to him while they were both in prison in Kansas. He told the court earlier this week that Paine had come to him with the story in Garden City, Kan., and then after he had been moved to the Kansas Industrial Reformatory in Hutchinson. He said she wanted him to tell the story to help him get out of the Kansas prison.

Peters maintained that he told Hart Defense Team Investigator Cousins that the story was a lie two weeks

before the Hart trial began. He also claimed that Cousins had offered him a parole or pardon for his testimony.

Cousins followed Isaacs to the island Friday. He told of meeting with Peters Oct. 4, 1976, and of recording his story. "He knew I had a tape recorder going," Cousins said. "It was on the table. After the pleasantries, he just took a deep breath and started. It all came out. I asked him at the end of the interview if I had promised him anything and he said no."

Cousins met with Peters on March 19 and recorded that conversation, although Peters did not know it. "He refused to talk to me for nearly two hours when we first got there," Cousins said. "When he finally agreed to talk, he told me he was denying anything he had said the first time we talked. He was withdrawn and nervous, the first time he was open, this time he was nervous."

Asked if Paine had told him what Peters was going to say on the first trip to Kansas, Cousins replied "No." She accompanied him on the trip. After the interview with Peters, Cousins said he did not intend to play the tape for anyone until he returned to the defense offices in Pryor.

"She kept pestering me in the car," he said. "So I finally played about five minutes for her. She was upset and shocked by what she heard. I think she was crying a little."

Asked what he was going to do with the first tape, Cousins said they were going to keep it a secret until they used it in the trial. "It was going to be a surprise. Part of the defense strategy."

He said he played the second tape for Isaacs and Attorney Gary Pitchlin as soon as he returned to Pryor.

"Do you think Joyce Paine knew Dewayne Peters had changed his story or his mind when she came here to testify?" asked Defense Attorney Mike Fought.

"Yes," Cousins said. "She couldn't believe that he was lying."

"Did she know he was

claiming her as a co-conspirator?"

"Yes," Cousins said. "When she testified, did she understand that the purpose for her testimony no longer existed?"

"Yes." Cousins explained that all three attorneys had talked with her about her testimony and she knew the possibility of consequences.

"We knew there was no telling what Pete Weaver (Sheriff of Mayes County) would do to her, but she wanted to testify," Cousins said.

"In your entire relationship with Joyce Paine and Larry Short did you have any doubt that they were not telling the truth when they testified?" asked Fought.

"No doubt in my mind," Cousins stated.

At this point Webb objected to Cousins' testimony and asked that his and Isaacs' be stricken from the record. He said they had violated the rule of sequestration and had discussed their testimony before coming to court.

"They are attorneys and they should know better," Webb said.

The jury was excused until Monday morning by Judge Williams. Further questioning of Cousins revealed they had talked about the case with defense attorneys but had not discussed it with each other, nor with Lewis Ambler, another attorney listed as a defense witness.

In a stern warning, Judge Williams cautioned all of the attorneys and witnesses to be careful in their discussions for next week's testimony.

"I did not swear all of the witnesses at the beginning of the trial because I thought you attorneys could take care of your business and prevent this sort of thing from coming up," he said. "I wonder what lay people must think of us when they see such as exhibition as we have had here today. It is our duty to see that justice is done here. If you violate the spirit of the rule (of sequestration) then you have violated the rule. We must be careful here."

Perjury Trial: Day 7

Paine, Short trial may go to jury later today

By MARY JEAN BELL

Staff Writer

The perjury case of Joyce Paine and Larry Short is expected to go to the jury this afternoon. The defense rested its cases at 10:12 a.m. today. Paine and Short are charged with perjury in their testimony during the Gene Perry-Hart murder trial in March of 1978. Hart was charged with the murder of three Girl Scouts at Camp Scout, near Oppeist Grove, June 13, 1977. The two testified that Bill

Stevens had come to their home in Okmulgee on that morning. They said Stevens had scratches on his neck and arms and reddish stains on his boots. They said he attempted to wash the stains off in their bathroom. He left their house returned about two hours later and took Short with him to buy new boots.

Stevens testified last week that he began working with a construction company in Seminole on the morning of June 13, 1977. He testified that Bill

Stevens and Peters were arrested in Dodge City, Kan., Nov. 23, 1977. Stevens was charged with rape, kidnapping and robbery. Peters pleaded guilty and received

sentences of 15 years to life. They were incarcerated at the Kansas Industrial Reformatory at Hutchinson. Peters claims the story was made up to help him get out of the Kansas Jail, receive a full pardon or to get him into an Oklahoma facility to serve his time. Paine flatly denied any conspiracy to frame Stevens from the witness stand Monday afternoon. She was specifically asked by her attorney, Gary M. Jay, if she had made up the story

"No, sir," she replied firmly. Short was on the stand for 22 minutes this morning. He also denied any knowledge of a conspiracy against Stevens to get Peters out of prison. Assistant District Attorney Austin Webb questioned Short on his preliminary hearing testimony this morning. He repeated that he and Stevens had gone to town to buy some books. He said he had gone to Okmulgee this weekend and tried to find the shop but a portion of the book

had been burned down. Paine told of visiting Peters in the reformatory and going with members of Peters' family, lawyers Lewis Ambler, Barry Cousins and Short. She outlined six trips to Garden City to visit Peters while he was in jail. She denied any discussion of the Girl Scout murders or plans to develop a story during the visits. The only mention of the Hart trial was in one letter introduced into evidence,

Peters wrote to her on July 8, 1978 and said, "I seen on tv Hart is going to court on just a piece of hair. I hope not, if he is innocent."

In the tape recording made by Cousins March 19, Peters said to and Paine has written several letters developing the story. He claimed they never specifically wrote anything down, "just bits and pieces and pictures. We communicated that way. We knew what we were saying in the pictures and through parts of the words."

Paine said she had never written any such letters to Peters. She outlined several attempts to have various lawyers help her get her information to authorities. At one point, she tried to talk to former Gov. David Boren about her information. Asked why she was so concerned about telling her story, she replied, "Because I had to let the jury and the court know about Bill Stevens being at my house and that

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— Perjury Trial —

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was and in my flashlight," Carey Thurmon, Oklahoma State Bureau of Investigation agent who was in charge of the investigation of the Girl Scout murders, testified this morning that he had ordered fingernail clippings taken from the victims.

Asked if any skin or blood was found on the clippings, he replied, "No."

G.B. Holt of Okmulgee was called by Webb. Holt's daughter, Iris, was Stevens' girl friend during part of the summer of 1977. Short said Stevens returned to his home in a black pick up owned by Ms. Holt.

Holt said this morning his daughter did not own a black pickup at that time.

In response to defense questioning by Sharp's lawyer, Mike Fought, Holt admitted that he was away from home working about "80 percent of the time." Holt said he was home a week and gone a week, or it might vary.

Pryor bail bondsman Bud Welch was also called to testify. He said Hart Attorney Garvin Isaacs had called him April 18, 1978, to "get his clients out of jail—Joyce Paine, Larry Short and Owen Short."

Welch said bonds were set at \$5,000 each for the three. He charged them a total of \$2,400 but had never been paid.

Fought asked Welch if he had caused the three to be put in jail for failure to pay the bonds and he said yes. "Didn't Isaacs tell you that Rosa Swimmer, Chief of the Cherokees, would take care of the bond?"

"Not till later," Welch said. "I was supposed to have my money on the second day

from Isaacs."

Charges against Owen Short were dropped.

Cousins was recalled to the stand Monday morning to testify that he had notified Garvin Isaacs March 10 that Peters wanted to deny his story.

Isaacs was recalled to testify about the flashlight. Paine had told him about buying a battery for her flashlight at the Wal-Mart store in Okmulgee. Isaacs said he sent an investigator to the store to talk to employees.

Attorneys Mitchell Shamus and Douglas E. Brown told of meeting with Paine and attempting to contact authorities about Paine's story.

Gary Pitchlin told of his investigation of Paine's story as part of the Hart defense team. He said he was skeptical at first because so many cranks had been calling and writing. He had first been contacted by Peters' mother.

He said he had talked to Paine in the fall after the preliminary hearing about the flashlight. "She specifically told us about the way the wires had been wrapped with tape inside and the way the switch was fixed," Pitchlin said. "My first impression was that all of this had been fabricated to help a member of the family or a friend. After putting her through a testing examination to find the flaws in the story, there were none. We were convinced they were convinced their story was true."

Tom Puckett, Oklahoma State Bureau of Investigation from Lawton, said he felt Paine had given her story "in good faith. I have no evidence

that it isn't true."

Locust Grove Police Chief Kenneth DeCamp told of receiving the letter from Paine sent to "The Sheriff of Locust Grove." "Asked what he did with it, he said, "I called Garvin Isaacs and told him I had it. He sent a woman over to get it and I gave it to her."

DeCamp said the original letter was hand written and a typed copy had been made. Copies of both were introduced into evidence Monday. DeCamp said he had not contacted the OSBI about the letter.

Attorney Lewis Ambler of Bartlesville testified to trying to help Paine find the proper authorities to tell her story and of going to Kansas to visit with Peters.

"She came to me in December (of 1978) and was concerned that her story was not being accepted," he said. "She was afraid she was going to be tossed into the Hart trial as one of the rings in a three-ring circus—as a surprise or bombshell. She wanted to tell her story to someone in authority."

His first visit with Peters in Kansas dealt basically with the charges in Kansas. Peters felt like Stevens was going to get out of prison ahead of him according to Ambler. "He wanted me to see what I could do to get him out or transferred to an Oklahoma prison. He said he had made a plea bargain and the prosecutor up there had not honored it."

Ambler made the March trip to get Peters ready to testify in the Hart trial. Peters wouldn't see Ambler or Cousins when they first arrived. When he finally did agree to see them, he told them the whole story was a lie but still maintained Paine had helped him make it up. He did not know that interview was being recorded.

Ambler served as Paine's attorney through her preliminary hearing on the perjury charges then withdrew. He said he felt he "could do more for her as a witness than as an attorney."

All of the attorneys or law enforcement officers who have testified have denied making any promises or deals with Peters in exchange for his testimony.

Perjury trial in hands of jury

April 30, 1980

By MARY JEANSELL
Staff Writer

Closing arguments by defense attorneys and the assistant district attorney put the Joyce Paine-Larry Short perjury trial in the hands of the jury this afternoon, nearly a day later than expected.

Court resumed 20 minutes later than expected this morning. Defense Attorney Mike Fought spoke nearly two hours in summing up the case for Paine and Short. He actually represents Short in the matter.

Defense Attorney Gary M. Jay, court-appointed lawyer for Joyce Paine, spoke for an hour Tuesday afternoon.

Assistant District Attorney Austin Webb made his final argument after the noon recess today.

Paine and Short are charged with perjury from the murder trial of Gene Leroy Hart in March of 1979. He was charged with killing three Girl Scouts at Camp Scott, near Locust Grove, June 13, 1977.

Paine and Short testified in the last days of Hart's trial that a man named Bill Stevens had come to their home in Okmulgee June 13 with scratches on his arms and reddish stains on his boots.

In the six days of actual testimony, a variety of witnesses have been called by both sides to support stories.

Bill Stevens testified for the state that he was working in Seminole on June 13, 1977 and could not have been in Okmulgee at Joyce Paine's. He

was a friend of the family and had visited with them often.

During the Hart trial, Paine and Short had testified that Stevens first came to their house in a maroon Pontiac hatchback, then later the same day in a black 1958 Chevrolet pick up owned by his girl friend, Iris Holt (now Cox).

Stevens denied driving the Pontiac until October of that year when he purchased the car from his father, Charlie Stevens. He said Holt's pick up was baby blue and it wasn't running in June.

Cox and her father, G.B. Holt, testified as rebuttal witnesses for the state Tuesday afternoon. Both denied ever owning a black pick up. They admitted owning a blue one but said it

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didn't run during the summer.

Cox also said she had loaned Stevens \$500 over a period of a couple of months to cover checks she said Stevens forged on her father's accounts. He has never repaid the loans.

Charlie Stevens supported the story of the car and said he had been with his son the entire weekend before June 13. He said they had visited friends in Seminole on Saturday, gone to the chicken fights Saturday night, and visited friends on Sunday.

Gene Gary and Mrs. Gene Beller testified that Stevens worked for them in Seminole June 13 through 16 and was paid \$83 by check on June 17. Mrs. Beller admitted that the dates on the checks had been put on before this trial began, not when the check was given to Stevens.

Short had testified that Stevens had taken him to the Okmulgee Boot, Shoe and Saddle Company to buy a new pair of boots June 13. Harry Ledbetter of Okmulgee Police Department said no such company had ever been located in the community.

In a letter to "the Sheriff of Locust Grove," April 14, 1978, Paine wrote that Stevens and her son had gone to a Wal-Mart store to buy boots.

Dewayne Peters, a "good boy friend" of Paine's, directly accused her of planning a story to frame Stevens and accuse him of the Girl Scout murders. In a full day of halting, difficult testimony, Peters told several versions of how they had planned the story against Stevens.

Peters said first she had brought the plan to him while he was in the Garden City, Kan., jail in November of 1978. He and Stevens were arrested in Dodge City for attacking a 54-year-old woman in Garden City. Stevens was charged with rape, kidnapping and robbery. Peters was charged with kidnapping and robbery. Both pleaded guilty and were sentenced to 15 years to life at the Kansas State Industrial Reformatory at Hutchinson.

Peters then said they had planned the story through the brief periods of "hugging and kissing" during Paine's visits. Then it was through "small pictures, incomplete words and syllables" in letters.

He said the plan was for him to say that Stevens had confessed to him that he had killed the Girl Scouts and how he had done it. Peters said the plan was formulated to get him a pardon for his Kansas conviction.

him transferred to an Oklahoma facility to serve his time or to cut his prison time.

Defense witness Barry Cousins, also a member of the Hart defense team, tape recorded an interview with Peters in October of 1987 in which he told the complete story of the "Stevens Confession."

That recording and another made March 19, 1979, in which Peters denied the entire story, were played for the jury. Peters did not know the second recording was being made.

Attorneys Garvin Isaacs, Gary Pitchlin, Mitchell Shamus, Douglas E. Brown, Lewis Ambler and Cousins all testified to their various roles in Paine's story. Paine contacted each of them during the year and a half between the murders and the trial to try to tell them of her visit from Stevens. She wanted them to help her get her stories to investigative authorities whom she felt were not paying attention to her.

Each denied ever promising Peters they could

get him a pardon or any kind of deal with prison authorities to move him to Oklahoma or cut his time.

Ambler offered to help Peters with an appeal in Kansas and was with Cousins when Peters denied his story. He served as Paine's attorney through her preliminary hearing on this case but withdrew when he decided he could do more for her as a witness he said during testimony.

Paine testified Monday that she had not planned a confessions story about Stevens with Peters. She denied any part in a conspiracy or scheme to frame Stevens to get Peters out of jail or moved to an Oklahoma jail.

Short testified briefly Tuesday. Read statements from his Hart testimony, he said he "might have said" most of statements. He said Tuesday that Stevens had spent 35 or 40 minutes at their home on June 13 instead of four or five minutes as he had originally testified. He continued to say that Stevens had come back to their home in a black pick up.

15 hours by noonday

Perjury trial jury still out today

By MARY JEAN SELL
Staff Writer

The seven-man, five-woman jury was still working at reaching a verdict at noon today, 15 hours after the perjury trial of Larry Short and Joyce Payne came to a close and was presented to the group for a decision.

The jury had a long night Wednesday. Deliberations continued to

1:50 a.m. early this morning, 13 and one-half hours after they started.

Paine and Short are on trial for perjury as a result of their testimony during the Gene Leroy Hart murder trial in March of 1979.

They said Bill Stevens came to their home in Muskogee the morning of June 13, 1977 after the bodies of three young Girl Scouts

were found in Camp Scott, near Locust Grove.

They testified Stevens had scratches on his neck and arms and reddish stains on his boots. Paine testified that Stevens arrived "during the morning" and Short said it was about "8 a.m. to 9:30 a.m."

In a letter April 14, 1978 to the Sheriff of Locust Grove, Paine wrote that Stevens had

been to her house about 2 p.m. that day.

Hart was acquitted of the charges at the end of the March trial.

Seven days of testimony and argumentation in the perjury trial came to a close at 2:50 p.m. Wednesday as District Judge Byron Ed Williams put the case in the hands of the jury.

The first question from the

group came at 3:05 p.m. when they requested a copy of the cancelled check allegedly used to pay Stevens for working in Seminole on a construction job the week of June 18-16, 1977.

The second question came at 4:20 p.m. when the jury asked for a transcript of the testimony from Gene Beller, owner of the construction company, and Gary Beller,

his son and employee.

A transcript was not provided but jurors were returned to the courtroom to hear the court reporter read the testimony aloud from her notes. The reading took approximately an hour. Judge Williams ruled that should the jury ask to hear any part of one person's testimony, they would have

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Perjury Trial

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to hear all of it.

At 7:00 p.m. Jury Foreman Lewis Cunningham sent a note to the judge saying "The jury is deadlocked. We need advice."

The jury came into the courtroom at 7:20 p.m. and Judge Williams suggested they take a supper break. He told them to re-read the set of instructions he had provided when they returned.

At 10:44 p.m. the Cunningham wrote, "The jury has re-read the instruction and is dead locked. What next?"

The jury came into the courtroom at 11:15 p.m. Judge Williams asked Cunningham to tell him how the votes were split but not which way Cunningham said four to eight.

Williams then gave them a supplemental or "dynamite"

instruction encouraging the jurors to make their decisions but "not to surrender conscientious convictions."

He said, "Absolute certainty is not to be expected. You are not partisans or advocates but judges. It is your duty to agree if you can."

At 2:30 a.m. Cunningham wrote, "The jury is still dead locked. The vote is the same."

The jurors returned to the courtroom at 2:43 a.m. Williams asked Cunningham about the possibility of reaching a verdict or if any progress had been made.

"No, sir," Cunningham replied. "I believe at this time we cannot make a decision."

"Could you at a later time?" Williams asked.

"There is a possibility but not a probability," Cunningham replied.

The group was given the opportunity to discuss remaining for the rest of the night or going home to rest.

They voted to recess for the night at 2:57 a.m., twelve hours and seven minutes after they began.

January 27, 1981

Hart perjury case closed

By MARY JEAN SELL
Staff Writer

Criminal cases filed in connection with the June 1977 murder of three Girl Scouts near Locust Grove have ended as the perjury case of Joyce Paine and Larry Short was settled in a Pryor courtroom Monday afternoon.

District Attorney Austin Webb and Paine's attorney Gary M. Jay worked out a plea bargain arrangement to

reduce the felony perjury charge against Paine to a misdemeanor charge of compounding a prosecution.

Paine pleaded nolo contendere to the charge before Associate District Judge William Thomas about 2:30 p.m. Monday. He accepted the plea, sentenced her to six months in the Mayes County jail, then suspended the sentence.

The perjury charge against Paine's son, Larry Short, was

dismissed on the recommendation of Webb.

Paine came into the case in March of 1979 during the last days of the spectacular murder trial of Gene Leroy Hart, accused killer of the three girls. She and her two sons, Larry and George Owen Short, testified a man named Bill Stevens had come to their home in Okmulgee the morning the murders were discovered in a camp near Locust Grove.

Hart was found not guilty of the murder charges and returned to the state penitentiary at McAlester to serve, remaining time on other charges. He died of an apparent heart attack in June of 1979 in the prison.

Paine and her sons testified Stevens had scratches on his neck and arms and reddish stains on his boots. They testified a flashlight found at the murder scene was one

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—Perjury Trial—

Paine had given Stevens.

It was a little over a year later before Paine and her son were brought jury charges. The charges against George Owen Short had been dismissed shortly after they had been filed.

Their trial began on April 21, 1980, and ended at 3:45 p.m. May 1 when a mistrial was declared by District Judge Byron Ed Williams. The jury of seven women and five men had deliberated nearly 27 hours and had not been able to reach a verdict. Jurors said they had been deadlocked from the first vote.

During the lengthy perjury trial, Stevens had testified he had been working in the Seminole area. Time cards and a payroll check from his employer were produced in

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an attempt to prove Stevens' whereabouts.

Dewayne Peters, a companion of Paine's and a friend of Stevens, spent two days on the witness stand laboriously telling of plots to frame Stevens. He said Paine had asked him to tell authorities that Stevens had bragged of the murders while they were in jail together in Kansas.

Both men were involved in the assault and battery, robbery and rape of an elderly woman in Kansas. They were serving sentences on the charges when they testified in Pryor.

Paine and Short did not testify in their own defense during the trial.

Webb said Monday he had wanted to take the case to trial again but not during the jury term that will begin Feb.

2. "We didn't want to call a special term for it either," Webb said. "We got a hung jury once, and we might have gotten the same verdict the second time."

Speaking for Paine, Jay commented, "We would have preferred a clear cut verdict, either way. We don't like for Mrs. Paine to have to plead to a lesser charge and be found guilty by the court. We don't feel she is guilty of anything. But, the first trial took two weeks and the jury could not reach a decision. We decided not to go through that expense, effort and emotional stress to possibly come back with the same verdict."

Paine would not talk about the case or her activities since the perjury trial. She refused to answer all questions Monday.

Jury locks; Paine, Short set free

By MARY JEAN SELL

Seven women and five men were unable to reach a unanimous decision in the perjury trial of Joyce Paine and Larry Short.

The final vote was a 7-5 split with seven voting for Paine and Short.

District Judge Byron Ed Williams declared the trial at 3:45 p.m. Thursday, 26 hours and 45 minutes after it was given to the jury Wednesday.

Paine and her son, Short,

were charged with perjury after they testified in the closing days of the Gene Leroy Hart murder trial in March of 1979. Hart was accused of killing three Girl Scouts at Camp Scott, near Lequat Grove, June 13, 1977.

Paine and Short had come to their home that morning. They said he had scratches on his arms and neck and reddish stains on his boots.

The jury was dead locked in the voting apparently from

the first ballot. Four of the six messages sent to Judge Williams during deliberations indicated a dead lock situation.

Jury Foreman Lewis Cunningham Jr. told the Judge Thursday afternoon, "We have individuals who can't change their opinions either way. It is impossible for us to reach a unanimous decision."

Judge Williams asked if there was confusion about the law in the case, the instructions or the failure of

either side to prove its case. Cunningham replied "No, to each question. He repeated that individuals could not be moved in their feelings."

Judge Williams thanked the jury for their time and efforts and discharged them. It is up to the district attorney to decide if there will be a re-trial in the case.

Assistant District Attorney Austin Webb said he was going to discuss the matter with District Attorney T. Jack Graves.

"If we do retry, it won't be

evidence when we come back," she said firmly. "We'll have more important witnesses and more details. I'm not going to let this drop if I can help it."

Testimony showed she had been trying since October of 1977 to get authorities and investigators involved with the murders and Hart case to believe her story. She maintains that the flashlight found near the bodies belonged to her and she had loaned it to Stevens several days before the killings.

She was pleased with the way her attorneys had handled the case. "Mr. Jay was fantastic," she said. "Mr. Fought was very good with the jury."

Mayes County Sheriff Pete Weaver was disappointed with the verdict. "I thought the state presented a strong case and I wanted a conviction, of course," he said this morning. "I am already working on it for the next time. It is a serious crime when there is a conspiracy to frame an innocent man for

something he didn't do. It was more than a perjury case and had far-reaching sequences or at least I defense wanted it to."

One of the state's main witnesses, Dewayne Pete told a lengthy and complicated story of plans with Paine to say Stevens confessed the killing of Girl Scouts to him.

Stevens and Peters been friends in Okmulgee. They were arrested together in Kansas for kidnapping. (Continued on Page 2)

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robbery of a 54-year-old woman. Stevens was also charged with rape. They pleaded guilty and are serving a 15 years to life sentence in the Kansas State Industrial Reformatory at Hutchinson.

Several spectators stayed with the trial each day and into Wednesday night as jurors deliberated until 2:45 a.m. One of them was a member of the Hart jury.

"I have heard things in this trial that we did not hear in the Hart case," the juror said. "We did not hear Stevens or Peters testify. I don't know if it would have made a difference in our deliberation. We didn't get that far. We stopped when we realized the state had not proved its case. We did not vote Hart innocent, we acquitted him on the lack of evidence."

Richard Guse, father of Michele Guse, and Sherri Farmer, mother of Lori Farmer, attended several days of the trial, although neither heard all of the testimony.

"I am interested in all aspects of the case, of course," Guse said. "We may

never know all the answers but I want to hear everything we can. This isn't going to bring our little girls back, I know, but I want to hear it all."

Mrs. Farmer agreed. "I am interested in anything that influenced the Hart trial. Garvin Isaacs based so much of his argumentation on this testimony. I wanted to know if he based his defense on the truth or a lie. He made the testimony of these people (Paine and Short) very important in the trial although we never heard Peters or Stevens. I had to know what they had to say."

Mrs. Farmer talked to Paine and Stevens during recesses. "She seems a vulnerable as I feel," Mrs. Farmer said. "She swore to me that was her flashlight."



Gene Leroy Hart: The Other Side

The man who spent 10 months tracking Gene Leroy Hart, like the man who defended him, is convicted. However, unlike Hart's attorney Garvin Isaacs, former Mayes County Sheriff Pete Weaver feels Hart was guilty of murdering three scout leaders June 17, 1977 at Camp Scott. Weaver's chief asked if he felt Hart was guilty, said "Why sure. There was never a question in my mind."

Isaacs, interviewed one week ago, said there was no doubt in his mind Hart was innocent.

A Mayes County jury decided nearly three years ago March 20, 1979 that Hart was not guilty.

Weaver said he felt Hart was a leading suspect almost immediately after he viewed the crime scene nearly five years ago.

could know about that," said Weaver, who was not sheriff at the time.

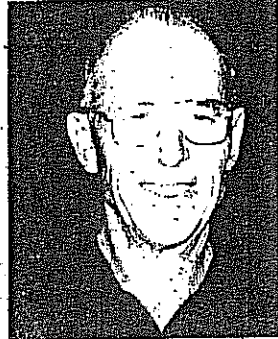
During the investigation, Weaver said lawmen got calls from two men who confessed to the murders, but both turned out to be chronic confessors with no connection to the crime.

"There was one guy from Chicago who they arrested by tracing a phone call. He was calling David Hartman on 'Good Morning America' and confessing to the crime. Hartman called me several times, nearly every day until the guy got captured. We got on a first-name basis after a while.

"Another guy called the sheriff's department from Seattle saying he'd done it," Weaver said. "I put one of my deputies on the line and went to another phone to call the Seattle authorities. They arrested that guy in the phone booth."

Weaver, who is retired now after 10 years as the county sheriff, said the girl scout murder case worked on him emotionally and physically while it was going on and even today.

He is certain it was the major cause for a heart attack he suffered shortly after the trial ended. He said OSI agents told him they knew during the investigation that he was going to have a heart attack. They just didn't know when.



Pete Weaver

"I remembered the previous rapings," Weaver said, referring to the rapes Hart was convicted of in 1966. "I remembered how the victims were tied. It was the same, same tape, same cord, same knots, same manner. I knew he was a fugitive from justice and I also knew he frequented the area. Everything fit. Information we gained later during investigation, and even after the trial, made things fit even more."

Weaver dispelled several rumors concerning the case, including claims that Hart was the only suspect lawmen had.

"We investigated no killing how many suspects in a criminal investigation the whole world is a suspect and finding the right man is a process of elimination. You finally get down to one of 'boy you can't eliminate'."

"Isaacs said the information he obtained at the scene and from his investigation made him believe Hart was that one person who couldn't be fished out from under the cloud of suspicion."

"We knew Hart was a secretor," Weaver said, referring to people who secrete blood through their saliva, puffs, etc., "and we know 80 percent of males are secretors."

"We knew Hart had had a vasectomy, and we know approximately 20 percent of males have had vasectomies."

"So we had narrowed the field down to 20 percent of the percent, and we narrowed it down further because we knew Hart's vasectomy was not successful. Only two percent of the male population have had unsuccessful vasectomies."

Weaver said the rumor about a scout leader from the camp leaving the country shortly after the murders turned out to be false.

He said a boy who was kidnapped in Florida from a scout camp shortly after the murders turned out to be a person with a vendetta against the girl.

Asked if it was true that he was "out to get" Hart because of a dislike, which developed when Hart supposedly knocked him out and escaped from the Mayes County jail, Weaver laughed, said he'd never heard that one before, and added, "I don't like any criminal, ever."

Weaver went on to say Hart escaped from the jail by using a "back saw supplied by a visitor to cut two holding bars in the cell."

Asked if Hart was a scapegoat, Weaver said, "No way. No man in his right mind could have seen those three victims and picked a scapegoat. It's humanly impossible. All you want to do is find the person who did it. Our investigation and the connection to the previous rapes set him (Hart) out by himself. There's nothing scapegoat about that."

There are those who have put part of the blame for the murders on Weaver and the sheriff's department because they supposedly didn't try to apprehend Hart when they knew several years before the murders that Hart was a fugitive from justice and frequented the Locust Grove area.

Weaver admitted knowing Hart was often in the area, but he said his officers did make attempts to find Hart on several occasions.

"But what chance does a sheriff and three deputies have catching a guy who alluded agents from the FBI, OSI and BATE for 10 months when their only mission was to find him," Weaver said.

He related a story about how one of his men had seen Hart standing on a hill one day, but lost track of him when he turned his way around.

"We called in planes to look down from above, we searched all through the woods east on foot for hours, but he got away from us," Weaver said.

Weaver said he had given any knowledge concerning a conviction Hart would have had in the rapes in the summer of 1976. He had made a plea bargain in an arrangement with a district attorney in Tulsa to plead guilty and get out of state. Weaver said he was not in the courtroom when Weaver was sentenced to the penitentiary. He said he had a conversation with the district attorney who had arranged the plea bargain, but Weaver's knowledge of the case was limited to what he had heard from the district attorney.

One of the biggest reasons Weaver can't put the case behind him is because he said a lot of evidence against Hart was not presented at the trial, and, in addition, he said he gained evidence from informants after the trial which made the case against Hart even stronger. However, nothing could be done under the protection of double jeopardy.

"I can't forgive those people for not coming forward before they did and I can't help but wonder how many other people had some information and are still sitting on it," Weaver said.

Even though Weaver said the state had evidence it did not present and even though he said the state put on the strongest case with more incriminating evidence in the preliminary hearing than at the trial, he felt the case was still strong enough to convict Hart.

"The least I expected was a hung jury. I was surprised when I heard the verdict. We had hair samples, sperm samples, blood samples, enough to get a conviction."

I've followed this Williams trial in Atlanta and other similar cases, and they have all gotten guilty verdicts on less than we had," Weaver said, adding that he felt it was important to note that the jury found Hart not guilty beyond a reasonable doubt, which is far different from finding him innocent.

Thinking back, Weaver feels the fatal mistake came when the state decided to try all three murder counts at the same time. He said he warned the district attorneys of the consequences beforehand, but they chose to do it that way.

"We should have tried them one at a time with the weakest case first. If we couldn't get a conviction on the weakest case we could have plugged up the holes and tried again. But (district attorneys) Sid (Wise) and Buddy (Falls) said go with all three at once. I don't know, maybe I should have been a prosecutor," Weaver said.

He said if the cases had been tried one at a time the information gained after the trial could have been put to use. Still, he felt that the information should have been useable even after Hart was found not guilty on all three counts.

Weaver feels the protection defendants are given under the rule of double jeopardy, which states you can't try a man for the same crime twice, is doing nothing more than putting society in jeopardy.

"There are many inequities in your judicial system, but double jeopardy is the one glaring error," Weaver said. "When a criminal is convicted of a felony, an automatic appeal is a second chance by way of appeal. But when a criminal is found not guilty by a jury, that's a second chance."

Weaver asked about Sheriff Paul Hinkle's campaign stating that he had subjects in the Hart trial. Weaver said he challenges Hinkle to bring them forward because he feels the case came to rest when Hart pled in the penitentiary. "I'm not a judge, but I would like to see the state produce you in Hart. And he won't show in his mind."

'No man in his right mind could have seen those three victims and picked a scapegoat. It's humanly impossible. All you want to do is find the person who did it.'

You, Me
&
the
Gatepost
By
TERRY AYLWARD



Times
P. 3
3-21-1982

Gene Leroy Hart: 'He was innocent'

Some have made up their minds about it. Some will never know and the question will always remain for them. But Garvin Isaacs is convinced Gene Leroy Hart was innocent.

A Mayes County jury came to the same conclusion nearly three years ago.

The jury found the 35-year-old Cherokee Indian not guilty March 30, 1979 in connection with the murder of three Girl Scouts at Camp Scott near Locust Grove.

Hart was returned to prison at McAlester where he had escaped while doing time on a previous conviction. He died due to hardening of the arteries in the exercise yard June 4, almost two years to the day after the three girls scouts were found murdered June 13, 1977.

"The last 359 days Gene Leroy Hart lived I was with him, nearly every day," said Isaacs, an Oklahoma City attorney who was hired by undisclosed persons to represent Hart. "I knew him better than anybody, and I liked him. I know he was innocent. He had a sense of humor that you don't find very often. If it hadn't been for that sense of humor he would have gone crazy in jail.

"He also had a great love for family and friends and they had the same love for him," Isaacs said. "And he was a strong man. He had to be strong to stand up under all the pressure he underwent and keep control of his emotions with all sorts of people saying bad things about him."

Asked about his feelings three years after the fact, Isaacs said, "I remember how difficult that year was in my life - not only for me, but for Gene Hart and his family and friends."

Isaacs only child - a daughter - died just two months before the unsolved Camp Scott murders.

"I know what it is like to lose a child and the biggest tragedy of the whole case was those three young girls being murdered," he said.

"But it's also gratifying to think back to those times and recall Gene's family and friends rallying behind him and supporting him, both financially and spiritually. They were good people. You can't find any better people in the world than Moon Little-dave (Hart's brother-in-law), Millie Little-dave, Doreen Colvin, Nancy Baker, William Lee Smith, Ross Swimmer, Sam Pigeon, Floyd Cunningham and Ella Mae Buckskin (Hart's mother). She's a good lady and the world's best cook."

Isaacs said he thought about the most publicized case he'd ever been involved with every day, even for a long time after it had ended. But he finally decided he had to live life in the present.

However, the memories are still fresh when the subject comes up.

Isaacs was hired, very simply, because those who wanted him to represent Hart "wanted a warrior, not a kindling gatherer," he said.

He said the people who hired him didn't want their names divulged because they didn't want other people in the same position as Hart to call on them and ask for money.

"I had represented a mentally retarded Indian man in Oklahoma County on a charge of murder," Isaacs said. "I fought like a tiger on that case, but I lost it. He was convicted, but since that time the conviction has been thrown out and he's free. The people who came to see me about representing Gene knew about that case. They knew I lost it, but they liked the way I represented that man."

"I later told Gene, at some point during the time I represented him, that a lot of famous attorneys wanted his case. I told him F. Lee Bailey, one of the most famous trial attorneys anywhere, had been contacted by an Indian group to possibly represent him," Isaacs said.

At first, Isaacs remembers, chuckling at Hart's response. But now, he said, he realizes how true it was.

"You get somebody like that when you're guilty," Isaacs said Hart told him. "I'm not. And I don't want people to think I am."

Isaacs said when he was originally asked to take Hart's case he jumped at the offer.

Later, he said, when he got to thinking about how many people were counting on him "it made things a lot more serious than they were at first."

"A lot of good people cared about Gene Hart and that helped him. Gene was a poor man in material things and he got financial support from people who cared about him. That financial support helped, because no matter what anybody tells you, you get a better quality of justice if you've got money than you do if you don't."

No one was more shocked than Isaacs when he heard the news that Hart had died of an apparent heart attack at the prison. Isaacs was out of town, couldn't be reached and didn't hear the news until the next day.

He said he had no trouble believing Hart died of arterial sclerosis - hardening of the arteries - even though he remembers Hart as a man in good health and physically fit.

"I know the two medical examiners who performed the autopsy. Dr. Jordan and Dr. Chapman are both honest, law-abiding and upright people. If there had been evidence of poisoning you can bet your boots we would have heard about it. Those men are truth seekers."

Isaacs said Hart's family had a history of the disease. His father and brother died with the same disease at nearly the same time in their lives.

His father died with arterial sclerosis when he was somewhere in the 35 to 40 age group, his brother died a few months after Gene, and he, like Gene and his father, was also in the 35 to 40 age group.

"One of the medical examiner's told me it was a miracle Gene made it through the trial under that stress," Isaacs said. "One aorta was 80 percent closed, another was 90 percent closed and another was 85 percent closed."

Asked if he thinks the state should be pursuing the unsolved murders, Isaacs said he doesn't feel he should make a comment.

He did comment about something he felt was the most appalling development of the case - a book written by two Oklahoma State Bureau of Investigation agents about the case entitled, "Someone Cry for the Children."

"I read about 20 pages and felt so bad I threw it down. The guys who wrote the book don't amount to a pimple on a good detective's butt. All that stuff about medicine men blowing smoke and what have you, demeaned the whole Native American religion. Those people have a right to believe what they want to believe. The people who wrote that book tried to fictionalize a tragedy. I was outraged."

Isaacs remembers Gene Leroy Hart as a friend. He remembers him as a good man, a man he got to know probably better than anybody else in the final years of his life.

He remembers a man with a sense of humor, love for his family and friends, strength and courage.

He remembers the people who rallied around his client as some of the best people he has ever met.

He remembers a man telling him he didn't want a famous attorney because you only get those kind of guys when you're guilty.

Just between you, me and the gatepost, the question is out of Isaacs' mind. For him, Gene Leroy Hart was innocent and always will be. And he is not alone in his thinking.



The Daily Times

25

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Thursday, June 7, 1984 Pryor, Okla.,

10 Pages

Mayes County side-stepped

OSBI report to Claremore

By SHIRLEY RAGSDALE
Staff Writer

CLAREMORE — The Oklahoma Bureau of Investigation report on Mayes County Sheriff Paul Smith's case concerning the 1977 murders of three Girl Scouts was hand delivered to District Attorney T. Jack Graves in Claremore Wednesday.

Neither Graves nor his assistants would comment on the contents or findings of the

more than 250-page report.

Graves was reportedly involved in a grand jury investigation in Rogers County, which has dragged on for more than four weeks, and has not had an opportunity to study the OSBI report.

"I can confirm we have received the report but Mr. Graves has had no time to go over it," an office spokesman said.

The OSBI declined to com-

ment Wednesday on what its report discovered when it retraced the investigative steps of Smith as he worked to find out who raped and murdered Lori Farmer, 8, Michele Guse, 9 and Doris Milner, 10, on June 13, 1977 at a summer camp near Locust Grove.

Gene Leroy Hart, a Cherokee Indian who grew up in Locust Grove, was a prime suspect at the time of the

murders.

Hart, who escaped from the Mayes County jail after being convicted of rape a few years previously, was captured in the Cookson Hills after an 18-month manhunt.

He was tried for the June 1977 killings in 1979 and acquitted by a Mayes County jury.

Hart died of a reported heart attack a few months later in McAlester State Prison while serving a

sentence of more than 300 years for rape and escape charges.

Smith's investigation and his belief that three Locust Grove area men performed the killings was revealed by an Oklahoma City reporter on May 12.

Smith was accused by former sheriff Pete Weaver, who is running to regain the post, for allegedly using the
(Continued on Page Two)

Legal bingo games near Oklahoma.

—OSBI report—

(Continued from Page One)

murders for political gain. The OSBI re-entered the investigation following Smith's announcement, reportedly assigning some of the same agents to the case who had been in on the original investigation of the case.

With input from Mayes County deputies and several weeks of investigation, the two-part report received by Graves was completed.

Mayes County Assistant District Attorney Fred Sor-

dahl was surprised when the OSBI agents took the report to the DA's office in Claremore instead of the Mayes County Courthouse.

"I had assumed the OSBI would bring the report to Mayes County but they took it to Claremore instead," Sor-dahl said.

Sordahl has not as yet received a copy of the report, according to a spokesman from his office.

Former employee says Smith's case politically motivated

By SHIRLEY RAGSDALE
Staff Writer

The former chief civil deputy for Mayes County Sheriff Paul Smith says Smith waited until the 1984 election drew near to reveal information about the 1977 Girl Scout murders which he had in his possession when he took office four years ago.

Moyita Turner waited until the Oklahoma State Bureau of Investigation made its report to the District Attorney before coming forward with the information.

According to Turner, who held a highly responsible post in the sheriff's department and was fired from that position in February, Smith "had all the information when he went into office."

"He heard about the three suspects who lived in Locust Grove at the time of killings when he was campaigning in the summer of 1980," Turner said. "But he did very little

about it until the end of 1983 when a woman private investigator from Tulsa came to him about writing a book on the case."

Smith was aided by receiving additional information on the case from his undersheriff, Kenneth DeCamp, then Locust Grove's chief of police, who was reportedly contacted by an unidentified Locust Grove woman. The woman told him a relative had been in on the grisly murders, according to Turner.

The woman has since recanted her story, admitting she lied to DeCamp and Smith, according to the OSBI.

"I saw in the paper where Smith said he was hurt and angry because people accused him of using the murder case for political gain," said Turner. "Well he's probably angry but he should be ashamed. He said many times it sure would be nice if he could get an arrest warrant about elec-

tion time. Turner kept silent after Smith told the media May 12 he had three prime suspects in the unsolved murder case.

The sheriff did not release the men's names but said the three suspects were former residents of Locust Grove. He said one was still in Locust Grove, one was living elsewhere in Oklahoma and the third was in prison.

The trio was described as being known dope users.

A roofing hammer, which Smith thought was the murder weapon, was submitted for laboratory tests. The hammer has been ruled out as being the weapon that killed the three Tulsa area girls at Camp Scott.

A report which was the product of a three-week investigation by the Oklahoma State Bureau of Investigation was presented to the District Attorney T. Jack Graves Thurs-

(Continued on Page Two)

—Former employee—

day. Graves reportedly studied the report and since he felt no new evidence was unearthed concerning the case, no charges are expected to be filed from Smith's investigation.

Turner kept silent as controversy raged about Smith bringing up the Girl Scout murders just after former sheriff Pete Weaver, who was unseated by Smith in 1980, announced his intention to regain the post he held for more than 10 years.

During the OSBI investigation, Rick Stephens, a former OSBI agent and the man who is rumored to have the undersheriff's job nailed down should Weaver win the election, told the media he had already investigated the same information Smith wanted to use to get warrants.

"I know there were no field notes on the Girl Scout murder case left in the office when Smith took over," said Turner. "The majority of the files would have been taken to the district attorney's office for preparation for the trial."

Smith did not seek help in his investigation from the Mayes County district attorney and only went to the OSBI one time, by his own admission. He also said he never believed Gene Leroy Hart, the prime suspect in the case who was acquitted by a Mayes County Jury in 1979, performed the rapes and murders.

"But when the woman investigator came around Smith's interest increased," Turner said. "He was getting information and he wasn't having to pay for it. He told her he didn't want any money for his part in the book but he did want input into what the title would be."

Smith saw the book as a possible sequel to "Someone Cry for the Children," a book written by former OSBI agents.

Smith wanted to name the new book about his investigation "A Cry for Justice," according to Turner.

The investigator was active at the end of 1983, even going to a psychic to receive a spiritual reading about the case, according to Turner.

Smith hoped to find and recover a submerged automobile which had reportedly been ditched in a lake which he hoped would answer many questions concerning the case. Weaver had searched for the same car during his original investigation, but had no better success at locating it than Smith did, according to Turner.

When a Tulsa television station came to Fryer to do a story in a series entitled "Oklahoma: Unsolved Murders," the ensuing publicity "fit right in to Smith's plans," Turner said.

Smith told The Times at the time that the television series was "well done," in his words but felt it "opened up a can of worms."

To Turner, the telling fact concerning Smith's using the case for political gain is that he or his deputies never filed a single mileage claim citing the Girl Scout murder case as the reason.

"I processed every mileage claim that went through the sheriff's office from the day Smith became sheriff until I

(Continued from Page One)
was fired in February," Turner said. "Not one mileage claim named the Girl Scout murder case as the reason for a single trip."

Turner did not step forward with her information until after the OSBI report was complete because she didn't want to interfere, she said.

"I did not want to be accused of interference," she said. "Now it's finished and over with and there can be no repercussions. The DA said

there will be no charges filed. I wanted the people to know Smith had the information all the time."

And should people feel her coming forward after being fired from her job is "sour grapes," Turner has an answer.

"I've lived here for 20 years," she said proudly. "The people who know me will know what I say is true. Those who don't know me will just have to decide for themselves."

Smith again denies politics in Scout case

By MARY JEAN SELL
Staff Writer

Mayes County Sheriff Paul Smith has emphatically denied, again, any political motivation in his investigation of the 1977 Girl Scout murders following statements made by a former employee charging him with using the case to gain re-election.

Smith, Turner of Lecust Grove, former chief clerk deputy for Smith, made her charges during a news conference Sunday night at the reporter's residence at

The Times office Friday afternoon. She claimed Smith had information about the suspects in the murders of the three Girl Scouts when he went into office in 1969, but did not release the information until mid-May, waiting to enhance his political position.

She also claimed Smith was involved in the writing of a book about the case and had suggested the title of "A Cry for Justice."

Turner said there were no

field or investigation notes about the case in the sheriff's office when Smith took over because the files had been taken to the district attorney's office.

Smith fired Turner in February for allegedly interfering in the investigation of a narcotics case. She had worked in the office since Smith took the sheriff's job.

She was accused by former deputy Bob Coates, a Republican candidate for sheriff, of over-stepping her

authority in the office, trying to run deputies' investigations and trying to be the sheriff after he was fired by Smith one year ago.

Smith could not be reached for comment during the weekend. He attended his brother's funeral in Mustang Friday and went on to Oklahoma City for a Saturday meeting of the Executive Board of the Oklahoma Reserve Law Officers Association.

This morning, Smith

brought a written statement to The Times.

"A former employee, when I was working on the Girl Scout Case, my answer was in the affirmative."

"They then asked if I had suspects. Again, I answered yes. The news reports mentioned from that point on."

"The rest of the story was made by big town journalists (from The Daily Oklahoman and Tulsa World) who stated that arrests were imminent."

This was done by them for sensationalism.

"Much of the information we had was obtained over the past 18 months. I have driven literally hundreds of miles the past year to interview people — some of whom live still in our own pockets — to keep the case from being made public by turning in mileage."

"We still have subjects who have not been interviewed by the OSBI or anyone else."

"We will continue to work on the case with new determination."

(Continued on Page Two)

County with the Muldendorp Case and, after calling me, came to Mayes County where they inquired whether or not we were working on the Girl Scout Case. My answer was in the affirmative."

"They then asked if I had suspects. Again, I answered yes. The news reports mentioned from that point on."

"The rest of the story was made by big town journalists (from The Daily Oklahoman and Tulsa World) who stated that arrests were imminent."

LA Turner, who can attest to the miles we drove and the people we talked with, some of whom were suspects."

"All of my mileage and that of the undersheriff (Keneth DeCamp) was paid for out of our own pockets — to keep the case from being made public by turning in mileage."

"We still have subjects who have not been interviewed by the OSBI or anyone else."

"We will continue to work on the case with new determination."

(Continued on Page Two)

The Daily Times 25¢

Volume 51 Number 116 Tuesday, June 12, 1984 Pryor, Okla., 2 Sections 22 Pages

—Smith—

(Continued from Page One)

"When one takes the oath of a deputy to keep certain information confidential, he or she should know that it extends beyond their employment. They should have integrity enough not to release it for political gain or to 'get even' with someone."

"No amount of opposition from politicians, former employees, the media or others will deter me from aggressively seeking re-election."

"I have never considered writing a book or even being a part of it. I am not interested in writing a book and will not now or in the future trade on the suffering of others to do so."

"As to the release of information, as long as I am Sheriff of Mayes County, I will determine when and how to release information, which is my prerogative."

"I believe my integrity will stand the test of those who would see me defeated."

Smith continued, "As to the story about a book, several people were discussing the book 'Someone Cry for the Children,' by former OSBI agents (who worked on the original investigation). One lady stated that perhaps she should write a book also. I remarked, 'Let me title it — I'll call it 'Someone Cry for Justice.'"

Smith continued, "The OSBI and I provided any new information and no arrests were expected to be made."

The case has become the center of controversy in the sheriff's race. Former Sheriff Glen "Pete" Weaver, who Smith defeated, has also been contacted by media representatives for his opinions on the case.

Weaver still contends Gene Levy Hart was guilty of the murders and received his judgement in the form of a fatal heart attack on the exercise ground at the Oklahoma State Penitentiary in McAlester about a month after a Mayes County jury said he was not guilty.

Hart had escaped from the prison and was returned to serve sentences for rape.

Weaver has always felt Hart was the only suspect in the case and did not continue his investigation after Hart's trial.

Other sheriff candidates have refused to make public comments about the case.

Other sheriff candidates have refused to make public comments about the case.

Girl Scout civil suits reach trial

DAILY
Times
3-19-85

TULSA, Okla. (UPI) — Jury selection was underway Monday in the trial of two lawsuits totaling almost \$4 million that claim the Magic Empire Council of Girl Scouts was negligent in the deaths of two of three Girl Scouts killed during a 1977 camping trip.

The bodies of Lori Lee Farmer, 8, Michele Guse, 9, and Doris Denise Milner, 10, were found early on the morning of June 13, 1977, lying on a path near their tent at Camp Scott near Locust Grove. Authorities said the girls were molested and beaten to death on what was their first night of summer camp.

Gene Leroy Hart, 33, was acquitted in 1979 of the crimes. He died a few weeks after his trial while exercising in prison.

The lawsuits filed by Dr. and Mrs. Charles A. Farmer and Walter M. and Bettye Milner, all of Tulsa, were consolidated for the trial. The lawsuits, filed in November 1977, claim the Girl Scout council knew there were

security problems at the camp and failed to adequately protect their daughters. Each suit seeks \$1.9 million in damages.

The parents of Michele Guse, Mr. and Mrs. Richard Guse of Broken Arrow, Okla., have not filed suit and refused to join the pending legal action.

The lawsuits were not brought to trial sooner because the parties involved have disagreed concerning the discovery process.

Hart, who faced up to 300 years in prison on rape and burglary convictions, had escaped from the Mayes County Jail in 1973. He was charged with first-degree murder shortly after the killings, and authorities found him 10 months later living in a shack about 50 miles from Locust Grove.

After his acquittal, Hart was sent back to the Oklahoma State Penitentiary at McAlester to serve the time on his other convictions. He died June 4, 1979.

The Daily Times

25¢

Volume 52 Number 57

Wednesday, March 20, 1985 Pryor, Okla.,

6 Sections 82 Pages

Weaver tells jury camp lacked security

TULSA, Okla. (UPI) — A former Mayes County sheriff, who investigated the beating deaths of three Girl Scouts eight years ago, testified that Camp Scott near Locust Grove lacked security.

Pete Weaver on Tuesday told the six-man, six-woman jury that his office was not notified that the camp was open June 12, 1977, and if he had known, he would have warned counselors that a convicted rapist had been seen in the area.

Testimony was scheduled to continue today in the trial in Tulsa County District Court. The trial is expected to last about two weeks.

The mothers of two of the Girl Scouts testified they believed Camp Scott to be safe when they sent their daughters.

Sherry Farmer, the

daughter of Lori Lee Farmer, and Bettye Milner, the mother of Doris Denise Milner, were the first two witnesses in their lawsuit against the Magic Empire Council of Girl Scouts and the Hartford Co., which insured the council.

Mrs. Farmer described how excited her daughter was about going to camp. Both women said a brochure about Camp Scott said there were precautions for the physical and emotional safety of the children.

The bodies of Lori, 8, Denise, 10, and Michele Guse, 9, were found early on the morning of June 13, 1977, lying on a path near their tent at Camp Scott near Locust Grove. Authorities said the girls were molested and beaten to death.

The lawsuits filed by the Farmers and the Milners, who

live in Tulsa, were consolidated for the trial. Filed in November 1977, the lawsuits claim the Girl Scout council knew there were security problems at the camp and failed to adequately protect their daughters. Each suit seeks \$1.9 million in damages.

The parents of Michele Guse, Mr. and Mrs. Richard Guse of Broken Arrow, Okla., are not involved in the suits.

Slides and a movie showing the area where three campers were found dead also were shown to the jury Tuesday afternoon.

The slides were taken by one of the plaintiff's attorneys, Ben Faulkner, in July 1977, while the movie was made in September 1977. Both depicted the heavily wooded area surrounding the camp site.

Faulkner and the plaintiffs' lead attorney, Jack Gaither,

also read part of a deposition by Carla Sue Wilhite, a counselor at Camp Scott who discovered the bodies.

In the deposition, she described seeing one of the girl's body's, counting all the girls in the other tents and running to the camp director's office for help.

Gene Leroy Hart, 33, was acquitted in May 1979 of the crimes. He died June 4, 1979 while exercising at the Oklahoma State Penitentiary at McAlester, where he was serving time for previous rape and burglary convictions.

Hart had escaped from the Mayes County Jail in 1973. He was charged with first-degree murder shortly after the killings, and authorities found him 10 months later living in a shack about 50 miles from Locust Grove.

Girl Scout trial

Times
3-21-85

Strange happenings preceded murders

TULSA, Okla. (UPI) — A former counselor and three Girl Scouts who attended Camp Scott testified at the \$5 million civil trial against Magic Empire Girl Scout Council that the thick woods made the grounds a scary place.

Constance Cunningham, who was employed as the head counselor during the summers of 1970 and 1971, said she was afraid since she had heard a man had been seen wandering around the camp and the woods were so thick. Some of the tents also had been slashed, she said.

"So I sat in a tent that had been tampered with the night before with a gun in my hand," said Cunningham, who now lives in San Antonio,

Texas.

Three teenagers who were at the Girl Scout camp June 12, 1977, also testified. One of the girls, Angela Overholt, described the area where they stayed as dark and scary.

Merrilea Tenant of Stillwater, Okla., said she heard screams that night, but was told to go back to bed.

The following morning, June 13, the bodies of Lori Lee Farmer, 8, Doris Denise Milner, 10, and Michele Guse, 9, were found lying on a path near their tent at the camp near Locust Grove. Authorities said the girls were molested and beaten to death.

Dr. Charles Farmer and his wife, Sherry, and Walter and Bettye Milner, the parents of Lori and Denise, filed suit

against the council and its insurer, the Hartford Co., claiming negligence. The two lawsuits were consolidated for the trial.

Cunningham, Tenant and Overholt took the stand in the third day of the trial in Tulsa County District Court. The trial is expected to last about two weeks.

Several depositions also were read to the jury from other witnesses who could not appear for the trial. Michelle Hoffman of Owasso said that in April 1977 she found a note in an empty donut box that said three girls would be killed. The note also referred to martians.

The note at first scared her, but then she thought it was a prank, Hoffman said. She

gave it to a counselor, who threw it away. Authorities were not notified, Hoffman said.

The lawsuits, filed in November 1977, claim the Girl Scout council knew there were security problems at the camp and failed to adequately protect their daughters.

Under cross examination, Cunningham said she did not know the camp regulations about whether guns were allowed. Another counselor gave her the gun, she said.

Gene Leroy Hart, who had escaped from the Mayes County Jail in 1973, was charged with first-degree murder shortly after the killings.

Hart was acquitted in May 1979 of the crimes. He died June 4, 1979.

The Daily Times

25[¢]

Volume 52 Number 59

Friday, March 22, 1985 Pryor, Okla.,

12 Pages

Girl Scout murders called preventable

TULSA, Okla. (UPI) — The beating and strangulation deaths of three Girl Scouts at Camp Scott in June 1977 could have been deterred, a security specialist told the jury hearing the lawsuit against the Magic Empire Girl Scout Council.

Paul J. Thompson, who owns a security consulting company in Tulsa, took the witness stand Thursday in the fourth day of the trial. Parents of two of the girls each filed lawsuits against the council and Hartford Co., the council's insurer, claiming their negligence led to the deaths of their children.

"There was nothing there at

all" regarding security, said Thompson. He studied the camp site following the deaths, and he said more lights, guards and other security measures would have been a strong deterrent in preventing the deaths.

He also suggested that the tents be placed in formations such as circles instead of in lines, that counselors be designated to stay up all night on guard and roving security guards with two-way radios be employed.

The executive director of the council, Bonnie Brewster, testified the council was prepared to protect the ap-

proximately 165 campers and staff members who were at the camp June 12.

However, Brewster said they "were not prepared for that kind of tragedy."

Barbara Day, the director of the camp that summer, said it never occurred to the staff that intruders might threaten the girls. The campers were told to carry flashlights and always walk with a buddy after dark, she said.

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On the morning of June 13, 1977, the bodies of Lori Lee Farmer, 8, Doris Denise Milner, 10, and Michele Guse, 9, were found lying on a path near their tent at the camp near Locust Grove.

Authorities said the girls were molested and beaten to death. Gene Leroy Hart, who was tried and acquitted in the deaths in May 1979, died several weeks later.

Girl Scout trial

Times
3-21-85

Strange happenings preceded murders

TULSA, Okla. (UPI) — A former counselor and three Girl Scouts who attended Camp Scott testified at the \$5 million civil trial against Magic Empire Girl Scout Council that the thick woods made the grounds a scary place.

Constance Cunningham, who was employed as the head counselor during the summers of 1970 and 1971, said she was afraid since she had heard a man had been seen wandering around the camp and the woods were so thick. Some of the tents also had been slashed, she said.

"So I sat in a tent that had been tampered with the night before with a gun in my hand," said Cunningham, who now lives in San Antonio,

Texas.

Three teenagers who were at the Girl Scout camp June 12, 1977, also testified. One of the girls, Angela Overholt, described the area where they stayed as dark and scary.

Merrilea Tenant of Stillwater, Okla., said she heard screams that night, but was told to go back to bed.

The following morning, June 13, the bodies of Lori Lee Farmer, 8, Doris Denise Milner, 10, and Michele Guse, 9, were found lying on a path near their tent at the camp near Locust Grove. Authorities said the girls were molested and beaten to death.

Dr. Charles Farmer and his wife, Sherry, and Walter and Bettye Milner, the parents of Lori and Denise, filed suit

against the council and its insurer, the Hartford Co., claiming negligence. The two lawsuits were consolidated for the trial.

Cunningham, Tenant and Overholt took the stand in the third day of the trial in Tulsa County District Court. The trial is expected to last about two weeks.

Several depositions also were read to the jury from other witnesses who could not appear for the trial. Michelle Hoffman of Owasso said that in April 1977 she found a note in an empty donut box that said three girls would be killed. The note also referred to martians.

The note at first scared her, but then she thought it was a prank, Hoffman said. She

gave it to a counselor, who threw it away. Authorities were not notified, Hoffman said.

The lawsuits, filed in November 1977, claim the Girl Scout council knew there were security problems at the camp and failed to adequately protect their daughters.

Under cross examination, Cunningham said she did not know the camp regulations about whether guns were allowed. Another counselor gave her the gun, she said.

Gene Leroy Hart, who had escaped from the Mayes County Jail in 1973, was charged with first-degree murder shortly after the killings.

Hart was acquitted in May 1979 of the crimes. He died June 4, 1979.

The Daily Times

25

Volume 52 Number 59

Friday, March 22, 1985 Pryor, Okla.

12 Pages

Girl Scout murders called preventable

TULSA, Okla. (UPI) — The beating and strangulation deaths of three Girl Scouts at Camp Scott in June 1977 could have been deterred, a security specialist told the jury hearing the lawsuit against the Magic Empire Girl Scout Council.

Paul J. Thompson, who owns a security consulting company in Tulsa, took the witness stand Thursday in the fourth day of the trial. Parents of two of the girls each filed lawsuits against the council and Hartford Co., the council's insurer, claiming their negligence led to the deaths of their children.

"There was nothing there at

all" regarding security, said Thompson. He studied the camp site following the deaths, and he said more lights, guards and other security measures would have been a strong deterrent in preventing the deaths.

He also suggested that the tents be placed in formations such as circles instead of in lines, that counselors be designated to stay up all night on guard and roving security guards with two-way radios be employed.

The executive director of the council, Bonnie Brewster, testified the council was prepared to protect the ap-

proximately 165 campers and staff members who were at the camp June 12.

However, Brewster said they "were not prepared for that kind of tragedy."

Barbara Day, the director of the camp that summer, said it never occurred to the staff that intruders might threaten the girls. The campers were told to carry flashlights and always walk with a buddy after dark, she said.

Dr. and Mrs. Charles Farmer and Walter and Bettye Milner, filed the suits, which total \$5 million, in November 1977. They claim

the Girl Scout council knew there were security problems at the camp and failed to adequately protect their daughters. The trial is expected to last two weeks.

On the morning of June 13, 1977, the bodies of Lori Lee Farmer, 8, Doris Denise Milner, 10, and Michele Guse, 9, were found lying on a path near their tent at the camp near Locust Grove.

Authorities said the girls were molested and beaten to death. Gene Leroy Hart, who was tried and acquitted in the deaths in May 1979, died several weeks later.

71m
3-24-1985

Farmer testifies at Girl Scout trial

TULSA, Okla. (UPI) — Dr. Charles Farmer testified through tears that he organized an group for parents whose children are killed to help him with his grief over the death of his daughter, who died at Camp Scott in June 1977.

A Tulsa County District Court jury is hearing two lawsuits filed against the council, claiming it was negligent in the beating and strangulation deaths of two of three Girl Scouts who were killed at the camp.

The suits, which total \$5 million, were filed by Farmer and his wife, Sherri, and Walter and Bettye Milner

against the Magic Empire Girl-Scout Council and its insurer, Hartford Co., in November, 1977.

Farmer Friday described his daughter as always being advanced for her age. She could recite the Pledge of Allegiance at 16 months and was reading novels about the age of seven, he said.

About 18 months ago Farmer organized the Oklahoma chapter of Parents of Murdered Children, which helps him handle his grief, he said.

"This is very hard to do," he said about handling his grief. "Every day there is pain."

On the morning of June 13, 1977, the bodies of Lori Lee Farmer, 8, Doris Denise Milner, 10, and Michele Guse, 9, were found dead lying on a path near their tent at Camp Scott near Locust Grove. The girls were molested and beaten to death, authorities said, on what was their first night at the camp.

The parents of Michele have not joined in the legal action.

Mrs. Milner also took the stand Friday for a second time to tell the jurors more about her daughter. Denise's godfather, Harvey Jones, also described the good relationship Mrs. Milner and her

daughter had. James R Jankov employee of Hartford conducted a survey camp before the Jun sion, though he did amine security at the his report. Jankowski camp was well-superv met all standards.

The policy held by cil also would cover injury suits such Farmers and Milners ed.

The suits claim Scout council knew th security problems at and failed to adequa tect their daughters

Girl Scout leader testifies

Times
3-26-85

TULSA, Okla. (UPI) — The executive director for Girl Scouts USA testified the Magic Empire Girl Scout Council was not at fault for the deaths of three girls at Camp Scott in June 1977.

"I cannot see how we could hold a Girl Scout council responsible when the murders were perpetrated by a person who was not part of Girl Scouting," said Francis Hasslebeine, executive director of Girl Scouts USA from New York.

Hasslebeine testified Monday in the sixth day of the trial for the lawsuits charging the council with negligence in the deaths of the scouts during their first night at summer camp.

The organization has a long history of safe contributions to the education of children, she said.

The bodies of Lori Lee Farmer, 8, Doris Denise Milner, 10, and Michelé Guse, 9, were found the morning of June 13, 1977, lying near their tent at Camp Scott.

The parent of Lori and Denise each filed suits in November 1977 against the council and its insurance com-

(Continued on Page Two)

—Scout—

(Continued from Page One) pany, Hartford Co., claiming they were negligent in the deaths of their daughters because adequate safety precautions had not been taken at the camp. The parents of Michele have taken no legal action in the case.

While on the witness stand, Hasslebeine said the deaths did not lead to major changes in the Girl Scout organization. She added later that she did not believe the organization would be damaged by a decision in favor of the plaintiffs.

"I do not believe so. It would be the will of the court and when you have been an American tradition for 73 years I think we face whatever comes," she said. "The health and safety of children in their growing up years is a very sacred trust."

Dee Elder, a counselor for the three girls, testified Monday she was not afraid of being at the camp. She also described how the counselors kept the campers busy after the bodies were discovered. The girls were sent home as soon as buses could arrive and were never told by camp officials about the deaths of the three girls.

Oklahoma Highway Patrol Trooper Harold Berry, who lives only two-tenths of a mile from the camp, said he knew of no danger about which Girl Scout officials should be concerned. And Gary Shamei, a Locust Grove police officer who was informed that the camp was open, said he did not know about an escaped convict in the area.

The presentation of evidence on behalf of the plaintiffs, Charles and Sherri Farmer and Walter and Bettye Milner, ended Friday. The trial recessed Monday about 2:45 p.m., with testimony beginning today at 9:30 a.m. The trial is expected to last until Wednesday.

In May 1979, Gene Leroy Hart was tried and acquitted in the deaths. He died of a heart ailment a few weeks later.

The presentation of evidence on behalf of the plaintiffs, Charles and Sherri Farmer and Walter and Bettye Milner, ended Friday. The trial recessed Monday about 2:45 p.m., with testimony to begin again at 9:30 a.m. Tuesday. The trial is expected to last until Thursday or Friday.

In May 1979, Gene Leroy Hart was tried and acquitted in the deaths. He died of a heart ailment a few weeks later.

Girl Scouts not liable for deaths

TULSA, Okla. (UPI) — A Tulsa County District Court jury decided Wednesday officials of the Magic Empire Girl Scout Council were not negligent in the deaths of three scouts at a summer camp. Nine of the 12 jurors voted against the parents after five hours of deliberations in the 10 civil lawsuits that were combined for the trial.

The Tulsa County District Court jury began its deliberations about 1:30 p.m. Wednesday. Charles and Sherril Farmer and Walter and Bettye Milner were seeking a total of \$5 million from the council and its insurance company, Hartford Co., claiming the council failed to provide adequate protection for their daughters. Judge B. R. Beasley, in giving

the instructions to the jury, told them they must find that an injury had occurred due to negligence in order to award damages to the plaintiffs. Jack Gaither, the attorney for the plaintiffs, recounted the events of that night during closing arguments to the jury Wednesday morning. He told them how someone entered the tent from the back and kill-

ed Lori Lee Farmer, 9, and Michele Guse, 8, by hitting them with an ax handle. Doris Denise Milner, 10, was bound and taken from the tent, sexually assaulted and strangled to death, he said. The bodies of the three girls were found the morning of June 13 lying near their tent. Gaither expressed shock over testimony that (Continued on Page Two)

—Girl Scouts—

(Continued from Page One)

counselors slept through the night of June 12, 1977, after one young camper reported hearing screams.

"It was unbelievable that there was a lack of awareness and alertness," he said.

"How does anybody expect you to blame the Girl Scouts?" Dan Rogers, attorney for the council, asked the jury.

"The world wasn't prepared, nobody was prepared," Rogers said in attacking plaintiffs' claims the camp should have provided more security for the girls.

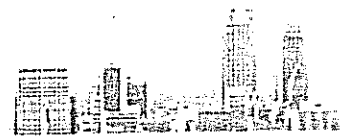
Gaither reminded the jury of testimony by former Mayes County Sheriff Pete Weaver, who said the camp had no security.

"My goodness, couldn't they have had a counselor who could have stayed up all night?" Gaither asked.

"None of these people caused the death of these girls," Rogers said of the counselors and administrators at the camp. "No amount of money is going to make anyone feel any better."

The Farmers and the Milners each filed their \$2.5 million suits in November 1977, claiming the defendants were negligent in the deaths of their daughters due to inadequate safety precautions at the camp. The parents of Michele have taken no legal action in the case.

After the state's most extensive manhunt, authorities found jail escape Gene Leroy Hart and tried him on the charges. He was acquitted in the deaths in May 1979. He was returned to prison to serve time on convictions in other cases. He died of a heart ailment in June 1979.



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Age of Evidence In Scout Killings A Thwart Test

Jim Myers
08/01/1989

OKLAHOMA CITY - In sending 12-year-old evidence in the Girl Scout murders case to the FBI for DNA testing, state officials ignored a 1988 suggestion from a key FBI official to use a California firm experienced with old, possibly deteriorating evidence, it was learned Monday.

Other developments in the story:

An official confirmed the FBI lab does not yet have the technology used in matching DNA - deoxyribonucleic acid - in evidence as old as that in the 1977 killings.

Chief FBI analyst Kenneth Nimmich also said his lab has not matched DNA on evidence older than five years.

A noted California forensic scientist experienced with DNA testing that technology predicted the FBI lab would fail if it tries to use the process in the case.

Moreover, said Ed Blake, of Forensic Science and Associates, it is likely that DNA no longer exists on the evidence sent to the FBI because it was not properly stored.

That evidence includes a pillowcase stained with seminal fluid as well as a known blood sample of Gene Leroy Hart, who was acquitted of the slayings only to die later in prison while serving an unrelated sentence.

Oklahoma State Bureau of Investigation officials refuse to say exactly what evidence they sent to the FBI lab.

In a June 30, 1988, letter to Attorney General Robert Henry, John W. Hicks, deputy assistant director of the FBI's Laboratory Division, suggested the evidence in the Girl Scout murders be sent to Cetus Laboratories, of Emeryville, Calif.

Hicks said Cetus had developed a DNA test "designed for the analysis of old or degraded DNA."

The test would not identify a culprit but it would exclude Hart if he were not the attacker, Hicks wrote.

He also stated that the evidence in the Girl Scout case might not be in acceptable condition.

"It is my understanding that the known sample from Hart is in the form of a dried bloodstain which has been stored at room temperature since it was taken," he said.

"A sample of that type does not provide the best possibility for successful DNA typing. However, success cannot be totally ruled out."

Blake, who is licensed to use the Cetus test, does rule out success if the Hart blood sample is in the condition described by Hicks.

"If that blood has been kept at room temperature, that DNA is gone, most likely," he said.

Blake said the technology the FBI uses was not designed to test DNA from "broken-down" samples.

Blake's technology is Polymerase Chain Reaction, which essentially amplifies DNA and increases the chance of success.

He said he has succeeded in using the PCR technology on samples as old as 15 years.

One sensational case involved Gary Dotson, who was convicted of rape on testimony he later recanted. DNA evidence in that case was 11 years old but proved suitable.

Still, Blake said he would hesitate taking on the Girl Scout case because of how the evidence has been handled.

Blake said the evidence, specifically Hart's known blood sample, should have been dried and then frozen to increase the chances of successful DNA testing.

"The pillowcase also should have been frozen," he said.

Nimmich, of the FBI lab, said the 5-year-old evidence on which DNA testing has been successful had been preserved by freezing.

The decision to send the evidence to the FBI lab was defended by OSBI Deputy Director Rusty Featherstone and Tom Puckett, a special investigator for the attorney general's office.

Featherstone said some experts have expressed concern about using amplification techniques in DNA testing because foreign substances also could be amplified.

From the beginning, OSBI officials conceded there was an 85 percent to 90 percent chance against a successful DNA test.

They agreed to ask for the test after a number of inquiries by the attorney general's office and others interested in the Girl Scout murders.

The three Girl Scouts, Lori Lee Farmer, 8, Doris Denise Milner, 10, both of Tulsa, and Michelle Guse, 9, of Broken Arrow, were found molested and bludgeoned or strangled at Camp Scott, south of Locust Grove, on June 13, 1977.

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DA boosts results of Hart gene test

JOE STUMPE
10/25/1989

Mayes County District Attorney Jack Graves says he wishes the results of genetic testing had been available to use in the trial of Gene Leroy Hart 10 years ago.

Hart, now dead, was acquitted by a Mayes County jury in the murders of three Girl Scouts from the Tulsa area. Graves confirmed the tests, conducted by the FBI, showed that only one in 7,700 American Indians would match the sample of body fluids taken from the crime scene, as Hart did.

"I would have used it," Graves said today of the recently completed tests. "What it comes down to is, if there were 7,700 North American Indians at the Girl Scout camp on the night of the murders, only one would have matched the gene characteristics of Gene Leroy Hart. The chances of that are pretty small."

But Oklahoma City attorney Garvin Isaacs, who represented Hart, said he has no faith in the sophisticated genetic tests.

"This DNA fingerprinting is nothing more than a subjective evaluation, X-ray type photographs . . . and just like any other X-ray, you get two or three people looking at them and they might have different opinions and interpretations," Isaacs said Tuesday. "Gene Leroy Hart did not kill those Girl Scouts and that is the end of it."

Graves said the case against Hart is closed - "as far as I'm concerned."

Graves said he already believed Hart, a convicted rapist, was guilty of the murders, based on evidence introduced at the trial.

Prosecutors leaned heavily on semen and hair samples in Hart's trial.

An expert witness testified there were definite similarities in sperm samples taken from the girls and from Hart's underwear. The FBI did not begin genetic testing of DNA samples until last year.

Graves also said he always has strongly believed in the possibility that more than one person was responsible for the deaths June 13, 1977, of Lorie Lee Farmer, 8, and Doris

Denise Milner, 10, both of Tulsa, and Michelle Guse, 9, of Broken Arrow.

Graves was given results of the tests Monday by the Oklahoma State Bureau of Investigation. OSBI officials have said the state's confidentiality law prohibits them from discussing the results.

Graves said results of the tests have become public knowledge anyway because of the OSBI's decision to brief families of the Girl Scouts on the results.

Graves said the OSBI did not get the results that authorities hoped for - a so-called "DNA fingerprint" - because only three of five tests of the evidence matched fluids from Hart.

But, he said, "As far as I'm concerned, it's a match."

Graves assisted at the 1979 trial of Hart, but the prosecution effort was headed by S.M. "Buddy" Fallis Jr. of Tulsa.

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Lid Kept on DNA Results in Girl Scout Killings

By Jim Myers
World Capital Bureau

OKLAHOMA CITY — Officials on Tuesday were attempting to put a tight lid on questionable DNA test results that some sources say may link the late Gene Leroy Hart to the 1977 murders of three Girl Scouts.

Others say the controversial DNA — deoxyribonucleic acid

— tests of Hart's body fluids were too inconclusive. DNA is the basic component of all living matter.

Rusty Featherstone, deputy director of the Oklahoma State Bureau of Investigation, refused to release any information on the results.

Featherstone cited a state law that forces officials to keep all OSBI investigations confidential. Hart was tried and acquitted in the Girl Scout murder case, one of

the state's more notorious and unsolved crimes.

He died later in prison, where he was serving a sentence for an unrelated conviction.

Many, including key state investigators, remained convinced Hart was the killer, and last summer the Oklahoma State Bureau of Investigation asked the FBI in Washington, D.C., to conduct the DNA tests.

Evidence forwarded to the FBI reportedly included a pillowcase stained with seminal fluid as well as a known blood sample of

...DNA

Continued from A-1

sample. He said that kind of result indicated there was one in 7,000 chances the killer was someone other than Hart.

According to published reports, however, the results were more inconclusive.

Sheri Farmer of Tulsa, the mother of one of the three slain girls, was quoted as saying Featherstone told her the results were "not definite."

"It came out somewhere in the middle," Mrs. Farmer quoted Featherstone as saying.

News reports also indicated that Mrs. Farmer concluded the tests failed to solve the question of who murdered her daughter, Lori Lee, 8; Doris Denise Milner, 10, also of Tulsa, and Michelle Guse, 9, of Broken Arrow.

The three girls were found molested and bludgeoned or strangled at Camp Scott, south of Locust Grove, on June 13, 1977. Featherstone refused to con-

duct the tests even though they had been told the federal lab had no experience handling such old and deteriorating evidence.

They received the results Monday and immediately put a lid on them.

A source told the Tulsa World the FBI conducted five so-called probes on the DNA supplied by the OSBI and that three of those appeared to be positive on Hart's DNA on A-1

confidentiality law.

He confirmed he talked to the families of the dead girls but added he did not "get into specifics."

"We let them know the information was back," he said.

Featherstone said his office has forwarded the report to Mayes County District Attorney T. Jack Graves.

"All I can say is that we are going to is follow the law," he said.

Graves did not return a phone call.

A staff member told a reporter the district attorney would hold a press conference at 10 a.m. Wednesday to discuss the report but late Tuesday even that plan seemed to fall through.

"My understanding is that he is not going to hold a press conference," Featherstone said.

He said the state law also banned Graves from discussing or releasing any information included in an active OSBI investigation.

DA Graves convinced Hart was right man

Daily Times P.2 10-26-1989

OKLAHOMA CITY (AP) — Rogers County District Attorney T. Jack Graves says genetic testing indicates the right man was prosecuted for the 1977 slayings of three Girl Scouts.

"Three out of five probes from the known to the unknown matched, which is a 7,700-to-one probability that it was Gene Leroy Hart," Graves told Tulsa radio station KRMG on Wednesday. "As far as I'm concerned, that nails the lid on it for me."

But Hart's attorney, Garvin Isaacs, says the tests are subjective and he is sure his client is innocent of the brutal Camp Scott slayings that shocked the nation.

"This DNA fingerprinting is nothing more than a subjective evaluation, X-ray type photographs ... and just like any other X-ray you get two or three people looking at them and they might have different opinions and interpretations," Isaacs said Tuesday.

"Gene Leroy Hart did not kill those Girl Scouts and that is the end of it."

Hart was acquitted in the case. He died in prison of a heart attack 10 years ago.

The new technology allows lawmen to zero in on identifications by comparing a defendant's body fluids with evidence from a crime. However, evidence from cases investigated before the new procedure was developed is more difficult to work with, officials said.

The Oklahoma State Bureau of Investigation, hoping to finally resolve the sensational case, sent samples of fluids from the crime scene and known samples from Hart to the FBI for analysis. It was the oldest such evidence ever tested by the FBI.

Graves, who assisted in the Hart prosecution as a new district attorney in 1979, said the age of the samples provided to the FBI made the testing difficult, but that none of the samples pointed to anyone but Hart.

"It wasn't that they did not match, it was the age of the material was such that they could not get a test on it," Graves said. "Where the first 600 probes match, they've never had a case where the other three didn't match."

Lori Lee Farmer, 8, Michele Guse, 9, and Doris Denise Milner, 10, were sexually assaulted, bludgeoned and

strangled before their bodies were found on a Camp Scott trail on June 13, 1977. The three girls had occupied one tent at the encampment, where they and 140 other Scouts had arrived the previous day.

Hart, a convicted rapist who had been a fugitive since escaping from a Pryor jail in 1973, was charged in the killings. He was captured 10 months later living in a shack in the Cookson Hills.

A jury acquitted the 35-year-old Hart after a month-long trial. He later died of a heart attack while jogging on a prison track. He was in prison on an unrelated charge.

Prosecutors leaned heavily on semen and hair samples in Hart's trial, but jurors rejected that evidence in acquitting him.

OSBI spokesman Paul Renfrow said officials briefed parents of the three girls late Monday after receiving reports on the DNA testing from the FBI.

The OSBI is prohibited by confidentiality statutes from discussing details of the report, Renfrow said.

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Minister recounts notorious slayings

But authorities say story offers little new in Girl Scouts' deaths in '77

By Arnold Hamilton Oklahoma Bureau of The Dallas Morning News THE

Published August 19, 1990

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LOCUST GROVE, Okla. -- It remains the most notorious unsolved crime in Oklahoma history.

Early in the morning of June 13, 1977, someone slipped into the wooded solitude of nearby Camp Scott and murdered three young Tulsa-area Girl Scouts on their first night of summer camp.

Within two weeks, authorities named a Mayes County jail escapee, **Gene Leroy Hart**, as their prime suspect. The one-time local football hero and convicted rapist eluded deputies and state agents for 11 months before being captured.

Yet, when he finally stood trial, the case unraveled: Mr. Hart was acquitted, and investigators were left empty-handed.

Now, 13 years later, a small-town minister from south-central Oklahoma says he has information that could crack the infamous case. He said it could answer whether Mr. Hart was involved or was simply a convenient target for authorities under pressure to solve the high-profile crime.

The Rev. Gerald Manley, a former counselor in the Afton, Okla., public school system, has told the Oklahoma State Bureau of Investigation and other state officials that he was in the campground soon after the girls were killed.

He said at least four men were present, including two he did not



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know. He did say, however, that one could have been Mr. Hart, whom he had never met.

Mr. Manley's account, if accurate, could provide authorities with testimony that implicates more than one assailant in the crime. But Oklahoma officials said they have no evidence to support his claims.

The investigation bureau never ruled out the possibility that more than one person was involved, but agents insisted that their investigation pointed to Mr. Hart as the lone culprit.

Mr. Manley, 52, has passed a polygraph examination administered by a Tulsa County sheriff's deputy. But the bureau said it has been unable to fully corroborate his story.

"Really, as I see it, I don't have anything to gain by telling it," he said during one of three extended interviews with The Dallas Morning News. But, he added, "I've always felt the truth is something people should know."

The slayings of Lori Lee Farmer, 8, Michele Guse, 9, and Doris Denise Milner, 10, not only gripped Oklahoma, but also commanded national attention.

Almost immediately, Locust Grove, a town of about 1,000 residents, nestled in the wooded hills about 30 minutes east of Tulsa, was flooded with reporters and investigators, all searching for details about the girls.

According to state autopsy reports, Doris Denise Milner died of strangulation, and the other two girls were fatally beaten. All three were sexually assaulted.

Mr. Manley, a soft-spoken, husky man with a thin, dark moustache and glasses, said he attempted at least six times in the three years after the killings to point authorities toward those involved.

He said officials did not seem interested in information that did not point to Mr. Hart. He also said investigators may have ignored him because he offered only sketchy details out of fear for his safety if it became public that he had talked with police.

Finally, two years ago, Mr. Manley said, he met a former private investigator who listened seriously to his story.

Ted LaTurner, who first tracked the murder case as a special assistant to former Sheriff Paul Smith, arranged for Mr. Manley to take a polygraph examination and to undergo hypnosis. He also traveled with the minister to Oklahoma City to meet with an assistant to Attorney General Robert Henry.

Mr. LaTurner, who lives in Spavinaw, about 20 miles north of

Locust Grove, said he is convinced that Mr. Manley's version is legitimate.

"If the guy just had a dream, it's a bad one," he said. "I firmly believe the truth is somewhere around Gerald Manley."

Mr. Manley, who is the pastor of United Methodist churches in Paoli and Wayne, Okla., about an hour south of Oklahoma City, said he had left the ministry because of his divorce and was working as an Afton school counselor at the time of the slayings.

Mr. Manley said he lived in a small, rustic cabin near Chouteau, 11 miles west of Locust Grove, and he befriended several men who he said were in need of a Christian influence.

He said he routinely played dominoes with the men, all related by blood or marriage to one another. And he occasionally used his car to ferry them on errands.

The night of the killings, Mr. Manley said, he drove around the Locust Grove area in search of one of his acquaintances.

Finally, growing tired, he parked his car along a rural road just west of Camp Scott and went to sleep. Sometime later, he was awakened by one of his domino partners who wanted him to "come with me to go down to where some of the guys are."

After a brief drive and hike, Mr. Manley said, he found himself in the Girl Scout camp, being led by his acquaintance into a tent.

In the darkness, he said, he could see at least four men in or around the tent: two of his domino partners and two men he did not know.

Once inside, with only light from a partially covered flashlight, he said he saw the body of a girl on the wooden floor. And he also said he saw two sleeping bags, zipped up, which appeared to contain bodies.

"I was scared to death," Mr. Manley said. "I didn't know whether they'd kill me or not.

"I was afraid of those guys, especially those I didn't know."

After he had been in the tent a short time, the men decided to leave, carrying the bodies with them. About 150 yards down a path leading to a service gate, the men became frightened, dropped the bodies, and ran in separate directions.

With the first hint of morning, he finally made his way back to his car. And, trying to collect his thoughts, he drove to nearby Chouteau for coffee, said Mr. Manley.

Later, he said, he stopped at a second restaurant, where he encountered a nervous man whose boots appeared to be covered with blood. The man resembled the size and build of one of the two men at the camp that he had not recognized.

Mr. Manley said he wrote down the license tag number of the man's car, thinking that it might be significant. However, neither of two tag numbers he recalled under hypnosis was valid in 1977, according to Oklahoma Tax Commission records.

Mr. Manley said he was afraid of the men and did not immediately call police.

In Mr. Hart's trial, defense attorneys attempted to link a former Okmulgee, Okla., construction worker, Bill Stevens, to the crime. But Mr. Stevens, then imprisoned in Kansas on a kidnap-robbery-rape conviction, denied any involvement.

Mr. Manley said it is possible that Mr. Hart and Mr. Stevens were the two men at the campground that he did not recognize.

If that is true, then only two of the four men that Mr. Manley can place inside the Girl Scout tent are still alive.

According to authorities, one of the men is serving a life sentence in an Oklahoma prison for murder. The other continues to live in the Locust Grove area.

Both Mr. Hart and Mr. Stevens are dead. Mr. Hart died of a heart attack in prison on June 4, 1979, just three months after he was acquitted of the murder charges. Kansas prison officials report that Mr. Stevens committed suicide five years later.

Both the state investigation bureau and aides to the governor and attorney general discount Mr. Manley's story, saying that although they believe that he is truthful, they have been unable to substantiate his claims.

"We can't find any corroborating evidence' -- physical or otherwise, said bureau Director Robert Hicks.

"I think the man legitimately believes what he's saying to us is correct . . . (but) all you've got is what he says.'

Moreover, Mr. Hicks said, most, if not all, the information that Mr. Manley provided could have been gleaned "from the trials and newspaper reports.'

But several people who have known the minister for years said it would be uncharacteristic for him to lie or attempt to draw attention to himself.

"I would think that if he says he's got something, then probably he does, and probably it's pretty factual,' said Ben Patrick,

former chaplain at Hillcrest Medical Center in Tulsa, where Mr. Manley attended clinical pastoral education courses.

"I've gotten an indication that the OSBI didn't investigate the accused -- they've investigated me," he said.

"It's frustrating in that I'm afraid all it's going to do is bring me a bunch of bad publicity and hurt me in my work, and they'll never get to investigating the people who need to be investigated."

Bureau officials said they are prohibited by state law from discussing what steps they took in investigating -- and ultimately rejecting -- Mr. Manley's story.

But they said their findings are included in a confidential, 300-page report they forwarded to Mayes County prosecutors earlier this year.

Mayes County District Attorney Patrick Abitbol said he has scanned the bureau report but has not had time to review it thoroughly.

He said, however, that he would be willing to order further investigation if the facts warrant it.

"If there is something I'd want them to look into further, I'd make that request," he said.

Although the investigation bureau never ruled out the possibility that more than one person was involved in the crime, many remain puzzled how one man could have assaulted and killed three girls without awakening other campers.

"Not one single piece of evidence collected at that crime scene . . . has ever indicated there was anybody else there except the man charged with the murder," said state Sen. Dick Wilkerson, the bureau's chief of investigative operations during the murders.

"After this guy (Mr. Manley), there's going to be someone else' come forward, he said. "There's always going to be someone else - because it was never resolved in the public's mind."

Times 3-13-91

Scout case 'investigator' arrested

Ted LaTurner, the man who has been attempting to convince officials to re-open the 1977 Girl Scout Murders case, was arrested Tuesday on multiple counts of operating as a private investigator

without a license.

LaTurner was released on \$500 bond on the misdemeanor counts.

In addition to four counts of operating as a private investigation without a licence, the Spavinaw

man was charged with two counts of carrying a weapon.

The information on the counts, which was filed the same day LaTurner was arrested, alleges he represented himself as a private investigator with Mayes County while employed by Pryor attorney Gerald Lee.

Lee, the court-appointed attorney for convicted murderer David Allen Winch, had allegedly hired LaTurner to prepare Winch's defense.

The information also alleges LaTurner offered money to a private investigator, asking the investigator to state that LaTurner was operating under the investigator's license.

In addition, LaTurner is accused of presenting himself as a private investigator to Dan Wheatley, a Mayes County deputy sheriff, in late 1988 or early 1989 in order to gather information concerning the Girl Scout Murders.

The fourth count claims LaTurner represented himself as a private investigator in September 1989 to Paula and Bill Breedlove.

(Continued On Page Two)

-LaTurner

(Continued From Page One)

The charges claim LaTurner attempted to charge the couple \$1,500 to find their granddaughter.

Counts five and six of the information allege LaTurner unlawfully carried a snub nose revolver on two occasions.

The maximum punishment for each offense is \$500, or one year incarceration, or both.

Individuals presenting themselves as private investigators are required to be licensed, as of July 1, 1987.

At that time, the Oklahoma Legislature passed the Oklahoma Security Guard and Private Investigators Act requiring individuals operating in these fields to be certified by the Council on Law Enforcement Education and Training (CLEET).

6-7-91 Times

LaTurner found guilty, but he's not guilty too

BULLETIN: Ted LaTurner, acting as his own attorney on charges of operating as a private investigator without a license, was found guilty of one count and not guilty on two counts by a Mayes County jury just after noon. The jury recommended a \$1,000 fine.

By Tony Lee Orr
Staff Writer

Charged with presenting himself as a private investigator and now acting as an attorney in his own behalf, Ted LaTurner's first day in court was filled with apparent frustration.

The humor began while LaTurner and Assistant District Attorney Clint Ward questioned the prospective jury.

"Can I inform the jurors that three of the charges against me have been dropped?" LaTurner asked Special District Judge David Box.

Ward reminded the potential jury

members LaTurner was not a trained attorney and asked the jurors not to judge him harshly if he entered objections to any procedural or tactical errors LaTurner might make.

"I am the only defense I have," LaTurner told the jury during his opening statement.

Seconds later he was called down by Judge Box for presenting evidence during his opening statement, which is intended to serve as only an outline for the court.

"I will attempt to prove the investigation isn't worth the paper it is written on or half of the charges wouldn't have been dropped," said LaTurner. "These people approached the newspaper and wanted everything ever written about or by me."

LaTurner accused CLEET investigator David Legler of falsifying police reports in order to

(Continued On Page Two)

-LaTurner-

(Continued From Page One)

file the charges, alleging articles printed in The Daily Times had angered OSBI and CLEET officials.

Information filed by Legler alleged LaTurner presented himself as a private investigator in order to receive payment from the fund.

Testimony from a long time acquaintance of LaTurner's may have been the most damaging.

Charlie Davis, who testified he had known the defendant for several years, told the court LaTurner offered payment to work under his license.

"He told me if he got in any trouble he would slip me a little money and work under my license," Davis told the court.

He testified the offer occurred when LaTurner was investigating the Camp Scott girl scout murders.

Former Mayes County Deputy

Sheriff Dan Wheatley testified LaTurner had presented himself as an investigator of the girl scout murder case on several occasions.

"When you went to work for the sheriff's department did you learn that I had a letter from the sheriff authorizing that particular investigation?" LaTurner asked.

"Yes," Wheatley replied.

Paula and Bill Breedlove both testified LaTurner discussed with them the case of their granddaughter who was allegedly kidnapped. LaTurner offered to help find the child.

Bill Breedlove told the court LaTurner presented himself as a private investigator, then admitted he had assumed the defendant held the title.

Testimony was set to continue in the case today.

TONY ORR

Sasser's book on Scout murders still held up by lawsuit

By George Fisher
Staff Writer

Litigation continues to stall publication of "The Girl Scout Murders" three years after the book was written. Author Charles Sasser said the roadblock may never be lifted.

Sasser researched the book in Mayes County, reading old newspaper accounts of the June 13, 1977 murder of three Girl Scouts at Camp Scott. He talked to people involved in the case, reviewed documents and composed what he learned into "The Girl Scout Murders," a factual account of the tragedy that captured national attention.

In 1989, a few copies of the book were distributed as press releases. Then a lawsuit was filed to stop the book. A court order halted publication.

"I don't think it will ever be published," said Sasser.

The book probably would have been a good seller in Mayes County, if not the nation. The man arrested for the crimes, Gene Leroy Hart, was the only suspect in the case and was found innocent in a jury trial, although the prison escapee was imprisoned on a previous conviction and died two months later.

The cause of Hart's death in prison is officially listed as a heart attack. Suspicion still lingers that he was murdered by other inmates.

Pete Weaver, Mayes County sheriff at the time of the murders, was familiar with Hart's background, which included convictions for raping women. Hart had escaped from prison and was free at the time of the Girl Scout deaths. Early in the investigation, Weaver pegged him as the man responsible for killing the girls, aged 8, 9 and 10.

"I never had a doubt he was the one," said Weaver shortly before his death in 1991. "He did it and I know he did it. I don't doubt it to this day."

A single fingerprint found on one of the bodies did not match Hart's prints.

A book on the murders, "Someone Cry for the Children," was written and published by state agents involved in the case shortly after Hart's death. It is not known what information in Sasser's book may be different.

"Part of the conditions (of the lawsuit) are that I don't talk about the book or the lawsuit," said Sasser. "It's a long story and I wish I could talk about it, but I can't."

Since the halted publication of "The Girl Scout Murders," Sasser has published five other books and is under contract for three more.

Sasser formerly was a police officer in Miami, Fla., a Green Beret medic and Tulsa detective. He has traveled the world in search of story material and is nationally recognized as an adventure writer.

His non-fiction book, "A One-Shot Kill," is about military snipers and was a best seller to troops in Operation Desert Storm. It is required reading at West Point and the U.S. Army War College.

Sasser's most recently published book, his seventh, is "The 100th Kill," about three people caught up in the Vietnam War, with some scenes set in Vinta.

His latest project is "The Last American Heroes," a non-fiction account of Miami Beach firefighters. "My son, Michael, is a fireman in Miami Beach. He is a writer too and we are working together on this," said Sasser.

His next books to be published are "Deadly Force" and "Going to Soldiers," due out early next year.

LaTurner suing OSBI

Ted LaTurner wants the Oklahoma State Bureau of Investigation (OSBI) to return items he believes may be the key to solving Mayes County's most notorious murder case.

LaTurner filed a lawsuit Friday in Mayes County District Court seeking the return of items state agents allegedly confiscated from him in 1989 and 1990.

LaTurner said the items reportedly confiscated by Oklahoma State Bureau of Investigation (OSBI) agents had some bearing on an investigation spearheaded by LaTurner into the 1977 girl scout murder case.

OSBI officials declined to comment on the lawsuit or the allegations.

The petition alleges OSBI Agent Carrie Thurman confiscated a plastic baggie containing a yellow latex glove with stains on Sept. 1, 1989.

LaTurner is also seeking the re-

turn of an audio tape of a "witness" under hypnosis, three polygraph charts, witnesses' agreement to the polygraph exam, test questions of the witness, and the letter stating the results of the exam, according to the petition.

OSBI agents obtained the audio tape and polygraph results from LaTurner in January 1990, the petition alleges.

"I was told at the time, during a meeting which took place in my attorney's office, that I could not leave with the glove because it may be pertinent to a murder investigation," LaTurner said of the glove he believes would implicate the individual responsible for the June 1977 girl scout murders. "They took the glove and they sat on it.

"The glove has never been tested. No one knows if it is blood on the (Continued on Page Two)

- LaTurner -

(Continued from Page One)

glove or, if it is blood, that it's human blood."

OSBI officials maintain that Gene Leroy Hart, who was acquitted on murder charges filed in connection with the brutal slayings, caused the deaths of Doris Denise Milner, 10, Michelle Guse, 9, and Lori Lee Farmer, 8.

First Assistant District Attorney Terry McBride, an attorney in private practice at the time, witnessed the meeting between Thurman and LaTurner.

"They did take the glove," McBride said. "But they later indicated to me that the substance on the glove was not blood. They didn't know what the stains were."

LaTurner said OSBI agents have refused to discuss the glove's merits concerning the murder case.

LaTurner said the glove was given to him by a "witness" who took the stained item from an individual who reportedly returned to the vicinity of the murder scene south of Locust Grove three days after the multiple slaying to retrieve the glove from where it had been hidden.

Sheriff Harold Berry, an Oklahoma Highway Patrol trooper at the time of the triple murder, was the first lawman at the scene of the crime.

At LaTurner's request, Berry interviewed the "witness."

"I asked him questions and let him elaborate," Berry said of the interview. "Nothing he said rang any bells.

"He never said anything which to me would indicate he was there."

LaTurner maintains any discrepancies in his witness's statement concerning the crime scene could be because the witness was at the murder scene at night and lawmen who arrived at the scene had the benefit of light.

OSBI officials have maintained the witness was incorrect concerning numerous known facts in the case - including the weather at the time the murders reportedly occurred.

Berry said 15 to 20 lawmen converged on the girl-scout-camp and performed a meticulous search of the murder scene.

"We searched the area so close we would have found a hair clip - which we did," Berry said.

The confiscated polygraph charts indicate LaTurner's "witness" was not lying as far as examiners could determine, LaTurner maintains.

LaTurner claims all previous requests for the OSBI to return the confiscated items have been ignored.

"They said the items were of no significance to the case, but they won't return anything unless the court forces them," LaTurner said.

LaTurner gets his glove back

OSBI returns Hart case 'evidence'; LaTurner sending glove for DNA test

Ted LaTurner believes he has won a victory over the state's investigative agency.

Now, he hopes to be able to provide some answers to questions he maintains the Oklahoma State Bureau of Investigation (OSBI) has left unanswered for the past 15 years.

LaTurner filed a civil lawsuit against OSBI officials on March 19 seeking the return of items he believes may have some bearing on Mayes County's most notorious murder case.

Agency officials returned on Friday a Radio Shack audio tape of a hypnosis session with an individual LaTurner maintains is a key witness in the 15-year-old triple girl scout murder of 1977.

Other items returned include three charts of polygraph examinations with LaTurner's witness, an agreement to submit to the polygraph examination signed by the witness, the polygraph test ques-

tion, a report of the examination on Tulsa County Sheriff's Department letterhead and a single yellow glove.

Kym Koch, OSBI spokeswoman, said the items were returned because they had no evidentiary value to the case.

LaTurner has long maintained individuals other than Gene Leroy Hah, who was acquitted of first-degree murder charges in connection with the girl scout slayings, were responsible for the heinous crime.

He hopes the glove will prove it.

"We plan to send the glove to a private lab for testing," LaTurner said. "We intend to send the glove to Cetus Laboratories in Emeryville, Calif."

In 1989, the Federal Bureau of Investigation (FBI) suggested items taken at the time of the June 13, 1977, triple murder be sent to
(Continued on Page Two)

— LaTurner —

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Cetus because the laboratory had developed a test "designed for the analysis of old or degraded DNA," according to a news report of the time.

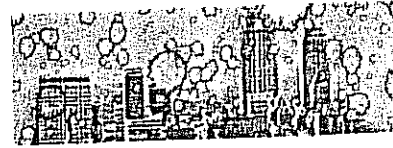
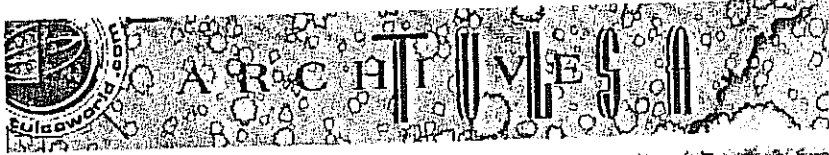
The laboratory has been successful in matching samples from at least one 15-year-old case, LaTurner said.

Even if tests on the glove prove nothing, LaTurner maintains the significance of the glove is in where the glove was found and the individual his witness allegedly took it from.

"The glove was found three days after the burglary at a residence where a burglary had taken place," LaTurner said, noting the individual his witness allegedly took the glove from was not aware the witness had absconded with the item.

OSBI officials have continued to maintain Hart was the only viable suspect in the gruesome murders and state that although the case is officially open it is not being actively investigated.

Officials with the state's investigative agency have stated that LaTurner's witness has made statements not in keeping with things investigators found at the scene of the murder.


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Documentary to Focus On Girl Scout Murders

James D. Watts Jr.
10/01/1994

The three years it took Tulsa film maker Michael Wilkerson to complete his documentary, "Someone Cry for the Children," being broadcast Saturday night on the Discovery Channel, represent only a fraction of the time he has spent on the events in the film.

Wilkerson was the lead agent for the Oklahoma State Bureau of Investigation when it investigated the 1977 murders of Lori Lee Farmer, Michelle Guse and Doris Milner at a Girl Scout camp near Locust Grove.

Wilkerson later collaborated with his brother and fellow OSBI agent, Dick, on a book about the strange and twisted case, also titled "Someone Cry for the Children."

Wilkerson's documentary will have its world premiere at 7 p.m. Saturday on the Discovery Channel (cable Channel 32 in Tulsa). The film will be repeated at 10 p.m. Saturday.

The film, made under the auspices of Wilkerson's Barrister Studios, combines interviews with eyewitnesses, families of the three girls and law enforcement personnel with recreations of some of the case's events, shot on location.

Actor Dale Robertson and singer Johnny Cash are narrators. Tulsan Mike Brown composed the score, and Wilkerson's wife, Robyn, wrote the title theme in 1979 as a tribute to the three girls.

"We don't take any side, but just try to tell the story as objectively as possible," Wilkerson said. "We also tried to tell it from as many perspectives as we could. So we have interviews with everyone from the prosecutor (S.M. "Buddy" Fallis) to Ross Swimmer, who was principal chief of the Cherokee Nation at that time."

Wilkerson said he offered to show the completed film to all who were interviewed.

"The first time I saw it - and it was very hard to watch - what overwhelmed me the most was the way (Wilkerson) had portrayed the children," said Sheri Farmer, mother of Lori Lee Farmer. "That was very important to me, because so often people say this is the story of Gene Leroy Hart (the

accused killer). It's not. It's the story of Lori Lee and Michelle and Doris, three young children who died needlessly."

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Specific grand jury petition to be filed

Ted LaTurner said today he planned to file an amended grand jury petition which is so specific it will name the names of the two men he alleges were in the "death tent" and "directly responsible" for the murder of three Girl Scouts at Camp Scott 19 years ago.

LaTurner's original petition calling for a grand jury to reopen investigation of the June 13, 1977 murders was denied by District Judge James Goodpaster as too "vague and ambiguous."

LaTurner said this petition "may be judged too specific, I don't know."

The petition had not been filed by presstime, but the amended petition had to be filed by 5 p.m. today to meet the two-day refiling stipulation.

Along with naming the names of suspects he claims his eyewitness can identify as being at the scene of the murders, LaTurner said the petition will name the names of law enforcement officers who were allegedly involved in "overzealous" activity in connection with the case.

Judge opposes call for grand jury

By Terry Aylward
News Editor

District Judge James Goodpaster is not in favor of a grand jury to look into the June 13, 1977 Girl Scout murders.

And the judge who has turned down as "vague and ambiguous" a petition calling for such a grand jury, said Ted LaTurner, the petitioner, is "running the citizens of Mayes County around the bush again."

Judge Goodpaster said it is amazing to him that nothing has ever come of LaTurner's allegations after "all the attorney generals, and district attorneys" he has been to with "various theories" over the years.

"Nothing has ever come of anything he has ever had," said Goodpaster who, when asked, said he would not sign a petition for a grand jury even if he approves such a petition.

"I definitely will not sign it and it remains to be seen whether or not a grand jury petition is approved," said Goodpaster.

Goodpaster said he turned down LaTurner's petition filed last week because it did not do the minimum: "Allegations have to be of a nature that warrants a possible indictment, or warrants removal of a public official from office."

LaTurner and his attorney, Byron Ed Williams of Pryor, told news reporters Tuesday they planned to amend their original petition and try

See RULING, Page 2

Ruling

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again.

Although a grand jury would have the authority to reopen investigation of the Girl Scout murder case — and issue indictments if it felt indictments were warranted — Judge Goodpaster said he did not know if grand jurors would be able to review Oklahoma State Bureau of Investigation (OSBI) documents on the case since those documents are kept secret from the public.

Asked if he thought the Girl Scout murders case is closed and that the right suspect was charged with the crimes, Goodpaster replied, "Everyone ever involved with it thinks so, but I don't know, I don't know."

A jury took less than five minutes to acquit Gene Leroy Hart, who has been the only person charged in the murders.

LaTurner claims to have an eyewitness who was "in the death tent" with two other persons — one in prison now, the other who died in prison later — who were "directly involved" in the murders.

LaTurner claims the eyewitness told his story to law enforcement when the initial investigation was conducted, but that law enforcement only wanted to hear about Gene Leroy Hart.

District Attorney Gene Haynes says LaTurner has never asked him to interview witnesses, review new scientific evidence or investigate crimes allegedly committed by law enforcement in connection with the June 13, 1977 Girl Scout murders at Camp Scott.

LaTurner, who conducted a confidential investigation of the murders after Paul Smith became sheriff in 1980, filed his petition in Mayes County District Court seeking a grand jury to look into those allegations against "the Office of the District Attorney."

Haynes said LaTurner's eyewitness has been interviewed extensively by the OSBI.

LaTurner said no one knows what the OSBI discovered, but no charges were filed.

"It's another secret," said LaTurner, who wants a group of citizens — rather than state or local law enforcement — to determine if there are other suspects in the unsolved murder case.

LaTurner would like to see the FBI investigate and the state Attorney General's office conduct the grand jury if the judge approves a grand jury investigation.

Judge Goodpaster quashed the petition citing that it was "vague, ambiguous and speculative."

LaTurner does not name which district attorney — there have been several in office since the 1977 slayings — failed to do what he alleges was not done.

"I talked to Mr. LaTurner once on the phone several years ago, and he wanted to set up a time to meet with me and discuss some things, but we never had the meeting," said Haynes.

In his petition, LaTurner alleges: "failure of the Office of the District Attorney to interview eyewitnesses concerning the homicide of three Girl Scouts on June 13, 1977, discovered after the trial."

Goodpaster replied in his ruling to quash the petition: "The failure of any District Attorney to interview an eyewitness is not a crime, nor is it grounds for removal from office since the interviewing of witnesses is totally within the discretion of the District Attorney.

"Furthermore there is nothing contained within this petition to indicate that if there are in fact eyewitnesses, that their name or names have ever been made known to any or all of the several District Attorneys serving within this county since" the murders.

In his petition, LaTurner alleges: "failure of the Office of the District Attorney to review available scientific evidence, discovered after trial, which could link the perpetrators to the homicide of three Girl Scouts on June 13, 1977."

Goodpaster ruled: "The failure of any District Attorney to review

available scientific evidence 'discovered after the trial' is not a crime, nor is it grounds for removal from office, since the reviewing of evidence, claimed to have been discovered after a 'trial' or at any time, is totally within the discretion of the District Attorney.

"Furthermore, there is nothing contained within this petition that indicates that 'available scientific evidence,' if any, was ever made known to any or all of the several District Attorneys serving this county since the June 13, 1977 homicides at Camp Scott; nor that any said available scientific evidence, if any, would be sufficient to warrant prosecution of any person or persons."

In his petition, LaTurner alleges: "failure of the Office of the District Attorney to investigate and prosecute crimes committed by law enforcement officers."

Goodpaster ruled: "The prosecution of crimes, if any, committed by law enforcement officers at the time of the June 13, 1977 homicides at Camp Scott, other than the homicides themselves, would have long ago been barred by a statute of limitations.

"Furthermore, the petition does not contain sufficient facts as to what alleged crimes were committed, nor does said petition state when the alleged crimes were committed, nor does the petition allege which law enforcement officer, officers or even agencies allegedly committed such crimes."

In general, Goodpaster ruled: "the petition is vague, ambiguous and speculative as to times, places and persons, and that an inquiry into such would not warrant a true bill of indictment or action for removal of a particular public official, even if true."

Haynes told The Times that his office prosecutes criminals and leaves investigation, most of the time, to police officers.

Haynes said he has one criminal investigator in his office who does followup and might conduct an investigation if there was cause to believe another investigation was flawed.

LaTurner believes the OSBI investigation of the Girl Scout murders case was flawed.

"If he thinks there was a cover-up we might do some checking into it ourselves," said Haynes, again adding that he had only three investigators — one for criminal cases, one for drug cases, and a third who does nothing but serve paperwork on child support cases.