IN THE DISTRICT COURT OF MAYES COUNTY,

STATE OF OKLAHOMA.

THE STATE OF OKLAHOMA,
Plaintiff,
-vs-
GENE LEROY HART,
Defendant.

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

FILED IN THE DISTRICT COURT
MAYES COUNTY, OKLAHOMA
OCT 11 1978
ELOISE GIST, Court Clerk
BY Richard Ferguson Deputy

PRELIMINARY HEARING

VOLUME VIII

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

June 26, 1978

A P P E A R A N C E S

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P R O C E E D I N G S

June 26, 1978

THE COURT: This is CRF-77-131, 132 and 133. State of Oklahoma versus Gene Leroy Hart.

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

Call your next witness, Mr. Isaacs.

MR. ISAACS: Call Nan Cook.

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

THE WITNESS: I do.

NANETTE COOK,

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

DIRECT EXAMINATION

BY MR. ISAACS:

Q Miss Cook, what's your full name?

A Nanette Cook.

Q Where do you live?

A McAlester.

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

A Yes.

Q Have you ever been there before?

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A Yes.

Q When was that?

A Last summer, during camp.

Q Had you been there before that time?

A No.

Q How long have you been a Girl Scout?

A With Magic Empire?

Q Yes.

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

Q Miss Cook, do you know Barbara Day?

A Yes.

Q And how do you know her?

A She was my English teacher in Pennsylvania.

Q Which school was that?

A Mitchell Prep.

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

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

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

A Yes.

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

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A Barbara Day.

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

A You mean pre-camp?

Q Yes, ma'am?

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

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

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

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

A No.

Q Did anyone report any strangers or intruders?

A No.

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

A Not during that week, no.

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

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

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

A Yes, a unit leader.

Q Which unit were you to be a unit leader?

A Arapaho.

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

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

Q Towards the back; do we mean north?

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

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

A The Cookie Trail?

Q Yes?

A I'm not familiar with the trail.

Q Well, the road that we enter and exit?

A Uh-huh.

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

A Okay, so it was on the north side.

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

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

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

A Twenty-eight.

Q How many tents?

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

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

A Yes.

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

A Back to Tulsa.

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

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

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

A Dee Ann Clary.

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

A About 1:00 o'clock.

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

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

Q How is that done, Nan?

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

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

A Yes, I was issued it that day.

Q Who gave you that list?

A Barbara.

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

A Yes.

Q Are you aware how that was done?

A No. Mainly by age, I think.

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

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

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

A Right.

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

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

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

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

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

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

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

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

Q Who has the keys to the gate?

A The Director.

Q Anybody else?

A No.

Q Mr. Woodward have a key?

A Ben -- is that his name?

Q Yes.

A He possibly could; I don't know.

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

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A Probably up to the Director.

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

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

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

A Yes.

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

A Uh, shortly after dinner when we were having singing porch.

Q Singing porch is what?

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

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

A Probably around 6:00 o'clock.

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

A No.

Q Nobody had reported seeing anybody unusual to you?

A Not to me.

Q Had you seen anyone?

A No.

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

A They were set up, yes.

Q Do you know who set those up?

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

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

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

Q Who were your two assistant leaders?

A Ann.

Q Ann Mullins?

A Yes.

Q Who else?

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

Q What time was that, Nan?

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

Q Then what did you do?

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

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having them clean up and get ready for bed.

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

A Third and Fourth Graders.

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

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

Q What time did they finally go to sleep?

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

Q What time did you go to sleep?

A Probably about 1:00 o'clock.

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

A No.

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

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

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

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A Between five to ten feet at the most.

Q What happened the next morning when you woke up?

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

Q What time was that?

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

Q Did you get a hot shower?

A Yes.

Q Where is that located?

A Staff house.

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

A Not on the way.

Q Did you see any strangers?

A No.

Q Then, what happened after you had your shower?

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

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hadn't had to wake my kids up yet. So I already knew something was different than normal at camp. So I saw a counselor-in-training and --

Q What was her name?

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

Q Okay.

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

Q Which unit was this?

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

Q What happened there?

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

Q Somebody had already moved them out of your unit?

A Yes.

Q Who moved them?

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

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

A It was getting probably close to 7:00.

Q Then, what did you do, Nan?

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

Q Is that Mrs. Alaback?

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

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

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

THE COURT: Objection is overruled. You may answer.

A (By Miss Cook) Answer it?

THE COURT: If you know of your own knowledge.

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

Q Were you told about something unusual?

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

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

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

THE COURT: Objection is overruled.

Q Were you told that something unusual happened?

A That a tent had been slashed.

Q Who told you that?

A I don't remember.

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

A Employees, meaning staff?

Q Yes, ma'am?

A I think it was one of the staff.

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

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

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

A Directly south of the staff building.

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

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

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

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

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

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

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

A No.

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

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

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

A A conversation?

Q Yes, ma'am?

A Yes, with the counselor.

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

A Carla.

Q When did you have that conversation?

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

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investigators.

Q What time was that?

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

Q What did Carla tell you about the tent?

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

THE COURT: Objection is sustained.

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

THE COURT: Objection is sustained.

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

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

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

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

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

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

THE COURT: Objection is sustained.

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

THE COURT: Yes.

MR. ISAACS: At this time, I'd like to present argument to the Court.

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

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

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

A Yes.

Q Where was that?

A It was in the Great Hall.

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

A About five minutes.

Q What was the substance of that conversation you had

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with them?

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

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

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

Q Did anybody go with you back to Tulsa?

A Yes.

Q Who was that?

A Carla.

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

A I took her to her house in Sand Springs.

Q Were you notified by anybody with any law enforcement agency to come for an interview?

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

Q You went back to McAlester, Miss Cook?

A Yes.

Q Were you notified in McAlester to come to a particular place for an interview with a law enforcement agent?

A She was notified. She didn't have any transportation so I drove her.

Q Where was that interview conducted?

A At Locust Grove.

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Q In what building in Locust Grove?

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

Q What was the substance of those interviews?

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

THE COURT: Overruled.

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

A You mean as far as talking to me?

Q Yes.

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

Q What information did they take from you?

A First, they took a photograph and --

Q Of you?

A Yes.

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

Q Was that hair from your head?

A Yeah. And then they took -- they wanted my fingerprints.

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Q Why did they tell you they wanted your fingerprints?

A They didn't tell me.

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

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

Q Why did you do that?

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

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

A I guess since I was up there.

Q All right. Did anybody tell you about a fingerprint found anyplace?

A The agent that talked to me in McAlester.

Q What was the substance of that conversation?

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

Q Did he tell you where?

A Yeah.

Q Where was that?

A On the buttocks.

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Q Of one of the little girls?

A He didn't say.

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

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

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

A No, I think it was like Thursday.

Q Did anybody report any theft Tuesday morning to you?

A Glasses.

Q Whose glasses?

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

Q Was anything else taken from Carla?

A No, not that I remember.

Q Do you remember another girl missing her purse?

A Yeah.

Q Do you remember that girl's name?

A (No response.)

Q Would it have been Dee Elder?

A No, it was --

Q Susan Emery?

A No.

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

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

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

Q How about Mary Ann Alaback?

A No.

Q Just can't remember?

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

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

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

Q Wipe something up?

A Yeah.

Q Do you remember that fellow's name?

A No.

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

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A No.

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

A Right.

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

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

Q Okay, so you were by yourself?

A Yeah.

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

A The day that I --

Q The second day?

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

Q What did they show you?

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

Q A tin can?

A Yes.

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

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

Q How big was the tin can?

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A About, oh --
Q Quart size?
A Yeah.
Q What else?
A I don't know.
Q What else?
A Pardon?
Q What else did they show you?
A I can't remember what else.
Q After you had that interview, when was the next time that they interviewed you and where?
A The next interview was with you.
Q Where was that one?
A That was in McAlester with my lawyer.
Q And after I interviewed you, did the OSBI speak to you again?
A Yeah, they did call me.
Q When was that?
A I wasn't home, so I don't remember. I'd been traveling.
Q Have you talked to any OSBI Agents since that time?
A Yes.
Q When and where?
A I called them back when I was in Tulsa and told them I'd tried to get ahold of them, to see what they wanted and

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

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

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

Q What type of sneaker was it?

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

Q Can you describe that show for me?

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

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

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

Q Did you see any footprints?

A No.

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

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

Q But later on, in Tulsa?

A No.

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Q Have you talked to anyone since the Tulsa interview about this case?

A I don't understand your question.

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

A You mean OSBI or lawyers?

Q Any law enforcement officers?

A No.

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

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

MR. ISAACS: No.

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

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

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

Q What type of relationships are we talking about?

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

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

A Everything that I can remember.

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

THE COURT: Cross examine?

CROSS EXAMINATION

BY MR. WISE:

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

A The first time?

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

A Well --

Q How many times have you visited with him?

A With him, once; and with --

Q Mr. Pitchlynn?

A The second time, yes.

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

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

Q All right.

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

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real long time.

Q Over an hour?

A Yes.

Q Two hours?

A Yeah, a little bit over that.

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

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

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

THE COURT: Anything else, Mr. Isaacs?

MR. ISAACS: No.

THE COURT: You may step down.

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

MR. ISAACS: Call Mary Turner.

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

THE WITNESS: I do.

MARY CARSON TURNER,

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

DIRECT EXAMINATION

BY MR. ISAACS:

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

A Mary Carson Turner.

Q Mary, in the summer of 1977, what was your employment?

A I was Waterfront Director at Camp Scott.

Q What's a waterfront?

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

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

A I guess since about 1965.

Q Been to Camp Scott quite a few times?

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

Q What's your occupation now?

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

Q Your home address?

A 928 South Yale.

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

A Yes, sir.

Q Tell me what you did during that week?

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

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

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

A Yes, sir.

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

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

Q What time do they lock the gate?

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

Q Who locks the gate?

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

Q How long have you known Ben Woodward?

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

Q Three or four years ago?

A Yeah, two summers before that.

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

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

Q During the orientation week, are all the Unit

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

A Yes, sir.

Q Did anybody else have a key to your knowledge?

A No.

Q Is there anyplace where a master key is kept?

A Not that I know of.

Q On the week preceding June 12th, did anything unusual happen in the camp area?

A Not to my knowledge.

Q Anybody report a theft?

A Not that I know of.

Q Did anyone report seeing an intruder?

A No.

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

A I went back home.

Q Anybody with you?

A I don't remember.

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

A Yes, sir.

Q Were you there when it opened?

A Yes, sir.

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

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

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

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

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

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

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

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

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

A No.

Q So you more or less had the afternoon off?

A No.

Q You did not?

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

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

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

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

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

A No.

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

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

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

A The chick hut.

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

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

Q If anybody has a problem needing some repair equipment, would that be the place to go, the logical place?

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

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

A Yes, they are.

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

A As far as tool and repair items?

Q Yes.

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

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

A Yes, sir.

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

A Yes, sir.

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

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

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

Q Do the waterfronts have a particular duty at dinnertime?

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

Q Who was in the waterfront group with you?

A Peggy Harris, Annette Croft, Donna Dixon.

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

A Yes, sir.

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

A Yes, sir.

Q What happened during the storm in reference to you?

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

Q Did you go off the campground that night?

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

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

A No, sir.

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

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

Q Where did you go to set up those schedules?

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

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

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

Q Was it dark yet?

A I don't know.

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

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

Q Do you remember which units you went to?

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

Q What counselor?

A Dee.

Q Dee Elder?

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

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

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

A Probably between eight and nine.

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

A No, sir.

Q See Mr. Woodward at that time?

A I don't remember seeing Ben, no.

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

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

Q Who was with you down there?

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

Q Do you know the names of the program aides?

A I can't remember them.

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

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

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

A No, sir.

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

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

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

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

Q Do you remember who told you what happened?

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

Q After you had breakfast, what did you do?

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

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

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

A No, sir.

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

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

Q From each individual unit?

A Well, when the buses came.

Q What time did the buses come?

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

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

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

Q This is the counselors we are talking about?

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

Q Did they talk to you individually, Miss Turner?

A Yes, they did.

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

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

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

A (No response.)

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

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

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

A No, I don't.

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

A No, sir.

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

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

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

A You mean like later this year?

Q Yes?

A Yes, sir.

Q When was that?

A Probably two or three months ago.

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

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

Q Did they set up an interview with you?

A Yes, sir.

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Q Where was that interview held?

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

Q Who was present?

A An OSBI Agent.

Q And you?

A And myself, yes.

Q What was the substance of that interview?

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

Q Did you know the person in the picture?

A Yes, sir.

Q Who was the person in the picture?

A Louise Liggins.

Q Would you describe the picture for me?

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

Q Do you know where the picture came from?

A No, I don't.

Q Had you ever seen it before?

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

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was.

Q Are you Louise Liggins?

A Yes.

Q In what capacity?

A She was a staff there the summer before.

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

A No, sir.

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

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

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

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

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

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

Q How about the tread?

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

Q Did he show that to anybody else?

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A Did I?

Q No.

A Or did he? As far as I know, he set up appointments with other staff.

Q Had you ever seen that type of shoe before?

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

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

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

Q Do you know what unit that was in?

A That was in Kiowa.

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

A No, sir.

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

MR. WISE: If it please the Court, she just testified she wasn't there.

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

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

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on that day reported to her at some other time? Your question is confusing.

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

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

Q How about a purse?

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

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

A No, sir.

Q Take any blood samples from you?

A No, sir.

Q Hair samples?

A No, sir.

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

A Yes, I have.

MR. ISAACS: Just one moment.

Q Miss Turner, was more than one tent ripped?

A Not that I know of.

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

MR. WISE: We certainly would have no questions,

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Your Honor.

THE COURT: You may step down.

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

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

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

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

THE COURT: About ten minutes?

MR. ISAACS: Yes, sir.

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

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

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

MR. PITCHLYNN: Call Celia Stall.

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

THE WITNESS: Yes.

CELIA ELAINE STALL,

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

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DIRECT EXAMINATION

BY MR. PITCHLYNN:

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

A Celia Elaine Stall.

Q Celia, what is your occupation?

A Right now?

Q Yes.

A I'm a full time student at OSU.

Q What is your place of residence?

A Tulsa.

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

A Yes.

Q And what was the nature of your employment?

A Oh, I was Assistant Unit Leader.

Q In what unit would that be?

A Quapaw.

Q Quapaw Unit. Did you take part in a pre-camp training week?

A Yes.

Q The week preceding the opening of the camp?

A Yes.

Q What was the nature of this orientation week?

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

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briefed over everything that was going to happen that week.

Q Did you have classes that week?

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

Q So Barbara was your instructor?

A Uh-huh.

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

A Yes.

Q And could you describe what these rules and guidelines were?

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

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

A Well --

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

MR. PITCHLYNN: Okay.

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

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

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

Q Okay. Who was to lock the gate?

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

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

A I know Barbara and Ben did.

Q You don't know of any others?

A No. No, I don't know.

Q The gate was to be locked at what time?

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

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

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

Q Did anyone, in fact, get left outside?

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

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

A No.

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

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

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remember.

Q Okay. So Ben --

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

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

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

Q Was it during this week that you received an assignment to the unit that you were to be working at as a counselor, unit leader?

A Did I receive assignment then?

Q Yes, during this week of pre-camp?

A Yeah, yes, it was.

Q Do you remember when?

A Uh, no, no, I can't remember when. It was sometime during the middle of the week. I don't think we had them, the assignments yet. No, we did have the assignments; we did have the assignments when we went.

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

A No, huh-uh.

Q Do you recall if the assignment included the assignment of campers to the unit?

A The list of girls?

Q Right.

A It seems like it would have to because we had

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

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

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

Q Okay. During the week of pre-camp, was there any unusual occurrences anything out of the ordinary that happened to you?

A Not to me.

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

A Yes.

Q What would that be?

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

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

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

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

Q What were their names?

A Sunny and Donna.

Q Do you remember their last names?

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

Q Do you know if they reported this?

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

Q Until August?

A Yes.

Q Did they tell you anything else about their experience that you can recall?

A No.

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

A Beg your pardon?

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

A Uh-huh.

Q About what time did you leave the camp?

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

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

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

A Before we left?

Q Yes.

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

Q Okay, who was that?

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

Q You left that afternoon? Where did you go?

A Home.

Q Home?

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

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

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A Jan, Jill and Judy.

Q When did you arrive at Camp Scott?

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

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

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

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

Q Did you have meetings that afternoon with your girls?

A With the girls?

Q Yes, the campers?

A Well, yes, we were with them.

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

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A I don't remember.

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

A Yes.

Q Do you recall what time it was?

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

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

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

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

A Oh, 6:00.

Q 6:00 o'clock?

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

Q What, if anything, occurred after dinner?

A Singing porch.

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

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

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After dinner.

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

A Uh-huh.

Q How long did singing porch last?

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

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

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

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

A Uh-huh.

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

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

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I'm sure.

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

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

Q No other meetings or conversations?

A I don't remember.

Q Who was sitting hill at your unit?

A Who was sitting hill?

Q Right; if you recall?

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

Q Were there any visitors in your unit?

A Outside visitors or from other --

Q From outside your unit or the camp either?

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

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

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

Q So you could hear them talking and playing?

A Oh, yeah, screaming and squealing.

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

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

Q Where did you find her?

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

Q Do you recall her name by chance?

A No, no, I don't.

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

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

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

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

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

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

Q Who woke you up?

A Dee Elder.

Q And who is Dee?

A She was from Kiowa.

Q From Kiowa Unit?

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

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

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

Q What did she tell you had happened?

A That three girls had been murdered.

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Q Anything more?

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

THE COURT: Sustained.

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

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

Q So the girls in your unit were still asleep?

A Uh-huh.

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

A Right.

Q As you were instructed by Barbara, by someone?

A Yes.

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

A I don't know; very shortly.

Q Were you given other instructions how to take them

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up there?

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

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

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

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

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

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

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

Q What's Sycamore Valley?

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

Q Do you remember what units went to Sycamore Valley?

A Everybody but Kiowa went down there.

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

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

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

A Me or my girls?

Q Well, you first, personally interviewed?

A I was, uh-huh.

Q And for how long?

A Not very long, just asked a few questions.

Q What type of questions were you asked, Celia?

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

Q Did you hear anything, see anything?

A No, I didn't.

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

A Yes.

Q Who were they?

A Who? I don't know their names.

Q You don't recall their names?

A No.

Q How do you know they were interviewed?

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

Q On Monday?

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

Q So you had conversation with some of the campers?

A Uh-huh.

Q In that conversation, something was said that made you feel you should take the girls up to talk to the authorities?

A Right.

Q What was said in that conversation?

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

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

Q They were yelling?

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

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

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

Q What else did they say in terms of description?

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

Q Did they overhear any conversation that occurred?

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

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

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

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

A Uh-huh, Susan Emery, yeah.

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

A No.

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

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

Q Do you know what Kathy was missing?

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

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

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

Q So she discovered that on Monday morning?

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

Q What time had that been Monday?

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

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

A During the week?

Q Yes.

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

Q Do you know who called you?

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

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was OSBI, I don't know.

Q What did she ask you?

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

Q And were you?

A No.

Q And were there any later conversations?

A With who?

Q With the OSBI?

A Yes.

Q When did that take place?

A Just awhile back, up at Stillwater.

Q Just recently?

A Uh-huh.

Q Weeks, within the last month?

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

Q And what was the nature of that?

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

Q Could you identify any of those?

A No.

Q Do you recall what the brand name of the shoe was or --

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

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

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showed you, any other items or pictures?

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

Q Who else was with you?

A Jan.

Q Jan Grumley?

A Yes.

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

A No.

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

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

MR. PITCHLYNN: Just a moment, Your Honor.

Q Celia, do you know Judy Hall?

A Yes.

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

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

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

MR. WISE: What was the name?

MR. ISAACS: Judy Hall.

MR. WISE: No, Your Honor.

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

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

Q Celia, do you know Judy Hall?

A Yes, I do.

Q Did you have a conversation with Miss Hall?

A Yes.

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

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

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

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

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

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

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Overruled.

A What was the question again?

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

A Which time? We're best friends.

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

A Yes, I had one.

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

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

Q She didn't know who the man was?

A No, but then --

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

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

Q It was during pre-camp?

A Yes.

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

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

Q Was that also during pre-camp?

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

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

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

Q Who was with you when you found her?

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

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

A I don't know.

Q Do you remember when this happened?

A It was Sunday - Sunday night or Monday morning.

Q Approximately what time?

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

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

A No, no.

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

A Not that I can remember.

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

A Oh, no.

Q Could you tell me which tent they were in?

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

Q Tent 3 or 4?

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

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

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

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

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

Q Okay.

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

Q No description of the way that he was dressed?

A No.

Q Black, white or Indian?

A No.

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

A Everything I know?

Q Yes.

A No, I can't think of anything.

Q Everything that you recall?

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

MR. PITCHLYNN: No further questions.

THE COURT: Cross examine?

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

THE COURT: You may step down.

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

THE COURT: Call your next witness.

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

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

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MR. ISAACS: All right.

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

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

AFTERNOON SESSION

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

THE WITNESS: I do.

THE COURT: Be seated.

DICKIE JOE COOPER,

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

DIRECT EXAMINATION

BY MR. ISAACS:

Q State your full name for the record, please?

A Dickie Joe Cooper.

Q Where do you reside at this time?

A West Memphis, Arkansas.

Q How are you employed?

A I drive a truck.

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

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

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Q Do your folks have some property out there?
A Yes, sir.
Q Live there all your life?
A Yes, sir.
Q Dickie Joe, are you acquainted with the Camp Scott camping area?
A Yes.
Q Directing your attention to Sunday, the 12th day of June, 1977, will you tell me what you did that day?
A I stayed at my folks' home.
Q And during the evening hours of Sunday, what did you do?
A I was home.
Q The next morning at about 8:00 o'clock in the morning, some little girls were killed. Can you tell us where you were before 8:00 o'clock?
A I was at my folks' home.
Q Dickie Joe, after the homicides, did anyone come to you and interrogate you or question you about these homicides?
A Yes.
Q Who?
A The FBI and OSBI.
Q Who was the first law enforcement agency?
A The FBI.
Q The second one?

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A OSBI.

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

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

Q And what happened when they interviewed you?

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

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

A Yes, sir.

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

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

Q Where was that?

A Ponca City.

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

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

Q Did you tell them the same thing?

A Same thing.

Q Did they take your fingerprints?

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

Q Did they take samples of your hair?

A No.

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Q Blood?

A No.

Q Saliva?

A No.

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

A Yes.

Q Where was that?

A At, I believe it was Tahlequah, Oklahoma.

Q When was that?

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

Q And what was the substance of that interview?

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

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

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

Q Where did this interview take place?

A At my home, once at my job.

Q Which job?

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

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

A 532 Seminary Street.

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

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

Q Tell them the same things you told --

A The same thing.

Q Did they take any fingerprints?

A No.

Q Hair samples?

A No.

Q Saliva?

A No.

Q Blood?

A No.

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

A The OSBI.

Q Where was that?

A At my apartment.

Q Where is that located?

A 537 Seminole, Tahlequah.

Q Did they interview you?

A Yes, sir.

Q What did they ask you about?

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A Where I was at on 6 and 13th.

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

A Same thing.

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

A Just OSBI again.

Q When was that?

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

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

A Somewhere around there; I'm not sure.

Q Where did they contact you, Mr. Cooper?

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

Q What was the substance of that interview?

A Polygraph test.

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

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

Q What was the substance of that interview?

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

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

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

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

Q Do you know the substance of that visit?

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

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

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

Q Which fellow was that, Mr. Cooper?

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

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

A Yes, that one.

Q Okay, what was the substance of that interview?

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

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

A Really nothing. I mean just everything I know is

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just all hearsay.

MR. ISAACS: No further questions.

THE COURT: Cross examine?

MR. WISE: We have no questions.

THE COURT: You may step down.

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

THE COURT: Call your next witness.

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

MR. COOPER: West Memphis, Arkansas.

MR. ISAACS: West Memphis, Arkansas.

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

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

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

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

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

THE WITNESS: I do.

THE COURT: Be seated.

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JAN LOUISE McDERMITT,

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

DIRECT EXAMINATION

BY MR. ISAACS:

Q Miss McDermitt, would you state your full name?

A Jan Louise McDermitt.

Q Miss McDermitt, what is your occupation?

A Right now?

Q Yes, ma'am?

A Nothing; I just live at home.

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

A Yes.

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

A Yes, sir.

Q And in what capacity?

A I was an Assistant Unit Leader.

Q How long have you been a Girl Scout?

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

Q Have you ever been to Camp Scott?

A Yes.

Q How many times?

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

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

A Yes, sir.

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

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

Q Do you know Barbara Day?

A Yes, sir.

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

A Yes.

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

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

Q During that week, what happened?

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

Q Were you instructed about security?

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

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

Q What time is the gate opened in the morning?

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

Q What time is the gate closed at night?

A To be closed --

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

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

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

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

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

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

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

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

Q Didn't you see any strange men?

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

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

A No, sir.

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

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A No, sir.

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

A Not to my knowledge.

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

A No, sir, I didn't.

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

A Yes, sir.

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

A I went to Coweta to stay with my sister.

Q Anybody else go with you?

A I took home Judy Hall, Celia Stall and Jill McDermitt.

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

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

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

A No, sir.

Q Which unit were you in?

A Choctaw.

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

A About a block, block and a half.

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

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

Q Kiowa Unit is west of you; right?

A Right.

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

A No, I wasn't.

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

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

Q To Choctaw?

A Yes.

Q How many campers did you have in Choctaw Unit?

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

Q What ages, ma'am?

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

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

A Not in my unit.

Q Did any of them report to you about seeing something unusual in another unit?

A No, sir.

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

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

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

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

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

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

Q Darkness falls about what time in June?

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

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

A Uh-huh.

Q So it was darker earlier than usual?

A Yes.

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

A No, sir.

Q Who locks the gate at night at Camp Scott?

A I don't know.

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

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

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

A No.

Q Do you know Mr. Woodward?

A Ben Woodward?

Q Yes, ma'am?

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

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

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

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

A No, just the usual.

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

A I did, yes, sir.

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Q Did you see anything unusual?

A No, all my girls were in their bags.

Q Did you see any people walking around with flashlights?

A No, sir.

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

A Yes.

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

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

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

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

THE COURT: The objection is sustained.

MR. ISAACS: Show my exception.

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

A Barbara Day.

Q What's the procedure for reporting an emergency?

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

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

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

MR. ISAACS: I'll accept that stipulation.

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

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

MR. ISAACS: Yes, sir.

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

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

Q Were the walkie-talkies working that night?

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

Q What time did you go to bed that night?

A About 1:00.

Q Did anything unusual happen before you went to bed?

A No, sir.

Q Did you see any strange men in the area?

A No, sir.

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

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

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

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A At breakfast.

Q About what time was that?

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

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

A No, sir.

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

A Could you repeat the question?

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

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

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

A Yes.

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

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

Q After you loaded the girls on the buses, what happened?

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

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get back on the buses.

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

A Yes, sir.

Q When was that?

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

Q Who questioned you?

A I can't recall the name.

Q Where was the questioning?

A In the Great Hall where we ate.

Q Man or woman?

A It was a man.

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

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

Q What did you tell him?

A No.

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

A No, sir.

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

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

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Q When was that?

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

Q Were you interviewed personally?

A Yes.

Q What was the substance of that interview?

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

Q What kind of shoes?

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

Q Would you describe the boot for me?

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

Q How many laces?

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

Q More than two?

A Uh-huh.

Q More than two eyelets?

A Yes.

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

A It had stripes on the side and kind of an odd looking sole.

Q What was odd about the sole?

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

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

MR. ISAACS: Call Richard Day.

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

THE WITNESS: I do.

RICHARD HAUSER DAY,

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

DIRECT EXAMINATION

BY MR. ISAACS:

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

A Yes. Richard Hauser Day.

Q How are you employed, sir?

A I'm employed with Penmore Corporation, pharmaceutical representative.

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

A Yes.

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

A Yes, it is.

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

A Yes.

Q About how many years ago was that?

A Approximately forty years.

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

A Yes.

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

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

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

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

Q Yes, sir.

A If you are referring to that, yes.

Q Did anybody report finding a note?

A No.

Q Handwritten note?

A No.

Q Do you know anything about the handwritten note

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

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

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

A Yes, I was.

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

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

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

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

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

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

Q Was this on the Girl Scout property?

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A Yes, it was.

Q Would you describe that individual for me?

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

Q How tall would you say he was?

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

Q And the race of this man, sir?

A White.

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

A He did have a jug, yes.

Q What color of jug?

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

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

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

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

A No, not then, no.

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

A It was dark.

Q Did you say black?

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

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

A No, I don't.

Q Can you describe his clothing?

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

Q Was anybody else with this man?

A No.

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

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

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

A Just came back to camp.

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

A At that time, I was driving a Volkswagen.

Q What color?

A Green.

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

A Yes.

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

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A Before dinner or after?

Q After dinner?

A We went to town.

Q How did you get to town?

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

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

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

Q How many people, Mr. Day?

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

Q Could you tell the sex of those persons?

A No, I could not.

Q Can you tell me the race of those persons?

A No.

Q Could you describe the automobile they were in?

A Light colored.

Q Sedan?

A Sedan, right.

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

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

Q Are there any other keys that you know about?

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A No.

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

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

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

A No, they were gone.

Q What time did you return to the camp?

A Approximately 7:30.

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

A No.

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

A Yes.

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

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

Q What time did you go to bed?

A Around 10:00 o'clock.

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

A No.

Q Anything unusual reported to you?

A No.

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

A No, I can't remember. I knew of it but I can't remember when I found out about it. I can't.

Q Did anybody report anything about an intruder to you or your wife in your presence?

A No.

Q About what time was it when you went to bed that night?

A Around 10:00 o'clock.

Q When you woke up the next morning, tell me what happened?

A I was woken up by one of the counselors at the door.

Q Carla Wilhite?

A Yes, I believe that's who it was.

Q What did you do after she had woken you?

A She explained to us that there were three of the girls that were missing and one of them was by the side of

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the road and she appeared dead and that we should come. So, Barbara and I went.

Q Was anybody else with you when you went to the Kiowa Unit?

A No.

Q Tell me what you saw when you arrived there?

A After we arrived there, I observed a young girl that was laying unclothed, except for a shirt on.

Q Excuse me, was anybody with the bodies when you and Carla and your wife drove up?

A Not right there, I don't think. I think there might have been a counselor standing back but I'm not really sure.

Q Nobody was there with the bodies?

A No.

Q Tell me what happened after you pulled up?

A I just -- I went over to examine the girl because I noticed she had some blood and a wound on the right side of her head.

Q You've had medical training in the past, have you not?

A Yes, sir.

Q What type of medical training was that?

A I have had a great deal of first aid training as well as surgical nurse.

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Q Is that a military occupation?

A Yes.

Q Which branch of the service?

A Navy.

Q Tell us what you did when you observed the bodies?

A My first idea was -- the first thing that came to me was this girl looked dead, yes, she did and so I examined - obviously going to find a pulse and determine if she was dead but there was something around her neck so I couldn't get a pulse there and then it just became apparent to me that she was dead. I did not take a pulse on her.

Q Did you at any time touch any of the bodies?

A No.

Q After you had looked at the body, what did you do?

A I instructed the nurse to stay there and to make sure that nobody else came into the area and then my wife and I went up to get Ben, the ranger.

Q What time was this, Richard, that all of this was going on?

A 6:30.

Q Miss Alaback had arrived after you and your wife and Miss Wilhite came upon the bodies?

A No, I think she was there first. I think she was there first. They had gotten the nurse first. I think so.

Q She had walked over to the unit area when you all

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pulled up; right?

A I'm not sure. I don't know where I could place her.

Q Tell me what happened after your wife went to get Ben, what you did?

A Well, I went in and woke Ben up.

Q Who was with you when you woke Ben?

A Barbara, my wife.

Q Just the two of you?

A Yeah.

Q You left Mary Ann Alaback and Carla Wilhite down with the bodies?

A Yes. And I got Ben up and she went to her cabin to phone the highway patrolman, the authorities, and then Ben and I went back to the scene.

Q When you and Ben went back to the Kiowa Unit, who was there?

A Carla -- not Carla, but the nurse.

Q Mary Ann Alaback?

A Mary Ann Alaback was there.

Q What was she doing when you drove up?

A Just standing.

Q What did you and Ben do after you got back to the Kiowa Unit?

A Ben went over to check the girl out and I took Ben's

truck and went up to meet the authorities that came into the gate.

Q The highway patrol?

A Yes.

Q What did you do when you got up to the gate?

A Opened the gate and just waited for them.

Q Was the gate locked?

A Yes.

Q Are you sure about that?

A Yes. When you questioned me before, I wasn't sure because, uh -- and when I talked it over with my wife and went over a few other things, I realized yes. I would have had to open the gate, yes.

Q When you talked to me before, you told me the gate was unlocked?

A No, I told you I didn't remember if I opened the gate or not.

Q Whose keys did you use?

A Ben's keys.

Q When did Ben give you the key?

A They're in the truck.

Q Your wife had a key, too; right?

A Yes.

Q Tell me what you did when you opened the gate?

A Well, I just remember I pulled the truck up and

opened the gate and pulled the truck and turned it around and had it facing back into camp and just sat there and waited for the highway patrolman.

Q Do you remember the name of the first highway patrolman?

A Harold Berry -- Officer Harold Berry.

Q What did you and Mr. Berry do when he arrived?

A I took him down to the site.

Q Then what happened?

A I stayed back by the truck and he went over and - I think Ben was still there - and he examined the situation, the scene.

Q What approximate time in the morning was it when Mr. Berry arrived and you and Mr. Berry went back to the Kiowa Unit?

A It would have to be approximate because I'm not really sure.

Q Yes, sir.

A Guessing it to be somewhere after 8:00 or 8:15; I'm not really sure. The time sequence is somewhat hazy.

Q Tell me what happened after you and Mr. Berry arrived back at the Kiowa camp?

A I know he examined the scene and I just sort of sat back and waited by the truck and in a short time, there was some other officers that came. I think Pete Weaver, the

Sheriff was there, I think, and some other people that I don't really recall and I think they then began to -- I think I did go with them to look at some of the tents where the girls had been missing.

Q Did you go over and look in the tent?

A Yes.

Q What did you see when you looked in the tent?

A Just a cot; there was a large pool of blood that looked like it had been wiped up on the floor.

Q Did you see any bloody items of clothing lying there in the tent area?

A No.

Q Did you see any blood anywhere else, Mr. Day?

A There seems like on the bed, or some blood on the bed.

Q How long were you there at the tent with these fellows:

A Just a few minutes.

Q What did you do after you had looked in the tent?

A They looked around and I just sort of stood there and they checked a few things else out.

Q What, for instance?

A I think they went behind the tent, checked around the surrounding area and I waited by the truck and by this time, some other people were arriving and checking some

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things out and I mainly just stayed in the background.

Q Would you approximate for me the time of day that you looked in the tent?

A It would be a guess, maybe 8:30 or 9:00, quarter of 9:00.

Q There were several law enforcement officers there with you?

A Yes.

Q Would you give me the names of the officers that you remember?

A Just Sheriff Pete Weaver and Officer Harold Berry are the only two that I remember.

Q Anybody else?

A There might have been some others, but I don't know their names.

Q After you looked in the tent and had gone back over by the truck, tell me what happened?

A There was some ambulances that came. I believe -- I remember having to pull the truck back out.

Q Where was the truck parked at this time when you got in it and moved it? We have a diagram here. If you could indicate on that diagram, I'd appreciate it. Assuming this is the road to the Kiowa Unit.

A Well, the little boxes there.

Q Big box or little box?

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A Big box.

Q Where did you move the truck when you backed it out?

A Back out by the staff house, there's a --

Q Were the ambulances there at that time?

A No. I remember I pulled it out so -- I knew they'd need some access. That's why I pulled it out.

Q How many law enforcement officers were there at that time, to the best of your memory?

A I don't know.

Q A dozen?

A Jeepers! I don't think a dozen, no, not a dozen.

Q Tell me what happened after you moved the truck?

A I just - I walked back down the road and I remember waiting by the ambulances and there were law enforcement people examining, doing some things and I just stood there and waited.

Q Did anybody mention the name Gene Leroy Hart in your presence that morning?

A No.

Q Did anybody report to you that a purse had been stolen out of the counselor tent in the Kiowa Unit?

A No.

Q Did you see any glasses on the ground that morning?

A No.

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Q Did you see what is called a guitar capo?

A No.

Q Did you see any other evidence while you were walking around in the Kiowa Unit?

A No.

Q Tell me what you did for the remainder of the day?

A After awhile, the Girl Scout Director Bonnie was there with a couple of people from the Board. I went back up to the Director's cabin and waited there. The rest of the day was spent -- well, we found out there was a possibility that some of the girls' parents were going to show because apparently, this information had been out on the radio. So I went down to the counselor's cabin area and waited to meet them there and I was instructed by Bonnie to explain to them the situation, to assure them that it wasn't their daughter involved and so forth and so on and waited there and then I was also involved with taking the buses down to pick up the girls at Wildcat Williams' and so forth.

Q After the buses came and picked up the little girls, were you interviewed by any law enforcement officers?

A No.

Q What time was it that you left Camp Scott on the 13th?

A 5:00 o'clock -- 4:00 or 5:00 o'clock.

Q During that time, did you talk to any law enforcement

officers about what you did?

A Yes. Not law enforcement officers. I talked to one person who was assistant to the District Attorney, Sid Wise - a lady.

Q Mrs. Huff?

A Yes, I believe that's her name.

Q What was the substance of that interview?

A Basically, sort of what had happened and who I was and what I was doing there.

Q Did you tell them the same things?

A Yes, I think; sure.

Q Was that the only conversation you had of an interview nature with some law enforcement agent?

A Yes, as well as I can remember, yes.

Q When you left at 5:00 o'clock, where did you go?

A We went to some friends' house, some people that I had met recently, and stayed at their home.

Q Where was that?

A It is further east on Highway 33, several miles from back off the road.

Q What are their names?

A Mr. and Mrs. John Nielson.

Q Were you contacted later on by the Oklahoma State Bureau of Investigation?

A Later on that day, or the next day?

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Q Yes, sir.

A Later on that day?

Q That day?

A No, I was not.

Q Contacted the next day?

A We went back to the camp and did a few things, picked up -- we had to take Barbara's belongings and things.

Q From the office?

A Yes, in the office.

Q Did you speak with anybody on that day concerning the homicides?

A No.

Q After you had picked up her belongings, what did you do?

A Went home.

Q When you went home, were you contacted at a later date by any law enforcement agency?

A They asked us to come back to the camp the next day.

Q So we're talking about the 15th? You were there on the 13th, you spent the night with the Nielson's on the 13th, went back on the 14th and then, on the 15th, they asked you to come back?

A Yes, I believe that is correct.

Q When you got back to camp on the 15th, were you

interviewed by any law enforcement agency?

A Yes, by an OSBI Agent.

Q Do you know his name?

A No, I do not.

Q What was the substance of that interview, Mr. Day?

A Specifically, we went over a review, the events that happened, a little bit about my background, you know, what I did after high school on up through the Navy, schooling and et cetera.

Q Did they give you a blood test?

A No.

Q Take any blood from you?

A Not at that time, no.

Q At a later date, did they?

A No, I don't think they took a blood sample from me; no, they didn't.

Q Have you told me everything about that interview on the 15th?

A Just -- they took some fingerprints.

Q Your fingerprints?

A Yes.

Q Who took those?

A One of the agents. They set up a little area there to take fingerprints.

Q For what purpose?

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A It would be conjecture. I imagine just to eliminate here if I had any involvement in it, I imagine.

Q After they took your fingerprints, did they tell you to go on home, they'd be in contact with you?

A Yes.

Q What is the next day -- next date that any law enforcement officers contacted you to the best of your recollection?

A I think maybe, I'm not really sure, a couple of days later, I think one of them dropped by the house and went over a few things with us.

Q What was the substance of that interview?

A They were interested in some shoes.

Q What kind of shoes?

A Mainly a print. They were interested in a footprint that they had found and matching a shoe to a particular footprint and they wanted to know if we knew anybody that had this particular type of shoe or if we were familiar with it.

Q Have you ever seen a pair like that before?

A No.

Q Did they show you any other photographs or pieces of evidence?

A Not that I remember, no.

Q Is that the substance of the conversation you had

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at your home that day?

A Yes.

Q Did they contact you at a later date, Mr. Day?

A Yes, they did.

Q What was the substance of that conversation?

A It was mainly a lie detector test.

Q Who was the agency that contacted you about that?

A (No response.)

Q If you remember?

A I don't remember his name. There were several OSBI officers there. One came in and actually administered the test.

Q Do you remember the date approximately?

A No, I don't.

Q About how long after the Camp Scott homicides were you given this lie detector test?

A A week, something like that roughly.

Q After that interview, were you contacted again at a later date?

A There was some periodic calls but no, not regular interviews per se; some checking up of some of the different items.

Q What, for instance?

A I think some names of counselors and some other things like -- well, most of it was directed toward Barbara,

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not myself.

Q Since then, have any law enforcement officers contacted you or interviewed you or taken any samples of your blood, hair?

A They took some hair samples that night I had the polygraph test but they did contact me later on about the shoe incident.

Q The shoes?

A Yes.

Q During the time you were at Camp Scott, both including the week that preceded the opening of camp and the camp, did you observe any men putting up tents?

A No, I did not.

Q Do you know who put the tents up?

A I would assume it was Ben.

Q Okay. At any time were you ever shown a bloody towel?

A No.

Q Did any law enforcement officers show you a flashlight and ask you to identify that flashlight if you could?

A No. They didn't show me the flashlight. I remember the flashlight.

Q Did you see that flashlight when you were there near the body that day?

A Yes, that morning when I first went there, yes.

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Q What else did you see near the body that morning?

A That's all, except the sleeping bags; I did see that.

Q Mr. Day, about this man down on the creek, did he have a hat on?

A Not that I remember, no.

Q Would you know him if you saw him again?

A Probably not.

Q Do you remember if he had any facial hairs; mustache?

A I don't remember.

Q About how far were you when you first saw him?

A Ten feet approximately.

Q Did you get any closer than that?

A Maybe five feet.

Q How long did you see him?

A Just for a minute.

Q Sixty seconds?

A A minute or two; something in there.

Q When you went to the gate -- I'm kind of mixed up. What automobile did you use to go to the gate in?

A Ben's truck.

Q But you went down there in another vehicle -- went down to the Kiowa Unit in another vehicle?

A Yes.

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Q In a separate one?

A Because we got Ben up and Barbara took the van down to her office and Ben and I took his truck and went back to the site.

Q Have you ever been shown any photographs?

A I think one time they showed me a photograph of some counselor they found.

Q Louise Liggins?

A I don't know. At that time, nobody knew who it was. I think it was found in the supply hut.

Q Is this the one that's been torn up and everybody keeps talking about?

A Yes, I think it was; yes.

Q Did it have a car in the picture and a girl sitting on some sleeping bags?

A No.

Q Describe for me the one you saw?

A There was just some girl standing, like someone taking a snapshot of her, you know, standing there. The background was some woods -- sleeping bag?

Q Have you ever seen that picture before?

A No.

Q Before Camp Scott?

A No.

Q In that Camp Director's cabin, there is a closet,

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is there not, where old items used at Camp Scott are stored?

A I think so.

Q Was there a framed picture of a flag in one of those closets?

A I don't know.

Q Did you ever look in there?

A I didn't look in there.

Q Did anybody make any statements to you that there was a fingerprint found either on the body or some item of evidence seized at Camp Scott?

A I learned somewhere after, sometime there was a possibility there was a fingerprint on a body, but it was like hearsay, filtered down.

Q Who told you that?

A I think Barbara mentioned it to me.

Q Do you know who told her that?

A I don't know.

Q Have you told us everything you can remember about Camp Scott and the homicides that happened there on the 12th and 13th of June?

A As best I can recall.

MR. ISAACS: Thank you, Mr. Day.

THE COURT: Cross examination?

MR. WISE: We'd have no questions.

THE COURT: You may step down.

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

THE COURT: Call your next witness.

MR. PITCHLYNN: Call Jill McDermitt.

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

THE WITNESS: Yes.

JILL ELAINE McDERMITT,

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

DIRECT EXAMINATION

BY MR. PITCHLYNN:

Q Give us your full name, please?

A Jill Elaine McDermitt.

Q Jill, what's your occupation, present occupation?

A Unemployed.

Q Were you employed in June of 1977 by Magic Empire Council?

A Yes.

Q In what capacity were you employed?

A Pardon?

Q What capacity were you employed - what was your job?

A I was Director of Photography.

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Q Okay. Had you worked at camp before this summer of '77?

A No.

Q Have you been at camp as a camper before in previous years?

A Yes.

Q How many times?

A Oh, I've been there since Brownie, just through the summer and camp-outs and cook-outs.

Q Did you participate in the week of orientation preceding the opening of camp?

A Yes.

Q Where did you stay during that week?

A What unit?

Q What unit were you in?

A Choctaw.

Q And who did you share a tent with?

A Celia Stall.

Q During the week of orientation, Jill, did you attend classes or meetings and receive instructions from anyone in particular?

A We received instructions from Barbara Day, our Camp Director.

Q What type of instructions did you receive?

A Oh, I can't remember, just the basics.

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Q Was there a knot-tying session?

A Oh, yes, there was knot-tying, fire building, tents.

Q Who taught the knot-tying session?

A Anna. I don't know her last name. She's CIT Director.

Q She's CIT Director?

A CIT - Counselors in Training.

Q Do you recall what types of knots that you were taught to tie during this session?

A No, I don't know knots.

Q During this pre-camp week, were you also instructed on rules and regulations at camp in terms of security?

A Repeat that question.

Q Were you told what the rules were at camp in terms of coming and going?

A Yes.

Q What were those rules?

A A certain time, I think it was about 10:30, the gate was locked. We had to be back at that time if we left camp - just the counselors.

Q Were there any restrictions on leaving camp other than being back at a particular time?

A We had to tell the counselor -- I mean Barbara Day, the Director.

Q Okay. So other than your normal duties in camp and having to what you call "sit hill", you weren't restricted from leaving the campground?

A No.

Q If you didn't get back to camp in time - 10:30 or whatever that time was, who would you go to if you had driven the car outside of camp, who would you go to?

A I don't know that I ever did that.

Q Do you know who had keys to the gate?

A No.

Q During the week of pre-camp, did you see any strangers on the campgrounds?

A No.

Q Did you hear of strangers?

A No.

Q Okay, were there any workers doing any type of work on the campgrounds?

A Cleaning the latrines.

Q Cleaning the latrines?

A Yes.

Q Do you know who those workers were?

A No.

Q Do you know Ben Woodward?

A The --

Q Ranger or whatever?

A Yes, I know him.

Q Was Ben Woodward one of those men?

A I didn't pay any attention to them.

Q Do you recall how many there were?

A No.

Q During the week of orientation, were there any unusual occurrences, anything unusual, out of the ordinary that happened that you know of?

A No.

Q And did you receive assignments during that week of which units you would work in?

A Not until the last day.

Q The last day of pre-camp?

A Friday or I think it was Sunday, either one of those days.

Q What unit were you assigned to?

A Cherokee.

Q Where is Cherokee located from Kiowa?

A South.

Q Did you also receive a list of campers that would be in your unit?

A I did not receive them. My unit leader did.

Q Who was the unit leader?

A Jane -- I don't know her last name.

Q And do you know when she received this list?

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A No.

Q Were you involved in any clean-up or repair work in Cherokee Unit during the week of pre-camp?

A No.

Q And before you -- did you leave camp on Friday after pre-camp was over?

A Yes.

Q Do you remember what time you left?

A In the afternoon.

Q Who did you leave with?

A Jan McDermitt, Judy Hall and Celia Stall.

Q Before you left the camp, did you move your personal belongings from the area you had been staying for pre-camp into your new assignment?

A I don't remember.

Q Where did you go when you left the campgrounds on Friday?

A My grandmother's.

Q To Tulsa?

A Coweta.

Q When did you return to camp?

A Sunday afternoon.

Q What time?

A After lunch some time.

Q What time did the campers arrive on the buses?

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A Around 12:30 or so.

Q What did you do? What were your activities that afternoon after the girls arrived?

A Just to get them settled in their tents.

Q What did that consist of?

A Well, Jane read them the rules and regulations, no running, stuff like that and, uh -- then we drew numbers -- well, they called off numbers to see which girls would go in the tents. They could -- normally, they could just pick whatever tent they wanted to but we decided since they were the older girls, to let them separate from their buddies.

Q So you did have a meeting then before tent assignments were arranged?

A Yes.

Q What time was dinner that evening?

A 5:30 or 6:00.

Q What time was dinner completed?

A Eating dinner or dinner-dinner?

Q Your evening meal; what time were the kids all through eating?

A Probably takes about thirty minutes.

Q And what happened after dinner? What activities after dinner?

A We sat on the porch and sang and Barbara welcomed the girls to camp.

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Q Do you know how long this took place?

A No.

Q Was it raining by this time?

A I don't remember.

Q Where did you go after the singing was completed?

A Back to the unit.

Q Okay. Did you go back with all the girls, all the campers together in a group?

A Yes.

Q What were the activities in your unit when you arrived back at your tent area?

A Just going around to see if all of the girls were settled in and check the tents, you know, to see if they had any problems or anything.

Q Were there any problems of any kind that evening, any major --

A There was one little girl misplaced.

Q Pardon?

A There was one little girl misplaced.

Q What was her name, do you recall?

A No.

Q What do you mean by "misplaced"?

A She was in the wrong unit.

Q Okay. What did it -- it did rain that evening, is that correct?

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A Yes.

Q And approximately what time, if you recall, did it begin to rain?

THE COURT: Mr. Pitchlynn, I've heard all the questions about rain I care to hear. Ask your next question.

MR. PITCHLYNN: Your Honor, this is a new witness.

THE COURT: It's cumulative. Ask your next question.

Q Jill, what time that evening did the girls start to settle in for the night?

A When it got dark.

Q And about what time would that be?

A Oh, Daylight Savings Time, let's see, about 8:30 or 9:00 o'clock or so.

Q What time did the counselors turn in?

A I didn't turn in until 11:00 or so and that's about what time the other counselors did.

Q Were you in the tent most of the time during that evening?

A No, I was in the photography hut.

Q What time did you return then?

A 11:00.

Q Was there anything unusual about that particular night? Were you awakened in the night?

A No.

Q What time the next morning did you awake?

A 7:30.

Q How were you awakened?

A Anna, the CIT Director, came in and woke us up.

Q Why did Anna wake you up?

A Uh, she -- I slept through the bell and she said we had to go through emergency procedures and that's why she woke us up.

Q Did she explain?

A No, she just said emergency procedures.

Q What did you do?

A I got dressed and went and got the girls up.

Q And took the girls to breakfast?

A Great Hall.

Q Had you heard anything by this time about what had happened?

A Right before breakfast.

Q And who told you?

A Celia Stall.

Q What did Celia tell you?

A Three little girls had been murdered.

Q Did she explain -- did she go any further?

A No.

Q Okay. While you were at breakfast, did you learn anything more about what happened?

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A No.

Q And following breakfast, what did you do with your girls?

A We took them back to get their swimsuits.

Q Okay. Took them swimming?

A Yes.

Q Were you questioned on Monday by authorities?

A That was the day the girls had been murdered; right?

Q Yes, that morning.

A Yes.

Q Who questioned you; do you recall?

A FBI Agent.

Q An agent - an FBI Agent?

A Yes.

Q You don't recall the name?

A No.

Q How long were you questioned; for what length of time?

A About a minute.

Q Okay, and the nature of the questions?

A Did I hear anything in the night; what time did I go to bed.

Q What did you tell him? Did you hear anything?

A No, I didn't hear anything.

Q Did anyone report to you or did you hear of reports

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of missing personal property on Monday?

A When? That day?

Q Right; on Monday?

A No.

Q Monday afternoon?

A No.

Q Did you later hear of property that was missing?

A In the news reports.

Q And you had no personal knowledge of any of that?

A No.

Q Were you interviewed later by any authorities?

A No, not until you interviewed me at the Girl Scout Office.

Q Have you since that time been interviewed?

A No.

Q Jill, did you ever have an occasion to go into the Kiowa Unit after the incident that Monday morning?

A No.

Q And you never saw the tent or saw the bodies?

A No.

Q Okay. Have you told me everything that you can recall about those days, the investigation that followed, interviews?

A Yes.

MR. PITCHLYNN: Okay. No further questions.

THE COURT: Cross-examine?

MR. FALLIS: Just a question, Your Honor.

CROSS EXAMINATION

BY MR. FALLIS:

Q Miss McDermitt, you mentioned one little girl being misplaced?

A Uh-huh.

Q Was she a little girl in the Choctaw Unit?

A She was in the Kiowa Unit.

Q Do you recall her name?

A No, I don't.

Q Do you know, ma'am, of your own personal knowledge if it was one of the little girls that was victimized in this particular case?

A (No response.)

Q Either the little Milner girl or the little Farmer girl or the little Guse girl?

A No, it wasn't.

Q It's not one of those little ladies?

A No.

THE COURT: Redirect on this point?

MR. PITCHLYNN: No.

THE COURT: You may step down.

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

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MR. ISSACS: Judge, we call Charlie Newton.

THE COURT: Would you step, Deputy, to the next courtroom see if Officer Newton is available from that courtroom?

MR. ISAACS: Judge, I don't have anymore witnesses for the day.

THE COURT: Let's take about a ten or fifteen minute recess. Perhaps he will finish in the other courtroom.

(Following a fifteen minute recess, the proceedings continued as follows:)

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

THE WITNESS: Yes, sir.

CHARLES D. NEWTON,

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

DIRECT EXAMINATION

BY MR. ISAACS:

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

A Charles D. Newton.

Q What is your occupation?

A State Trooper, State of Oklahoma.

Q How long have you been so employed?

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A Since February 19, 1966.

Q Directing your attention to the Camp Scott area on or about June 13th, June 12th, 1977, did you respond to a call to pick up some OSBI Agents?

A Yes, sir.

Q Where did you go to pick those people up?

A Pryor Municipal Airport.

Q After you picked them up, you took them back to the Camp Scott area?

A Yes, sir.

Q Tell me what happened after you arrived at Camp Scott?

A We arrived at Camp Scott and received information of the location of where the Agents were needed and I transported them with the equipment that they had to that location which was the Kiowa Camp area.

Q Do you know the names of those agents?

A One agent, Arthur Linville is the only one I know - knew. I had previously met him before this and he was the only one that I did know.

Q What time of day was it when you took these fellows over to the Camp Scott Kiowa Unit?

A If I recall properly, the approximate time was about 10:30 a. m. that I located them at the Pryor Airport and we got to Camp Scott area approximately 11:15.

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Q Describe the Kiowa Unit as it appeared on the morning of the 13th, at 11:00 a. m.?

A There was one area as we entered the Kiowa camp, it was to the lefthand side of the road, that was roped off with a polyester nylon-type road, similar to ski rope; just to the right of that, which I believe would be to the north of that area, if the first tent. Then, from there to the west, fanned north, is the location of seven other tents and in the general area of the center of that whole location is a concrete block inbuilding with a roof on it and north of that is a campfire area. That's the general camp itself.

Q Now, the counselor's tent is located a little bit to the east of that kitchen area, is it not, that concrete block house I'm referring to?

A Yes, sir, I understand that first tent to the right was the counselor's tent.

Q Were there quite a few people in the Kiowa Unit area when you arrived?

A Yes.

Q Approximately how many?

A I honestly have no idea.

Q Were there other highway patrolmen already on the scene?

A Yes, sir.

Q Were there representatives from the Mayes County

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Sheriff's Office on the scene?

A Yes, sir.

Q Were there representatives from the Oklahoma State Bureau of Investigation on the scene?

A Yes, sir.

Q Had Mr. Wise and his investigators from the District Attorney's Office arrived?

A Yes, sir.

Q I believe that we have heard testimony that some ambulance drivers were on the scene. Do you recall whether or not the ambulance people had arrived?

A We met -- I say "we" -- I and the agents met ambulances in the Locust Grove Municipal area on the main street of Locust Grove as we were en route to the camp. They have already left the location of the camp.

Q Had the bodies been moved when you arrived there?

A There was none there when we got there.

Q This is about 11:00 o'clock in the morning; right?

A Yes, sir.

Q Tell me what you did at the Kiowa Unit on the morning of the 13th, after getting out of your car with the OSBI Agents?

A It was my assignment to aid the Agents that I had transported there with handling of their equipment and do whatever I could to assist them. That was my only assignment.

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Q Were you with Mr. Linville when he investigated the crime scene?

A Part of the time, yes.

Q What did you see him do, Mr. Newton?

A As of now, I couldn't recall anything specific since I was with him and the other agents, too. And specifically, I wouldn't know who did what.

Q Mr. Newton, did you see any items of evidence located there in the trees near the area that had been roped off?

A I don't know whether -- what I would refer to -- I don't know whether I saw it there, then or later in pictures; I can't recall. So I don't know whether it was -- I can't recall whether it was there or not.

Q Mr. Newton, did you look in Tent No. 7?

A Yes, I did.

Q What did you see when you looked in Tent No. 7?

A There was four bunks, single style metal frame bunks; there were clothing, camping bags, general camp Girl Scout equipment. The floor of the tent had a large area covered with what looked to me like blood.

Q Did you see any footprints in that blood?

A I saw what I believe to have been a footprint, yes.

Q Were pictures taken of those footprints?

A Yes.

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Q Did you see anybody in the Camp Scott area wearing shoes that would leave a footprint like the one in the floor of the tent?

A No, sir.

Q After you looked in the tent and saw what you described for us, what did you do then?

A Continued to assist the agents in different tasks that they had. Mainly, carrying equipment to them and locating equipment for them so that -- save them footsteps, more than anything else.

Q Did you at any time see a towel that had been used to wipe up blood in Tent No. 7?

A Not that I know of, no, sir.

Q Did it appear to you -- just state whether or not it appeared to you that something had been used to wipe up the blood in the floor of that tent?

A Yes.

Q Do you know if any item of clothing or any towel was seized in the Kiowa Unit that could have been the towel or piece of clothing used to wipe up the blood?

A No, sir, I do not know.

Q How long were you there with these OSBI Agents, Mr. Newton?

A I left the tent area, if I recall properly, around 6:00 or 6:30 that evening to prepare for additional assignments

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that I had been given while there and then I returned to that location at approximately 9:30 or 10:00 o'clock the same evening.

Q And your duty at that time was merely to preserve the crime scene area of Tent 7, Kiowa Unit; is that correct?

A And assist the agent in any way, yes.

Q What was the additional assignment given you?

A A section of the floor of the tent which I had assisted in removing from the floor section floor was approximately three and a half foot wide by five foot, had been removed from the floor proper and I was able to handle it by myself and so therefore, I initialed it for purpose and used that -- transported that and myself to Oklahoma City.

Q When did you do that, Mr. Newton?

A That evening.

Q After -- were you there the entire time that the tent was being processed for possible scientific evidence?

A Not all the time, no, sir.

Q Were you there when a little vacuum cleaner was used to vacuum up some hair?

A Yes, sir.

Q Would you describe for me what was done in reference to this operation of that vacuum cleaner?

A That was part of the equipment that had been brought by aircraft that morning and I observed as it was removed from

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its case, fixed for operation. What all was done to it, I don't recall.

Q Was that self propelled or did you have to have an extension cord?

A It was electric operation and if I recall, we had to wait until we could get an electric power which was a portable generator on the scene to operate it.

Q Mr. Newton, those -- that piece of wood, did it have one footprint?

A I believe there were more than one, a partial print.

Q Could you describe for me the type of footprint that was left there in the tent?

A Without anything to refresh my mind at this time, I recall that the outside edge or the lining of the, uh -- giving the outline of the footprint itself had little round circles or dots like around the outside edge of it but the interior of it was covered crossways with lines. It was not -- it did not all have round circles or dots. It was lines and dots and the dots were on the outside of it.

Q Have you since then ascertained the type of shoe that would leave a footprint like that?

A I have seen a shoe that would, yes.

Q What type of shoe is that?

A It was a sneaker-type track shoe.

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Q Do you know what the brand name is or who makes them?

A I have been shown one, have seen one that was a brand name of Payless.

Q Was that one that an OSBI Agent had or a law enforcement officer?

A Yes, sir.

Q When were you shown that particular item of footwear?

A It was several days after - after the 13th; I don't know what day.

Q Mr. Newton, what size was the shoe that left the footprint in the tent?

A I have no idea, sir.

Q You were there when they processed the scene and the floor was sawed up. Did you transport any other items of evidence to the lab in Oklahoma City?

A No, sir, not of evidence. There was equipment that they could not take back that I transported but not evidence.

Q When is the first time you ever heard anybody mention Gene Leroy Hart's name in reference to these homicides?

A I have no idea when it was.

Q Mr. Newton, after transporting that floor into the laboratory in Oklahoma City, what is the next thing you did in reference to the investigation of these homicides at Camp

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Scott?

A The next morning, I was re-assigned to pick up agents also, again, from airport, which I believe, this time they flew to a private strip southeast of Camp Scott, where I picked them up and transported them to the camp and was assigned to their aid during that time.

Q Do you know the names of those agents, sir?

A I believe one was Arthur Linville and who the others were, I do not know.

Q On that day, would you describe for me the activities that you witnessed?

A Well, again, that day, there was approximately the same as the day before. I simply followed around and assisted these agents with transportation since they did not have vehicles there, as well as locating whatever they may ask for that I could assist them with was my assignment. Specifically, I cannot recall.

Q Was there any items of evidence given to you or any items of evidence seized in your presence?

A Not that I recall, no, sir.

Q On the following day, would you tell me what you did with reference to the homicides at Camp Scott?

A I would again, the third day, I did not have an assignment with the specific agents as before, but I was assigned to aid there at Camp Scott and just the same general

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type assignment.

Q My question would be the same for that day. Were any items of evidence given to you for transportation or any items of evidence seized in your presence?

A I don't recall on that day.

Q The next day was June 17th. Did you have a similar duty on that day?

A Yes, sir.

Q Would your answers be the same for that date, for the next two questions, about whether you were given evidence and whether you transported any?

A This would be my answer generally for the period of three weeks except for one particular.

Q June 18th?

A One particular day, yes. I don't know what day it would be, possibly the 18th.

Q Would you tell me what you did on or about the 18th or the 16th of June?

A I believe it was approximately the 18th; I'm not for sure of the date. But I went to a location southwest of Camp Scott area in my personal vehicle, which is a Jeep.

Q Let me interrupt and back up here just a second. On that morning, who notified you to go to that location?

A One of the other officers there in the camp. Who, I don't know but I was asked to go with a particular person.

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Q What was that person's name?

A His last name is Colvin.

Q Johnnie Colvin?

A Yes, sir, I believe it is.

Q W. R. Thompson was with him, was he not?

A I believe Thompson was the second person, yes.

Q For what reason did you go to that location?

A They had brought some item to the camp area and had shown it to some person in the investigation there and I was asked to go with them back to the location that they had found this.

Q Do you know what the item was?

A It was, I believe, a bread sack, a plastic bread sack that had some flour in it.

Q Anybody else go with you when you got to the area that the bread sack was found?

A Yes, sir. Lake Patrolman Leon Rice.

Q Tell me what you did when you got down to the area where the bread sack was found?

A We observed the area, which consisted of an abandoned foundation of a house.

Q Yes, sir?

A Which there was a cellar underneath, what seemed to have been the slab for a porch and a short distance from there a dry dry-wash stream bed and then the stream bed on one side

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in the embankment was a small cave and in these areas, we found empty tin cans, some that had bean juice, bean-like pork and beans - we found several other items along in with that in this area.

Q Can you list for me the items that you found personally?

A Items that I personally saw first, to state also at this time, I instructed Colvin and Thompson and Leon Rice, of course, him being an experienced officer, knew the information already, but I instructed the other two not to remove anything or not to move anything from its location but to leave it as it lay. If they found anything such as food cans or what-have-you, anything at all out of its ordinary surroundings, to leave it where it was until we could decide what to do with it. Let us look at it good and from there, I recall I found personally, first location a plastic eye case with a pair of what seemed to be sunglasses partly sticking from this case. I found a partial roll of masking tape which was approximately three-quarters inch in width, some food cans, other items that we did observe, I can't recall as I actually saw them first or found them but I did observe other items also.

Q Do you recall who found the pictures there in that area?

A I believe Leon Rice and one of the - either

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Thompson or Colvin were actually the ones that first saw them. I picked them up off the ground myself.

Q When these pictures were sited there at the area, would you describe for me where they were and how they looked?

A If I recall properly, that would have been - the directions not being completely clear in the area for the way you would have to get there - but I believe it would be southwest corner of the cellar, which would also have been the end of the cellar or where the steps from a porch would have gone to the ground, at that general area, within a few feet of the cellar was where we found the pictures on the ground.

Q Were they in the trees?

A I'd say possibly the closest tree was ten to twelve feet.

Q Just out in some grass?

A Yes, sir.

Q Did it appear to you that those pictures had been there for a long time?

MR. FALLIS: Your Honor, I'm going to object to that. That's calling for a conclusion on the part of the officer.

THE COURT: He can testified what he observed; not a conclusion.

Q Tell me how they appeared to you when you looked at

them?

A They were folded and looked as if they had possibly been carried - not necessarily in - like in a billfold - but possibly just in a pocket and mashed flat, sticking the face of the pictures together.

Q Can you describe for me how they were folded?

A They were not folded in an ordinary fashion, in other words exactly being corner to corner and side to side, but they had been folded in a disordered fashion.

Q How many of them were there, Mr. Newton?

A They were all stuck together and I didn't know exactly whether there was more than one picture or not.

Q Who found the bean-flip?

A I believe Leon Rice and possibly either Colvin or Thompson. We tried to pair together.

Q Who did you have with you?

A I believe Johnnie Colvin was the one with me.

Q How far from the steps of the cellar was the roll of masking tape when you first saw it?

A Approximately fifteen feet.

Q In which direction was that?

A I believe it would have been almost due west.

Q There was also, I understand, a pair of red and black panties found in the cellar. Did you find those or someone else?

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A Someone else observed them first but before anyone went down in the cellar, I was shown where they were.

Q Would you describe for me where they were in the cellar?

A They were in the far southwest corner of it from the steps.

Q Were there any other items of clothing found there in the cellar?

A None that I know of.

Q Any shoes?

A There were -- around the cellar there was some partial shoe sole.

Q Yes, sir?

A The leather type or composition type of shoe sole that apparently was ages old.

Q Did you see any -- did you see sunglasses there in the area of the cellar, other than the one you have talked about in the glass case?

A No. No, sir.

Q You mentioned earlier some tin cans had bean juice in them. Would you describe for me how far they were from the steps that you entered the cellar through?

A There were some right there within a matter of two or three feet. There were other cans that also had food debris from them and all in the area, anywhere from a

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few feet to twenty-five or thirty feet away from the cellar.

Q How many cans would you estimate were in the area of the cellar?

A It would only be a guess of maybe twenty-five or thirty cans.

Q Were these new cans?

A Some of them were fairly new with labels still on them and others were older that had rusted and --

Q Hunters often leave shotgun shells and shell casings in the area, or ammunition boxes. Did you see any of those near the cellar?

MR. FALLIS: Excuse me, Your Honor. I am going to object. He can ask him if hunters left them there or if he saw them there.

MR. ISAACS: I didn't ask him that.

MR. FALLIS: Well, this is his witness, Your Honor.

THE COURT: Objection is sustained.

Q Did you see any ammo boxes in the area of the cellar?

A Not that I recall.

Q Did you see any shell casings in the area of the cellar?

A I don't recall any of those.

Q What else did you find there, Mr. Newton?

A I'm trying to think what we have already mentioned.

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Q You hadn't told me about the newspaper.

A We found portion of newspaper with a human debris from that on some of that paper. We found a pair of gloves. They were in the mouth of the cave.

Q Let me back up just a moment. This mouth of the cave, would that have been the entrance near the steps going into the cellar?

A Yes.

Q That's where the gloves were found?

A Yes, sir.

Q The newspaper -- can you give me the distance that the newspaper with the human debris on it was from the mouth of the cellar -- from the steps going into the cellar?

A I assisted in measuring this but I don't recall. I know that we measured it with a tape to these different locations but on that particular one, forty-five, fifty feet.

Q Which direction was that?

A It would be a little to the southwest of the steps going down into the cellar.

Q So that would be away from the cave and away from the cellar?

A Just south of the cave.

Q Were any other items seized as evidence in the area of the cellar?

A Offhand, I can't recall what would have been.

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Q How long were you and Mr. Rice and Colvin and Mr. Thompson there in the cave-cellar area?

A The -- well, when we saw what was there, we had no -- we was not prepared to pick up or to take into custody for evidence any material at all, so I left -- uh, I left Leon Rice and I believe Thompson there at the scene and Johnnie Colvin and I went back to another location which we had passed on the way to the cave to get some equipment -- box, sack or whatever, to pick the stuff up and transport it back to the camp. Then I came back to that location. We had then turned at that time by radio from another unit contacted the personnel at the camp and they advised us to bring what we had found to the camp, to the headquarters, and we did by going back with the cardboard box and putting the items in this box, keeping them separated with a paper sack, brown paper sack, putting some inside, some around it and some on top.

Q Did you see anybody in the area of the cellar that morning when you were going down to the cellar?

A No, sir.

Q Did you see anyone in the area of the cellar when you came back?

A No, sir.

Q Mr. Colvin or Mr. Thompson see anybody in the area?

A Not that I know of, no, sir.

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Q All of these items that we've been talking about were put in that box; is that correct?

A All but the gloves and the partial roll of tape I believe were put in there.

Q What was done with the gloves and the partial roll of tape?

A The partial roll of tape, as we were picking these items up, it was missed -- in other words, we failed to pick it up at that time. The gloves we had retrieved from the mouth of the cave and laid them on a rock ledge above the mouth of the cave and we did not take them back at that immediate time.

Q Did you leave the area with all these items including the pile of human debris and transport these items someplace?

A Yes, sir, we did.

Q Did all of you leave?

A Yes, sir, we did.

Q Where did you take the items that you seized - the pictures, the bean-flip, sunglasses, newspaper and human debris?

A We took this back to the investigation headquarters there at Camp Scott which is the Director's cabin.

Q Who did you turn that over to?

A Crime Bureau Agents that were there. I believe Mr.

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Arthur Linville was one of them.

Q Would you state whether or not this pile of human excrement was a recent deposit or an old deposit?

A My eyesight only, I'd say neither one, really; in between. It was not an extremely old deposit and it was not really fresh.

Q Who went back to the cellar area and picked up the gloves and tape?

A I took Arthur Linville -- correction on that - I'm not sure if it was Arthur or Larry Bowles -- and another Agent - I've forgotten who he was at this time -- I took two agents back to the scene with me and at this time while I was showing them where we had found different items, I relocated the tape which was in the same place it had been before and relocated the gloves where we had placed them and at this time, they did a more thorough investigation as well as taking pictures and sketchings and measuring these different locations.

Q Now was Mr. Linville and Mr. Bowles --

A I'm not sure if it was Arthur Linville. Larry Bowles was there but I'm not sure at this time who the other agent was. I think it was Harvey Pratt.

Q Mr. Newton, during the lengthy investigation of the homicides at Camp Scott, did you seize any other items of evidence or transport any other items of evidence?

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A No, sir.

Q Did you interview any witnesses or suspects?

A No, sir, I did not interviews or that portion of the investigation.

Q Did you participate in any of the searches involving the dogs?

A Yes, I did.

Q Tell me about that, when it was and what-have-you?

A Well, it took the different trips took over a period of days in which the main use that I had was the use of my personal Jeep which was being used in the rough terrain area and we went many different places and I could not recall at this time what day we went to which place exactly.

Q Well, did you ever go to Jack Shroff's place?

A Yes, sir.

Q Will you tell me to the best of your recollection what day that was?

A Honestly, I have no idea.

Q Was that shortly after the homicides at Camp Scott or within the week?

A I would say that it was probably within a week.

Q Did you follow the dogs or were you with the dogs when they were tracking?

A Yes. Part of the time I was.

Q Where were the dogs let out and put on the scent?

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A I don't know. I wasn't there when they were started.

Q Where did you first see the dogs?

A On what's called "Cookie Trail".

Q Where did the dogs go?

A They went north up to Cookie Trail, to the section line which runs east and west - be the first section line north of the scout camp - they turned west and went to, uh -- all the way to the blacktop section line which runs north and south and that would be the blacktop that goes to Twin -- what's located as Twin Bridges.

Q Yes, sir, and that would be located south of Camp Scott, would it not?

A It would be going south, that location is due west of Camp Scott but the road goes south, past Camp Scott, yes.

Q Then what did the dogs do?

A Turned south and went down that blacktop to the metal gate, leading into the Shroff residence there.

Q What happened then, Mr. Newton?

A The dogs went through the gate.

Q Is this one of the dogs from Pennsylvania?

A Yes, sir, it was.

Q What happened then?

A The handler climbed over the gate and other officers went with him and they went up the lane toward the Shroff

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residence.

Q Did you go up there?

A No, sir, I did not at that time.

Q Did you stay out on the road?

A Yes, sir.

Q What happened while you were out on the road?

A We simply sat there and waited for someone to bring a key so we could drive up to the area.

Q Who were the -- give me the names of the officers who went up to Mr. Shroff's house with the dogs, if you can remember?

A Offhand, I couldn't swear to their names.

Q Were they uniformed?

A I don't know whether they were uniformed at that time or not. Part of the time we did not use uniforms because of the rough terrain and brush country we were working in.

Q How long did you wait there on the road before somebody came with a key to let you in?

A Probably thirty minutes.

Q When you went through the gate, what did you do?

A We drove up to the location of the house and spoke with the handlers there at that time to find out what they wanted to do from there. They wanted to check the area past the house and surrounding the house. They did so and

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the dogs led us up through a thickly wooded area that has a slight trail on it. It made a circle and came back to the house.

Q Which direction were the dogs traveling away from the house? Was it in a westerly --

A When we left, it would be westerly direction; westerly to a little south.

Q There's two ponds near Mr. Shroff's house, are there not?

A Well, there's --

Q Two or three of them?

A There's ponds there; how many, I don't recall. I know there's at least one.

Q Was this to the north of the pond that the dogs traveled or to the south?

A We started due north, across, past the north side of this particular pond that I recall was there and went west from it.

Q Approximately how far did you travel west of those ponds?

A My estimation would probably be around an eighth of a mile. It made a circle and we came back right at the house so I don't know exactly how far west we did travel.

Q What happened then?

A I believe from there, we loaded the dogs up and

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went back to Camp Scott at the time.

Q Did anybody go into Mr. Shroff's house at that time?

A No, sir, not while I was there.

Q Can you give me the names of the law enforcement people that were with you?

A Officers, highway patrolmen that were aiding with the dogs at that time. I don't know whether they were there -- they had been assisting with the dogs, but it was Tom Caldwell and Thorough Smith had been aiding with the handling of the dogs. There were officers there, I know, from the Sheriff's Department but I don't recall who they were at the time. There was one set -- one of the subjects that was with me was one of the dog owners.

Q Was that the Pennsylvania State Trooper?

A No, he was the one that was walking with the dogs. It was the other subject that was there and I can't recall his name. He's one that owned one of the dogs.

Q After you loaded the dogs up, what did you do?

A Went back to Camp Scott.

Q Did anybody stay there at Mr. Shroff's house or in that area?

A Not that I recall.

Q Did anybody make an attempt to call Mr. Shroff at that time?

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A I don't know, sir.

Q Do you know where they got the key to open the gate to go into Mr. Shroff's place?

A The Sheriff or one of his Deputies had a key that had been given to them by Shroff. They had it at some location; I don't know where.

Q After you all came out with the dogs and went back to Camp Scott, what happened?

A At that immediate time, I have no idea.

Q Let me ask you, what time of day was it when the dogs made a trip up around Mr. Shroff's house and then came back down to the house and you loaded them up and went back to the camp; just an approximation?

A To be perfectly honest with you, all I could say it was daylight. I worked that area for so long, for so many days, I have no idea. I don't know what day, what hour or what anything happened.

Q After you went back to camp, did you do anything else that day?

A Of specifics, I don't remember.

Q Did you go on any other dog tracking missions?

A Yes.

Q When was that, Mr. Newton?

A As of what day, I don't recall the day, but we worked with the dogs following that at a different location

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which was several miles from camp near what's called Sam's Corner, or a mile - approximately a mile south of Sam's Corner and back east and they worked with the dogs also east of Camp Scott -- correction -- west of Camp Scott, immediately west.

Q Would that be in the area of Mr. Shroff's house?

A Be that area - that area would be back east of the Shroff residence, near the Cavalier residence and between Cavalier's residence and camp.

Q Were you with the men who had the item used for scent?

A Part of the time.

Q What was that item?

A There was more than one item kept in separate garbage-type bags and I recall that there was a hat.

Q Could you describe that hat for me?

A I believe it was a straw hat. I wouldn't swear to that. I didn't mess with it or I didn't handle it or anything.

Q But there was a hat?

A I believe there was a hat used for scene. There was a part of a rug, I believe, carpet or something like that.

Q Do you know where the hat came from?

A No, sir.

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Q Do you know where that rug came from?

A No, sir.

Q Would you describe for me what the rug looked like?

A It was dirty. If I recall, it was a type of -- small type throw rug that is woven in a continuous spiral but I couldn't swear that that was exactly what it was. It was a type of throw rug that's left at a door to wipe your feet on is what I'm getting at.

Q Did you use any other item for scent?

A There was, but I have no idea what they were. I don't recall seeing them outside of the bag.

Q Would you state whether or not the trip to Mr. Shroff's place was the first time you went with the dogs?

A Yes, sir. Yes, sir, it was.

Q Which one was the second trip you went on?

A The second trip was the one I was referring to that we went through the Cavalier property.

Q Would you tell me about that one?

A I was told that the dog handlers could possibly use assistance coming out through the Cavalier property, that they were leaving the camp area, headed in that direction and so I went around by the road to the Cavalier property and Officer Harold Berry was with me and we stayed at that property -- or at least I stayed there and Officer Berry rode a horse back in the pasture, in the wooded area, going

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north from that particular residence and --

Q Was that on the north side of that fence that serves as boundary to Mr. Cavalier's property and some of the Girl Scout property?

A I don't recall really whose property it was other than it was the Cavalier's residence. There's a fence that runs east and west approximately 200 yards from that residence.

Q Was Mr. Berry north of that fence or south of that fence?

A He started south of it but he rode up north of there and came back.

Q What did the dogs do?

A When the dogs -- when I first observed the dogs, they came out of the wooded area of Camp Scott, near that fence area and traveled west along that fence and then south past a barn and to the driveway or road coming to the house and then went down that road, the driveway, west toward the blacktop section line.

Q That's coming out of Mr. Cavalier's place, headed west?

A Yes, sir.

Q When they got to the blacktop, which direction did they turn?

A They turned south.

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Q Where did they go after that?

A They went back to the gate and through the gate to the Shroff residence again.

Q Did someone have a key to open the gate the second trip?

A I don't recall. I waited there at the Cavalier residence waiting for Officer Berry to come back.

Q When he came back, did you go to Mr. Shroff's residence?

A Yes, I did.

Q What did you do then?

A As I recall, the gate was locked and there was no one there and as I recall properly, we went back to the Camp Scott area.

Q Was somebody inside of the Shroff place with the dogs at that time?

A I do not recall. We -- I did not see anyone. I did not see them from the road.

Q This second trip to Mr. Shroff's place, how many days after the homicides at Camp Scott had occurred?

A I have no idea, sir.

Q Were any items of evidence seized that date?

A Not in my presence.

Q What happened after you and Mr. Berry went back to

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Q Where did they go after that?

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A I have no idea, sir.

Q Were any items of evidence seized that date?

A Not in my presence.

Q What happened after you and Mr. Berry went back to Camp Scott?

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A Continued in assistance to the other officers that were doing the major part of the investigation.

Q You told me about a third trip you went on with the dogs. Would you describe for me what happened on that one?

A That was after we had received information of someone - some subject being seen in a thickly wooded area, rough terrain at the side of the hill.

Q Was that the Skunk Mountain area?

A I have no idea what the name of it is. I know where it's located, the geographical --

Q Is that the report that Mr. Auxier gave the Sheriff's Department, a fellow by the name of Auxier?

A Yes, I believe it is. To get to the location, it is a mile east and a mile south of Sam's Corner on 33 Highway.

Q Describe for me what happened out in the area of one mile - mile and a half south of Sam's Corner?

A We went to the location and I say "we", several officers. Again, with the officers that have the dogs, went - drove as far as we could possibly drive, then walked approximately 200, 300 yards along a fence line up the side of a hill in very rough terrain to a location where the man -- the name that you gave?

Q Auxier?

A Auxier showed us the location where he had seen a

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subject.

Q Did he say how long in the past it was that he had seen this person?

A It had been within an hour of the time that we got there.

Q Did they turn the dogs loose then?

A The dogs that we had with us at that time were leashed dogs, were not turned loose off the leash.

Q What was used as a scent for the dogs at that time?

A The cave or ledge area there and what, exactly what was used from that, I don't know.

Q Were there any items of evidence seized at that location?

A There were, but I don't recall what there were since I did not handle them.

Q Do you know the names of those people that seized those items?

A Agent Larry Bowles, I know was there and offhand, I don't remember who else was but there were several.

Q Now, on these technical reports, the location where the pictures were found is called the cave-cellar area, or cave area number one. Do you know what the designation was for the area where the dogs were taken on the third search? Was there a cave there?

A Well, there's a ledge or indention in the ledge

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that some persons may call a cave, possibly as much to be protection from straight-down rain but it's not a cave where you can't see all of it from standing outside of it.

Q Do you know if any items of clothing were found there?

A No, I don't.

Q Any cans or shotgun shells or anything of that nature?

A I don't recall what items were there.

Q Approximately how many people were out there in that area when those items were picked up?

A Half a dozen.

Q And where did the dogs go after they were scented and put on the trail?

A When they left that immediate location, they went east and then from sound -- not from sight -- I could tell that they went up the side of the hill and started back west then.

Q They went east up the side of the hill?

A Yes. Went in an easterly direction, and then from sound, I could hear them moving back west.

Q Was that on top of the hill or in a lower spot?

A It was going on top of the hill.

Q Did you see anybody out there that day?

A No one but officers that were involved.

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Q No suspicious person?

A No, sir.

Q We've got the dogs traveling in a westerly direction. Describe for me what they did next?

A The area was worked out with what manpower we had at the time and this was being along in the late afternoon when this started and by this time, it was getting into the evening and the lack of light, there was many people that came voluntarily to the location to encircle an area which would cover possibly as much as four square miles and that was encircled all during the night until the next day and then the next day, there was a continuous search after daylight hours in that area.

Q Were you involved in that search the next day?

A Mostly in the central location of the cave or that area there.

Q Did you seize any items of evidence the next day?

A No, sir.

Q Were any items seized in your presence?

A No, sir.

Q Did anyone give you evidence to transport to a location?

A No, sir.

Q During that day, were the dogs used for tracking purposes?

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A They were.

Q Will you tell me about that?

A They were not used in my presence so I don't know what they did.

Q Were the dogs ever used in your presence at any other time, Mr. Newton?

A Not in my immediate presence, no, sir.

Q Did you at any time after the visit to Mr. Auxier's residence seize any evidence in this cave?

A No, sir, I have not.

Q Take any statements from any witnesses?

A No, sir.

Q Have you told me everything you know about what happened on the 12th and 13th of June and the days that followed that would have anything to do with this investigation?

A Yes, sir, I believe so.

MR. ISAACS: Just a moment, Judge.

Q Mr. Newton, on that first tracking session with the dogs, you went to Jack Shroff's house. Did they use that hat and that rug both?

A I don't recall which was used when as scent.

Q They used both items both times or do you know?

A I don't know, sir.

Q That third trip, do you know what they used for

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scent on that one?

A No, sir, I do not.

MR. ISAACS: No further questions of this witness.

THE COURT: Cross-examine?

CROSS EXAMINATION

BY MR. FALLIS:

Q Mr. Newton, do you have experience with dogs insofar as tracking and so on?

A No, sir, nothing more than I've explained.

Q As a point of reference, is there any designation by number or by name for the roadway that is in front of Jack Shroff's place?

A I don't -- nothing other than county road.

Q So county line road?

A There are many names that many different people have used over the years. One is Cavalier Road; one is White Bat Road; Twin Bridges Road.

Q Okay. Insofar as whether we call it Cavalier Road or Twin Bridges Road, that would be a familiar name in this area?

A Yes, sir.

Q Now, when the dogs - the day that you observed the dogs go over into the Jack Shroff area, then it was across this road that they went; is that correct?

A Partially down this road, yes, sir.

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Q Now, had they started out in a southerly direction on that road?

A Yes, sir.

Q And if you continue in a southerly direction down that road, as a matter of fact, you get to the Twin Bridges area, don't you?

A Yes, sir.

Q And the cellar and the cave area where you went and recovered the photographs and matters of that type, is that generally in the same direction?

A It would be there and back to the east; yes, sir.

Q Thank you, sir. Now, you do not recall, as I understand your testimony, the days these dogs were taken out to do this work?

A No, sir.

Q You can't tell us if it was the same day or four or five days later or so on?

A No, sir.

MR. FALLIS: Mr. Newton, thank you. No further questions.

THE COURT: Redirect?

REDIRECT EXAMINATION

BY MR. ISAACS:

Q Mr. Newton, how far as the crow flies, in your estimation from Camp Scott down there to the area of that

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cave-cellar?

A Approximately two or two and a half miles.

Q Mr. Newton, as you acquainted with Ella Mae Buckskin?

A I know who she is. I have never spoken to her in person that I know of.

Q Do you know where she lived in 1977?

A Yes, sir.

Q How far were those dogs from her house when you turned and went south down that road toward Jack Shroff's?

A From where I understand she lived at that time, approximately a quarter of a mile.

Q That would be north of the turn-off?

A Yes, sir.

MR. ISAACS: Thank you.

RECROSS EXAMINATION

BY MR. FALLIS:

Q Excuse me, Ella Mae Buckskin, that's the Defendant's mother; is that correct?

A Yes, sir.

Q How far did she live from the Camp Scott area at that time?

MR. ISAACS: I'll stipulate that she lived about a half mile.

Q In what direction, sir?

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A Be north.

MR. FALLIS: Thank you. No further questions.

THE COURT: Anything further?

MR. ISAACS: No.

THE COURT: You may step down.

MR. ISAACS: Judge, could we have a recess for today?

THE COURT: You don't have any other witnesses that you can call?

MR. ISAACS: I didn't bring my files for anybody else.

THE COURT: Well, then, we'll recess for today. And tomorrow, I would request that you line up enough witnesses to go to at least 5:00 p. m.

We'll be in recess until 9:45 a. m. tomorrow morning.

(WHEREUPON, the cause in hearing was recessed until 9:45 a. m., on the 27th day of June, 1978.)

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