

IN THE DISTRICT COURT OF MAYES COUNTY

FILED IN THE DISTRICT COURT
MAYES COUNTY, OKLAHOMA

STATE OF OKLAHOMA.

SEP 1 1978

THE STATE OF OKLAHOMA,

Plaintiff,

-vs-

GENE LEROY HART,

Defendant.)

BY Glenn Gist Court Clerk
Deputy

Case No. CRF-77-131

CRF-77-132

CRF-77-133

PRELIMINARY HEARING

VOLUME II

Heard Before: Honorable Jess B. Clanton, Jr., Special Judge

June 8, 1978

A P P E A R A N C E S

FOR THE STATE OF OKLAHOMA:

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District Attorney
Mayes County, Oklahoma

Mr. S. M. Fallis, Jr.
District Attorney
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FOR THE DEFENDANT:

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Attorney at Law

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Attorney at Law

REPORTED BY:

Tracey Ferguson
Licensed Shorthand Reporter

VOLUME II

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(WHEREUPON, proceedings continued as follows:)

THE COURT: Continuing this morning in CRF-77-131
and 132 and 133.

For the record, Mr. Isaacs, the Defendant is present
and you're ready to proceed?

MR. ISAACS: Yes, sir, Your Honor.

THE COURT: If you're ready, Mr. Wise, call your
next witness.

MR. WISE: The State would be ready, Your Honor.
The State would call Barbara Day.

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

THE WITNESS: Yes, I do.

BARBARA DAY,

being first duly sworn to testify the truth, the whole truth
and nothing but the truth, was called as a witness and testi-
fies as follows:

DIRECT EXAMINATION

BY MR. FALLIS:

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

A Barbara Day.

Q And Barbara, if you'll speak just a little bit
louder so the Court and we all can hear you.

1 What is your address, please?

2 A 1140 South Toledo, Tulsa.

3 Q That's Mrs. Day?

4 A Yes.

5 Q All right, and ma'am, what is your husband's name?

6 A Richard.

7 Q Mrs. Day, I want to draw your attention to the month
8 of June, the year 1977, and ask if you were engaged in employ-
9 ment at that time?

10 A Yes, I was.

11 Q What was the nature of your work?

12 A I was Camp Director for Magic Empire Council of
13 Girl Scouts.

14 Q And as Camp Director, would you have responsibilities
15 concerning the Camp Scott area?

16 A Yes, that was my direct responsibility.

17 Q Were you so engaged on the 13th -- 12th and 13th day
18 of June, 1977?

19 A Yes, I was.

20 Q Can you tell the Court if you were there on the 12th
21 of June, there at the Camp Scott site?

22 A Yes, I was.

23 Q Was there anybody there, any members of your family?

24 A My husband.

25 Q That's Richard?

1 A Yes.

2 Q All right. Insofar as the location of Camp Scott,
3 were you assigned or did you have any regular quarters that
4 you used to live in while you were there?

5 A Yes, I had a cabin where I lived in the summer months.

6 Q Ma'am, to your right has been a drawing on a green
7 blackboard that's supposed to indicate areas of the Kiowa
8 Camp and perhaps to orientate you to the drawing that's there,
9 the X's across the top of the diagram indicate tents ending
10 on the far right with number 7; fire ring is shown, unit kitch-
11 en and so on. Does that help you to become orientated to the
12 diagram itself?

13 A Yes.

14 Q Can you give an indication to the Court where your
15 cabin, where you lived, as to the 12th and 13th of June, 1977,
16 would be from that diagram?

17 A According to scale, it could not be shown, but it
18 would have been 'way down on the floor someplace.

19 Q You are indicating somewhere below the diagram that
20 is now shown?

21 A Yes.

22 Q Now, do you recognize the "X" where it says "Staff
23 Tent"?

24 A Yes.

25 Q Can you give your best estimate as to how far down

1 the roadway which is shown to the left of the "X" it would have
2 been to your cabin?

3 A Two hundred yards. I'm not very good at estimating
4 distances. Two, three -- two and a half, maybe football
5 fields, kind of.

6 Q Was the Staff Tent visible from your cabin?

7 A No, it was not.

8 Q Can you tell the Court if your cabin was or was not
9 equipped with telephone communication system?

10 A Yes, it was.

11 Q To your knowledge, was there any other telephones
12 existing there at the scout camp, Camp Scott, during that
13 time?

14 A Yes, there was one other.

15 Q Where would that be?

16 A Located in the Ranger's home.

17 Q Who was the Ranger back on the 12th and 13th of
18 1977?

19 A Ben Woodward.

20 Q With relation to your cabin, where would Ben
21 Woodward have been living?

22 A About fifty yards north of my cabin.

23 Q Now, Mrs. Day, did you have any type of transporta-
24 tion that you were using back on that date, June 12th and 13th?

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12 existing there at the scout camp, Camp Scott, during that
13 time?

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16 A Located in the Ranger's home.

17 Q Who was the Ranger back on the 12th and 13th of
18 1977?

19 A Ben Woodward.

20 Q With relation to your cabin, where would Ben
21 Woodward have been living?

22 A About fifty yards north of my cabin.

23 Q Now, Mrs. Day, did you have any type of transporta-
24 tion that you were using back on that date, June 12th and 13th?

25 A Yes, I had two vehicles I had access to on the

1 property to use during the camp program.

2 Q What type of vehicles?

3 A I had one van, passenger van, and one station wagon.

4 Q What color was the passenger van?

5 A Tan.

6 Q All right, and the other vehicle?

7 A Yellow.

8 Q Now, had you been to Camp Scott earlier than the
9 12th of June, reference to the month of June, 1977?

10 A Yes.

11 Q When did you first arrive there during that month?

12 A June 5th, and I remained in residence for a week and
13 may have visited before then bringing supplies back and forth
14 but I can't be certain without looking at a calendar.

15 Q And your husband Richard, do you recall when he
16 arrived at camp, reference to the date say June 13th?

17 A He arrived the 12th; he followed me up about an hour
18 later, arriving early afternoon, the 12th, Sunday.

19 Q I take it he would have been in the family vehicle
20 then?

21 A Yes.

22 Q All right. Now Mrs. Day, on the occasion of the
23 12th of June, 1977, what type of duties and responsibilities
24 were you engaged in as Director of the Camp?

25 A As of what date?

1 Q The 12th and 13th of June?

2 A The 12th was the opening of camp, and as Director,
3 I was responsible for taking all the children as they arrived
4 and making certain that they were assigned and placed in their
5 correct units, that the equipment necessary for each unit was
6 in each unit, that all staff had arrived, that all the prepara-
7 tions had been secured and that everyone got bedded down that
8 night and that camp began and that was basically what I was
9 to oversee.

10 Q And I take it you were there when the children did
11 arrive?

12 A Yes, I greeted buses myself.

13 Q About what time of day?

14 A Three o'clock.

15 Q That would have been on the 12th?

16 A Yes.

17 Q Was your husband with you at the time, ma'am?

18 A No, he was not.

19 Q When did you next see your husband after the time
20 the children arrived on the date of the 12th?

21 A Sometime between 3:00 and 5:00, I don't recall.

22 Q You are referring to the afternoon hours?

23 A In the afternoon.

24 Q Was he with you throughout the evening then?

25 A Yes, we had dinner together and remained together

1 for the evening.

2 Q Now, did your husband stay with you there at the
3 cabin provided at Camp Scott on the night of June 12, 1977?

4 A Yes, he remained. He did stay overnight.

5 Q All right, ma'am. I take it you're acquainted with
6 a person named Carla Wilhite?

7 A Yes.

8 Q How did you know her as of that date?

9 A I hired her as one of my counselors; had interviewed
10 her on several occasions and had worked with her because she
11 was to direct a special art program, the craft program, and
12 I spent some time working with her on supplies and her proce-
13 dure and expenses, et cetera, in relation to the program that
14 she would teach.

15 Q Ma'am, I want to direct your attention to the early
16 morning hours of June 13th, 1977 and ask if you would advise
17 the Court if you had an occasion to see Carla Wilhite?

18 A Yes, I did.

19 Q Where were you when you saw her?

20 A Flying out of my bed.

21 Q Could you tell us the approximate time, ma'am?

22 A 6:10.

23 Q And how were you awakened at that time, ma'am?

24 A She was banging and hollering. She was banging on
25 the screen door that was latched closed and hollering into the

1 office that was adjacent to my bedroom.

2 Q And you responded to the hollering and the banging
3 that she was making?

4 A Yes.

5 Q What did you do as a result of what she was conveying
6 to you in the way of message, if anything?

7 A I threw on a shirt and some shorts and just my
8 sandals and Richard did the same and we ran out to the porch.

9 Q What did you do then?

10 A Grabbed the car keys on the way out and jumped into
11 the station wagon and proceeded with her to the Kiowa Unit.

12 Q Who was driving the vehicle?

13 A Richard.

14 Q And how much time would you say elapsed from the
15 point where Carla awakened you and your husband until you
16 ultimately arrived at the Kiowa Camp?

17 A Two or three minutes at the most.

18 Q Now referring again to what has been drawn on the
19 board as a diagram, can you indicate the area where the car
20 would have come to rest, the vehicle that you and Richard and
21 Carla were in?

22 A Yes, this larger square.

23 Q Now, you're indicating, for purposes of the record,
24 a large square immediately behind the small square that appears
25 to be a roadway; is that correct?

1 A Yes.

2 Q Do you know what the small square represents?

3 A That was another car in front of us. It was the
4 Camp Nurse's car.

5 Q And her name for the record, ma'am?

6 A Mary Ann Alaback.

7 Q Now, when you and Richard and Carla arrived there
8 at that location, did you observe if any other persons were
9 immediately around the nurse's car or that vicinity?

10 A The nurse and the counselors, Susan and Dee.

11 Q Susan Emery?

12 A Susan Emery and Dee Elder.

13 Q Did you observe what they were doing, if anything?

14 A Nothing specific, being excited and movement.

15 Q Other than the people that you have just mentioned,
16 did you observe any other beings in the area?

17 A No, sir, didn't see anything at all.

18 Q And I take it you got out of your car?

19 A Yes.

20 Q What did you do then?

21 A Ran to the front of Mary Ann's car where I think
22 they were and Mary Ann was upset and getting excited and she
23 said -- I think it was what was sort of babbling. I said,
24 "Where are they?" I had been advised that three girls had
25 been missing and one had been lying in the road and they pointed.

1 Q Now, you used the expression a moment ago that you
2 said where you thought that they were. Are you meaning
3 persons missing or persons that you identified as being in
4 the area?

5 A The missing campers.

6 Q I guess now after communication with the lady near
7 the car, what did you next do?

8 A Approached the scene, approached what was on the
9 side of the road.

10 Q And using the diagram, ma'am, where would that be?

11 A Directly below where the "X" is in that triangular
12 shape.

13 Q Is that what appears to be a fork in the roadway?

14 A There's a patch of grass and trees there.

15 Q Describe for the Court the scene as it appeared to
16 you when you first made the observation?

17 A The most obvious part of the observation was the
18 presence of a young girl on the ground without clothing from
19 the waist down, whose legs were spread very far apart, who had
20 been hit in the head and who had dried blood or bleeding wound
21 to the head - of the forehead. She was laying across sleeping
22 bag material. Next to her, fairly closely, was another sleep-
23 ing bag and then just a few feet away was another sleeping bag.

24 Q Ma'am, during the time that the children had arrived
25 at camp on the afternoon of the 12th, had you personally met or

1 learned the names or been introduced to any of the young
2 ladies who were attending the camp?

3 A Just a very few who had special registration prob-
4 lems.

5 Q The young individual that you described as being
6 there on her back in that area, did you at that time recognize
7 her, know her?

8 A No, I did not.

9 Q I see. Did you at any time touch this person whose
10 body you have described?

11 A No, I did not.

12 Q Did you observe any other person touch that body?

13 A Yes, my husband.

14 Q Do you recall where he touched that body?

15 A Not specifically.

16 Q And did you or any other person at any time move
17 or adjust the position of that body?

18 A Only after we had figured out what had occurred and
19 where the other bodies were, after I gave directions as to
20 what I wanted each person there to do, someone suggested that
21 we cover Denise's exposed body.

22 Q You are referring to Denise Milner?

23 A The girl that was exposed and I said, "Yes, we won't
24 touch anything else. Cover her as best you can." Because we
25 didn't want any other children to have to see this so Richard

1 then pulled her sleeping bag which she was laying partially
2 on, up over her but could not cover her entire body. It just
3 would have tossed her around too much, so he covered what he
4 could cover and I left the nurse and maybe someone else there
5 while we went to seek help.

6 Q Now, ma'am, you made determinations as to other
7 persons being there at the location besides the one body that
8 was obvious?

9 A Yes.

10 Q Is that correct?

11 A Yes.

12 Q Did you observe this determination being made?

13 A Yes.

14 Q Can you tell the Court how the determination was
15 made?

16 A Yes. It was obvious after that, that there was
17 one child there and Richard had determined she was, in fact,
18 dead and I asked the counselors, "How many are missing?" be-
19 cause the other two were not there within sight and then,
20 glancing around the area, we saw the sleeping bags and still
21 could not determine where the other girls were. And Susan
22 Emery, at that point - one of the counselors there at the
23 scene - picked up one or both, I don't recall - I remember
24 with this kind of an action. (Indicating)

25 Q Now, you're indicating for the record with your right

1 hand?

2 A No. I don't know. She picked up either one or
3 both of the what we thought were just sleeping bags and said
4 they're in the bags or there's something in the bags and then
5 Richard felt at least one of the bags.

6 Q Did you observe him do this?

7 A Yes. The one that was closest to me, and could
8 determine by touch that there were bodies, or members of bodies
9 in the sleeping bag.

10 Q Now, ma'am, did you or any of the persons that you
11 have identified as being present at that time ever unzip those
12 sleeping bags?

13 A We did not touch them. We did not look in them at
14 all.

15 Q Was there more than one sleeping bag picked up by
16 Susan?

17 A I don't recall.

18 Q When she picked up the sleeping bag or bags, did you
19 replace them in the same position that they had been in or in
20 a different position?

21 A She dropped them or it right where it was because
22 we had said, Richard or myself, "Don't touch anything."

23 Q Mrs. Day, I'll hand you what has been introduced as
24 State's Exhibit 5, a photograph. Would you look at that,
25 please, ma'am. Do you recognize the subject matter of that

1 photograph?

2 A Yes.

3 Q And does that accurately and correctly depict the
4 scene as it first appeared to you when you, Richard and Carla
5 drove up to it on that date?

6 A Yes, it does.

7 Q Now, you indicated that after the determinations
8 had been made that you left the area?

9 A Yes.

10 Q And who, if anybody, left with you?

11 A Richard and I got in the car and left.

12 Q Now, what about Carla? Where was she when you left?

13 A I assigned someone, or maybe two of them, to remain
14 at the scene to keep anyone -- any children particularly --
15 from coming past it and to make sure that nothing was disturb-
16 ed. But I don't recall who I assigned to stay there. Then I
17 said for the others to go into the unit to wake the rest of
18 the children and take them by another path to our dining room
19 but I don't remember who.

20 Q You gave instructions that the scene not be disturbed?

21 A Yes.

22 Q Can you tell the Court who did actually remain there
23 when you and Richard left the scene in the automobile?

24 A I don't remember which one of the counselors.

25 Q Can you tell the Court in fact that somebody did, in

1 fact, remain there?

2 A One, and probably two.

3 Q Now, Mrs. Day, where did you and Richard go?

4 A We went immediately in the car to Ben's home, the
5 camp ranger.

6 Q And that's the location fifty yards from your cabin?

7 A Yes, midway from here and where I lived.

8 Q Was he home when you arrived?

9 A We couldn't tell. We were banging on the door and
10 got no response and so we went into his home and found him
11 back in his back bedroom asleep in his bed.

12 Q Did you awaken this man?

13 A Yes.

14 Q Did you convey any information to him?

15 A Yes.

16 Q And after you had did so, what next occurred, ma'am?

17 A I told him to take his truck and for he and Richard
18 to return to the scene to add further assistance to the coun-
19 selors to protect things so the counselors would be free to
20 tend to the children remaining in the unit.

21 Q What did you do then?

22 A I then took the car to my office and telephoned the
23 Highway Patrol in Vinita.

24 Q Now, ma'am, how much time would you estimate would
25 have elapsed from the point where you first were awakened by

1 Carla until you arrived back at your home and made the call
2 to the Oklahoma Highway Patrol?

3 A Fifteen minutes, twenty at the most.

4 Q All right, and did you ever observe or see any
5 highway patrolman in the area?

6 A When?

7 Q After your call?

8 A Yes.

9 Q How long after your call would you have made the
10 observation?

11 A Within an hour.

12 Q Do you recall who the first officer, if you can by
13 name, member of law enforcement that you observed on that
14 scene?

15 A Harold Berry, Highway Patrolman, whose acquaintance
16 I had made so I could recognize him.

17 Q In addition to your call to the Highway Patrol, did
18 you make any other telephone calls?

19 A Yes.

20 Q What other call did you make?

21 A I made a second call to my Executive Director, Mrs.
22 Bonnie Brewster in her home, to advise her as to what we
23 thought had happened and she needed to take action through
24 the Board of Directors to handle everything that I couldn't
25 handle.

1 Q Are those the only two calls that you made?

2 A Yes.

3 Q And after the calls, what did you do, please?

4 A I rang the bell at camp to get the children up for
5 breakfast.

6 Q Now, the bell at camp, does it ring only for Kiowa
7 Camp or does it ring for all the camps?

8 A The entire camp.

9 Q And how many camps or camp areas within the camp
10 itself?

11 A There are five campers units, a CIT unit and a staff
12 unit, so there are seven individual units.

13 Q Now, the area where you would ring the bell, is it
14 visible or at least would Kiowa area be visible to you from
15 that location?

16 A No, the bell is right next to my cabin.

17 Q After you rang the bell, was there an assemblage of
18 the children?

19 A The bell was rung early, fifteen or twenty minutes
20 earlier than normally it would have been rung and we had
21 planned a fire drill which we would use the bell for. We only
22 use the bell to awaken the children in the morning and for
23 fire drills so as soon as I rang the bell, I knew that I had
24 to advise the camp as to what was going on and I rang the bell
25 and I got into my car and went to each unit's staff tent and

1 told the counselors that there was an emergency in camp and
2 that I wanted every child in the Great Hall and that they
3 were not to take any trail. They had to take the road. And
4 that's what I did.

5 Q To your knowledge, were the children ultimately
6 assembled in the Great Hall?

7 A Yeah, they all got there as fast as they could dress.
8 I said don't bother with brushing their teeth, just get them
9 up there.

10 Q Now Mrs. Day, after you had performed the duties as
11 you saw them, ringing the bell, assembling the children and
12 so on, did you ever return to the Kiowa area?

13 A Yes.

14 Q And when you returned to the Kiowa area, did you
15 observe any people that you identified as being law enforce-
16 ment in that location?

17 A Yes.

18 Q Could you name those people?

19 A Harold Berry was there and Pete Weaver was there and
20 Dr. Collins, a physician, whose acquaintance I had also coin-
21 cidentally made and he was there as well and Ben, but no other
22 law enforcement people as I remember.

23 Q Do you know where your husband Richard was at that
24 time?

25 A He was there then. He had returned to the scene

1 then.

2 Q When you had returned to the scene, the nurse's
3 vehicle that had been in the roadway was still there?

4 A I don't remember.

5 Q All right, were there any other vehicles in that
6 road?

7 A Law enforcement vehicle or vehicles. There were
8 other things there. I arrived by foot the second time.

9 Q I see. Did you observe or see any change in condi-
10 tions as far as the vicinity of Kiowa Camp different than
11 what you had observed when you and Richard and Carla had
12 first went down there that morning?

13 A I observed no differences.

14 Q Did you make any additional observations concerning
15 the little Milner girl and the other sleeping bags?

16 A They seemed to be in exactly the same position as
17 when I had left them but I didn't dwell on them as I had before.

18 Q How long did you remain in Kiowa Camp that date?

19 A I was there that time for another ten minutes and I
20 led the law enforcement officials to the tent that had been
21 designated as having housed the victims.

22 Q Tent No. ??

23 A Yes, and we also looked in other tents along the
24 way and then I left after I had shown the law enforcement
25 people where those girls had lived. And then I left.

1 Q Ma'am, do you know what I mean when I use the
2 expression that an area is secured?

3 A Yes.

4 Q And keeping unauthorized people from coming in or
5 leaving perhaps?

6 A Yes.

7 Q Did you make any observations as to whether, when
8 you arrived back there at Kiowa Camp, after ringing the bell
9 and making arrangements with the other counselors as to
10 whether the scene was or was not secure?

11 MR. ISAACS: Judge, I object to that. She wasn't
12 there. She wouldn't know.

13 MR. FALLIS: When she arrived back was the question,
14 Your Honor.

15 THE COURT: She may answer if she knows.

16 A (By Mrs. Day) All I can say is that I felt confi-
17 dent that it was more secure now that there were law enforce-
18 ment people there than -- then no one would enter from the
19 outside. But I also felt with the counselors guarding the
20 scene that there would be no disturbances as well.

21 MR. ISAACS: Judge, I object to what she felt. That
22 is a statement of an opinion and I ask that it be stricken out.

23 Q Well, ma'am, may I ask you this --

24 MR. ISAACS: Could I get a ruling on my objection,
25 Mr. Fallis?

1 THE COURT: The objection is overruled.

2 MR. FALLIS: Thank you, Your Honor.

3 Q (By Mr. Fallis) One other thing, Mrs. Day. Can
4 you tell the Court, if you know, if this particular location
5 where those little bodies were, is that in Mayes County,
6 Oklahoma?

7 A Yes, to my knowledge, it is.

8 MR. FALLIS: Thank you very much, ma'am. No other
9 questions.

10 THE COURT: Cross-examine?

11 CROSS EXAMINATION

12 BY MR. ISAACS:

13 Q Good morning, Mrs. Day.

14 A Good morning.

15 Q Mrs. Day, I want to ask you some questions about
16 things that happened before the camp officially opened last
17 year in June.

18 Before the opening of the camp, did anything unusual
19 happen in the Camp Scott area which would lead you to believe
20 that the camp was not secure?

21 A Nothing unusual.

22 Q Did one of the campers, or one of the Girl Scouts,
23 find a threatening note saying that four little girls would be
24 murdered?

25 A Not at that time.

1 Q When was that note found?

2 A Several months before.

3 Q What month?

4 A Perhaps April but I had no knowledge of it at all
5 until long after this incident occurred.

6 Q Who found the note?

7 A A Girl Scout.

8 Q Do you know her name?

9 A Yes.

10 Q What was her name?

11 A Her name was Michelle Hoffman.

12 Q Do you know who was with her?

13 A Her other members -- other members of her troop.

14 Q What troop was that?

15 A She was in Troop 700 but she was with a lot of
16 Senior Scouts, not only that troop.

17 Q What age Girl Scout is a Senior Scout?

18 A High school age.

19 Q And Michelle Hoffman was what age?

20 A She is sixteen now.

21 Q I'll hand you a piece of paper that's already got a
22 name on it. Would you tell me what that is?

23 A It is a map, a rough rendering of Camp Scott central
24 property.

25 MR. ISAACS: Judge, could we call this Defendant's 2

1 for identification purposes?

2 THE COURT: All right.

3 Q Could you tell me in which unit area the threatening
4 note was found?

5 A I --

6 MR. FALLIS: If it please the Court, excuse me. I
7 would object unless she was there when the note was found.

8 THE COURT: Sustained. Unless she knows of her own
9 knowledge.

10 Q Do you know where it was found?

11 A I heard, but I wasn't there.

12 Q Okay, thank you. For what purpose was Miss Hoffman
13 at camp at the time the note was found?

14 A The Seniors were assisting a Cadet Camporee Program,
15 a Cadet Program is for Junior High age children. And the
16 Seniors frequently help with the program.

17 Q How many people were at the camp?

18 MR. FALLIS: Excuse me, Your Honor. May I inquire
19 if this lady was present and available during the time we are
20 talking about or are we talking about some information other-
21 wise?

22 A (By Mrs. Day) I was on the site.

23 MR. FALLIS: Okay.

24 THE COURT: You may ask if she knows of her own
25 knowledge. Go ahead, Mr. Isaacs.

1 Q (By Mr. Isaacs) How many people were at the camp?

2 A At least 200.

3 Q And were you there in some capacity with Magic
4 Empire Council, Mrs. Day?

5 A I came there as an observer because I never had
6 been on the property when there was a lot of people and I
7 wanted to see how it worked and so my husband and I spent the
8 weekend there, observing the programs and walking the units
9 and seeing how everything works.

10 Q Do you know what was done with the note?

11 A I never heard of the note at all.

12 Q When did you first hear about the note?

13 A Later in the summer, last summer.

14 Q What month?

15 A I don't recall.

16 Q Before or after June 13th?

17 A Much after, much after.

18 Q Approximately how long?

19 A I believe it was in the latter part of August after
20 I returned to the alternative camp that I directed.

21 Q Who did you hear about this note from?

22 A I think over the telephone from Michelle's mother,
23 but I cannot be positive.

24 Q Where does Michelle live?

25 A Owasso.

1 Q What age is Michelle?

2 A She's sixteen now.

3 Q Mrs. Day, during the orientation week which preceded
4 the June 13th camp, did anything unusual happen at Camp Scott?

5 A Nothing.

6 Q Did anyone find an effigy hanging in the Camp Scott
7 area?

8 A No, not at that time.

9 Q When was that found?

10 A There never was an effigy found. You are referring
11 to what the staff, during the Cadet Camporee, determined was
12 a figment of a child's imagination, a child who had gone into
13 hysterics who had seen a limb hanging strangely across another
14 limb and as it had been torn by a storm and she thought she
15 saw a dummy hanging from a tree and when we all investigated
16 found no dummy but found this particular assemblage of limbs
17 that looked as though it could have been misunderstood. But
18 no, there never was anything found.

19 Q You investigated that?

20 A Personally.

21 Q Complaint personally?

22 A Personally.

23 Q Who was with you?

24 A Richard, my husband, and staff of the Cadet Camporee,
25 mothers of campers, many of them. I don't know how many there

1 were.

2 Q During the orientation period, was it reported to
3 you that a tent flap had been slashed?

4 A This had occurred after camp -- pre-camp training.
5 We had left the property at various times Friday afternoon.
6 The staff left at different times.

7 Q Were you there continuously during the orientation
8 week?

9 A Except for a funeral that I had to attend unexpect-
10 edly in the middle of the week and except for some business
11 I had here at the Courthouse.

12 Q What day did you have to attend the funeral?

13 A It was Wednesday or Thursday.

14 Q And what time did you leave the camp?

15 A Early in the morning, I would think.

16 Q What day did you come to the Courthouse to transact
17 business?

18 A I think that was Wednesday, probably.

19 Q All right. During that week, were there any intru-
20 ders at Camp Scott?

21 A None that I was aware of or that were reported to
22 me.

23 Q Were there any intruders at Camp Scott in 1976 that
24 you were aware of?

25 A Not that I am aware of.

1 Q Now, during this orientation period, what were your
2 duties at Camp Scott?

3 A I was to oversee the opening of camp and to oversee
4 the training and orientation of the counselors to their res-
5 ponsibilities and to the site during that time.

6 Q Before assignments are made at Camp Scott, what is
7 the procedure that Magic Empire Council goes through to deter-
8 mine who would be placed in what unit?

9 A You mean staff assignments or do you mean campers'
10 assignments?

11 Q Camper assignment?

12 A When a camper registers, she sends or brings in
13 a registration set of cards and pays some money and it's
14 recorded by our registrar and then one copy is passed on to
15 me and I break the girls down into a grade group and enter
16 them into a book. As I get the cards, I write "Third Grader",
17 "Fourth Grader", "Fifth Grader" and before camp - the week
18 before the session begins, I take my book and I start at the
19 beginning and I count off twenty-eight of the youngest and
20 assign them to a particular unit; the next twenty-eight, the
21 next unit; the next twenty-eight to the next unit like that
22 and when I do that, copies of the unit assignments, the members,
23 the girls, the campers that will arrive in that unit are mimeo-
24 graphed in my office at the camp and handed to the camp counsel-
25 ors.

1 Q Just a minute. You said they're mimeographed at
2 your office at Camp Scott?

3 A Yes.

4 Q Do you have a mimeograph machine?

5 A Yes.

6 Q And this was done during the orientation period?

7 A Yes.

8 Q And this is not done at the headquarters of the
9 Magic Empire Council at Tulsa?

10 A Not that aspect of it.

11 Q Which day did you mimeograph the camp -- the unit
12 assignments for Camp Scott?

13 A I don't remember which day.

14 Q Could you give me an approximation, to the best of
15 your knowledge?

16 A Wednesday or Thursday or maybe even Friday -- later
17 in the week.

18 Q After you had mimeographed these sheets, did you
19 deliver copies of those sheets to the Magic Empire Council in
20 Tulsa?

21 A Yes.

22 Q And what was done with those copies when you deliver-
23 ed them?

24 A I wasn't there; I don't know what they did with them.

25 Q What was your purpose for delivery?

1 A The purpose of giving them a copy of what child is
2 assigned to what unit, is to facilitate registration. When the
3 children arrive at the Council headquarters to board the buses
4 for camp, when the Council knows what unit they're going to
5 be assigned to, they tag their luggage with a colored tag
6 because all the luggage just gets thrown in those big buses
7 and it would be a fiasco for us to have to sort through - sort
8 them out. So each girl, when she registers, knows what unit
9 she'll be in. She doesn't know until when she gets there so
10 when the luggage goes on and we take it off, we send all the
11 luggage to the units and all the kids to the right unit.

12 Q In reference to the assignments, are there any other
13 assignments which are more definite other than those to a
14 particular unit?

15 A Yes. When the children arrive at camp, they're met
16 by their unit counselor and they're taken as a group into the
17 unit and they perhaps spend some time getting acquainted, but
18 then the children are allowed to select which tent they would
19 like to live in and this has been a tradition at camp.

20 Q Did you make any assignments, other than the unit
21 assignments?

22 A Only in one case.

23 Q Which case was that?

24 A In the case of the youngest unit, the Quapaw Unit,
25 I felt that the children would feel more secure -- these are

1 the youngest first-time campers -- if when they arrive, the
2 counselors could say, "This is your tent, this is your bed,"
3 because sometimes children have a hard time making a decision.
4 So for one unit, I place the children in tents but for the
5 other units, they made their own selection.

6 Q When were the lists of unit assignments distributed
7 to the counselors at Camp Scott?

8 A I don't remember.

9 Q Would it have been before Sunday, before the girls
10 arrived?

11 A Yes, it was before Friday.

12 Q Before Friday?

13 A If not on Friday.

14 Q So we can say that the girls who were counselors
15 knew who their campers were going to be some time on Friday?

16 A Yes.

17 Q But we didn't know where those girls would sleep, in
18 other words, in any tents except in the Quapaw Unit; is that
19 correct?

20 A That's correct.

21 Q During the week that preceded the opening of camp,
22 during the orientation week, was there a report of any thefts
23 at Camp Scott to you?

24 A Not a theft. You mentioned earlier the slashing of
25 the tent. When we returned to camp on Sunday, Ben mentioned

1 that in his work over the weekend, someone had cut a swath off
2 the tent front and removed it from the property and in the
3 middle of the afternoon of registration, there wasn't anything
4 we could do to replace that tent.

5 Q Were there any other reports of any theft of any
6 kind?

7 A Nothing.

8 Q Were there any reports of intruders?

9 A Nothing to me.

10 Q Barbara, there are a lot of people that swim in the
11 area of Camp Scott, are there not?

12 A I wouldn't say a lot. I couldn't say.

13 Q Well, you've driven down in the Twin Bridges there,
14 haven't you?

15 A Yes.

16 Q And you have seen a lot of tourists or weekend
17 vacationers in that area, have you not?

18 A Yes.

19 Q The Camp Scott location is near a couple of streams,
20 is it not?

21 A Yes.

22 Q Those streams are used by fishermen on occasions,
23 aren't they?

24 A Not the one adjacent to our property. Not the one
25 that runs through our property. It's too shallow to fish.

1 Q But the ones nearby, on down the river a ways, are
2 oftentimes fishing holes; is that not correct?

3 A Sure.

4 Q During the orientation period, did you give any
5 special instructions in the area of security measures be taken
6 by counselors?

7 A Yes.

8 Q What were those?

9 A There were many, depending on different possibilities.

10 Q What type of security instructions did you give in
11 reference to intruders?

12 A That they be reported.

13 Q How was that to be done, Barbara?

14 A By counselors and the intruders were not to be
15 questioned or approached by children or staff people.

16 Q Is there any communication system set up between the
17 Camp Director's Office and the individual units there at Camp
18 Scott?

19 A Yes, we have a base unit in my office and each unit
20 was given a walkie-talkie to use for emergency communication.

21 Q Is that base unit left on at all times?

22 A It would have been. We couldn't get it operating
23 when we opened camp and a man would come on Monday to figure
24 out why it didn't work.

25 Q Was there any other form of communication; telephones?

1 A No.

2 Q All right. Tell me about the lights in the Kiowa
3 Unit?

4 A The units are not lit by electric light. The wilder-
5 ness program is one in which darkness is maintained at night.
6 During the night though we are required to lock the latrines
7 and so a lantern is hung on the outside of the latrine.

8 Q Is this a gasoline lantern?

9 A Kerosens lantern and no child is allowed out of the
10 tent without a flashlight and buddy.

11 Q When little girls come to camp, are they told to
12 bring a flashlight?

13 A They are required to bring a flashlight and extra
14 batteries.

15 Q What is the policy at Camp Scott for bed checks to
16 determine if the girls are in their tent?

17 A Bedtime is approximately 9:00 o'clock and the
18 counselors personally see to the bedding down of all the child-
19 ren and then make periodic checks on demand due to noise, if
20 there's noise, if the kids are making a lot of noise, they will
21 then go into the tents and hush the children but then, before
22 they retire themselves, they make a tent-by-tent check. But
23 they do not go in the tent, they listen at the tent door if the
24 tent is down.

25 Q Barbara, who has the keys to the buildings at Camp

1 Scott?

2 A Ben and myself.

3 Q When you arrived at Camp Scott, is it part of your
4 duties as Camp Director to unlock all the buildings there?

5 A When I arrive they are usually unlocked because Ben --

6 Q Ben usually does that?

7 A Yes.

8 Q When camp is not in session, are those buildings
9 kept locked?

10 A Yes.

11 Q Who decides when and how the tents will be put up
12 at Camp Scott?

13 A Ben knows when campers will be arriving in the
14 springtime because we use tents for trip activities, and one
15 of the day camps, the Trip Camping Director at Camp Scott lets
16 him know when to put the tents up. It's in the spring some
17 time and they remain then for us when we arrive at resident
18 camp and he erects them all himself.

19 Q In what building are the tents kept?

20 A Each unit has a storeroom and its unit kitchen and
21 the tents and beds for each one of those units are kept there
22 in the units.

23 Q Barbara, is there any particular place where you keep
24 the rope that is used in putting those tents up?

25 A The ropes are attached to the tents.

1 Q For just a moment, let's suppose you need some rope
2 to put up your tent. Where would you go to find the rope
3 that's like the rope from the tent?

4 A Ben's storage barn.

5 Q Where is that located?

6 A Next to his home.

7 Q Is the rope kept anywhere else on the Camp Scott
8 grounds?

9 A We keep twine in the unit kitchen. Now I brought
10 up a spool of rope for whatever we needed it to be for pre-
11 camp, but no, we don't store rope particularly anywhere.

12 Q Moving on to a different subject, whose duty is it
13 to lock the gate at night?

14 A It's the Camp Director's duty during the camp ses-
15 sion to lock the door or lock the gate.

16 Q And who else has a key to the gate other than the
17 Camp Director?

18 A Ben.

19 Q Are you and Ben the only people that have keys?

20 A Yes.

21 Q Where do you keep the keys?

22 A On my person or on my desk.

23 Q Do you have a key hidden someplace that you can use
24 to lock and unlock the gate in case you lose yours?

25 A I didn't at that point have a duplicate because Ben

1 we had duplicates of one another's keys.

2 Q Now, I believe you said on June 12th that you came
3 to camp about what time did you arrive at Camp Scott the 12th
4 of June?

5 A It was before noon but I don't remember what time.

6 Q During that afternoon what did you do?

7 A Distributed newly purchased equipment and had a unit
8 leaders' meeting to give them any last minutes instructions.

9 Q Who was with you when you went to Camp Scott on the
10 12th?

11 A I don't remember if I drove the counselors up, which
12 I had been doing, or whether I drove myself.

13 Q When did Richard come up to camp?

14 A Shortly thereafter, an hour or so, he came up in
15 our car.

16 Q Did Richard go with you to the meeting that afternoon?

17 A No, Richard went hiking?

18 Q Do you know where he went?

19 A Yes.

20 Q Where did he go?

21 A We had been walking the property line to help fam-
22 iliarize ourselves with the acreage and there was one property
23 line that we hadn't walked yet and he was interested in it and
24 so he went. This property line was several miles from the
25 center of camp and he drove down there and hiked.

1 Q What do they call that property at Camp Scott? Is
2 there some nickname for it? Do you call it the Wildcat
3 Williams' place?

4 A He was adjacent to, or down close to the Wildcat
5 Williams property but I don't think this particular property
6 line was on it. It was midway between Wildcat and camp.

7 Q How long was Richard hiking?

8 A Several hours.

9 Q And what time did he come back to camp?

10 A Sometime between 3:00 and 5:00.

11 Q And what did you and Richard do after he came back
12 to camp?

13 A I had to check the children in and they had gone to
14 the units and I don't remember how I bumped into him but I
15 remember when we got back -- when we were at the cabin, we
16 showered or maybe didn't and we meditated and we went to
17 dinner and that's all I remember that we did.

18 Q Where did you go to dinner?

19 A In the dining room.

20 Q After you had dinner, where did you go?

21 A We went to town to buy milk because they had run
22 out and they needed it.

23 Q What time of day was it when you and Richard went to
24 town, Barbara?

25 A 7:30, approximately.

1 Q Still daylight?

2 A Yes.

3 Q When you left the camp, at the camp gate, did you
4 notice anything unusual?

5 A Yes.

6 Q Will you tell us what you saw?

7 A Yes, there was a car outside the gate.

8 Q Just -- excuse me for interrupting -- would you
9 describe the car, please?

10 A I don't remember what it looked like now.

11 Q Color?

12 A I don't remember.

13 Q How many occupants?

14 A Four that I could see.

15 Q All right. Tell us how you knew there were four
16 people in there?

17 A I could see.

18 Q Could you see the heads of all four people?

19 A They were parking. The two heads in the back seat
20 were upright and the two people in the front were laying down
21 and I could tell there were two because the door was open and
22 their legs were hanging outside and that's how I knew.

23 Q Where approximately was this automobile parked in
24 reference to the gate?

25 A Right next to it.

1 Q Which side of the road?

2 A Going out of the camp, the lefthand side.

3 Q So, on the west side of the road?

4 A Yes.

5 Q Was it parked north or south?

6 A It was facing -- no, the road goes north and south.

7 Q Yes, ma'am.

8 A They were facing left, so they were facing west.

9 Q They were facing west?

10 A Yeah. They'd pulled in.

11 Q Parallel to the fence there where the gate is?

12 A Yeah.

13 Q Did you stop and talk to the people you saw?

14 A No, they were not on our property and we went in to
15 town to get the milk.

16 Q Can you tell me anything else about the automobile
17 such as was it a foreign car or American car?

18 A No, it was American.

19 Q It was American?

20 A I gave the information to the investigators that
21 questioned me later on.

22 Q See, I don't have that information. I need to ask.

23 A I don't remember.

24 MR. FALLIS: May I ask one voir dire question of this
25 witness?

1 THE COURT: Yes.

2 VOIR DIRE EXAMINATION

3 BY MR. FALLIS:

4 Q Have you been interviewed by Mr. Isaacs?

5 A Yes.

6 Q For how long?

7 A A couple of hours.

8 MR. FALLIS: Thank you, ma'am.

9 MR. ISAACS: So what does that have to do with?

10 MR. FALLIS: It's got to do with representation to
11 the Court, Your Honor, and the time we're consuming here of
12 matters that are already in the record, that's he's already
13 interviewed this lady about.

14 CROSS EXAMINATION (Continued)

15 BY MR. ISAACS:

16 Q Mrs. Day, when I interviewed you, did you tell me
17 anything about a car being outside a gate?

18 A I don't remember.

19 Q And did I ask you anything about a car being outside
20 the gate?

21 A I don't remember.

22 Q I did record that interview, did I?

23 A You didn't tape record it, but you were taking notes.

24 Q Yes, ma'am. Now, after you and Richard went to town,
25 what time was it when you came back to Camp Scott?

1 A Half an hour later. We got the milk and came right
2 back.

3 Q Coming back, did you notice that vehicle by the gate?

4 A It was gone.

5 Q What did you do after you went on into the camp?

6 A Went to the Great Hall, which is the dining room,
7 and unloaded the milk.

8 Q Then what happened?

9 A We stayed there, talking to Ben and his wife, who was
10 our cook. Dee Elder came in to get some cookies for her girls.
11 We had a very, very heavy rain and the evening programs in the
12 units had been disrupted and they were having a little party
13 before bedtime with cookies and she came for cookies and then
14 we went to our cabin.

15 Q What time was it when you and Richard went to your
16 cabin?

17 A 9:00. I don't really know.

18 Q Mrs. Day, is your cabin also known as the Camp
19 Director's Office?

20 A Yes.

21 Q Who was staying in the Cedar Lodge cabin on June 12th?

22 A No one.

23 Q Who was staying in the Red Barn on June 12th?

24 A No one was in any cabin.

25 Q How about Chickasha Cabin?

1 A No one.

2 Q Any cabin on the property, no one?

3 A On the Director's cabin and the infirmary is a cabin.

4 Q Is it your duty to see to it that those cabins are
5 secured?

6 A No.

7 Q Who has the duty?

8 A Ben.

9 Q Ben? Who rents the cabin? Does Ben rent them?

10 A No, the office, the Council office in Tulsa.

11 Q 9:00 o'clock, I believe you said, you and your
12 husband went to your cabin?

13 A I can't be sure what time we went.

14 Q Did you do anything else that evening?

15 A I don't remember. Whatever I did was in the cabin;
16 maybe unpacking, maybe getting the office ready.

17 Q What is the next thing you remember after you went
18 to bed that night?

19 A Carla banging on the door.

20 Q I believe you said she woke you up about 6:10; is
21 that correct?

22 A Yes.

23 Q And you and Richard got dressed and got in the wagon
24 and went down to the Kiowa Unit and you got there about 6:13; is
25 that correct?

1 very far apart and that she had a shirt of some sort on but
2 nothing from the waist down; that she had sustained a --

3 Q You've already told us about the injuries. Let me
4 direct your attention to any items of personal property that
5 might have been left lying there by the bag.

6 A I didn't observe anything but sleeping bags and that
7 little body.

8 Q And that's all?

9 A That's all that I noticed.

10 Q Then, what did you do?

11 A Well, just like I said earlier and went off to take
12 care of the rest of it.

13 Q I think you said you went up to make a couple of
14 phone calls; is that correct?

15 A Uh-huh.

16 Q Did you call Mrs. Brewster?

17 A Yes.

18 Q Did you tell Mrs. Brewster what happened?

19 A Yes.

20 Q One other thing - did Carla tell you how many people
21 were over there under the trees, I mean little girls?

22 A She said one body, one little girl. I don't know
23 what she called it but she said that three were missing.

24 Q All totaled, how long were you in the area of the
25 Kiowa Unit?

1 A Maybe ten minutes. No longer than that.

2 Q After you made the telephone calls, I believe you
3 went to Mr. Woodward's house; is that correct?

4 A No.

5 Q You went there before?

6 A Yes.

7 Q Tell me about that. Mr. Woodward is married, is he
8 not?

9 A Yes.

10 Q How is his wife employed?

11 A She is, during the summer, our camp cook.

12 Q What is her name?

13 A Marty.

14 Q Where was she when you went to his house?

15 A In the dining room, preparing breakfast.

16 Q As a cook, what time does she usually rise to prepare
17 the morning meal?

18 A Very early. She gets up very early, about 6:00
19 o'clock. I don't know exactly what time. It depends on the
20 meal.

21 Q What is the normal wake-up time for the campers?

22 A Quarter till 7:00.

23 Q So we can say that she's in by 6:00 o'clock; is that
24 correct?

25 A Yes.

1 Q When you got there, she was already over at the
2 kitchen?

3 A Yes.

4 Q Mr. Woodward has some children, does he not?

5 A Yes.

6 Q Where were they?

7 A I didn't know.

8 Q Did you see any of his children that morning?

9 A Not until after we had made the discovery of the
10 bodies.

11 Q Is Mr. Woodward also hooked into the walkie-talkie
12 system or does he have a walkie-talkie base unit?

13 A He has a CB unit which connects into our unit in his
14 truck.

15 Q And I believe you said that you and Richard and Mr.
16 Woodward went back down to the bodies; is that correct?

17 A No.

18 Q Then what happened?

19 A I sent Ben and Richard back to the scene.

20 Q Okay.

21 A And told them to stay there and that Richard should
22 go in the truck to the gate to hold the emergency vehicles from
23 the property until we removed all the children.

24 Q Did you give Richard your keys to unlock the gate?

25 A No, he was with Ben in Ben's truck.

1 Q And you had your keys?

2 A I had my keys.

3 Q And you went back to the Camp Director's cabin
4 then; is that correct?

5 A Yes.

6 Q Richard and Ben went to Kiowa Unit area?

7 A Yes.

8 Q After you made the telephone calls, what did you do?

9 A Rang the bell.

10 Q And that woke up the girls; correct?

11 A Yes.

12 Q About fifteen minutes early?

13 A Yes.

14 Q So that would have been at what time?

15 A About 6:30.

16 Q Barbara, during the course of the day, did you ever
17 go back down in the Kiowa Unit area?

18 A Yes, one more time.

19 Q When was that?

20 A It was very early. It was probably 8:00 or 8:30.

21 Q What did you do when you arrived?

22 A I think I was looking for Bonnie.

23 Q Mrs. Brewster?

24 A Yes, I think I was trying to figure out if she had
25 arrived and I went down there after I had taken care of

1 assigning everybody to where I wanted them to be, to see
2 what was happening or get ahold of Bonnie and I was there
3 just a few minutes.

4 Q Did you go back near the bodies?

5 A Standing adjacent to them, yes.

6 Q Approximately how far away?

7 A Ten or twelve feet, again.

8 Q Did you look in that area again?

9 A Glanced at it.

10 Q Did you see any items of personal property then?

11 A Wasn't noticing anything.

12 Q You said earlier on direct examination that you
13 left the nurse and maybe somebody there where the bodies were
14 when you and Richard went to Mr. Woodward's house?

15 A Yes.

16 Q Who else? Can you remember who else you left there
17 with the bodies?

18 A Well, there were three counselors.

19 Q Carla, Dee and Susan?

20 A And I don't remember who I said to do what to.

21 Q Okay. At 8:30, when you went back to the Kiowa Unit,
22 who did you talk to?

23 A Beverly was there.

24 Q Beverly Huff?

25 A Beverly Huff and Royce was there but I didn't know

1 his name then.

2 Q Mr. Hobbs?

3 A And that guy was there and there were ambulances.

4 Q Just a second. Mr. Hobbs was there; correct? And
5 Mrs. Huff?

6 A Right.

7 Q Who else?

8 A And I think Bonnie was there; Bonnie was there and
9 there were ambulances there and ambulance drivers; Dr. Collins
10 was still there; and there were more uniforms, I think, more
11 people. The forces had arrived. They seemed to have it all
12 under control.

13 Q How long have you known Dr. Collins?

14 A I just had made his acquaintance on several occa-
15 sions in a very superficial way for a couple of years.

16 Q Was he the doctor called to come out there and look
17 at the scene?

18 A I didn't call him. He had arrived probably with
19 one of the law enforcement people.

20 Q Did you talk to any law enforcement personnel?

21 A Yes.

22 Q Who?

23 A I talked more to Pete Weaver and Harold in showing
24 them the tents than I did to anybody else at that particular
25 time, until later, an hour or so.

1 Q Mrs. Day, at 8:30, is that the first time that you
2 went to Tent 7 where the girls had been sleeping?

3 A No, I had been there about an hour before to show
4 the doctor and Pete and Harold where it was.

5 Q Well, let me back up just a minute. I didn't know
6 you had been at the tent at 7:30. Will you tell me what you
7 saw when you went to Tent 7 at 7:30 in the morning?

8 A When I led them back there to show them which tent
9 the counselors told me the victims had lived in, we stopped
10 at other tents along the way and peered in those.

11 Q Who's "we"?

12 A Pete and Richard and Ben, maybe, and Dr. Collins
13 and Harold. I don't remember if Ben -- I don't remember ex-
14 actly how many people were there. When we got to the tent,
15 the tents were all down, which means that the sides were
16 down on the platforms. Normally, in good weather, the tent
17 sides and front are all rolled up and it's just two canopies,
18 a fly and a tent top, but all of them were closed because of
19 the storm. We looked in all of them. And when we got to
20 Tent No. 7, he opened the front of it.

21 Q What did you see when you opened it?

22 A I saw immediately in front of me a cot with blood
23 on it and blood on the floor underneath the cot. The cot
24 had no sleeping bag, no mattress cover on it.

25 Q Describe the appearance of the blood on the floor

1 of Tent 7?

2 A It was smeared as though wiped up.

3 Q Did you look for a towel that had been used to wipe
4 the blood up?

5 A Never thought of it. It was just as if someone had
6 wiped - attempted to wipe clean the mess on the floor.

7 Q Then what did you do, Miss Day?

8 A Looked around the rest of the tent and Harold got
9 up in it and I think it was Pete that went around the back to
10 see how the assailant got in and then I returned, left the
11 scene and I don't remember exactly what I did after that.

12 Q So your first visit to Tent No. 7 in the Kiowa Unit
13 was in the presence of Mr. Weaver and Mr. Woodward, your hus-
14 band and other people; is that correct?

15 A Yes.

16 Q Never been there before on the morning of the 13th?

17 A Right.

18 Q Now, at 8:30, you said you came back to the Kiowa
19 Unit and went back to Tent 7. What did you see?

20 A No, I did not go back to Tent 7. I only went as
21 far as the body.

22 Q Okay. So the only time you looked in Tent No. 7
23 would have been at approximately 7:30 in the morning with
24 Pete Weaver and the other fellows?

25 A Approximately; maybe earlier.

1 Q What type of footwear did you have with you at
2 Camp Scott?

3 A I'm wearing today what I had on when I investigated
4 it. Their flip-flops, and I had sneakers and deck shoes with
5 me.

6 Q What kind of tennis shoes or sneakers did you have?

7 A Adidas Country Sneakers.

8 Q Are those the kind with little bubbles on the bottom
9 of them?

10 A Mine don't have bubbles; mine have lines.

11 Q Kind of basketball shoes?

12 A I don't know.

13 Q Okay. Did anybody else go inside Tent 7 when you
14 were there with Mr. Weaver and Mr. Berry?

15 A Not that I saw.

16 Q Mr. Berry went in, he was the only one?

17 A I think he was the only one but I'm not sure.

18 Q Did you go around the tent to see how the tent was
19 entered?

20 A I did not. I think it was Pete that did. I stayed
21 upset.

22 Q Do you know how somebody got into the tent?

23 MR. FALLIS: If it please the Court, I'd object to
24 that, Your Honor. It would certainly call for conjecture on
25 her part. She's already stated that she did not go around

1 there. It would be hearsay if she learned from anybody else.

2 THE COURT: Sustained, unless you are more specific
3 as to who you are talking about.

4 Q Did you see something that would lead you to believe
5 there was a particular way that tent was entered?

6 A No, I couldn't tell and I don't know to this day.

7 Q How long were you there with Mr. Weaver and the
8 other fellows who were investigating?

9 A A few minutes; ten maybe. No more than ten, proba-
10 bly.

11 Q On your second trip back down to the Kiowa Unit,
12 did you do anything other than just check on the investigation
13 and the security of the area?

14 A That was the third trip I made.

15 Q How many trips did you make?

16 A Three. One was to investigate the first thing; the
17 second one was when I showed them the tent and the third, was
18 looking for Bonnie.

19 Q Did you find Mrs. Brester the third time?

20 A Yes.

21 Q What did you talk about?

22 A We went to my office.

23 Q All right. What happened at your office?

24 A We discussed whether we would close the camp and
25 she and members of the Board of Directors were needing access

1 to my records and we were trying to determine the exact ident-
2 ity of the victims and that took up some time.

3 Q Then you sent the girls on a hike, did you not?

4 A Yes, the whole camp, except for the Kiowa children
5 which we kept in the craft hut.

6 Q Did you talk to any law enforcement personnel other
7 than the three trips to the Kiowa Unit?

8 A Well, Beverly and Royce, we introduced ourselves and
9 maybe they asked some questions.

10 Q Did they come back up to the Camp Director's?

11 A Yes, I saw them later.

12 Q Cabin, and set up a command post up there?

13 A Yes.

14 Q While you were in the Kiowa Unit area on the morning
15 of June 13th, did anyone in your presence mention the name
16 Gene Leroy Hart?

17 A Not that I recall.

18 Q After you and Mrs. Brewster had your conversation
19 about what was going to be done in reference to the closing
20 of Camp Scott, what did you do?

21 A The conversation as I remember was short and I then
22 busied myself with giving directions to the staff and the
23 children, letting her take care of the Council business and
24 the families and my husband to take care of anybody - the
25 public, the press and anything else down around the gate or

1 the scene and so I busied myself with making plans for how
2 the kids would eat lunch, where would they go, what we would
3 do with 135 children, however many hours we had to be there.

4 Q And what did you do after that?

5 A The next thing I know, it was about 7:00 o'clock at
6 night.

7 Q Did you talk to any law enforcement personnel?

8 A Yes.

9 Q Who did you talk to?

10 A I talked to Beverly and Royce and then the OSBI.

11 Q Did you tell them what you've told us here today?

12 A What?

13 Q Did you tell them what you told us here today about
14 this?

15 A Yes. They had questioned me on and off -- on and
16 off. I was very busy and I was making myself available to
17 them on a consistent basis and then the District Attorney
18 arrived. He might have been down there when I found Bonnie.

19 Q Mr. Wise?

20 A Yes. And then they said the OSBI would arrive and
21 we'd have to come and then there were so many law enforcement
22 people there for the longest time. I just remember faces. I
23 don't know which force they belonged to. We had Locust Grove,
24 we had the Sheriff; we had OSBI; we had the D. A. and it
25 took me a week or so to figure out exactly who belonged to what.

1 Q When was the first time you had a personal inter-
2 view with any law enforcement agency?

3 A A personal, sit-down, write-it-down, was on a
4 Wednesday.

5 Q Who was that person?

6 A He was a member of the OSBI and I don't know his
7 name.

8 Q Did you write out a statement for him?

9 A No, I didn't write anything. He wrote it.

10 Q Did you sign it after he had written it?

11 A I don't remember.

12 Q Was it tape recorded?

13 A No.

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

16 A Yes, and more.

17 Q What else did you tell him?

18 A My personal background; my staff - I had to go
19 through everybody on the staff and their personal background -
20 and it was very lengthy.

21 Q How long?

22 A Several hours.

23 Q Three?

24 A More like maybe two, but it was two to three; I
25 don't remember.

1 Q I don't mean to embarrass you. I need to ask you
2 a rather personal question. Did they ask you about your sex
3 life?

4 MR. FALLIS: If it please the Court, we had a
5 conversation in chambers, I think yesterday, and I think the
6 State would object to this area as having no relevancy to
7 the case and it has been asked and it will continue to be
8 asked merely for the purpose of harrassment of the person on
9 the witness stand who had been subject to our interviews.
10 She was asked that very question by this Officer of the Court
11 in those interviews. He knows the answer. It has no rele-
12 vancy at all. His preoccupation with homosexuality I don't
13 think has any place in this courtroom.

14 THE COURT: Would you like to respond, Mr. Isaacs,
15 before I rule on the objection?

16 MR. ISAACS: Judge, I would just say we have
17 nothing on the record of what Mrs. Day has said and I asked
18 her this question in good faith because that's one of the
19 areas that the Oklahoma State Bureau of Investigation and the
20 FBI felt like should be investigated. Now, they've got a
21 whole stack of reports sitting right here with Mr. Thurman
22 and I've got a little bitty stack about that tall, and I'd
23 like to know what happened out there. For that reason, I
24 think the question is very material because the materiality of
25 that question shows that somebody thought that some type of

1 homosexual person had some involvement in the commission of
2 these crimes. The whole issue is materiality, Judge. It's
3 material if it tends to prove or disprove any material ele-
4 ment of the crime or the defense.

5 THE COURT: Question being outside the scope of
6 direct examination. Objection is sustained. Ask your next
7 question, Mr. Isaacs.

8 MR. ISAACS: Could we have an agreement from the
9 Prosecutor that I could do my direct examination now instead
10 of later, so we can expedite matters?

11 MR. FALLIS: If it please the Court, we certainly
12 have been trying to expedite matters all day yesterday. We
13 have not entered into such an agreement because we would
14 contend, and we would be happy to be heard on the point that
15 it would be improper as a direct examination question of his
16 own witness.

17 THE COURT: Apparently you do not have an agreement,
18 Mr. Isaacs. You may continue cross examination.

19 Q Mrs. Day, I regret that I will have to call you
20 back at a later date, but I will give you adequate notice
21 as we have agreed to do.

22 What else did the OSBI ask you about other than the
23 matters which have been objected to and we can't talk about?

24 A It would take me awhile to think of anything speci-
25 fic but they never asked anything that I didn't fully expect

1 to be asked.

2 Q Barbara, did they want to take a hair sample from
3 you?

4 A No, I don't believe so.

5 Q Fingerprints?

6 A Yes.

7 Q Blood test?

8 A No blood test.

9 Q Saliva?

10 A I don't believe so.

11 Q Did they ask you about your footwear?

12 A Yes.

13 Q Did any of the investigators at any time ask you
14 about Gene Leroy Hart, whether you knew him?

15 A No, I never heard of him until the newspapers.

16 Q There were some photographs found in a cabin on
17 Camp Scott some time after the homicide. Do you know where
18 they were found?

19 MR. FALLIS: If it please the Court, we will object
20 on the grounds that it is outside the scope of direct examina-
21 tion.

22 THE COURT: Objection is sustained.

23 MR. ISAACS: Judge, Oklahoma follows the limited
24 open door rule. I feel this is a proper question and I would
25 like the record to note my exception.

1 THE COURT: It does, Mr. Isaacs. You may ask your
2 next question.

3 MR. ISAACS: Thank you.

4 Q There were some shoes found in a cabin after the
5 homicide, a few days after that, a week or so. Do you know
6 where they were found?

7 MR. FALLIS: If it please the Court, we would ob-
8 ject on the same grounds and ask the Court to admonish counsel
9 to obey the rulings of this Court. I think that will expedite
10 matters if we will follow the rulings as the Court sets them
11 down.

12 THE COURT: The objection is sustained. Outside
13 the scope of direct examination. Ask your next cross examina-
14 tion question, Mr. Isaacs.

15 Q Mrs. Day, when is the next time that any law enforce-
16 ment agent interviewed you?

17 A We had pretty continuous contact with them for
18 weeks throughout the summer. Some would drop by the house.

19 Q All right. The question is, when is the next time
20 one interviewed you, if you can remember?

21 A I see a difference between an interview and some
22 questions. I don't believe I was questioned.

23 Q Then, we are talking about some questions, aren't
24 we?

25 A Okay.

1 Q When is the next time that one of them talked to
2 you?

3 A Okay. I don't think they stopped for about three
4 days and then, as I said, I would get a visit or phone call
5 on occasions throughout the summer and then nothing until the
6 spring.

7 Q Did they talk to you any at Camp Scott?

8 A (No response.)

9 Q Did they ask you to come back to Camp Scott so
10 they could talk to you?

11 A Oh, on Wednesday, when they did my formal interview
12 and fingerprinted me.

13 Q Did they ask you to come back after Wednesday?

14 A No.

15 Q Did they come to Tulsa and talk to you at the Magic
16 Empire Office?

17 A They came to my home on one occasion.

18 Q I didn't ask you that, ma'am.

19 A No.

20 Q Just listen to the questions and we'll get along
21 just fine and things will go quicker. Did they ask you to
22 come to the Magic Empire Office?

23 A No.

24 Q Did they come to your home?

25 A Yes.

1 MR. FALLIS: If it please the Court, excuse me. At
2 this point, I think we can save some time. Counsel has
3 already asked and answered this question several times. If
4 she was talked to by them and where and when is immaterial to
5 this case.

6 THE COURT: Objection is sustained.

7 MR. ISAACS: Judge, the law is well settled in
8 *Beaird vs. Ramey* that the whole line of cases says that a
9 defendant has a right to have a preliminary hearing and that
10 a preliminary hearing is for the defendant.

11 MR. FALLIS: If it please the Court, that is not --

12 MR. ISAACS: The rule -- may I continue, Mr. Fallis?

13 MR. FALLIS: You may continue but that's not the
14 rule.

15 MR. ISAACS: Judge, the rule is well settled that
16 any question is proper as long as it's material. We got a
17 ruling yesterday that we're going to agree to do this without
18 taking additional time of calling people back, Judge.

19 THE COURT: Mr. Isaacs --

20 MR. ISAACS: Now, they want to go back on their word.

21 THE COURT: Excuse me. Would you like to tell me
22 what is relevant about when and how many times she was ques-
23 tioned by the authorities?

24 MR. ISAACS: It's material to the defense. We've
25 got to know what happened so we can prepare to defend this

1 charge.

2 THE COURT: The objection to those type of ques-
3 tions is sustained. I don't see the relevancy.

4 Q Mrs. Day, did they ask you about particular types
5 of footwear when they talked to you at your home?

6 A Yes, I believe so.

7 Q Did they tell you that they had a footprint?

8 A Yes.

9 Q What type of footprint was that?

10 A A sneaker print.

11 Q How big?

12 A Didn't say.

13 Q Did they show you a sneaker?

14 A A photograph.

15 Q And would you describe that photograph?

16 A It was a pair of -- it was like an advertising
17 photo, shows a pair of gold suede sneakers.

18 Q How about the soles? Can you describe the sole on
19 those sneakers?

20 A Somewhat. The print or the imprint?

21 Q Yes, ma'am?

22 A There were small circles around the outside of the
23 sole.

24 Q And what type of formation on the inside of the sole?

25 A I don't remember it at this point.

1 Q Do you remember the name of the OSBI Agent who
2 showed you that picture?

3 A No, I do not.

4 Q After the OSBI Agent had shown you the picture at
5 your house, did he show you any pictures or any items of evi-
6 dence in the nature of footwear?

7 A I'm sorry, in addition to --

8 Q Yes, in addition to that?

9 A Did he show me?

10 Q Any item of footwear?

11 A No.

12 Q Did he talk to you at a later date about the same
13 issue - footwear?

14 A Yes.

15 Q When was that?

16 A In the spring.

17 Q Of this year?

18 A Yes.

19 Q What month?

20 A I don't remember.

21 Q When was that?

22 A In the Ramada Inn in Tulsa.

23 Q Did he show you some items of footwear?

24 A Yes. Then they had the real life version of the
25 sneaker.

1 Q Did they have any other type of footwear at that
2 time?

3 A No.

4 Q Did they show you a photograph?

5 A Yes.

6 Q What kind of photograph?

7 A It was a photograph of a camp counselor from a
8 former year.

9 Q Did you know her?

10 A No.

11 Q Where was that photograph found?

12 A I -- they told me they found it somewhere.

13 MR. FALLIS: Excuse me, Your Honor, I object. It's
14 hearsay.

15 THE COURT: Sustained.

16 Q Was that found in your particular camp?

17 MR. FALLIS: If it please the Court, Your Honor has
18 ruled on the objections and counsel is either not listening
19 or deliberately attempting to prolong matters by not obeying
20 the Court's ruling.

21 THE COURT: Mr. Isaacs, you can ask her if she was
22 present when it was found. Maybe you can get to it that way.

23 MR. ISAACS: I'm not offering this to prove the
24 truth of anything. I'm offering it to prove that she had a
25 conversation with a man about a photograph.

1 THE COURT: Well, you've already shown that.

2 MR. ISAACS: And to show to the Court it's not hear-
3 say.

4 THE COURT: Objection is sustained. If that is
5 what you are asking to prove, you've already proved it.

6 Q Were you in the camp when they found the photograph?

7 A Not when they found it that I know of.

8 Q Do you know where they found it? Had you ever
9 seen it before at the camp?

10 A Yes, I'd seen it.

11 Q Where had you seen it at the camp?

12 A I had seen the photograph before they had found it.

13 Q Where had you seen it?

14 A It was in the storage hut across from the infirmary
15 and it was just laying on a bunch of tarps and I didn't know
16 who it was and the counselor that was with me, I said, "Oh,
17 whose picture is this?" And she knew who it was but I didn't
18 remember the name. I didn't know the girl and I said, "Oh,
19 well." And it remained there that I know of. I don't know
20 after that. I think it was the same photograph that they
21 showed me at a later date.

22 Q Did they show you any other item of evidence other
23 than the footwear and the photograph that you saw on the
24 spring, Mrs. Day? I'm talking about the spring of this year.

25 A No, I don't think that I have seen any other pieces

1 of evidence.

2 Q Did anybody from the OSBI or any other law enforce-
3 ment agency contact you since that spring interview?

4 A I'm trying to remember. No, I don't think so.

5 Q How often have prowlers been reported at Camp Scott?

6 MR. FALLIS: If it please the Court, I object to
7 that and ask him to set a time and date as to what she has
8 reference to.

9 THE COURT: I think that's reasonable, Mr. Isaacs.

10 MR. ISAACS: I'm just asking if she knows if a
11 prowler --

12 THE COURT: Why don't you try to narrow it to a
13 certain year or month or something.

14 Q Mrs. Day, during the year of 1977, did anybody
15 report any prowlers at Camp Scott?

16 A I had no knowledge of any prowlers prior to the
17 murders and only thereafter did people remember after this
18 effect, or maybe someone saw something or then, when there
19 were some kind of disturbances that came out, but it was all
20 hearsay. I never was personally involved and I had no per-
21 sonal knowledge of it.

22 Q At any time during the time that you have been
23 questioned by any law enforcement agency, have you been shown
24 a hat or cap?

25 A I don't think so.

1 Q Barbara, who is Barbara Homestead?

2 A She is a volunteer, a mother, who was the Director
3 of a Cadet Camporee that took place in April of last year.

4 Q Your husband's mother used to be the Camp Director
5 of Camp Scott some years ago, was she not?

6 A Yes.

7 Q And your husband is familiar with the Camp Scott
8 area?

9 A Yes.

10 Q He knows some of the families that live in the sur-
11 rounding area; is that correct?

12 A One family.

13 Q The Carlile's?

14 A Yes.

15 Q He's also acquainted with the Cavalier family, is
16 he not? Did you visit any of the Carliles during the orien-
17 tation week that preceded camp?

18 A They had moved.

19 Q Did you visit any people in the Locust Grove area,
20 Camp Scott area, during the orientation period?

21 A No.

22 Q The weekend preceding camp, you and your husband
23 went off the campgrounds, did you not?

24 A The week preceding?

25 Q Preceding camp, the weekend?

1 A He wasn't there during pre-camp.

2 Q Where did you spend the weekend?

3 A Home.

4 Q In Tulsa?

5 A Yes.

6 MR. ISAACS: Judge, let me talk to Mr. Pitchlynn and
7 Mr. Hart for just a second.

8 THE COURT: All right.

9 Q (By Mr. Isaacs) Barbara, where are the repair
10 supplies kept at Camp Scott?

11 A Repair supplies?

12 Q Yes, ma'am?

13 A In various locations.

14 Q In the Kiowa Unit, where are they kept?

15 A In the kitchen storage closet.

16 Q Did you bring a spool of rope with you to Camp
17 Scott?

18 A I brought one, yes.

19 Q Did you take it with you when you left the camp to
20 go back to Tulsa after the homicides?

21 A I may have. I had it in the truck -- van, for most
22 of pre-camp and it may have remained with me.

23 Q Was that rope or a portion of that rope used for
24 anything, to your knowledge, during the time that you were at
25 Camp Scott?

1 A Not that I know of, although all of the counselors
2 had access to it.

3 Q Was any rope missing, to your knowledge?

4 A None.

5 Q Do you still have the rope?

6 A It may be on the property. I don't have it person-
7 ally.

8 Q You mean the Camp Scott property or Tulsa?

9 A Camp Scott. It could be there. I don't have it.

10 Q Did you observe any type of tape or bookbinding
11 type of material around the body of one of the little girls?

12 A I didn't notice anything but the body.

13 Q To your knowledge, Barbara, was there any place on
14 Camp Scott where there was a roll of duct tape kept?

15 MR. FALLIS: If it please the Court, I believe that
16 question has been asked, did you observe any tape in the area,
17 and he asked that question and he's asking it now in another
18 manner.

19 MR. ISAACS: Mr. Fallis, if you'd listen, you'd know
20 that I'm talking about the bodies and now, I'm asking her --

21 MR. FALLIS: The problem is, Your Honor, is that I'm
22 listening. I'm listening to too much and it's repetitious,
23 and time consuming. At this rate, we will never complete the
24 purpose of preliminary hearing.

25 THE COURT: I believe the answer would have been

1 covered under your previous question about repair supplies.

2 Objection sustained.

3 MR. ISAACS: Well, it's been so long, Judge, I
4 can't even remember how I phrased the question but what I'd
5 like to do is ask her about tape. Could I do that, Judge?

6 THE COURT: You may draw an objection.

7 Q (By Mr. Isaacs) Mrs. Day, is there any bookbinding
8 at the Camp Scott campground area?

9 A I purchased none. Possibly the ranger has.

10 Q Did you see any there?

11 A Not that I remember.

12 Q Mrs. Day, is there any duct tape kept at the Camp
13 Scott buildings?

14 A Not that I purchased or that I ever saw, but again,
15 in Ben's repair shop, there may be.

16 Q Have you told me everything you know about this
17 case?

18 A I bet I know other things that I just can't think
19 of or that you haven't asked me.

20 Q We've had an objection sustained to; right?

21 A Pardon me?

22 Q Some of the questions that I have asked you have
23 been objected to and it will be necessary to bring you back
24 to ask you those questions. Do you mind coming back if I
25 give you twenty-four hours' notice?

1 A Not at all.

2 MR. ISAACS: Thank you. Nothing else.

3 MR. FALLIS: We have no redirect examination, Your
4 Honor.

5 THE COURT: You may step down.

6 MR. WISE: May she be formally excused, Your Honor,
7 subject to recall?

8 THE COURT: Subject to the recall agreement, I
9 think so.

10 MR. ISAACS: Thank you, Judge.

11 (WHEREUPON, the witness was excused and withdrew
12 from the hearing room.)

13 THE COURT: Mr. Wise, do you have another witness
14 in the wings?

15 MR. WISE: Yes, we do. Can we have a few minutes
16 or do you wish to continue now?

17 THE COURT: Why don't we take about a ten minute
18 recess?

19 (Following a ten minute recess, proceedings continued
20 as follows:)

21 THE COURT: Before we resume, let me request that
22 news media not interview anyone inside of the courtroom. If
23 you want to interview, I'd appreciate it if you'd leave the
24 courtroom to do that.

25 Where is Mr. Isaacs? Do you want to proceed or wait

1 until he gets back?

2 MR. PITCHLYNN: You can go ahead.

3 THE COURT: Pardon?

4 MR. PITCHLYNN: You can go ahead.

5 THE COURT: If you're ready, Mr. Wise, call your
6 next witness.

7 MR. WISE: If it please the Court, the State would
8 next call Mr. Ben Woodward.

9 THE COURT: Gentlemen, while we're waiting, I
10 anticipate breaking for lunch about noon, regardless of
11 where we are in the proceedings.

12 MR. WISE: Ben, would you come forward and raise
13 your right hand and be sworn?

14 THE COURT: Do you swear to tell the truth, the
15 whole truth and nothing but the truth, so help you God?

16 THE WITNESS: I do.

17 BENJAMIN EDWARD WOODWARD,
18 called as a witness on behalf of the State, having been first
19 duly sworn, testifies as follows:

20 DIRECT EXAMINATION

21 BY MR. WISE:

22 Q Would you state your full name to the record and
23 to the Court, please?

24 A Benjamin Edward Woodward.

25 Q Where do you live?

1 A Locust Grove.

2 Q How long -- who are you employed by, please?

3 A Magic Empire Council of Girl Scouts.

4 Q How long have you been so employed?

5 A On my fourth summer.

6 Q And Mr. Woodward, would you tell us and the record,
7 what do your duties consist of?

8 A I was hired as a ranger for the Girl Scouts and
9 they consist of keeping the trespassers off and the property
10 in order.

11 Q Are you provided a residence?

12 A Yes.

13 Q Where is that?

14 A On the camp.

15 Q Is this in close proximity to the Camp Director's
16 Office and the Great Hall? Where would it be from those
17 places?

18 A It's just about half a city block from the Director's
19 cabin.

20 Q Who do you reside with in this home that's provided
21 for you?

22 A My wife and children.

23 Q How big a family do you have, Mr. Woodward?

24 A Four children.

25 Q Is one of them Tammy?

1 A Yes.

2 Q How old is Tammy?

3 A Sixteen.

4 Q Now Mr. Woodward, on the night of June 12th, that
5 would have been the Sunday afternoon in June of 1977, do you
6 remember your children coming in?

7 A Yes.

8 Q About what time was it?

9 A Oh, it was early afternoon.

10 Q All right, sir. Now, in addition to your duties,
11 does your wife have certain responsibilities?

12 A Well, at that time, she was going to be the cook.

13 Q The camp cook?

14 A Yes.

15 Q So when suppertime rolled around, where were you?

16 A I was probably putting luggage in the areas.

17 Q All right, and then, when did you eat?

18 A Around 6:00 o'clock.

19 Q Where?

20 A At the Great Hall.

21 Q At the Great Hall, okay. Then what did you do, Ben?

22 A Well, we stayed up there with the rainstorm for
23 awhile, then we went home for the evening.

24 Q All right, sir. Now, Ben, among other responsibili-
25 ties, do you have any responsibilities as to security there at

1 the camp?

2 A Yes, just as far as keeping trespassers off.

3 Q All right, is there a gate into the main part?

4 A Yes, there is.

5 Q Is that secured during certain hours?

6 A We secure it during resident camp.

7 Q Now, on that night in question, was that gate se-
8 cured?

9 A Yes, it was.

10 Q By whom?

11 A Myself.

12 Q Do you know when or how you did that?

13 A Well, I went and picked up my daughter from work and
14 on my way in, I locked it.

15 Q Would that have been Tammy?

16 A Yes.

17 Q So Tammy worked where, then?

18 A B and B Drive In.

19 Q All right, and did you generally wait for her?

20 A I always went and picked her up, yes.

21 Q What time was that?

22 A Between 10:30 and 11:00, about a quarter till 11:00
23 by the time we got back.

24 Q You secured the gate?

25 A Yes.

1 Q With a lock?

2 A Yes.

3 Q All right. Now, Ben, following that, did you do
4 anything else that would be relevant, other than retire for
5 the evening?

6 A No, I don't think so.

7 Q Ben, what is the next thing that happened that's
8 relevant to this case?

9 A The next thing that happened, Barbara Day and her
10 husband woke me up the next morning and told me there was
11 three little girls.

12 Q How did they wake you up?

13 A Came in my bedroom and hollered at me.

14 Q About what time was this, Ben?

15 A A little after 6:00.

16 Q What did they say?

17 A They said, "There's been three little girls murdered
18 down Kiowa Unit."

19 Q What did you all do? Or what happened then? Tell
20 us in your own words.

21 A Got up and put my clothes on and Barbara called
22 Berry.

23 Q Who is he?

24 A He's the highway patrolman that lives the closest
25 to us.

1 Q How close? Do you know where Trooper Berry lives?

2 A Yes, he lives on 82 Highway, up about a half a mile.

3 Q Just about a half a mile from camp?

4 A Yes.

5 Q And he was the highway patrol trooper and you knew
6 him?

7 A Yes.

8 Q Okay. Go ahead and tell me what else happened. I'm
9 sorry to keep interrupting you but we have to be specific.

10 A I had her to call the officials and her husband and
11 I went down to Camp Kiowa and I sent him to unlock the gate
12 so the law could get in.

13 Q How did he go up there and how was he able to
14 unlock the gate?

15 A I believe in my pickup and with my keys. He might
16 have had his wife's keys. I'm not sure.

17 Q What else did you do next?

18 A I just stood there until Officer Berry showed up.

19 Q Stood where, Ben?

20 A At the scene.

21 Q Now, Ben, looking over here at this blackboard,
22 this has been a drawing. Does this look like a fair repre-
23 sentation to you of Kiowa Camp? If these "X's" are the tents?

24 A Well --

25 Q I believe this one says "Staff Tent"; does that make

1 sense to you?

2 A Yes.

3 Q And this looks like a road coming in here. Could
4 you show me where you were in that general area when you were
5 at the scene?

6 A I was right beside where the little girls were at.

7 Q Would you show me where that was on that diagram?

8 A It would be right here (indicating).

9 Q Ben, when you got to this scene, what did you see
10 or observe?

11 A Well, I seen two sleeping bags and it looked like
12 that was just piled up on top of each other and one little
13 girl laying out in the open.

14 Q And how did she appear, Ben? Tell us as you can?

15 A She was just laying there with -- it looked like a
16 pajama top on and her hands was bound behind her with tape
17 and it looked like she had been molested.

18 Q Why do you say that, Ben?

19 A Because of the way she was laying there with her
20 legs spread apart.

21 Q Did you see anything else there that gave you that
22 same conclusion?

23 A Well, there was dirt at the end of the body that
24 looked like it might have been where a person --

25 THE COURT: Excuse me, Mr. Wise. I can't hear that

1 witness. Would you question him over here so he'll direct
2 his answers this way, more toward me?

3 Q (By Mr. Wise) It looked like what, Mr. Woodward?

4 A It looked like there had been somebody there pushing
5 the dirt.

6 Q And this was where in relationship to the little
7 girl's body or legs?

8 A At the end of the legs.

9 Q Were there one or two of these?

10 A Well, I -- dirt, I just noticed the dirt pushed up
11 at the end.

12 Q Now, Ben, I'm going to show you what's been prev-
13 iously introduced into evidence as State's Exhibit No. 6, and
14 ask you if that is a fair representation of what you observed
15 when you walked up there?

16 A Yes, I'd say that's exactly what I observed.

17 Q All right, and then I'll hand you another one and
18 ask you, if that another view? That, incidentally, for the
19 record, is State's Exhibit No. 5, and I'll ask you, is that
20 also a true and correct representation of what you saw or
21 observed?

22 A Yes.

23 Q Now, Ben, in addition to this body that you just
24 described, did you see anything else besides this body? Now,
25 there are other things in the photograph, would you say?

1 A I saw the little white flashlight. It looked like
2 plastic had been taped around it with a pin-hole in it and a
3 roll of tape.

4 Q What's this over here (indicating) Ben?

5 A That's sleeping bags.

6 Q Were they there?

7 A They were.

8 Q Now, Ben, with regards to the flashlight, what
9 color was it, if you recall?

10 A I think it was red.

11 Q All right, sir, and what about the tape, Ben?

12 A Oh, it was -- well, it appeared to me to be kind of
13 dark green, black.

14 Q I'm going to show you now what's been marked for
15 purposes of identification only as State's Exhibit 9. Is that
16 a true and correct representation of the location of those
17 two items you just described, the flashlight and the roll of
18 tape?

19 A Yes, sir.

20 Q Is that a true representation of the color and the
21 appearance, as they looked like when you saw them?

22 A Yes.

23 Q I now show you what's been marked for identifica-
24 tion purposes only as State's Exhibit No. 8. Is that a true
25 and correct representation of how that flashlight appeared to

1 you when you looked at it closely?

2 A Yes.

3 Q And I'll hand you what's been previously marked for
4 identification purposes only as State's Exhibit No. 13, and
5 ask you to look at that rather carefully and see if that is
6 familiar to you at all?

7 A It looks like the roll of tape that was there.

8 Q And going back to what's been marked State's Exhi-
9 bit No. 9, are you referring to the same thing that appears
10 in that photograph?

11 A Yes, sir.

12 MR. ISAACS: Could I ask a couple of voir dire
13 questions about State's Exhibit 9, I guess it is?

14 THE COURT: Do you want to offer this at this time?

15 MR. WISE: If it please the Court, the State would
16 respectfully submit, we would ask that State's Exhibits 8 and
17 9 be introduced into evidence.

18 THE COURT: You may voir dire.

19 VOIR DIRE EXAMINATION

20 BY MR. ISAACS:

21 Q Mr. Woodward, the colored pictures, State's Exhibit
22 No. 9, is a picture of a flashlight and a roll of tape, is it
23 not?

24 A Yes.

25 Q Does that picture show exactly where that flashlight

1 and roll of tape was when you saw them with the bodies?

2 A I'll tell you, it's been so long, I can't really
3 remember that surely. I know there was a flashlight and
4 tape there but I was more concerned --

5 Q Yes, sir, I understand that. Was the flashlight and
6 roll of tape there when you first saw the body?

7 A Yes.

8 MR. ISAACS: We have no objections.

9 THE COURT: State's Exhibits 8 and 9 are received.

10 MR. WISE: Thank you, Your Honor.

11 DIRECT EXAMINATION (Continued)

12 BY MR. WISE:

13 Q Going back to State's Exhibit No. 5, which you
14 have previously stated was an accurate depiction. Was this
15 in the photograph that we see in the photograph there, too?

16 A Yes.

17 Q What is that, sir?

18 A That's tape.

19 Q Where is it?

20 A Around her waist.

21 Q On the clothing that's on her?

22 A Yes.

23 Q And it was there as you walked up on the scene just
24 as we see it here?

25 A Yes.

1 Q Here's a close-up of that same scene, State's
2 Exhibit No. 7. Is that an accurate depiction?

3 A Yes.

4 Q And is that the same type that you saw?

5 A Yes.

6 Q Was this around her neck at that same time?

7 A Yes, it was.

8 Q And that's just the way it was?

9 A Just exactly.

10 Q We're talking about State's Exhibit No. 7.

11 THE COURT: And what was that other picture - 5?

12 MR. WISE: 5.

13 Q Ben, after you went up to these bodies, after you
14 had sent Mr. Day up to unlock the gate and let the law in,
15 did you ever see Trooper Berry?

16 A Yes.

17 Q When did he arrive?

18 A Oh, just a few minutes later.

19 Q And did you stay there at the scene?

20 A Yes, sir.

21 Q And then were steps taken to secure that scene?

22 A Yes, that was after the Sheriff and some more
23 people got there, they wanted some rope to rope it off and
24 I went up and got our roll of nylon rope that we use for

1 Q Here's a close-up of that same scene, State's
2 Exhibit No. 7. Is that an accurate depiction?

3 A Yes.

4 Q And is that the same type that you saw?

5 A Yes.

6 Q Was this around her neck at that same time?

7 A Yes, it was.

8 Q And that's just the way it was?

9 A Just exactly.

10 Q We're talking about State's Exhibit No. 7.

11 THE COURT: And what was that other picture - 5?

12 MR. WISE: 5.

13 Q Ben, after you went up to these bodies, after you
14 had sent Mr. Day up to unlock the gate and let the law in,
15 did you ever see Trooper Berry?

16 A Yes.

17 Q When did he arrive?

18 A Oh, just a few minutes later.

19 Q And did you stay there at the scene?

20 A Yes, sir.

21 Q And then were steps taken to secure that scene?

22 A Yes, that was after the Sheriff and some more
23 people got there, they wanted some rope to rope it off and
24 I went up and got our roll of nylon rope that we use for
25 tying tents down and roped it up.

1 Q And what did you do with that rope?

2 A I roped the area off.

3 Q As directed by the Sheriff or the Highway Patrol
4 Officer?

5 A I believe it was the Sheriff that directed me to.

6 Q All that time, there was somebody preserving that
7 scene?

8 A Yes.

9 Q All right, sir. After the others arrived, did you
10 then go anywhere else to let anyone in the gate?

11 A Well, I was called to let my boss in and her hus-
12 band?

13 Q Who is your boss, that you consider?

14 A Bonnie Brewster.

15 Q And what is her capacity?

16 A She's head of the Girl Scout Council.

17 Q Did she arrive there at camp some time later?

18 A Yes. I went up to the gate to let them in but they
19 was already let in by the time I got there.

20 MR. WISE: Your witness, counselor.

21 THE COURT: Mr. Isaacs, you might not have been in
22 the room when I made the statement that we will break about
23 noon for lunch. So you can go ahead with that understanding.

24 MR. ISAACS: Judge, would it be all right to break
25 now?

1 THE COURT: Does the State have any objection to
2 breaking for lunch now?

3 MR. WISE: We have no objections.

4 THE COURT: Why don't we recess and we will take up
5 again at 1:15 this afternoon.

6 (Following the lunch recess, proceedings continued
7 as follows:)

8 JUNE 8, 1978

9 AFTERNOON SESSION

10 THE COURT: I believe, Mr. Isaacs, we're ready for
11 your cross examination.

12 MR. ISAACS: Yes, sir. Thank you, Judge.

13 CROSS EXAMINATION

14 BY MR. ISAACS:

15 Q Mr. Woodward, I believe this morning you said you
16 had been employed at Camp Scott for three or four years; is
17 that correct?

18 A Yes, sir, I'm on my fourth summer.

19 Q During that time, have you been employed as a
20 ranger at Camp Scott?

21 A Yes, sir.

22 Q Mr. Woodward, as the ranger, is it part of your
23 duties to see that the camp is secured?

24 A Yes.

25 Q About how many months out of the year is Camp Scott

1 used as a campground?

2 A Well, it's used all year for summer camp -- I mean
3 weekend camping; just about two months for resident camp.

4 Q In 1976, directing your attention to that year, did
5 an intruder enter a tent when three counselors were asleep?

6 A It wasn't -- yes, three mothers.

7 Q Pardon me?

8 A Three of the mothers were in a tent and there was
9 an intruder.

10 Q Which unit was that?

11 A Arapaho -- no, it wasn't Arapaho. It was Quapaw.

12 Q Quapaw, and you were asked to come there at that
13 time, were you not?

14 A Yes.

15 Q Did you go there?

16 A Yes.

17 Q See anybody?

18 A No, sir.

19 Q Now, in 1977, I understand there was a note found
20 at Camp Scott which had something to do with a threat to kill
21 three Girl Scouts; is that correct?

22 A I didn't know anything of it until after this
23 happened.

24 Q Who reported it to you about the note?

25 A Nobody. I just heard it over the news.

1 Q Heard it over the news?

2 A Yes, sir.

3 Q Do you know where the note was found?

4 A No, sir.

5 MR. WISE: If it please the Court, we would have to
6 object. If he heard it over the news, it's the rankest kind
7 of hearsay.

8 MR. ISAACS: I'm not offering to prove the truth of
9 anything, Judge.

10 THE COURT: Are you objecting to the question he
11 just asked?

12 MR. WISE: Yes, Your Honor.

13 THE COURT: I don't remember the question. What
14 was the question, Mr. Isaacs?

15 MR. ISAACS: I asked him what was his source of
16 information about the note; he said he heard it over the news.

17 THE COURT: Why, yes, he's already answered it then.

18 MR. WISE: No, it was a subsequent question.

19 MR. ISAACS: Well, I withdraw whatever it was.

20 Q Who puts up the tents at Camp Scott, Mr. Woodward?

21 A I do.

22 Q Do you ever hire people to help you put those tents
23 up?

24 A Yes, sir.

25 Q Back in June of this past year, 1977, did you hire

1 some people?

2 A Yes, sir.

3 Q Who were those people?

4 A C. L. Woodring was one, and Ray -- I don't know his
5 last name and his wife.

6 Q Do you know where Mr. Woodring lives?

7 A Yes, sir.

8 Q Where is that?

9 A Big Holler.

10 Q What day was it when you put these tents up?

11 A Well, we put them up in four or five days. It
12 takes awhile to put them up.

13 Q Did you put them up before the orientation week?

14 A Yes.

15 Q And about what time was that?

16 A Well, we got done the day that they came.

17 Q So, if orientation was on June 5th, that's the day
18 when you finished?

19 A Yes.

20 Q Mr. Woodward, when the tents are down, where are
21 they stored at Camp Scott?

22 A They're stored in each unit.

23 Q Would that be in the kitchen closet area?

24 A Yes.

25 Q Are tools kept in each individual unit kitchen

1 closet?

2 A Yes.

3 Q What else is kept in those closets?

4 A Well, rakes and shovels and lockers and tents is
5 about all.

6 Q Any tape kept in any closet?

7 A No, sir.

8 Q Any rope?

9 A There is binding twine in some of them.

10 Q Any nylon rope?

11 A No, sir.

12 Q Is there any bookbinding at Camp Scott in any of the
13 buildings, to your knowledge?

14 A Bookbinding?

15 Q Yes, sir?

16 A I don't know what you're referring to.

17 Q Bookbinding, looks kind of like duct tape, but it's
18 black; have you seen anything that looks like duct tape?

19 A I have duct tape in my shop.

20 Q What color is that duct tape?

21 A Silver.

22 Q Like that stuff on the floor there where the tele-
23 vision cord is?

24 A Yes, sir, just like it.

25 Q Do you have any black duct tape or anything that

1 resembles duct tape?

2 A No, sir.

3 Q Have you ever had any?

4 A No, sir.

5 Q You need rope to put a tent up, do you not?

6 A Yes, sir.

7 Q Where do you get that rope when you need some?

8 A We order a spool, usually every year.

9 Q Where's that spool kept?

10 A It was kept at my place.

11 Q In which shed?

12 A Well, I have it in the truck to put up tents with.

13 It wasn't in a shed.

14 Q Did you use it at all when you put the tents up?

15 A No, I used it all up to rope off the area.

16 Q Now, Mr. Woodward, let me move to the area of
17 lighting at Camp Scott. Are there any lights on the grounds
18 there to illuminate the area during darkness?

19 A Oh, there's a pole light there at the staff house
20 in the yard and there, at the time, was one beside my house,
21 in front of my house and that's all that we had at that time.

22 Q Does each latrine have a lantern?

23 A Yes, sir.

24 Q And is each lantern lighted during camping each
25 night?

1 A They're lit unless it's raining. Sometimes we'll
2 put them out so they won't get wet.

3 Q Is that your responsibility, to see that those are
4 lighted?

5 A No.

6 Q Whose responsibility is it?

7 A The leader of the group.

8 Q Of each unit?

9 A Yes, sir.

10 Q Mr. Woodward, what is your wife's name?

11 A Martha.

12 Q Martha?

13 A Yes.

14 Q This Ray fellow that was with Mr. Woodring?

15 A Yes.

16 Q Do you know where he lives?

17 A Yes.

18 Q Where is that?

19 A Trailer house on 82, almost to Salina, but he works
20 as a police officer in Locust Grove at this time now.

21 Q Mr. Woodward, you said you had some relatives, I
22 believe, that lived on 82 in a trailer house back in June of
23 last year; is that correct?

24 A No, sir.

25 Q Friends?

1 A Not of last year; the year before, I did.

2 Q All right. Was that trailer house parked down
3 by one of the bridges?

4 A It was parked down at Wildcat Williams' place.

5 Q Okay. Who were the people living there?

6 A Jimmy Bryant and Connie Bryant and their two
7 children.

8 Q Moving back and directing your attention to the
9 Kiowa Unit camp area. Is it not correct that there is an
10 obstruction of vision between Tent No. 7 and the counselor's
11 tent, which is drawn here in the lower portion of the right-
12 hand corner of the diagram?

13 A Yes.

14 Q This diagram is not accurate, is it, Mr. Woodward?

15 A Not exactly.

16 Q So Mr. Woodward, if you were out at the camp and
17 wanted to look at Tent No. 7 from the counselor's tent, we'd
18 have to move down to the west, out of the counselor's tent
19 so our vision would be unobstructed, wouldn't we?

20 A I believe you'd have to move to the east just a
21 little bit, see.

22 Q Well, you'd have to move one direction or the other;
23 that's because there's trees there; right?

24 A No, the kitchen unit is the main --

25 Q And the kitchen is also in the way; correct?

1 A The kitchen is the main obstruction.

2 Q Well, the kitchen is an obstruction, isn't it?

3 A Yes, that's what I said.

4 Q And there are trees in between the kitchen and
5 Tent 7?

6 A Well, there are small trees in there but they're
7 not as obstructive as the kitchen unit is.

8 Q Approximately how far is it from the counselors'
9 tent to Tent No. 7?

10 A I never did pace it off.

11 Q Would you say half a football field?

12 A Oh, it's probably a couple of hundred feet anyway.

13 Q During the orientation week, did anybody report any
14 thefts to you?

15 A No, sir.

16 Q Did anybody report any incident to you which would
17 lead you to believe there had been a prowler?

18 A No, sir.

19 Q During the weekend preceding encampment of June 12th,
20 did you find a torn flap on one of the tents?

21 A Yes, sir.

22 Q Would you describe that for me, sir?

23 A Well, I believe it would be considered Tent No. 5
24 up there and the flap that had been used for a door had been
25 cut off.

1 Q Isn't it true that sometimes weather rips those
2 things off?

3 A No, this was a new tent and I never have known the
4 weather to rip one off.

5 Q How new was it?

6 A I'd just put it up.

7 Q Okay, how big a piece was cut off that tent?

8 A Oh, must have been a four or five foot piece.

9 Q Did you search the camp to see if anybody had it?

10 A Well, there wasn't nobody there when I discovered
11 it but I did ask when they came back.

12 Q What day did you discover it?

13 A Saturday.

14 Q And you searched Saturday to see if it was in the
15 area?

16 A Yes.

17 Q Find anything?

18 A No, sir.

19 Q See any footprints there in the camp area?

20 A No, sir.

21 Q Mr. Woodward, on the weekend preceding the opening
22 of camp, the weekend camp opened, where did you stay?

23 A Where did I stay?

24 Q Yes, sir.

25 A In my home.

1 Q Were you there the entire weekend?

2 A Yes, sir.

3 Q With Camp Scott in session, what are the security
4 policies of the Magic Empire Girl Scout Council?

5 A The security is mainly just to keep trespassers off
6 the land.

7 Q Did you ever have trouble with trespassers?

8 A Very little. The few that I have had trouble with
9 is usually down Sycamore Valley, down at the other end and
10 it's just a nice swimming hole that we teach canoeing in and
11 I frequently have to run people out of there.

12 Q Are the buildings at Camp Scott locked when camp is
13 not in session?

14 A Yes, sir.

15 Q Who has the keys to each of those locks?

16 A I have the keys.

17 Q Does anyone else have keys to the buildings?

18 A Well, Barbara Day, the Camp Director has a set of
19 keys also.

20 Q Do you keep your keys on your person at all times?

21 A I keep them in my truck.

22 Q Is there any place that you would go if you lost
23 your keys so you could open a lock - do you have a set of
24 keys that you put in a particular place?

25 A No. I'd have to get Mrs. Day's set of keys.

1 Q Mr. Woodward, has anybody ever burglarized any of
2 the buildings at Camp Scott in the months before June 13th,
3 1977, and as far back as the year before that?

4 A Yes, we have had somebody break into the Great Hall
5 into the pantry.

6 Q What did they take out of the pantry?

7 A Oh, not a whole lot of anything. Some flour. Most-
8 ly nothing of value.

9 Q When did that burglary occur?

10 A I don't remember. I reported it to the Sheriff's
11 Department and I couldn't say what day it was.

12 Q On Sunday, when camp opened, who unlocked the front
13 gate?

14 A On Sunday, before camp? It wasn't locked on Sunday.

15 Q Okay. Did you leave it open Saturday night?

16 A Yes, the first night we locked it up was the night
17 of resident camp which is Sunday night.

18 Q When the girls arrived on Sunday afternoon, what
19 was your duties as a ranger for Camp Scott?

20 A To help unload the buses and see that luggage got
21 to the right areas.

22 Q So, you were hauling luggage on Sunday afternoon?

23 A Yes.

24 Q Was anybody helping you unload that luggage?

25 A Yes.

1 Q That's not an employee of Camp Scott?

2 A No.

3 Q Were there any men at Camp Scott on Sunday after-
4 noon, June 12th, other than yourself and Richard Day?

5 A Not that I know of, other than the bus drivers
6 that brought the children.

7 Q All right. And after the bus drivers left, you
8 and Richard were the only two men in the area?

9 A To my knowledge, yes.

10 Q After the luggage had been delivered to each unit,
11 what did you do?

12 A Well, I'm not definitely sure. I probably went up
13 to the Great Hall to aggravate my wife.

14 Q Was your wife up there cooking at that time?

15 A Yes.

16 Q How many children were at home with you on June 12th,
17 1977?

18 A Three.

19 Q On the evening of June 12th, 1977, did you know
20 where your children were?

21 A Yes, sir.

22 Q Were they with you?

23 A Two of them was at home with me and one was at
24 work.

25 Q On the evening of June 12th, what time did you go

1 pick up your daughter from the donut shop?

2 A 10:30.

3 Q What time did you come back to the camp?

4 A About ten minutes later.

5 Q When you came back, did you lock the gate?

6 A Yes, sir.

7 Q What type of lock do you have on the gate?

8 A Chain with a padlock.

9 Q And only you and Barbara Day have keys to that lock,
10 is that correct?

11 A To my knowledge, I believe that Barbara had given
12 one to the highway patrol, she said.

13 Q Mr. Woodward, did you see any strange automobiles
14 on the road leading into the Cookie Trail area of Camp Scott
15 on the evening of June 12th when you went out?

16 A No, sir. I heard there had been one earlier but I
17 hadn't seen it.

18 Q How many showers are located in the Camp Scott
19 area, at Camp Scott?

20 A The only hot showers we had is Arapaho Unit has got
21 some and the swimming pool area has got some.

22 Q Do you have cold showers in other areas?

23 A We have cold showers in all units.

24 Q There is a gate, is there not, over to the south of
25 the Kiowa Unit? Assume for a moment that there's a fence that

1 runs along here (indicating) on the south side of the Kiowa
2 Unit; is that correct?

3 A Yes.

4 Q Would you describe that gate in your own words?

5 A It's just a wooden gate.

6 Q Does that gate have a lock on it?

7 A It has a padlock on it but it's actually baling wire
8 holding it up.

9 Q Do you check that gate at night to see if that gate
10 is secure?

11 A No.

12 Q Is that padlock Mr. Cavalier's or yours?

13 A I'm not sure. I think it's probably ours.

14 Q Do you have a key for it?

15 A I don't think so; I never used it.

16 Q Just a minute ago, we were talking about Sunday
17 afternoon, your wife's cooking up there in the Great Hall.
18 Would you tell me what you did Sunday evening?

19 A Well, after it quit raining, we went home.

20 Q Okay, then you're back in at 10:30 with your daught-
21 er; right?

22 A Yes.

23 Q Next morning when you woke up, tell me what woke
24 you?

25 A Barbara Day and her husband were standing at the

1 foot of my bed, telling me to get up,

2 Q Had your wife already left the house?

3 A Yes, sir.

4 Q What did you do when you got up?

5 A Got my clothes on and they told me what happened
6 and I instructed Barbara to call Berry, the highway patrolman
7 and Richard Day and I went over to the scene.

8 Q How did you get to the scene?

9 A In my pickup truck.

10 Q At the scene, where did you park your pickup truck?

11 A In the trail going down to Kiowa Unit.

12 Q Assume for a moment this is the trail going down
13 into the Kiowa Unit and I'm pointing towards the road on the
14 diagram. Were there any cars in front of your truck when you
15 stopped there?

16 A No.

17 Q You were the only one there?

18 A Yes.

19 Q What did you do after you got out of your truck?

20 A Why I had Mr. Day to go up to see that the highway
21 patrol gets in, the law, and I stayed there.

22 Q Did you go to the place where the bodies were, under
23 the tree?

24 A Yes, sir.

25 Q Tell me what you saw there?

1 A I saw two sleeping bags and one little girl laying
2 out in the open.

3 Q Was there a lady back out into the road or leading
4 down into the Kiowa Unit?

5 A Was there a what?

6 Q Was there a lady? One of the girls out in the road?

7 A No, sir.

8 Q There was no one there by the trees, no one there
9 in the road?

10 A Not that I noticed.

11 Q Did you see any counselors for the Kiowa Unit down
12 in the Kiowa area, anywhere in it?

13 A After we told them to take the children up to the
14 Great Hall, to go on around the other way, I saw them.

15 Q In other words, there was no one here with the
16 bodies when you and Mr. Day drove up in the truck?

17 A No, sir.

18 Q There was no one out here in the road when you and
19 Mr. Day drove up?

20 A Not to my knowledge.

21 Q You didn't see anyone out in this area when you
22 d rove up here?

23 A No, sir.

24 Q Who was the first person you talked to after you
25 got down in the Kiowa Unit?

1 A Well, Mr. Day was with me and I talked to him.

2 Q Including Mr. Day?

3 A It was Mr. Berry.

4 Q So you stayed with the bodies while Mr. Day went
5 up to unlock the gate and let them in?

6 A Yes, sir.

7 Q Did Mr. Day use your truck to go back to the gate,
8 Mr. Woodward?

9 A I'm not sure, but I thought he did.

10 Q Did you give him your keys to unlock the gate?

11 A I'm not sure if he used my keys or his wife's keys.
12 But my keys were there to be used if he needed them.

13 Q Did you have them on your person with you?

14 A No, they was in the truck.

15 Q Are they on the same keyring, the ignition key is
16 on?

17 A No, sir.

18 Q Separate keys?

19 A Yes, sir.

20 Q So Mr. Day went back to the gate and unlocked the
21 gate?

22 A Yes, sir.

23 Q Was anybody with Mr. Day when he left to go unlock
24 the gate?

25 A Not to my knowledge.

1 Q How long was it before anybody else came up to
2 where you were with the bodies there, under the trees?

3 A Oh, it was just a little while later that the
4 highway patrol showed up, Mr. Berry.

5 Q Were any of the unit counselors in that area?

6 A No, sir.

7 Q Did you talk to any of the unit counselors?

8 A No, sir.

9 Q Where did you stand, Mr. Woodward, while you were
10 waiting for the highway patrol?

11 A Right there in the area between the two roads.

12 Q Pardon me?

13 A In the area where the two roads come together, the
14 two roads.

15 Q When Mr. Berry drove up, who was with him?

16 A I believe he was by himself.

17 Q Did Mr. Day come back with Mr. Berry?

18 A I don't think so.

19 Q Did he have some instructions to stay at the gate?

20 A I don't know if he was instructed to stay at the
21 gate or what. My only concern was to get the gate opened so
22 they could get in.

23 Q Yes, sir, I understand that. Now, after Mr. Berry
24 arrived, tell me what happened?

25 A Well, he had, I guess - had called the Sheriff's

1 Department because, in a little while, the Sheriff, the
2 ambulance and the next thing I knew, half the world was
3 there.

4 Q Tell me what the order of arrival was as best you
5 can remember, of the law enforcement personnel?

6 A Well, I would say Mr. Berry, if I remember right,
7 was first, and then it was either the ambulance or Sheriff
8 Weaver was there second.

9 Q Do you recall which ambulance it was that came?

10 A No, I never paid that much attention to it. I
11 know it was an ambulance. I think there was two of them
12 that showed up, maybe three.

13 Q Who was the first law enforcement agency to arrive
14 after Mr. Weaver?

15 A I believe it must have been some more Sheriff's
16 showed up. I don't know. There was a Sheriff's car there.

17 Q How about the Locust Grove Police? Were they out
18 there?

19 A The one boy that I think showed up, stayed at the
20 gate; I'm not sure.

21 Q How about Pryor Police Officers? Were any of them
22 there?

23 A I don't know the Pryor Police Officers, so I wouldn't
24 know.

25 Q Approximately how much time elapsed while you waited

1 for Berry to arrive?

2 A It couldn't have been much over five or ten minutes.

3 Q Can you estimate what time of day it was when Trooper
4 Berry arrived?

5 A Oh, it was around 6:30, I'd say.

6 Q Got there pretty quick after all that happened?

7 A Yes.

8 Q How long was it before Sheriff Weaver arrived?

9 A It wasn't too much longer.

10 Q And the ambulances?

11 A Yes, sir.

12 Q About the same length of time?

13 A I can't remember exactly how long it took them. I
14 wasn't paying any attention to time. I'm sorry.

15 Q What happened after the law enforcement officers
16 arrived, Mr. Woodward?

17 A Well, they started investigating and I was asked to
18 get some rope and rope off the area and --

19 Q Was that rope in your truck at that time?

20 A No, I had to go up to the garage to get it.

21 Q After you went up there and got the rope and came
22 back, what happened?

23 A We roped off the area.

24 Q After you did that?

25 A Well, it wasn't too long after that, I had a call

1 from the main gate that Bonnie Brewster and her husband wanted
2 to come in and I had to go up and identify them.

3 Q Estimate for me the amount of time that had elapsed
4 between your first arrival and when you went to the gate to
5 let Mrs. Brewster in?

6 A Time is something I never pay any attention to. I
7 don't really know. I just work and I never really watch the
8 clock. I couldn't really say. It must have been an hour or
9 two.

10 Q So we can say that they got there at 8:30 or 9:00
11 o'clock; would that be a safe estimate?

12 A Yes.

13 Q What did you do after you let Mrs. Brewster and her
14 husband in?

15 A I went up to the Director's cabin with them for
16 awhile. Then I went back down to the scene.

17 Q What did you do down at the scene?

18 A Well, at one time, Pete Weaver and I walked around
19 the perimeter of the land, around the fence.

20 Q Did you walk around all 410 acres?

21 A No.

22 Q Just around the Kiowa Unit?

23 A Around the Kiowa Unit and over into the neighbor's
24 field.

25 Q Mr. Cavalier's field?

1 A Yes, sir.

2 Q And how long did that take?

3 A Oh, probably twenty or thirty minutes.

4 Q On the night of June 12th and the morning of June
5 13th, did you hear any unusual noises?

6 A No, sir.

7 Q Such as a car, loud noises resembling a fog horn,
8 a frog or something?

9 A No, sir.

10 Q Do you own any flashlights?

11 A Yes, sir.

12 Q How many?

13 A Oh, I probably have a couple.

14 Q Mr. Woodward, are you a coon hunter?

15 A Well, I used to be before this happened.

16 Q Do you have any flashlights that coon hunters use?

17 A That fits on my head? Yes.

18 Q Do you have any of those box ones?

19 A Yes.

20 Q How many of them?

21 A One.

22 Q Have you ever repaired any flashlights?

23 A No. I repair the lanterns.

24 Q The lantern that goes on your helmet?

25 A No, the latrine. What do you mean repair? I put

1 batteries in them, yes.

2 Q Okay, have you ever had one with a bad switch?

3 A No, my switch is all right.

4 Q When you were a coon hunter, how long do these
5 flashlights last you, one of these box flashlights?

6 A Depending on how long I had had it on and depending
7 on the battery. You buy a cheap battery, you don't get very
8 much life..

9 Q Now Mr. Woodward, back there on the morning of the
10 13th, when everybody was arriving out there, you told us that
11 a lot of law enforcement people were there and that some
12 ambulances were there. How much time elapsed before these
13 bodies were placed into an ambulance and removed from the
14 scene?

15 A I'm not definitely sure. Seems like it must have
16 been afternoon, probably two or three o'clock before they
17 actually moved them. I'm not definite on time.

18 Q Tell me what you saw while you were there in the
19 area of the Kiowa Unit?

20 A In what respect?

21 Q Just tell me what you did and who you talked to?

22 A I just stayed there and it got rather warm and the
23 flies was bothering around the area and I was fanning them
24 off.

25 Q All right, so you stayed right there in the area of

1 the bodies quite awhile?

2 A Quite awhile, yes.

3 Q What time was it when you left and went back up to
4 your house or in the Camp Director's cabin?

5 A The first time I left was when I went up to get
6 Bonnie Brewster and her husband.

7 Q Other than that time, Mr. Woodward?

8 A I don't know, probably 1:00 o'clock. I don't have
9 much value on time.

10 Q Later in the afternoon, did you talk to somebody
11 from the OSBI?

12 A I don't -- well, now, they asked me for my saw and
13 cut some things. I'm not sure who all was down there that I
14 was talking to.

15 Q Did you loan them your saw?

16 A Yes.

17 Q Cut up a piece of floor with that saw; is that
18 correct?

19 A Yes, sir.

20 Q Were you there when they cut it up?

21 A No, I just let them take the saw.

22 Q Did you ever look in the tent where the little
23 girls were?

24 A Yes, sir.

25 Q What did you see when you opened the tent flap?

1 A I saw out of the ordinary, there was a bunch of
2 blood on the floor of the tent.

3 Q Did you see any footprints in any of that blood?

4 A Yes, sir.

5 Q Did anybody take any pictures of those footprints?

6 A I'm not sure.

7 Q How long were you there at the tent?

8 A Just a few minutes.

9 Q Were you wearing boots or tennis shoes?

10 A I always wear boots.

11 Q Cowboy boots?

12 A Yes, sir.

13 Q About what time of day was it when the flooring was
14 sawed up out of Tent No. 7?

15 A I don't really know. At first, they wanted to run
16 electricity down there and then they decided to use the chain
17 saw. I don't know how long - I don't know what time of day it
18 is. I just heard it. It might have been the next day, as far
19 as I know.

20 Q After you loaned them the saw, what did you do?

21 A stayed up with my family quite a bit and up around
22 where we made coffee for the officers.

23 Q Later on in the evening, Mr. Woodward, did anybody
24 interview about what you had done when you had been called
25 down to Kiowa Unit?

1 A I don't think so that evening.

2 Q Did somebody interview you the next day?

3 A Yes.

4 Q Who was that?

5 A OSBI is the one that interviewed me.

6 Q Did you tell them the same things you have told us
7 here today?

8 A Yes, sir.

9 Q Did any OSBI Agent contact you after that?

10 A Oh, yes, for several days they kept thinking of new
11 questions to ask me.

12 Q During that time, were any fingerprints taken from
13 you?

14 A Yes, sir.

15 Q Palm prints?

16 A Yes, sir.

17 Q The ends of your fingers?

18 A Yes, sir.

19 Q How many sets?

20 A I don't know.

21 Q Take any samples of your hair?

22 A Yes.

23 Q Samples of blood?

24 A No, they took saliva test but no blood that I
25 remember of.

1 Q Did you take a lie detector test?

2 A Yes.

3 Q How many times?

4 A Twice.

5 Q Where did you take the first one?

6 A A little place that we had there.

7 MR. WISE: If it please the Court, we all know
8 that these tests are inadmissible. Therefore, this cross
9 examination of this subject, we likewise would object to,
10 Your Honor.

11 THE COURT: I'm going to sustain your objection
12 on the grounds that where he took the test is irrelevant.
13 Ask your next question, Mr. Isaacs.

14 Q (By Mr. Isaacs) When did you take the first one?

15 A I don't know -- where or when?

16 Q When?

17 A I don't remember. It was several days later.

18 Q And the second one, Mr. Woodward?

19 A The following day. They was having trouble getting
20 their machine working the first time.

21 Q Did anybody take anymore fingerprints, saliva, hair
22 from you?

23 A Just the one time.

24 Q Mr. Woodward, did anybody -- did you see any prints
25 around the tent, Tent No. 7, where the little girls were

1 Q Did you see any glasses around any of the tents
2 there, laying out in the grass?

3 A No, sir.

4 Q Did you see a glasses case laying out there in the
5 grass?

6 A No, sir.

7 Q There has been some testimony about a towel that
8 was seized as evidence, which was hanging on the front edge
9 of the counselor's tent; did you see that towel?

10 A I didn't see it, no, sir.

11 Q Did anyone show you those items of evidence and
12 ask you if you could recognize them?

13 A Not to my knowledge.

14 Q Has anyone shown you any items of evidence in connec-
15 tion with this case and asked you to identify those objects?

16 A They showed me those pictures here today and asked
17 me to identify them.

18 Q And those are the only items of evidence you have
19 seen?

20 A Yes, sir.

21 MR. ISAACS: One second, Judge.

22 Q Mr. Woodard, have you ever used any rope to repair
23 tents or repair any ropes on tents?

24 A Yes, sir.

25 Q Where is that rope kept?

1 MR. WISE: If it please the Court, the question was
2 asked and answered before.

3 THE COURT: Objection is overruled. You may answer
4 that.

5 A (By Mr. Woodward) Yes.

6 Q Where is that rope kept, Mr. Woodward?

7 A Well, I usually keep it in the garage or in the
8 chick hut.

9 Q Where is the chick hut located with reference to
10 your house?

11 A It's just a little ways down and across from the
12 infirmary.

13 Q Would that be south of your house?

14 A Oh, yes.

15 Q Mr. Woodward, on the 12th of June, did any of your
16 dogs bark at anything out in the area of your house?

17 A Not that I remember.

18 Q Mr. Woodward, there's some questions that I need to
19 ask you. I don't mean to pry into your personal life but I
20 have to ask these questions. Have you ever been convicted of
21 a felony?

22 A No, sir.

23 Q Have you ever been convicted of what we call a
24 misdemeanor of moral turpitude, just like drunk driving,
25 peeping tom, or any of that stuff?

1 A No, sir.

2 Q Have you ever been treated by a doctor for mental
3 illness?

4 A No, sir.

5 Q Have you told me everything you know about this
6 case?

7 A Yes, sir.

8 MR. ISAACS: Thank you, that's all.

9 THE COURT: Redirect?

10 MR. WISE: We have no redirect and again, would
11 ask that the witness be excused permanently so he can get
12 back to his duties.

13 THE COURT: Is that all right with you, Mr. Isaacs?

14 MR. ISAACS: No objection.

15 THE COURT: You may leave, if you wish.

16 (WHEREUPON, the witness was excused and withdrew
17 from the hearing room.)

18 THE COURT: Mr. Wise, who will your next witness
19 be?

20 MR. WISE: Trooper Berry.

21 THE COURT: Why don't we take his direct examination
22 before the next recess.

23 MR. FALLIS: Trooper Berry, would you come forward
24 and raise your right hand to be sworn.

25 THE COURT: Do you swear to tell the truth, the

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

2 THE WITNESS: I do.

3 HAROLD BERRY,

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

6 DIRECT EXAMINATION

7 BY MR. FALLIS:

8 Q State your name for the Court, please, sir?

9 A Harold Berry.

10 Q And your business, profession or occupation, Mr.
11 Berry?

12 A Highway Patrol Trooper.

13 Q How long have you been so employed?

14 A Seven and a half years.

15 Q During the month of June of the year 1977?

16 A Yes, sir, I was.

17 Q Where do you live, by the way?

18 A I live in Mayes County, about two and a half miles
19 -- correction -- about a mile south of Locust Grove.

20 Q How close would your home be to the Camp Scott area?

21 A About a quarter of a mile.

22 Q Trooper, directing your attention to the morning
23 hours of the date June 13th, 1977, were you working at that
24 time actually on duty?

25 A No, sir, I was at home.

1 Q Did you ever receive any assignments while you were
2 at home?

3 A Yes, sir. I received a phone call from my District
4 Headquarters.

5 Q What did you do as a result of - if anything - of
6 that phone call?

7 A I went to Camp Scott.

8 Q Was anybody with you when you went there?

9 A No, sir.

10 Q Were you in uniform?

11 A Yes, sir.

12 Q Were you in a vehicle marked?

13 A Yes, sir.

14 Q Regular patrol-type vehicle?

15 A Yes, sir.

16 Q And Trooper, when you arrived at Camp Scott, can you
17 tell us, please, if the gate to Camp Scott was being in a
18 state of locked condition or unlocked condition?

19 A I don't recall, sir. There's just a man that met
20 me there at the gate.

21 Q Do you recall who that man was?

22 A I believe it was Mr. Day, the Camp Director's
23 husband.

24 Q Richard Day?

25 A I believe that's his name, yes, sir.

1 Q After he met you, what did you do?

2 A He led me down to where the bodies were at. The
3 little girls.

4 Q Where some bodies were?

5 A Yes, sir.

6 Q Are you familiar with the Camp Scott area as to
7 designations by Kiowa and so on?

8 A I just know where the Kiowa camp is by name.

9 Q The area where he led you, would that have been
10 near or in the Kiowa area?

11 A Yes, sir.

12 Q All right. Now, when you first arrived there with
13 Mr. Day, did you observe or see any other law enforcement
14 personnel in the area?

15 A No, sir.

16 Q To your knowledge, who was the first law enforcement
17 person on the scene?

18 A I was.

19 Q Can you tell the Court what you did after you
20 arrived there at that location?

21 A I pulled my patrol car up to the scene, got out and
22 went over to where the bodies were laying. I visually looked
23 around the bodies, seen what I had, went back to my unit radio,
24 called my headquarters and asked for the Sheriff to be noti-
25 fied.

1 Q Can you give the Court some idea as to what time
2 of day you arrived there at the scene where you say you saw
3 the bodies?

4 A At approximately 6:40 a. m.

5 Q Trooper, you made reference to "bodies". Did you
6 actually see bodies?

7 A I saw a partial of one body.

8 Q I see.

9 A Partially covered by a sleeping bag.

10 Q And in addition to the at least exposed area of the
11 body, did you see any other objects or items?

12 A Yes, sir, I saw a roll of tape and a flashlight.

13 Q Trooper, I'll hand you what has been introduced into
14 evidence as State's Exhibit No. 5, a photograph, depicting
15 the scene that you have described, I believe. Do you recog-
16 nize that, by the way?

17 A Yes, I do.

18 Q The objects that you have indicated, the tape and
19 flashlight, are they visible in that photograph?

20 A Yes, sir, they are.

21 Q Do they appear in the photograph in the same posi-
22 tion as they appeared to you when you first arrived on June
23 13, 1977?

24 A Yes, sir.

25 Q And the photograph, insofar as the depiction of the

1 partially exposed body and sleeping bag, do they appear the
2 same?

3 A Yes, sir.

4 Q All right. You indicated that you went to your
5 vehicle and made a call to your superior?

6 A Yes, sir.

7 Q And did anybody respond to that call?

8 A Headquarters advised me that the Sheriff had been
9 informed and was en route.

10 Q Did you ever see the Sheriff there that day?

11 A Yes, sir.

12 Q How long after your arrival would you estimate he
13 appeared?

14 A Probably twenty minutes, twenty-five minutes.

15 Q Did you recognize or see any other persons that you
16 know in law enforcement during the day?

17 A Yes, sir, I notified the Locust Grove Police Depart-
18 ment to assist me on securing the scene of the crime.

19 Q Now, you use the expression "securing the scene of
20 the crime"?

21 A Yes, sir.

22 Q What did you do in that regard?

23 A I notified Locust Grove and had a P. D. Officer to
24 come out to where the main gate goes into the Girl Scout Camp,
25 and asked if he would, to stop the vehicles there at the gate

1 and to allow no one except authorized personnel in.

2 Q Did you take any other steps in order to carry out
3 security of this area?

4 A Yes, sir. I advised him to notify me whenever the
5 Sheriff came through the gate. Also, I asked the camp person-
6 nel there not to allow no one into the area.

7 Q Now, did you or anybody in your presence, take any
8 precautions insofar as using markers or indicators of this
9 area?

10 A Yes, sir. After the Sheriff arrived, we took some
11 rope - nylon rope - and we roped off the area where the bodies
12 were at.

13 Q Now, when you say you roped it off, did you lay it
14 on the ground?

15 A No, sir, we tied it from tree to tree limb.

16 Q How close was your vehicle parked, your best esti-
17 mate to the scene where you saw the body, or at least the
18 portion of the body, the sleeping bags, the flashlight and
19 the tape?

20 A Approximately thirty or thirty-five foot.

21 Q And did you remain for any considerable length of
22 time near the bodies in that area?

23 A Yes, sir. I remained until the Sheriff arrived.

24 Q During that period of time, was this area visible
25 to you?

1 A Yes, sir.

2 Q Did you observe anybody touch or molest or move
3 any of the objects that you had observed there when you
4 arrived?

5 A No, sir. I instructed that everything be left
6 alone.

7 Q How long did you remain in Kiowa Camp that day?

8 A That day, sir?

9 Q Yes, sir.

10 A All day.

11 Q During the time that you were there, all day, did
12 you observe or see any persons that came into the area other
13 than law enforcement or authorized personnel?

14 A No, sir.

15 Q When you and Richard Day went down to the scene,
16 when you first went down into that area, were there any other
17 people near or around what was later determined to be sleeping
18 bags and this body?

19 A Not that I remember, sir.

20 Q Did you see any people that you knew or know today
21 to have been camp counselors or individuals with the Camp
22 Scott program in that area?

23 A At the time I went down or during the time I was
24 there?

25 Q While you were there, sir?

1 A Yes, sir, I talked to Barbara Day, the Camp
2 Director, and Mr. Day and the camp ranger.

3 Q That was Mr. Woodward?

4 A Yes, sir.

5 MR. FALLIS: No other questions. Thank you.

6 THE COURT: Why don't we take a ten minute recess
7 at this time.

8 (Following a ten minute recess, proceedings con-
9 tinued as follows:)

10 CROSS EXAMINATION

11 BY MR. ISAACS:

12 Q Mr. Berry, I believe you testified you live just
13 down the road, across the road from Camp Scott; is that
14 correct?

15 A Yes, sir.

16 Q How long have you lived there?

17 A Approximately three years.

18 Q How long have you lived in Locust Grove there?

19 A About seven and a half years.

20 Q Are you a coon hunter?

21 A Used to be.

22 Q Did you use a flashlight?

23 A Sir?

24 Q Did you use a flashlight?

25 A No, sir. When I hunted, I used the lantern.

1 Q Any of your sons coon hunters?

2 A They're not old enough.

3 Q A lot of people fish in the area of Camp Scott and
4 the Locust Grove area, do they not?

5 A Yes, sir.

6 Q A lot of vacationers come up around the Twin Bridges
7 area; is that not correct?

8 A Yes, sir.

9 Q You have a lot of traffic come through here during
10 the summertime from outside the Locust Grove population, don't
11 you?

12 A Yes, sir.

13 Q During the time you have been a Trooper with the
14 Oklahoma Highway Patrol, have you ever investigated a complaint
15 on the Camp Scott grounds?

16 A I investigated a complaint once on some stolen tents.

17 Q When was that?

18 A Probably about four or five years ago.

19 Q Other than that, have you ever been on the camp
20 grounds?

21 A On the camp grounds itself?

22 Q Yes, sir.

23 A Yes, sir, when Horace Bell used to be Camp Director,
24 I used to visit him there.

25 Q Mr. Berry, let me direct your attention to the

1 morning of the 13th day of June at about 6:40 in the morning
2 at the gate at Camp Scott. Would you tell me who met you
3 there?

4 A I believe it was Mr. Day.

5 Q Was he by himself?

6 A To my knowledge, yes.

7 Q Which direction was the vehicle that he rode to the
8 gate in parked? Which direction was it facing?

9 A I don't recall, sir.

10 Q Was it inside the gate or outside of the gate?

11 A I believe he was on the inside.

12 Q Tell me what happened when you arrived? Did you
13 talk to him or did you just proceed on to the camp or did
14 you discuss it? What happened?

15 A No, sir, he just advised me that they had found
16 some little girls dead in their tent -- I mean in their
17 sleeping bags and I said -- I asked him to show me where they
18 were at.

19 Q Did he lead you down there?

20 A Yes, sir.

21 Q Was he driving a vehicle?

22 A Yes, sir.

23 Q What kind?

24 A I believe it was a van, a light brown van.

25 Q Did you go straight to Kiowa Unit area?

1 A Yes, sir, we did.

2 Q And when you arrived at the Kiowa Unit, who was
3 with the bodies?

4 A When we arrived there?

5 Q Yes, sir.

6 A I don't remember anybody being there, sir, when
7 I arrived at the bodies.

8 Q Was Mr. Woodward down there when you arrived?

9 A I don't recall, sir.

10 Q What did you do after you drove down into the unit
11 area?

12 A After I got into the unit?

13 Q Yes, sir?

14 A I got out of the patrol car, walked over with Mr.
15 Day to where the bodies were laying.

16 Q Did you see any tape there by the bodies?

17 A Yes, sir.

18 Q Did you see a flashlight there?

19 A Yes, sir.

20 Q Did you see any rope there?

21 A No, sir.

22 Q Did you see any glasses by the body?

23 A Glasses?

24 Q Yes, sir?

25 A No, sir.

1 Q A glasses case by the bodies - a red one?

2 A No, sir.

3 Q Did you see any photographs of any sort near those
4 bodies?

5 A No, sir, I did not.

6 Q After you had got out and gone over there where
7 the bodies were, what did you do?

8 A After I viewed the bodies and saw that it was a
9 homicide, I went back to the patrol car.

10 Q And then what happened?

11 A I notified my headquarters to contact the Sheriff's
12 Department.

13 Q After notifying headquarters, what did you do?

14 A I notified Locust Grove to send out a PD Officer
15 to help me secure the area.

16 Q Who was with you, if you recall, there in the area
17 after you notified the authorities of the homicide at Camp
18 Scott?

19 A After I got back out of the unit?

20 Q Yes, sir?

21 A I believe Mr. Day was, Mr. Woodward, and they're
22 the only two that I can remember right offhand.

23 Q Mr. Berry, after you got out of the unit, did you
24 instruct anybody to stand back away from those bodies, don't
25 mess with any of the evidence?

1 A I just instructed them not to touch nothing.

2 Q All them -- everybody there?

3 A Everybody that was present, yes, sir.

4 Q Did you leave that area until Sheriff Weaver and
5 the people with the ambulances came there in the Kiowa Unit?

6 A No, sir.

7 Q How long was it before someone responded to your
8 radio message?

9 A Approximately twenty minutes, twenty-five minutes.

10 Q And who was the first to arrive after the radio
11 messages?

12 A Sheriff and the doctor, Dr. Collins, I believe was
13 the name.

14 Q Did they come together or in separate automobiles?

15 A They came together.

16 Q What happened when they arrived?

17 A The Sheriff got out and the doctor got out and they
18 proceeded over to the bodies, where the doctor examined the
19 one little girl.

20 Q Which doctor was that?

21 A Dr. Collins.

22 Q You say he examined the little girl. Did he touch
23 her?

24 A Yes, sir.

25 Q What did he do when he touched her?

1 A Just checked her neck for vital signs.

2 Q Is that all?

3 A That's all I know.

4 Q What happened then, Mr. Berry?

5 A Then, I believe, Barbara Day come down and the
6 Sheriff talked to her for a few minutes and then we walked up
7 to a tent.

8 Q Which tent was that, Mr. Berry?

9 A It would be the 7 Tent up here, yes, sir, Tent 7.

10 Q Who went with you when you walked over to the tent?

11 A Sheriff, myself, Dr. Collins and the Camp Director;
12 to the best of my knowledge, that's all.

13 Q What occurred at the tent?

14 A She pointed out the tent to us. I looked on the
15 inside of it.

16 Q What did you see when you looked inside?

17 A I saw some, looked like apparently dried blood on
18 the floor.

19 Q Did it appear to have been wiped up?

20 A You mean the blood, sir?

21 Q Yes, sir, on the floor.

22 A Appeared to have been. It just -- from the looks
23 of it.

24 Q Did you see any footprints in that blood?

25 A No, sir. The Sheriff said he saw a partial print,

1 looked like a footprint. I just glanced in. I didn't --

2 Q Approximately how long did you view the interior of
3 that tent?

4 A Oh, myself, probably a minute.

5 Q Then what did you do?

6 A Oh, I think we stood around and talked. Then we
7 walked back down to where the bodies were at.

8 Q Was there any sign how the person or persons gained
9 entry to that tent to remove those little girls from the tent
10 and take them over under those trees?

11 A I don't know whether there would be signs, but
12 they were removed from that direction. But in the back of
13 the tent, the tent had been split, apparently tore.

14 Q It had been slit?

15 A It looked like it had been tore. I don't know if
16 it had been tore, if it was slitted up, but there was a torn
17 spot in it.

18 Q How far is Tent 7 from where the bodies were found?

19 A Oh, approximately a hundred yards, 150 yards.

20 Q After you and Mr. Weaver and Mrs. Day went over to
21 the tent, what did you do?

22 A What did I do?

23 Q Yes, sir?

24 A I stood around with the Sheriff.

25 Q Where were you standing at the tent?

1 A Yes, sir.

2 Q Then, what happened?

3 A Then we returned back down to where the bodies
4 were at.

5 Q Did you travel in a diagonal pattern from the place
6 where the bodies were, to the tent, in a line - straight line?

7 A No, sir, I think we walked around on the inside of
8 the tent, semi-circle with the tent, to the end tent.

9 Q Did you see any items of evidence, or were any
10 items of evidence seized in your presence when you walked
11 from Tent No. 7, back around to the bodies?

12 A No, sir.

13 Q Who was left at Tent 7, to secure the area when you
14 walked down to the bodies?

15 A No one, sir.

16 Q All of you looked in the tent and walked back around
17 to the bodies?

18 A Yes, sir.

19 Q Then what happened, Mr. Berry?

20 A I don't know, sir. I just stood around there for
21 awhile after the Sheriff was there. I went on up to the
22 camp's main headquarters.

23 Q When you got back around to the bodies, had more
24 law enforcement people arrived?

25 A Yes, sir. During that morning they did, yes, sir.

1 Q How many?

2 A How many?

3 Q Yes, sir?

4 A I don't have any idea, sir.

5 Q OSBI Agents came there later in the morning, didn't
6 they?

7 A Yes, sir.

8 Q Several highway patrol officers came later, didn't
9 they?

10 A Yes, sir.

11 Q Mayes County Sheriff's Office was represented
12 there and I believe you said Locust Grove Police were there,
13 didn't you?

14 A Yes, sir. I had them on the main gate.

15 Q Was there any FBI Agents out there?

16 A Not to my knowledge.

17 Q You had ambulance drivers in the area, also, didn't
18 you?

19 A Yes, sir.

20 Q Were there any other law enforcement agencies re-
21 presented at the Kiowa Unit area that morning?

22 A Not to my knowledge.

23 Q When you went back around to the bodies, were in-
24 structions given to anyone to preserve the crime scene?

25 A Yes, sir, me and the Sheriff -- or the Sheriff asked

1 for a rope so we could rope off where the bodies were at.

2 Q Who did he ask for the rope?

3 A He asked the camp there, and I think the camp
4 ranger went up and got some rope and brought it back down to
5 us.

6 Q Did you help him rope off the area?

7 A Yes, sir.

8 Q Who else helped?

9 A The undersheriff and I think the camp ranger and
10 I think an ambulance attendant helped.

11 Q Was Dr. Collins present during this time when you
12 roped the area off?

13 A Yes, sir.

14 Q What was he doing?

15 A I don't know, sir.

16 Q After you roped the area off, what did you do?

17 A I made a phone call to my District Headquarters and
18 advised them what had happened.

19 Q Did anyone go with you up to the main camp area?

20 A No, sir.

21 Q What happened then?

22 A After I talked to my superiors at Vinita, I asked
23 the Camp Director to give me the names of the little girls so
24 I could give them to my superior.

25 Q Did she give them to you?

1 A Yes, sir.

2 Q Who else did you talk with?

3 A Sir?

4 Q Who else did you have a conversation with?

5 A I asked if I could - I'd like to talk to the three
6 counselors that were in that area.

7 Q Okay, did you talk to them?

8 A Yes, sir, briefly.

9 Q Interview them?

10 A I just talked with them briefly. I asked them if
11 they would go to the little girls and tell them that a lan-
12 tern had been taken and ask them if they had heard any noise
13 during the night at camp.

14 Q When was that lantern taken?

15 A There wasn't no lantern taken. I just used that for
16 the little girls to see if they had heard any noise during
17 the night.

18 Q Did any of the little girls tell you that they
19 had heard any noise?

20 A No, sir, I didn't talk to the little girls. I
21 just talked to the counselors. That's why I asked the counsel-
22 ors to ask the little girls.

23 Q So it was the counselors. The counselors you talked
24 to then would be Dee Elder, Carla Wilhite and Susan Emery,
25 the three girls who were counselors in the Kiowa Unit?

1 A Yes, sir.

2 Q Am I correct when I say we know that all the little
3 girls in the Kiowa Unit had been taken back to the Great Hall?

4 A Yes, sir.

5 Q So this would have been about 10:00 o'clock in
6 the morning?

7 A I don't have any idea, sir. I imagine.

8 Q After you asked the girls to go talk to the campers,
9 what did you do?

10 A Waited on the girls to come back and they told me
11 that they hadn't heard no noise during the night.

12 Q And then what happened?

13 A Then after that, I went back to where the crime
14 scene was.

15 Q When you arrived at the crime scene, who was present
16 near the bodies?

17 A I don't have any idea, sir.

18 Q A lot of people down there?

19 A Yes, sir.

20 Q Had the ambulance people pretty well sealed off the
21 area?

22 A Yes, sir, I believe they were removing the bodies.
23 They weren't there whenever I got back down there.

24 Q Do you recall what time of day it was when those
25 bodies were removed from under the trees and transported from

1 Camp Scott?

2 A No, sir, I don't know exactly what time. I don't
3 have any idea.

4 Q It was afternoon, was it not?

5 A I'm not sure; I don't know, sir, the time.

6 Q What did you do in the Kiowa Unit area after going
7 back down there?

8 A I assisted the Crime Bureau and the Sheriff's
9 Department.

10 Q How did you assist them?

11 A On the crime scene searches and so forth.

12 Q Did you conduct the search or direct one?

13 A No, sir, I was just involved in search.

14 Q You participated?

15 A Yes, sir.

16 Q Where did you search, Mr. Berry?

17 A We searched behind the tent area and the wooded
18 area.

19 Q When you say "behind the tent area", do you mean to
20 the northeast -- northwest, excuse me?

21 A Yes, sir, it would be about more or less west from
22 the camp area from the tent. We just took a section of woods
23 at a time and went through it.

24 Q Mr. Berry, were any items of evidence seized as a
25 result of your search?

1 A No, sir.

2 Q While you were there, were any items of evidence
3 collected that you saw?

4 A No, sir.

5 Q Did anyone show you any photographs that morning at
6 Camp Scott of any kind?

7 A No, sir.

8 Q After you conducted that search west of Tent No. 7,
9 in the Kiowa Unit, what did you do?

10 A I believe I went back up to the area and had dinner
11 -- ate.

12 Q Went up to the Great Hall?

13 A Yes, sir.

14 Q Mr. Berry, that search that you conducted to the
15 west, would you describe for me more fully what area of
16 ground you covered and the people with you?

17 A May I use the board?

18 Q Yes, sir. Step down, please, sir.

19 A Just a group of officers, Crime Bureau officers,
20 there's a fence somewhere in this location right here, it's
21 more south than east.

22 Q Excuse me for interrupting. Would that fence border
23 on John Cavalier's property?

24 A Yes, sir, I believe so. We just formed a line
25 across behind the tent, oh, probably eight or nine men, and

1 we walked from back behind the tent, back to an open field.

2 Q How far was that, Mr. Berry?

3 A Probably 400 yards.

4 Q Okay. Could the record show that the line was
5 formed from Tent 1, to around about -- would you give me an
6 estimate on which tent? That lower one on the left there is
7 Tent 1.

8 A Probably the second tent here. We just took it in
9 sections, walked through here and then we come back up, back
10 and forth.

11 Q So you walked west from the tent, in a westerly
12 direction?

13 A Yes, sir.

14 Q During that search, did anyone pick up any evidence
15 or find any evidence?

16 A Not to my knowledge.

17 Q Did anybody call for any technical investigator to
18 come and look at any item?

19 A Behind the tent area?

20 Q Yes, sir.

21 A Not to my knowledge.

22 Q After you conducted that search, what did you do?

23 A That's when I went and ate.

24 Q After you ate, where did you go?

25 A I probably just hung around the area there, waiting

1 on to be used, whether they needed me.

2 Q Did you go back down to Kiowa Unit area?

3 A Probably so during the day.

4 Q The search conducted to the west of the tent,
5 directing your attention to that, sir, do you recall any
6 names of the people in that group of men that conducted the
7 search?

8 A There were some OHP Troopers and OBI Agents.

9 Q When you returned to the Kiowa Unit after dinner,
10 you said you stayed in the area. Did you have a conversation
11 with anyone?

12 A Yes, probably a lot of people.

13 Q What did you do after you returned to the area?

14 A After we returned back to the area?

15 Q Yes, sir.

16 A Just waited around mostly.

17 Q Then what did you do?

18 A Got dark and went home.

19 Q Did anyone tell you, "I'll release you from this
20 investigation. Go on home." Or what prompted you to leave?

21 A My supervisor.

22 Q And who was that?

23 A Dean Neal.

24 Q Do you know the name of the other highway patrolmen
25 that were out there that day?

1 A There was Charlie Newton, myself, Dean Neal, Tom
2 Caldwell.

3 Q Caldwell?

4 A Caldwell.

5 Q Can you think of anybody else?

6 A No, sir, not offhand.

7 Q What time of day was it when you left Camp Scott
8 and returned home?

9 A Probably around 8:00 or 9:00 p. m.

10 Q Mr. Berry, do you know Gene Leroy Hart?

11 A Do I know him?

12 Q Yes, sir?

13 A No, sir, not at that time, I didn't know him.

14 Q Do you know any members of his family?

15 A Yes, sir.

16 Q Do you know his mother?

17 A No, sir.

18 Q Do you know Miller Johnson?

19 A Yes, sir.

20 Q Thurmond Johnson?

21 A Yes, sir.

22 Q Tammy?

23 A Who?

24 Q Tammy?

25 A Tammy?

1 Q Johnson?

2 A No, sir, I don't know Tammy.

3 Q Are you acquainted with any of his other relatives?

4 Mrs. Bo Ballou?

5 A Yes, sir, I know the Ballous.

6 Q That morning when you got the call, where were you?

7 A I was home in bed.

8 Q On your way over there to Camp Scott, did you see
9 anybody?

10 A No, sir.

11 Q Did anybody report to you seeing a suspect or
12 suspicious individual in the area of Camp Scott on the morning
13 of June 13th?

14 A No, sir, not to my knowledge.

15 Q Are you acquainted with a fellow that lives there
16 in the area, a Jack Shroff?

17 A Jack who?

18 Q S-H-R-O-F-F?

19 A Shroff? I met him one time.

20 Q And when was that?

21 A He was brought to the Girl Scout Camp.

22 Q After you went home, that's the first day, were you
23 sent back to the Girl Scout camp the next day?

24 A Yes, sir.

25 Q And when you got back the next day, what did you do?

1 A I just assisted.

2 Q In what way?

3 A Oh, carried water to some dogs.

4 Q They brought some bloodhounds or trail dogs in?

5 A Trail dogs.

6 Q Where did those dogs come from?

7 A Out of state somewhere; I don't know exactly where.

8 * Might have been the third day.

9 Q Pennsylvania?

10 A Sir?

11 Q Pennsylvania?

12 A Yes, sir.

13 Q Let me back up just a moment. On the first day
14 you were at Camp Scott, Berry, did you overhear a conversation
15 in which Gene Leroy Hart's name was mentioned?

16 A The first day?

17 Q Yes, sir?

18 A No, sir, I never.

19 Q Morning of the first day?

20 A Not to my knowledge.

21 Q It's a known fact that Mr. Hart's mother lives
22 a short distance from Camp Scott where this homicide occurred?

23 A Yes, sir.

24 Q And there's been some talk about that fact, has
25 there not, among law enforcement agencies?

1 A Yes, sir, but whether on the first day or not, I
2 don't know.

3 Q But you have had a conversation about that?

4 A Yes, sir. I don't know whether it was on the first
5 day or not.

6 Q Mr. Berry, on the second day, other than carrying
7 water for these dogs - watering these dogs - what did you do?

8 A Mostly waited around just for instructions.

9 Q Did you participate in any trailing by the dogs
10 in search of any suspect or suspects?

11 A Yes, sir, but I don't know whether it was on the
12 second day or third day. I don't have any idea.

13 Q Tell me about the trailing of suspects or suspect?

14 A Well, one day we got a report from some farmer -
15 I can't remember his name - but he jumped somebody up in a
16 holler up by his place. We took some dogs and went over
17 there and I had one bloodhound and Deputy Sheriff David had
18 another and we searched the area in there and no results.

19 Q What was the location of that place?

20 A Be about probably two miles west of Camp Scott.

21 Q Did anybody ever show you a pair of glasses and a
22 glasses case that were found somewhere out there around Camp
23 Scott?

24 A No, sir.

25 Q Did anybody ever talk about some photographs that

1 were found?

2 A Pardon?

3 Q Some photographs that were found on the Camp Scott
4 campground?

5 A No, sir, not to my knowledge.

6 Q How about some photographs found south of Camp
7 Scott?

8 A Yes, I think they found a photograph down south.

9 Q Were you present when that photograph was found?

10 A No, I wasn't.

11 Q We were talking a little bit earlier about Mr.
12 Jack Shroff. Do you recall what day he was brought to the
13 camp?

14 A No, sir, it could have been the second day or third
15 day. I don't know. I remember he was brought there but I
16 don't remember the exact date it was.

17 Q Then what happened when he was brought to the camp?

18 A I presume he was interviewed by the Crime Bureau.

19 Q Were you present during the interview?

20 A No, sir, I was not.

21 Q On that day that Mr. Shroff was brought there, what
22 involvement with him did you have, other than the fact that
23 you knew he was there?

24 A I didn't have no involvement with him.

25 Q Okay, your duties that day when he was brought to

1 the camp included what?

2 A My duties?

3 Q Yes, sir?

4 A Just stand by.

5 Q Did you conduct any search of the Camp Scott area
6 other than the one we've talked about?

7 A Not to my knowledge, just down that fence behind
8 that fence in the area that I remember searching.

9 Q Did anybody report to you there had been a theft
10 of some personal items from one of the tents?

11 A No, sir.

12 Q How long did you participate in the investigation
13 of these homicides?

14 A Probably about a week - however long it lasted.

15 Q Well, it's been going on for quite awhile. I'd
16 like for you to clarify that for me, if you could.

17 A You mean whether there at Camp Scott?

18 Q Yes, sir, right there at Camp Scott?

19 A I was there at Camp Scott every day field operations
20 were there in Camp Scott.

21 Q While you were there, Mr. Berry, what was your pri-
22 mary function?

23 A Just to stand by and to assist.

24 Q Okay. Who conducted most of the investigation?

25 A The Oklahoma Crime Bureau.

1 Q How many agents did they have up there?

2 A I don't have any idea, sir.

3 Q What day, if you recall, was this investigation
4 closed in the Camp Scott area?

5 A What day?

6 Q Yes, sir.

7 A I don't recall, sir.

8 Q But it was about a week, you said?

9 A Probably a week, seven days, eight days.

10 Q During that week, did anybody show you a footprint
11 or footprint?

12 A No, sir.

13 Q After that week, has anybody shown you a footprint,
14 bootprints or any articles of footwear?

15 A No, sir.

16 Q Now, moving on ahead, after that week that you were
17 at Camp Scott on duty there, have you had a conversation with
18 anyone regarding the investigation of these homicides, in your
19 capacity as a police officer - highway patrolman?

20 A After we left Camp Scott?

21 Q Yes, sir?

22 A Oh, yes, sir, I probably talked to half a dozen.

23 Q Give me the names of those people.

24 A I don't have any idea - just other officers that
25 we meet and talk.

1 Q Did you ever participate in any of the searches in
2 the Camp Scott area?

3 A On the grounds?

4 Q Yes, sir?

5 A Yes, sir.

6 Q Participated in the searches south of Camp Scott?

7 A No, sir, I just -- by automobile.

8 Q Mr. Berry, did you ever conduct a road block in
9 the Camp Scott area?

10 A On camp or around camp?

11 Q Around the camp?

12 A No, sir, not to my knowledge, I haven't.

13 Q Now, there's some photographs that were found to
14 the south of Camp Scott and those photographs, I understand
15 were found sometime after the homicides. Do you know any-
16 thing about those photographs?

17 MR. FALLIS: If it please the Court, that question
18 has been asked and answered and we would object to it on the
19 grounds - in order to save some time, he did ask about that
20 earlier.

21 THE COURT: Sustained. You did, Mr. Isaacs.

22 MR. ISAACS: I did cover that?

23 THE COURT: Yes, sir.

24 MR. ISAACS: I apologize.

25 Q There were some photographs found at Camp Scott

1 later on, after the first week. Did you ever view those
2 photographs?

3 MR. FALLIS: If it please the Court, I would object
4 to that on the same grounds. That was asked about earlier.

5 THE COURT: He's already answered, Mr. Fallis. He
6 said no, I believe.

7 Q Have you taken any recent statements from anybody
8 that you interviewed during this investigation?

9 A No, sir.

10 Q Any tape recorded statements?

11 A No, sir.

12 Q Have you checked any items of evidence which were
13 submitted to any investigative agency for analysis?

14 A No, sir, not there on camp, I haven't.

15 Q How about off the camp? Have you collected any
16 items of evidence off the camp?

17 A Not personally, I haven't. I had a man to bring me
18 an item one time and I sent it to the lab.

19 Q What item did he bring?

20 A I believe it was a Coke can he had found.

21 Q Where had that Coke can been found?

22 A It had been found --

23 MR. FALLIS: Excuse me, Your Honor, I'm going to
24 object unless the officer was present when it was found.

25 THE COURT: Sustained.

1 Q By whom was that Coke can found?

2 A Bates. A man by the name of Bates.

3 Q Do you know where he lives?

4 A Yes, sir.

5 Q What is his address?

6 A I don't know his address.

7 Q Describe for me where he lives?

8 A He lives approximately three miles south or -
9 correction - east of Locust Grove.

10 Q Do you know his first name?

11 A Granville.

12 Q Did anyone offer to you any other items of evidence
13 that you submitted to someone for analysis?

14 A No, sir.

15 MR. ISAACS: Judge, may I have a moment to confer
16 with my client and Mr. Pitchlynn?

17 THE COURT: Yes.

18 Q (By Mr. Isaacs) During the investigation on the
19 Camp Scott campgrounds, did anybody secure the tent, Tent No.
20 7 on the first morning, June 13th?

21 MR. FALLIS: If it please the Court, I'll object
22 to that on the grounds it has been asked and answered. I
23 believe the question was asked.

24 THE COURT: I believe he has testified that he
25 left without leaving anyone there, Mr. Isaacs.

1 MR. ISAACS: Well, my question is, did anybody
2 secure the area? I know that he left and nobody was there
3 but I wanted to know if anybody secured it.

4 THE COURT: I understand. You may answer, if you
5 know the answer.

6 A Not to my knowledge. They could have. I don't
7 know for sure.

8 Q Not the first day, you didn't see anybody cording
9 that off with rope, did you?

10 A No, sir, I never.

11 Q Did you ever hear any discussion about a towel
12 from one of the counselors' tents?

13 MR. FALLIS: I object to that as asked and answered.
14 I object to it on that grounds.

15 THE COURT: Overruled. You may answer that.

16 A Yes, sir, I heard them talking about a towel.

17 Q Did you see the towel?

18 A No, sir.

19 Q Was that towel mentioned with reference to having
20 been used to wipe up blood?

21 A Not to my knowledge. Not to me.

22 Q Did you hear them talking about a towel?

23 A I heard them talking about a towel, yes.

24 Q Did anybody mention any glasses in your presence?

25 A Not to my knowledge.

1 Q Any glasses' case?

2 A No, sir.

3 MR. FALLIS: All this has been asked and answered
4 more than one time. We're consuming a lot of time here and
5 I would object on that grounds.

6 THE COURT: Sustained. Any other questions, Mr.
7 Isaacs?

8 MR. ISAACS: No, sir.

9 THE COURT: Any redirect?

10 MR. FALLIS: Just one question, Your Honor.

11 REDIRECT EXAMINATION

12 BY MR. FALLIS:

13 Q Counsel asked you if you secured the area. Are you
14 saying you don't know if anybody secured the tent area, or
15 you know it was not secured?

16 A I don't know whether anybody secured it. It was
17 secured but I don't know when.

18 MR. FALLIS: Thank you. No further questions.

19 MR. ISAACS: No questions.

20 THE COURT: May this witness be excused?

21 MR. WISE: We would certainly ask that he be
22 excused so he may go back to his duties.

23 THE COURT: You may be excused if you wish to leave.

24 (WHEREUPON, the witness was excused and withdrew
25 from the hearing room.)

1 MR. ISAACS: Judge, there's one witness that asked
2 me during the noon hour when I was in the Law Library if we
3 could give him 24-hour notice. That one by the name of
4 Carey.

5 MR. WISE: We would certainly ask that that pri-
6 vilege be allowed. He's got a baby in the hospital.

7 THE COURT: What's his name?

8 MR. WISE: Norman Carey, and I guess under
9 subpoena by the Defendant.

10 MR. ISAACS: No, Norman Carey hasn't been subpoena-
11 ed by us.

12 THE COURT: All right, Mr. Carey will be on 24-hour
13 notice. Are you ready for your next witness?

14 MR. WISE: If it please the Court, the State would
15 next call David Parker.

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

19 THE WITNESS: I do.

20 DAVID RAY PARKER,

21 Called as a witness on behalf of the State, having been first
22 duly sworn, testifies as follows:

23 DIRECT EXAMINATION

24 BY MR. WISE:

25 Q Would you state your full name for the Court and the

1 record, please?

2 A David Ray Parker.

3 Q Where do you live, David?

4 A Pryor, Oklahoma, now.

5 Q On June 13th of 1977, by whom were you employed?

6 A Jim Green's Funeral, part-time and Ralston-Purina
7 full time.

8 Q On that particular morning, in the early morning
9 hours of approximately 6:00 o'clock or sometime thereafter,
10 were you called to your services as employee of Green's Fun-
11 eral Home?

12 A Yes.

13 Q In what capacity, please?

14 A All I got that I thought it was a car wreck.

15 Q What was your job then?

16 A Well, just ambulance driver at that time.

17 Q Did you get a request for assistance by that ambu-
18 lance?

19 A Yes, sir.

20 Q Did you respond?

21 A Right.

22 Q Who was with you, if anyone?

23 A My dad, Paul Parker.

24 Q And where did you drive the ambulance? Who drove?

25 A I drove.

1 Q And where did you drive the ambulance to, Mr.
2 Parker?

3 A I drove straight to Locust Grove, to the intersec-
4 tion -- was radioed to stop there and wait for the Sheriff's
5 Department and another ambulance.

6 Q Did you meet the Sheriff there at that intersection?

7 A Yes.

8 Q Did you follow them on to another location?

9 A Yes.

10 Q Where was that location as best you can tell us?

11 A In the Camp Scott area.

12 Q Did you go to the scene of a tragedy in the Camp
13 Scott area?

14 A Yes, sir.

15 Q I'll show you State's Exhibit No. 5, and ask is that
16 a true representation of what you saw and observed when you
17 got there?

18 A Yes, sir, it is.

19 Q All right, sir. Now, Mr. Parker, as your obligation
20 as an ambulance driver for Green's Funeral Home, did you stay
21 at that location for some time?

22 A Yes.

23 Q Can you tell us approximately when you arrived?

24 A Right at 7:00 o'clock.

25 Q And who was there when you arrived and who was with

1 you when you arrived?

2 A Well, there was me, my dad, Rick Stephens and the
3 doctor and Pete Weaver and there was a highway patrolman al-
4 ready there.

5 Q Do you know that patrolman's name, by chance?

6 A No, I can't remember it. I know it if I heard it.

7 Q Would Berry -- Trooper Berry?

8 A Yes, Berry.

9 Q Now, did you remain there consistently for some
10 time?

11 A Yes.

12 Q Who assisted you? Did you leave that location
13 later in the day?

14 A Right.

15 Q Who left with you, your father or someone else?

16 A No, Rick Stephens.

17 Q Did you and Rick Stephens stay in that location
18 until you departed that area in an ambulance?

19 A Yes.

20 Q When did you leave the area?

21 A It's been so long, I can't remember the exact time
22 but I think it was around 12:30.

23 Q Did you take - or did anyone put the bodies of those
24 victims you saw on State's Exhibit No. 5, in your ambulance?

25 A Yes, me and Rick Stephens loaded them.

1 Q And tell us, how many did you put in there - the
2 victims?

3 A All three.

4 Q You and Rick Stephens did that personally?

5 A Right.

6 Q Where did you go with those three victims?

7 A To the State Medical Examiner.

8 Q Where is that at?

9 A In Tulsa.

10 Q Approximately what time, if you know, did you arrive
11 there?

12 A About 1:30 or fifteen until 2:00, somewhere in
13 there. It was about an hour and fifteen minutes longer than
14 when we left.

15 Q Did you stop and do anything out of the ordinary
16 between the time you left Camp Scott with these three victims
17 until you got to the State Medical Examiner's office?

18 A Made one stop in Chouteau and he phoned Jim Green's
19 Funeral Service and notified him that we were going on to
20 Tulsa.

21 Q Did one of you stay in the car and one of you made
22 the call?

23 A I stayed in the car.

24 Q Did someone there at the Medical Examiner's office
25 accept your delivery of those three victims?

1 A Yes, but I don't know his name.

2 Q Were there other people there that were law en-
3 forcement or State Agency?

4 A I don't know.

5 Q But you did make the delivery to the authority
6 there?

7 A Right.

8 MR. WISE: I don't have any further questions. Your
9 witness, counselor.

10 CROSS EXAMINATION

11 BY MR. ISAACS:

12 Q Mr. Parker, on the 13th day of June, what time
13 did you get the call to go out to Camp Scott?

14 A I was asleep and I think it was about 6:30.

15 Q Do you remember who called you?

16 A No, I didn't get the call. My mother got the call
17 and woke me up and I jumped into some clothes and took off.

18 Q About what time was it when you arrived at Camp
19 Scott?

20 A Right around 7:00, a little after, something like
21 that.

22 Q When you hit that front gate there in the area of
23 what they call "Cookie Trail", was there somebody there to
24 meet you?

25 A No. No, there wasn't. We made a wrong turn and

1 went on down to some buildings there and then a person led us
2 to the scene.

3 Q Do you know the name of that person, Mr. Parker?

4 A No, I don't.

5 Q How many vehicles were parked in the road leading
6 to the Kiowa Unit when you got there?

7 This diagram here to your left is the representa-
8 tion of the unit, tents being these X's, this being the road
9 down to the unit. Can you tell me how many cars were parked
10 in the road when you arrived?

11 A No, the only car that I remember seeing there was
12 the highway patrol and he wasn't right in the road.

13 Q Where was he?

14 A Somewhere about where that "X" is.

15 Q Those other cars, you don't remember?

16 A No.

17 Q Were there any other persons in the Kiowa Unit when
18 you went down there?

19 A I don't understand what you mean.

20 Q Was there any other people in the area when you
21 went down there?

22 A No, but just a few minutes later, the guy - the
23 groundskeeper - I remember seeing him there.

24 Q Where was he, Mr. Parker?

25 A Somewhere around where the ambulances were parked.

1 Q You say "ambulances". How many ambulances were
2 parked there?

3 A Well, there were two Green ambulances and one
4 Wilson-Cunningham ambulance, so there were three.

5 Q But your ambulance was the first one there; is that
6 correct?

7 A Right, but my ambulance was not the one we took
8 them to Tulsa in.

9 Q Whose did you take on to Tulsa?

10 A It was Rick Stephens from Jim Green's.

11 Q Pardon?

12 A From Jim Green's, it was another one.

13 Q Mr. Parker, when you arrived at the Kiowa Unit area,
14 did you get out of your car and talk to somebody?

15 A No, I didn't.

16 Q What did you do, park?

17 A Yes.

18 Q Then what did you do?

19 A Just stood around and watched.

20 Q Where did you stand?

21 A Well, I went over pretty close to the bodies, not
22 really close.

23 Q How close?

24 A About as far as we are.

25 MR. ISAACS: Could we let the record show that it's

1 about fifteen feet; is that satisfactory?

2 MR. WISE: (No response.)

3 MR. ISAACS: I don't know if it's a free throw or
4 a long shot.

5 Q Mr. Parker, after you went out and you looked at
6 the bodies, I want you to describe for me in your own words
7 what you saw?

8 A I seen two sleeping bags and one girl laying outside
9 the sleeping bag. She was laying partially on the sleeping
10 bag.

11 Q Mr. Parker, did you see any items of personal pro-
12 perty laying on the ground?

13 A I seen a roll of tape and a flashlight.

14 Q Did you see any rope there?

15 A Yes.

16 Q Where was that rope?

17 A I seen some around one of the girl's neck.

18 Q Would you describe that rope for me?

19 A It just looked like one of those cotton ropes, all
20 cotton ropes.

21 Q Did you see any other rope or cord in that area?

22 A No, that's all I can remember seeing.

23 Q How long did you stand there by the bodies?

24 A Off and on most of that morning.

25 Q Did you conduct any search or help law enforcement

1 officers in that area conduct the search of the Kiowa Unit
2 area?

3 A Yes, sir.

4 Q Tell me about that?

5 A We just started at the road, some of us lined across.

6 Q Would you step down and show me on the diagram, on
7 the drawing, where you stood?

8 A Well, I still don't understand it thoroughly. Say
9 this is --

10 Q These are the tents, this is the staff tent where
11 this "X" is right here, that's what they call the unit kitchen,
12 the one labeled. This is the fire wall, and this is Tent No.
13 7, where the little girls were before they were taken over
14 here under the trees.

15 A We started at this road and searched this way, all
16 the way to the tent.

17 Q All right, that would be in a northwesterly direc-
18 tion that you walked through the camp area; is that correct?

19 A Yes.

20 Q Who participated in that search with you?

21 A I don't remember everyone. Me and my dad and --

22 Q Mr. Stephens?

23 A -- and two Deputy Sheriffs. I don't remember if he
24 did or not.

25 Q Who else was out there at the camp with the ambulances

1 other than you and your dad and Mr. Stephens?

2 A I don't know the guy's name. He works for Green,
3 Wilson and Cunningham, but I don't know his name - from
4 Locust Grove - it was a Locust Grove unit.

5 Q Did he participate in that search with you?

6 A I don't know that either.

7 Q How about any highway patrolmen?

8 A I don't know.

9 Q When you conducted that search, did you find any
10 pieces of evidence that were turned over to law enforcement?

11 A I didn't, but several of them found pieces of things.
12 They found a sticker.

13 Q What kind of sticker?

14 A Something that looked like it come off a sleeping
15 bag or something, a little green sticker.

16 Q Where was that found?

17 A I don't have no idea.

18 Q Did anybody find anything else?

19 A There was something else but I can't remember what
20 it was.

21 Q Did you see a pair of glasses or a glasses case?

22 A I can't remember which it was but it was glasses, I
23 think, and it was right beside of a little bush.

24 Q Can you show me on the diagram where the glasses
25 were?

1 A They were just off this road, somewhere along right
2 in here.

3 Q All right. Would you put a "GL" for glasses where
4 they found the glasses?

5 A (Witness complies.)

6 Q I'll hand you what has been marked as State's
7 Exhibit 11 and ask if you can identify what that is?

8 A It is a pair of glasses.

9 Q Have you seen those before?

10 A I can't say if that's the glasses but I seen glasses
11 like those.

12 Q Are those the glasses that were found where you
13 have written "GL" on the blackboard?

14 A Yes, they look like them because there's the little
15 bush we marked them by.

16 Q Which bush is that?

17 A Right here (indicating).

18 MR. ISAACS: Let the record show he's indicating
19 a bush in the upper left hand corner of this picture.

20 Q If you saw a picture of the glasses case, would
21 that help you recall if you saw those that morning?

22 A I doubt it.

23 Q But you can't remember what they looked like; right?

24 A No.

25 Q Ever see that before?

1 A No, I don't remember.

2 Q After you conducted that search with those folks,
3 what else did you do while you were in the Kiowa Unit?

4 A Went back and stood around and listened to people
5 and then we loaded up the girls and took them on to Tulsa.

6 Q Did you wear boots, Mr. Parker?

7 A No, I didn't then.

8 Q Tennis shoes?

9 A No. They're coach's shoes. They're like tennis
10 shoes but they've got rubber bottoms on them. That's what
11 I had on that morning.

12 Q What kind of soles do they have on them?

13 A I don't know how to tell you. They're rubber.
14 Look like tracks on them.

15 Q Like on a tire?

16 A No, like on a caterpillar track - you know what
17 it looks like? They're coach's shoes.

18 Q Did you ever look in Tent No. 7?

19 A No, sir.

20 Q Did anybody talk to you about some items - some
21 musical - some instrument of a musical nature, something to
22 use to play a musical instrument being found in the area of
23 the tent?

24 A No, sir.

25 Q Did you ever see such an item?

1 A No, sir.

2 Q What else did you do while you were in the Kiowa
3 Unit?

4 A Helped them.

5 MR. WISE: If it please the Court, we would object
6 at this time. The direct examination of this witness dealt
7 with him being an ambulance driver, picking up the three
8 victims and taking them on to the Medical Examiner's office.
9 We have allowed without objection this wide discovery of
10 cross-examination. Now he's asking a question that doesn't
11 have any specific answer to it. We will have to object at
12 this time that this latitude of cross-examination be limited,
13 Your Honor.

14 THE COURT: Objection is sustained. It's beyond
15 the scope of direct examination. You may ask your next
16 question.

17 MR. ISAACS: Judge, I believe the scope is that he
18 was down there in the Kiowa Unit.

19 THE COURT: You may specifically ask questions about
20 the material covered on direct examination.

21 Q Did you conduct any more searches?

22 A No, sir.

23 Q Did you stand there by the bodies until you loaded
24 them?

25 A Right.

1 Q How long did you stand there after you conducted
2 your search?

3 A Until it was time to leave; I don't know.

4 Q I believe you said that after noon sometime; is
5 that correct?

6 A Seems like it.

7 Q Did you eat lunch before you left?

8 A No, sir.

9 Q Did anybody eat lunch before you left there with
10 those bodies?

11 A Not to my knowledge, no.

12 Q You said Rick Stephens was with you; is that
13 correct?

14 A Yes, sir.

15 Q Did Rick have on tennis shoes?

16 A I don't know.

17 Q Boots?

18 A I don't know.

19 Q What did you and Rick do while you waited there by
20 the bodies?

21 A Just stood around and talked.

22 Q You said you and Rick went to Tulsa and where did
23 your dad go?

24 A Back to Salina.

25 Q What kind of footwear did your dad have on?

1 A Cowboy boots.

2 Q Mr. Parker, who owns Bill Green's Funeral Home?

3 A Jim Green's Funeral Home.

4 Q Jim Green?

5 A It's him, as far as I know.

6 Q Were you the first people called to Camp Scott?

7 A I don't know that. Like I said, my mother got the
8 call; I don't know.

9 Q But your ambulance was the first one there; correct?

10 A I was the first one in Locust Grove. Then we
11 went straight to the scene. I followed the Sheriff's Depart-
12 ment and another ambulance.

13 Q Was that other ambulance a Green ambulance?

14 A Yes. The one Rick Stephens was driving.

15 Q Who out of the Mayes County Sheriff's Office led
16 you down to Camp Scott?

17 A I'm not for sure. I think it was Pete Weaver.

18 Q Who told you when you could remove the bodies?

19 A I think it was the Oklahoma State Bureau.

20 Q One of the Agents?

21 A Yes.

22 Q Was Mr. Kennedy one of those fellows?

23 A I don't recall their names.

24 Q Have you told me everything you know about this case?

25 A Do what?

1 Q Have you told me everything you know about this
2 case?

3 A Yes, sir.

4 MR. ISAACS: Thank you.

5 THE COURT: Redirect?

6 MR. WISE: No, Your Honor, and we would ask that
7 this witness be excused so he can return his normal acts of
8 life.

9 THE COURT: You're excused if you wish to leave.

10 (WHEREUPON, the witness was excused and withdrew
11 from the hearing room.)

12 MR. WISE: If it please the Court, our next witness
13 will be an expert witness and will require some preparation
14 in time.

15 THE COURT: Do you want to take a short recess?

16 MR. WISE: Yes.

17 THE COURT: About a ten minute recess?

18 MR. FALLIS: I'm sorry. In that regard, we'd like
19 an audience with the Court in camera because it may be neces-
20 sary for a longer delay than that and we want to apprise the
21 Court as to why.

22 THE COURT: Mr. Isaacs, why don't you and the
23 Defendant and the State come back and we'll talk about whatever
24 you want to talk about.

25 (At this point in the proceedings, a discussion was

1 held in chambers, the contents of which were not made a
2 part of the record.)

3 THE COURT: For purposes of explanation, it has
4 been agreed by the State and Defense, after a lengthy session
5 of direct examination and cross examination today, that the
6 first expert witness in the case will not take the stand
7 until tomorrow morning. For that reason, Court is adjourned
8 until tomorrow morning at 9:45 a. m. and the Court will ask
9 you to remain seated until the Defendant, Mr. Hart, has been
10 removed from the courtroom. You may do it at this time.

11 We are adjourned for today.

12 (WHEREUPON, the cause in hearing was recessed until
13 9:45 a. m., on the 9th day of June, 1978.)

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