

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, OKLAHOMAPRELIMINARY HEARING

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Deputy

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

July 3, 1978

A P P E A R A N C E S

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1 P R O C E E D I N G S

2 July 3, 1978

3 THE COURT: This is CRF-77-131, 132 and 133, State
4 of Oklahoma versus Gene Leroy Hart. The record will show
5 the defendant present with counsel, and the State present,
6 and we're ready for your next witness, Mr. Issacs.

7 MR. ISSACS: Judge, the first witness deals with
8 service of process on Darrell Creekmore -- Darren Creekmore.

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

12 THE WITNESS: I do.

13 LARRY DEWAYNE MUSE

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

16 DIRECT EXAMINATION

17 BY MR. ISSACS:

18 Q State your full name, please, sir?

19 A Larry Dewayne Muse.

20 Q Mr. Muse, what is your business at this time?

21 A I'm a senior law student at OU.

22 Q On Saturday, the first day of July, did you go to
23 Broken Arrow, Oklahoma?

24 A Yes, I did.

25 Q For what purpose?

1 A To serve a subpoena on Darren Creekmore.

2 Q Tell me what you did when you got to Broken Arrow.

3 A We located the home of Darren Creekmore's brother,
4 Mike Creekmore, and went to his home - it's an apartment on
5 Kenosha - went to his apartment - went up to his apartment
6 and knocked on the door, and Mike Creekmore answered, and uh,
7 I asked if Darren was there, and Mike said, "Who are you," and
8 I gave him my name.

9 Q What happened after that?

10 A Then he asked his wife - Mike asked his wife to come
11 to the door, and she demanded to know what we wanted, and again
12 I explained that I simply wanted to see Darren, and she said,
13 "We can't allow you to see him."

14 Q Did you have a subpoena with you at that time, Mr.
15 Muse?

16 A Yes, I did.

17 Q Was the subpoena to be issued out of county?

18 A Yes.

19 Q Did you see anybody inside that apartment with Mike
20 or Sherry Creekmore?

21 A I did, but not at that particular moment, I saw some-
22 body else later.

23 Q After you had the conversation with Creekmore, what
24 happened?

25 A I -- well, we continued our conversation. They insisted

1 that they could not let me see him, they had been threatened
2 that if I was allowed to see him that he would be put in
3 jail and taken away from them; so because they kept motioning
4 a person away from the door and trying to get him to stay
5 away, I could hear him moving around - another person moving
6 around. - so I simply told them I knew that Darren was there,
7 and Darren knew I was there, and what I was there for, so I
8 was going to simply leave the subpoena laying on the floor
9 for Darren, and I did that, and then I started to leave.

10 Q What happened after that?

11 A They -- they followed me down the stairs, and told
12 me that they couldn't accept it, that they were going to
13 tear it up - you know - throw it away, and that they just
14 wouldn't accept it, because if they accepted the subpoena,
15 they would get in a great deal of trouble, and they were
16 extremely agitated and very harassed, and so I said - you
17 know - that I'm sorry about that, but I - you know - I really
18 have to leave the subpoena, so I left, and Mike Creekmore got
19 in his pickup truck and left, and I heard his wife say to him,
20 "Go down, and call the probation and parole officer. Call
21 Mike's -- or Darren's case worker."

22 Q After Mike left -- was anybody with you at this time?

23 A Yes, Robert Robles and my son, Jason.

24 Q Who is Robert Robles?

25 A He's another law student from OU.

1 Q Who else was with you?

2 A Jason, my son.

3 Q And how old is Jason?

4 A Jason is five.

5 Q What did you and Jason and Robert do after Mike
6 Creekmore left the apartment?

7 A Well, it was obvious to me that they were preparing
8 to move very hastily, because they were loading the pickup
9 truck, when we arrived, with furniture, so I simply - it
10 appeared to me that they were going to leave with Darren, so
11 I simply went down to call you to let you know that they
12 were trying to leave with him.

13 Q All right. After you called me, what happened?

14 A Uh, I had Robert go on back to the apartment and
15 watch the apartment for a while to see if they left, while
16 I simply got some lunch with Jason.

17 Q What happened after you got some lunch?

18 A Well, we went back to the apartment and simply parked
19 across the street in the shade and sat down and ate our lunch,
20 and uh, Mike Creekmore's wife came to the window with a young
21 man in a blue shirt, and they waived at us, and we waived back,
22 and smiled at each other, and they left the window and went
23 away. We sat there for a while, and we finished our lunch,
24 um, I attempted to call you again - couldn't get in touch, so
25 we simply parked down the street to watch to see if they were

1 going to leave with Darren, and we parked at a restaurant
2 next to the apartment house - so we could observe the
3 apartment house, so we wouldn't be observed and scare them.

4 Q All right, then what happened?

5 A Well, watched the apartment house for a couple of
6 hours, finally a police car drove up to the apartment house
7 after cruising through the parking lot where we were parked.

8 Q How many people in that police car?

9 A There was only one man in the police car at the time
10 he pulled up, and I saw Mike Creekmore's wife come out of
11 the apartment house and stop the police car - ran out and
12 stopped the police car - flagged it down, pointed to another
13 man who was in a car which had also pulled up, but I hadn't
14 observed over in the parking lot, and I later found out his
15 name was Frank Young, I was introduced to him, and uh, she
16 ran over to the police, and they pointed in our direction.
17 Another police car pulled up at that time, and after a few
18 minutes transpired, the policemen went in the house, uh, Mr.
19 Young and the man I seen through the window, came out and got
20 in the Broken Arrow police car, and drove away.

21 Q Do you know who was driving the Broken Arrow police
22 car?

23 A Just a policeman is all I can tell.

24 Q And Mr. Young and this boy were in the car?

25 A They were in the back seat.

1 Q What happened then, Larry?

2 A I got in my car to find out where they were going
3 to take Darren - what I assumed was Darren - and started to
4 follow them. The second police - the other police car was
5 still sitting at the apartment, and it proceeded to follow
6 us, and we lost them immediately because of traffic and a
7 traffic light and so forth, so we never did see where the
8 car with Mr. Young and the rider, the man I assumed was
9 Darren, but the -- so we decided to turn around and go home,
10 and when we pulled into a little soccer field there in Broken
11 Arrow to attempt to turn around, the policeman pulled in
12 behind us, and uh --

13 Q You said the policeman; is that the same fellow that
14 had picked up the Creekmore boy?

15 A No, it was not, it was a different policeman. One
16 police car left with the Creekmore boy, and there was a
17 second police car that followed us.

18 Q All right. What happened after you pulled into the
19 soccer field?

20 A The policeman blocked the exit, so we couldn't get
21 out, and ordered Robert Robles out of the car, looked at his
22 driver's license, and ordered him into the police car, and
23 then came back over to me, and ordered me out of the car, and
24 uh, demanded to see some identification from me.

25 Q Where was Jason?

1 A Jason was still in the car.

2 Q What did you do then?

3 A Well, he told me -- he looked at my driver's license,
4 and he said, "I just want you to know that your subpoena's
5 no good, cause the Creekmore boy was not in the apartment,
6 I was in that apartment, so you just wasted your time. You
7 may as well go back and tell Garvin Issacs that he's not going
8 to get the Creekmore boy," and uh, he said, "I'm not going
9 to have you out here harassing and threatening the people
10 in my town."

11 Q Larry, had you harassed anybody or threatened anybody?

12 A No, I didn't think so, and I explained to them that
13 I thought it was really unfair that anybody had threatened
14 them at all, and that was not our purpose, we simply wanted
15 him to come to court and tell his story.

16 Q All right, then what happened?

17 A Well, the man - the policeman then put me in the
18 police car, he called another police car which came. He put
19 me in the second police car, and they filled out a field
20 interrogation report on me.

21 Q What was the policeman's name that took you out of
22 the car?

23 A Bascom as I remember.

24 Q What happened then?

25 A Well, filled out the report again he gave, read me

1 the rights act so to speak, he told me he didn't want me in
2 his town, he didn't like my tactics of harassing people that
3 lived in his town, and uh, again he told me my service was no
4 good that the Creekmore boy -- first he said that the Creekmore
5 boy had never been in the town; he later said - at another
6 point he said, "He's not in the town at this time, and I know
7 that for certain." He said, "I'm sure of that now." He
8 says, "You have to get out of my town." He says, "I don't
9 want you in my town any longer," and he asked us to leave,
10 and we said we would.

11 Q What did you do then?

12 A We got in the car, and they left, and we left to go
13 straight back to Locust Grove to your office.

14 Q Did you later turn around and come back?

15 A I did. I had another law student bring me back to
16 Broken Arrow.

17 Q Who brought you back after you and Mr. Robles returned
18 to Locust Grove?

19 A Ron Horgan.

20 Q What happened when you got back?

21 A Well, we got back. We drove straight to the apartment
22 again where Mike Creekmore lived, and uh, found you there
23 with Barry Cousins at the door, and I got out of the car and
24 went to the door to see what was going on.

25 Q What happened when you got out of the car?

1 A Well, we went up to the apartment and we were talking
2 to the - to the Creekmores, and just explaining to them that
3 we wanted to see Darren and it was important he come to the
4 trial and testify, and of course, they were very agitated
5 and very upset about what had transpired - about the threat
6 that had been made against them, and uh, we just generally
7 talked about that, uh, until a man, Mr. YOUNG, came in and
8 introduced himself.

9 Q What happened then?

10 A Well, uh, Mr. YOUNG demanded to know our purpose
11 here, and you explained.

12 Q Did I tell him that we had come there to serve a
13 subpoena on the Creekmore boy?

14 A That's correct.

15 Q Did I ask him where the Creekmore boy was.

16 A Yes, that's correct.

17 Q Would he tell me?

18 A He said he could not tell us.

19 MR. FALLIS: Your Honor, excuse me, at this point,
20 I would object. I don't know the relevancy at this preliminary
21 hearing as to this inquiry. I understand, Your Honor, that
22 there is an attempt to contact Mr. Blevins who represents
23 Mr. Creekmore, and also, I think I devulged to this Court
24 this morning, it's my understanding as to where the Creekmore
25 boy was, so I don't know why we should exercise the time.

1 THE COURT: Mr. Fallis, let me ask if the State of
2 Oklahoma is -- since this Creekmore boy may be a ward of the
3 court; is the State of Oklahoma making some attempt to locate
4 his whereabouts?

5 MR. FALLIS: Yes, sir, Your Honor. Yesterday at
6 approximately 11:30 a.m., I went by 716 South Rockford based
7 on a telephone call I made to Officer Darrell Bastum of the
8 Broken Arrow Police Department who advised me that it was his
9 understanding that the boy was back with the probation officer,
10 Mr. Young, and had been placed in that location. We went
11 inside the location, and apparently, everybody was gone -
12 I assume to church - that's just an assumption on my part,
13 but as far as the boy being available, I would assume either
14 contact a Mr. Young or members in charge of that location,
15 716 South Rockford.

16 THE COURT: What is Mr. Young's first name?

17 MR. FALLIS: I do not know, Your Honor, just Mr.
18 Young being a probation officer for the Youth Probation Services.

19 MR. ISSACS: Judge, at this time, in open court, I'd
20 like to file a Motion to Dismiss, and I'd like for the record
21 to reflect that I just served a copy of it on the District
22 Attorney in open court. I'd like the record to further show
23 that I filed this motion in open court, and I called this
24 witness in support of my Motion to Dismiss.

25 MR. FALLIS: If it please the Court, as to the first

1 point, number one, concerning the defendant has been denied
2 his right to proper process - failure of attendance of witnesses,
3 there has been not any showing of that, and we'll assure the
4 Court, we'll do all we can to assure the appearance of Darren
5 Creekmore. Point number two, defendant has been denied affected
6 assistance of counsel, I have nothing to address myself on that.

7 MR. WISE: In addition, Your Honor, the Court does
8 understand that Mr. Blevins notified my office Friday that
9 he represents this young man, and we are not to speak to him
10 without his knowledge or consent.

11 MR. ISSACS: Judge, I'd call a witness concerning
12 that.

13 THE COURT: Excuse me, I didn't hear that.

14 MR. ISSACS: I intend to call a witness concerning
15 the agreement we had with Mr. Blevins, and I was hoping that
16 Mr. Blevins would be here so he could advise the Court what
17 happened on Thursday night when we were suppose to meet with
18 the Creekmore boy.

19 THE COURT: As I understand the testimony of your
20 witness, he did attempt to serve a subpoena which had been
21 signed by a judge of this county; is that correct?

22 MR. ISSACS: That's correct.

23 THE COURT: And that subpoena was duly issued in
24 blank by the Court Clerk; was it not?

25 MR. ISSACS: Yes, sir.

1 THE COURT: And that the service of this subpoena
2 upon this boy if in fact he was there was warded by third
3 parties.

4 MR. ISSACS: Yes, sir.

5 THE COURT: Motion to Dismiss will be overruled,
6 exception noted.

7 MR. HOBBS: Judge, I might point out to the Court
8 that I just looked in the law library, and Mr. Creekmore is
9 present.

10 MR. ISSACS: That's Mr. Mike Creekmore, his brother.

11 MR. HOBBS: I think Darren's here.

12 THE COURT: Go get him.

13 MR. ISSACS: Maybe he just got here. Judge, Mr.
14 Creekmore is here.

15 THE COURT: Do you have any other use of this witness
16 then.

17 MR. ISSACS: Yes, sir.

18 Q Did I serve a subpoena on a fellow by the name of
19 Frank T. Young.

20 A Yes, you did.

21 Q And did you see me serve it?

22 A I did, I was present.

23 Q What did Mr. Young say after I served the subpoena
24 on him?

25 A He said, "I'm going to go see Buddy Fallis about this."

1 MR. ISSACS: That's all of this witness.

2 THE COURT: Any cross examination?

3 MR. FALLIS: No, Your Honor.

4 THE COURT: You may step down.

5 (WHEREUPON, the witness was excused from the courtroom.)

6 MR. ISSACS: Judge, I'm going to call Robert Robles.

7 THE COURT: Would you have Mr. Creekmore, if he's
8 here, step in here, so I can be assured that he is present.

9 MR. ISSACS: Yes.

10 MR. FALLIS: If it please the Court, if this is in
11 reference to the same subject matter, we would again urge
12 the Court in order to get on with the business of the preliminary
13 hearing.

14 THE COURT: I think he's back now, Mr. Fallis.

15 MR. FALLIS: If this is on the same subject matter,
16 it would seem to me that his witness that he has complained
17 about is here, and we should get on with the preliminary
18 hearing, and not matters totally unfamiliar and unrelated
19 to issues before the Court.

20 THE COURT: Okay. Are you Mr. Darren Creekmore?

21 MR. CREEKMORE: Yes.

22 THE COURT: When do you intend to put him on as a
23 witness, Mr. Issacs?

24 MR. ISSACS: This morning sometime, Judge.

25 THE COURT: Mr. Creekmore, you are ordered to attend

1 upon this Court, until finally dismissed for the purpose
2 of appearing as a defense witness. You may wait in the
3 law library if you like.

4 MR. ISSACS: Judge, this is Mrs. Stone. She's from
5 the Juvenile --

6 MRS. STONE: Parole Services, Welfare Department, and
7 we ask that since Darren is a minor, that he be appointed an
8 attorney before being inquired of.

9 THE COURT: I'll consider that before he testifies
10 if you would return to the law library, please.

11 MR. ISSACS: Call Mr. Robles.

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

15 THE WITNESS: I do.

16 ROBERT RENEE ROBLES
17 called as a witness on behalf of the Defendant, having been
18 first duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MR. ISSACS:

21 Q Would you state your full name, please?

22 A Robert Renee Robles.

23 Q Mr. Robles, on or about July 1st, Saturday, did you
24 go to Broken Arrow?

25 A Yes, sir.

1 Q Did you go there to serve a subpoena upon Darren
2 Creekmore?

3 A Yes, sir.

4 Q Tell me what happened when you arrived in Broken
5 Arrow?

6 MR. FALLIS: Excuse me, Your Honor, we would object
7 to it as being cumulative. It has no relevancy to the issues
8 before this Court. The witness that has been testified to
9 previously concerning Creekmore, has apparently obeyed the
10 subpoena, even if it was thrown on the floor after they
11 pushed the door open, so I would suggest that we get on about
12 the business, and not take the time of the Court with this.

13 THE COURT: Mr. Issacs, I don't understand why you're
14 pursuing this.

15 MR. ISSACS: I want to make a record, Judge, on what
16 happened over there.

17 THE COURT: I would think the matter is moot, since
18 Mr. Creekmore is here, and has been ordered to remain, so I
19 don't want --

20 MR. ISSACS: I don't think the matter is moot about
21 us being denied compulsory process; I don't think the matter
22 is moot that the boy's been hidden from us.

23 THE COURT: I would disagree at this point, Mr. Issacs,
24 I think it is moot.

25 MR. ISSACS: All right. One more question for Mr.

1 Robles.

2 Q Mr. Robles, did you ever push the door open in that
3 apartment?

4 A No, sir.

5 Q And who opened that door?

6 A The people inside.

7 MR. ISSACS: Thank you, nothing further.

8 THE COURT: You may step down.

9 (WHEREUPON, the witness was excused from the courtroom.)

10 MR. ISSACS: Judge, at this time, I'd call Mr. Jack
11 Shroff.

12 THE COURT: Good morning, Mr. Shroff, would you raise
13 your right hand.

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

16 THE WITNESS: I do.

17 THE COURT: I notice - are you wearing a hearing aide
18 of some kind?

19 THE WITNESS: No, sir.

20 THE COURT: What's the instrument that you have in
21 your pocket.

22 THE WITNESS: It's an ultra-sound sensor.

23 THE COURT: What is the purpose of that instrument?

24 THE WITNESS: For back pain.

25 THE COURT: All right. Would you have a seat here.

JACK H. SHROFF

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

DIRECT EXAMINATION

BY MR. ISSACS:

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

A Jack H. Shroff.

Q Mr. Shroff, you own a small ranch near Locust Grove; don't you?

A Yes, sir.

Q Back in June of 1977, was that small ranch house burglarized?

A June 13th between --

Q Would you tell me when you discovered that?

A Sir?

Q Tell me when you discovered that burglary?

A At 3:00 in the evening.

Q Had you been there the evening before?

A I left there at 3:00 on Sunday.

Q And you discovered it 3:00 on the 13th; is that correct?

A Yes, sir.

Q Did you spend the entire time at your residence there?

A At Tulsa?

Q No, the one south of Locust Grove?

A No, no, I worked and came over to pick up some calves

1 to take on to the slaughtering house, and I always drive up
2 and see if my house is all right, because it had been burglarized
3 several times.

4 Q Approximately how many times, Mr. Shroff?

5 A Probably six or eight.

6 Q Anything of value, other than food or beer or anything
7 like that, taken from your house?

8 A In all the burglaries or that one?

9 Q Yes.

10 A Yes, a stove; approximately fifteen hundred dollars
11 worth of tools at one time; one time they stole all my butcher
12 knives; one time they stole all the small appliances; one
13 time they just broke it up.

14 Q Mr. Shroff, on the 13th of June, what was taken from
15 your house?

16 A We loaded up the cows, and it was hot, and my friend
17 was a beer drinker, and I like one every once in awhile, so
18 we checked the house and have a beer, and then I noticed I
19 had two six packs of beer - Pabst Blue Ribbon beer - and they
20 were gone.

21 Q Were these cans or bottles?

22 A Bottles, and I didn't know about the three little
23 girls being killed.

24 Q Yes, sir.

25 A So we took the - I have - the door had been pried

1 open, we repaired it, so I took the cows to the slaughtering
2 house, and I turned my radio on, and I heard about this, and
3 I stopped in at Inola and called the Sheriff's Department
4 reporting a burglary.

5 Q About what time did you call that evening?

6 A That was 6:00 o'clock about.

7 Q After you called in and reported that burglary, what
8 did you do?

9 A I went on to my home in Tulsa.

10 Q Did you later come back?

11 A Well, I had several calls there wanting to find me.

12 Q Yes, sir.

13 A And I talked -- I don't know who I talked to, but
14 they wanted to know if I'd come back over there.

15 Q Did you later go back?

16 A At 10:00 o'clock, I arrived back at the farm or
17 approximately so.

18 Q When you went back to the farm, what happened, Mr.
19 Shroff?

20 A The Sheriff and several people were there. They
21 said, "Have you been -- what have you missed?" And I said,
22 "Right now, it's been beer," so I looked where we keep extra
23 food and lots of it was gone, and I looked in my deep freeze
24 and some meat was gone and some Bama pies were gone, and then
25 they questioned me about some black duct tape, and I said, "It

1 was right here. I have some it," because I had just put some
2 stuff over the air conditioner the day before, so I looked and
3 it was gone.

4 Q Is there anyway you could identify your tape?

5 A I can, it's uh - you just don't - it's a petroleum
6 resistant black duct tape. I think my son gave it to me.

7 Q Your son is an engineer; isn't he?

8 A Yes.

9 Q And do you, as a matter of custom, mark roles of
10 tape?

11 A I mark my initials on the role of tape on the job;
12 yes, sir.

13 THE COURT: I sent the bailiff after the physical
14 evidence.

15 Q Mr. Shroff, did you miss anything else?

16 A That night I didn't, but I have skin cancer, always
17 have a big straw hat, and I couldn't find my hat, and I was
18 asked about that, and they didn't tell me, and some ask me
19 if I had any 3/8's nylon rope, and I said I have probably a
20 couple hundred feet of it in different lengths, and I gave
21 them a sample of that.

22 Q Where did you have the 3/8's nylon rope?

23 A It was out on the front porch, in the barn.

24 Q So you had two places?

25 - A Two or three places.

1 Q Mr. Shroff, how did the burglars enter your house?

2 A I think that time -- the first time it was burglarized,
3 they used it with a catch bar or crowbar.

4 Q Was that the front door?

5 A The front door. They had broken off my handles
6 on the patio door, and that night -- no, the next day, they
7 took fingerprints of every place.

8 Q Were you present when the fingerprints were taken?

9 A Yes.

10 Q During that time, did you discover anything else
11 missing?

12 A Not that I know of.

13 Q Mr. Shroff, there's been testimony given here about
14 a footprint that was found just outside of the front door;
15 did you see that footprint?

16 A Yes, I did. It was a -- three bootprints, and one
17 footprint on a white rug that we use on the front porch.

18 Q These bootprints have been described as a jungle
19 type footprint. Did you see any other footprints other
20 than that jungle type footprint?

21 A That's the only print that I saw.

22 Q Mr. Shroff, were there any other changes in your
23 farmhouse that you noted at that time that you were there on
24 Sunday which could have been caused by the burglar?

25 A Nothing, only thing that I saw -- someone had built

1 a fire up by the upper pond, and that's against the law for
2 me - I mean I sat the law down about building camp fires.

3 Q Was there anything around that camp fire?

4 A I didn't notice, I don't know.

5 Q Any garbage?

6 A I don't know, I just saw the ashes there.

7 Q Later on, did somebody show you a cowboy hat - straw
8 cowboy hat?

9 A No, sir.

10 Q Do you know if anybody found that cowboy hat?

11 A No, sir, they said -- they wanted to know if I had
12 one, and I described it along with the crowbar and told them
13 I had six or eight, but I could probably -- I usually mark
14 my tools with my four last numbers of my social security, and
15 I didn't -- I had six or eight of them probably, but I have
16 never seen them.

17 Q You're in the construction business?

18 A I was, yes.

19 Q Mr. Shroff, when the investigators had finished
20 investigating the burglary at your farmhouse; did they ask
21 you any questions?

22 A I was given two fingerprints at the farm.

23 Q You mean that took two sets of your fingerprints?

24 A Two different occasions by two different people.

25 Dick Wilkerson called me on a Thursday if I would take a lie

1 detector test.

2 Q Was that during the first week?

3 A During the week, is that what you --

4 Q During the first week after the burglary?

5 A No, this was -- yes, he said that all -- several
6 people had taken it, there would be no publicity or nothing.
7 He said that it would be convenient to him to go to the D.A.'s
8 office in Tulsa to take it. I went there at 11:00 o'clock,
9 he said it would take twenty minutes; I left approximately
10 a quarter till one; he said I was a prime suspect in the
11 murder, and that I was -- I should -- like -- he would like
12 to -- he had to take these results to Oklahoma City to have
13 read out or something, and he wanted me to meet him back at
14 the farm about 3:00 o'clock.

15 Q Did you go back -- go ahead.

16 A So I went back to the farm, and there were cars,
17 reporters, televisions and helicopters and everything. I
18 went up to go in. They said, "You can't come in here." I
19 said, "Look, I own the farm. I want to go in there," and so
20 two reporters grabbed me, and pulled me back out in the street
21 - in the road, and asked me -- showed me a paper that had
22 "Jack Shroff takes lie detector test. See slayer on page four."
23 On Page Four, it says "Slayer," my picture and --

24 Q Mr. Shroff --

25 A My picture and my name under it.

1 Q Mr. Shroff, do you want to take a little break?

2 A No, I'm all right, so I go to camp - I beg the man
3 to let me in to get away from these people, so he let me in,
4 but he wouldn't let me go to the house.

5 Q Yes, sir.

6 A So I said, "Look, I want to go up there," so they
7 called up there where they were dragging the pond and alot
8 of people.

9 Q Do you know if they got anything out of the pond,
10 Mr. Shroff?

11 A I don't know. They never told me if they did or
12 didn't, so I went up to the farm house, and this time the
13 door had been knocked clear in off of the - off from the
14 doorjam.

15 Q Somebody removed it from the facing?

16 A The facing - it was broken in.

17 Q Anybody tell you who removed that facing?

18 A No, then all my furniture was stacked up in the
19 kitchen - all of it, and I don't -- nothing that I knew of
20 was missing, so I had to get some chain and drill holes and
21 put a lock on the door up again - log chain - and I went to
22 see Dick Wilkerson over to the camp - Headquarters camp.

23 Q Is that the same Thursday, Mr. Shroff?

24 A That was Friday.

25 Q Friday?

1 A So I showed this to Sid Wise, and I said, "How can
2 you do this to me," and he says, "You are a suspect, everyone's
3 a suspect," so Pete Weaver wanted me to go to a lineup for
4 the dogs. They had already rented a -- had made arrangements
5 for the Locust Grove -- Locust Grove Community, and had men,
6 and he said I would be one of several, and I looked --

7 Q Mr. Shroff, let me interrupt right here, you said
8 to go to a lineup for dogs; are you talking about tracking
9 animals?

10 A Yes, yes.

11 Q Mr. Shroff, I know your back bothers you. If you
12 want to take a break and walk around a little bit, we can do
13 it.

14 A I'm all right.

15 Q Okay.

16 A So I told Pete -- I said, "Pete, God, I've been all
17 over my farm. I've been up here several times in this area,"
18 and I said, "I don't know. I was lied to. I was --" I don't
19 know -- well, I don't want to say he lied to me, but how
20 Don Hayden got the newspaper out in three or four hours, the
21 reporter who accused and marked me as a slayer, and I spent
22 five years across the street at the cub scouts. I told them
23 every minute of my time I've been, and I told Pete, you'd
24 have to put a set of handcuffs on me, because I refuse to
25 got to a lineup, and then he says, "Stick around," so I stuck

1 around until 8:30 or 9:00, and I guess they had a meeting or
2 something, they said I could go home.

3 Q Is that the last time you had any involvement in
4 this investigation, Mr. Shroff?

5 A No, I mean --

6 Q The last time they talked to you and questioned you
7 about anything?

8 A I gave them the keys to the farm - the gate and the
9 farmhouse, and they requested that I would -- in the beginning,
10 they requested to let no reporters in and talk to no reporters
11 which I did. The OSBI wanted my door. I cut the part they
12 wanted out of the door and the doorjam, and gave it to them.
13 They said they would replace it someday, they haven't yet.

14 Q Is that the last time you had any discussion with
15 any OSBI agents, Mr. Shroff?

16 A No, they came -- I don't know how many times and
17 exactly who all they were, but the FBI came to my house wanting
18 to draw a picture of all the caves, the terrain. The OSBI
19 was asking me about something, I forget. The Deputy Sheriff
20 came to my home to see if we had left glasses there - to
21 identify them. There was just so many of them, I just can't
22 remember them.

23 Q Had you ever left any glasses, Mr. Shroff?

24 A I don't wear glasses, my wife does, but --

25 Q Mr. Shroff, at any time, did you see any strangers

1 in the area of your property?

2 A I have, yes, but they're all stealing my fish.

3 Q You've got a good fishing hole, don't you?

4 A Yes, I stocked it and bought fish for it, and I have
5 problems.

6 Q So it's not uncommon for people to be up there fishing,
7 poaching your game?

8 A No, that's right.

9 Q Those caves back up in the hills; how many caves are
10 around your house if you know?

11 A I don't know.

12 MR. ISSACS: I believe that's all of this witness.
13 Thank you.

14 CROSS EXAMINATION

15 BY MR. WISE:

16 Q Mr. Shroff, would you like to take a short break
17 before --

18 A I need a drink of water badly.

19 THE COURT: Wait a minute, I have some right here.
20 Just leave it you might want some more in a minute. Do you
21 have any questions for him?

22 MR. WISE: Just a couple, Your Honor.

23 Q Jack, you had been at the house Sunday. Were those
24 footprints strange to you - the bootprints?

25 A There were no footprints Sunday.

1 Q So these were not put there --

2 A It rained Sunday night.

3 Q And they didn't match any boots you have?

4 A No.

5 Q What about this rope? Now, you had several lengths
6 of 3/8's rope around?

7 A Yes.

8 Q Did you give the OSBI a sample of the rope from
9 that bell?

10 A Yes.

11 Q And that would be similar as to the same rope you're
12 talking about?

13 A Yes.

14 Q Same rope you're talking about?

15 A Right.

16 Q And Jack, did you have any masking tape around the
17 house?

18 A Yes. Do you mean just paint masking tape?

19 Q Yes.

20 A Yes, I didn't, I always had that there.

21 Q And what about green plastic garbage bags - have some
22 of those around the house?

23 A Yes, I had some of those.

24 MR. WISE: That's all the questions I have. Thank
25 you, Mr. Shroff.

REDIRECT EXAMINATION

BY MR. ISSACS:

Q Mr. Shroff, are you a member of that Operation I.D. that marks property - you know, like they had some --

A Yes.

Q Were any of those items marked that were taken from your house? Other than the tape with your initials?

A I wouldn't mark can goods.

Q Nothing other than can food taken that could have been marked?

A Not that I know of.

Q Were there any firearms in your house?

A Yes.

Q But they weren't disturbed?

A I have -- I had a snake gun, 4.10 single barrel sitting by the front door and a box of shells in the cabinet, and --

Q Nobody took that?

A Nobody took that.

MR. ISSACS: That's all, Your Honor.

MR. WISE: Thank you, Mr. Shroff.

THE COURT: You're excused, Mr. Shroff.

(WHEREUPON, the witness was excused from the courtroom.)

MR. ISSACS: Call David Shroff.

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

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

3 THE WITNESS: I do.

4 DAVID NEAL SHROFF

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

7 DIRECT EXAMINATION

8 BY MR. ISSACS:

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

10 A David Neal Shroff.

11 Q David, your dad's Jack Shroff; isn't he?

12 A Yes, sir.

13 Q During the week of June 13th, 1977, did you have
14 an occasion to go with your dad to a farmhouse located sout
15 of Locust Grove?

16 A Yes, sir.

17 Q Would you tell me what happened when you got there?

18 A Okay. I had stayed kind of away from it until --
19 and talked to my dad everynight until Friday, where we'd
20 learned that the farmhouse had been broken into again. I
21 talked to him -- I knew he'd been scheduled to take a lie
22 detector test, so when the Tulsa Tribune came out Friday
23 evening, he started getting obscene phone calls at the house,
24 and we had the phone disconnected, and I went over there with
25 him Saturday morning, and the -- he had been requested by all

1 the various police groups investigating, not to talk to
2 reporters which he had done, and we felt like this was kind
3 of a slap at him, and the newspapers were digging at him, so
4 I went over there with him Saturday morning - went to the
5 farmhouse first, and he had described to me the second time
6 that the farmhouse had been broken into, and he had put a
7 big log in front of the screen door Friday afternoon, and
8 Saturday morning, the log was removed, and the door was wide
9 open, so we went over to the headquarters - the girl scout
10 camp - and we requested from Sid Wise that we talk to reporters,
11 and get the reporters into the farmhouse, so we did that, and
12 showed them the farmhouse and the pond and all this, and then
13 Sunday, I stayed over there all day Saturday with my dad.
14 Sunday, I went back with some reporters and went over it
15 again, and went up and showed them some caves on the hillside,
16 and we talked to Bob Richardson, the neighbor to the north
17 that lives on the other side of the hill, and he had indicated
18 that the dogs - his dogs - hunting dogs and everything had
19 been afraid to go in the woods since the previous Sunday, and
20 they stay around the house at night and bark and all this; and
21 also his neighbor's dogs that lived across from him, so I gave
22 the newspaper another tour Sunday. My dad had a stroke Sunday
23 afternoon, put him in the hospital. I returned Monday -- no,
24 let me retract that a little bit here. Saturday when we went
25 over there, there seemed to be a great deal of confusion --

1 everything going on, and we had inquired about the second
2 break-in, and we hadn't learned anything, and there was a
3 great deal of activity going on at the headquarters, and it
4 was indicated to me that somebody had been in the camp again
5 Thursday night or Friday night, so I returned Monday --

6 Q Do you remember what person you had the conversation
7 with concerning somebody going back into Camp Scott?

8 A Yes, sir.

9 Q Who was that?

10 A I was standing outside the headquarters' porch, and
11 it was Deputy Sheriff David.

12 Q All right, go ahead and tell me what it was.

13 A So I went back over Monday morning to the headquarters,
14 my dad was concerned because there was a one inch rope hanging
15 from a willow tree on the pond that the skin divers had been
16 in, and when I -- when we were there Saturday, it was gone, so
17 I went over Monday morning, and uh, asked them if they had it
18 - they got it - or let them know it was missing, because it
19 was missing, and it was indicated that the OSBI took the ski
20 rope they thought, they didn't know, and by Monday morning --
21 Monday morning, we were instructed not to get off the main road
22 at all, and there's when I noticed men with automatic weapons
23 all through the camp.

24 Q David, were these men searching your dad's farm south
25 of Locust Grove when you saw them?

1 A They were in and out of there.

2 Q How many men were out there?

3 A There was -- I can't say for sure. There was several
4 carloads of OSBI, Highway Patrol, FBI, Sheriff.

5 Q Fifty?

6 A I'd say at the camp, there was at least fifty.

7 Q How about at your father's place?

8 A At my father's place at one time probably four cars
9 and they had a highway patrol guarding the gate.

10 Q David, you mentioned the burglary at your dad's house;
11 did you dad have a special role of tape?

12 A Yes, sir.

13 Q What type of tape is that?

14 A Tape is from a partial role left over from the pipe
15 line construction job in Kansas.

16 Q You're an engineer; are you not?

17 A Yes, sir.

18 Q Is tape sold at any Wal-Mart Store? Trade Mart Stores?

19 A Not to my knowledge. The tape is a special insulating
20 tape.

21 Q Now, we know your dad told us about the burglary on
22 Monday. When approximately did the second burglary occur?

23 A Sometime between Thursday afternoon and Friday morning.

24 Q And it was Saturday when you heard that somebody had
25 been back into Camp Scott; is that correct?

1 A Yes, sir.

2 Q During the time that you were at your dad's farm
3 south of Locust Grove; were any tracking dogs ever brought in
4 to the farm?

5 A I didn't see them; no. I saw them at the camp - at
6 Camp Scott.

7 Q You mentioned a cave on the hillside behind your dad's
8 house; are you acquainted with the cave south of the hill -
9 the one where some handwriting was discovered?

10 A No, sir, we didn't know that the cave with the hand-
11 writing was on my dad's place until about two weeks ago.

12 Q Had you ever seen that cave before?

13 A No.

14 Q You mentioned that skin divers had gone into your
15 dad's farm pond looking for evidence; do you know if they
16 retrieved any items of evidence?

17 A No, sir, I don't.

18 MR. ISSACS: That's all I have.

19 MR. WISE: I have no cross examination

20 THE COURT: You may step down.

21 (WHEREUPON, the witness was excused from the courtroom.)

22 MR. ISSACS: Call Bob Bias.

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

1 THE WITNESS: I do.

2 BOBBY LEE BIAS

3 called as a witness on behalf of the defendant, having been
4 first duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. ISSACS:

7 Q Bob, would you state your full name, please?

8 A Bobby Lee Bias.

9 Q Bob, you were employed as a Deputy Sheriff of Mayes
10 County on June 13th of last year; were you not?

11 A Last year?

12 Q Yes.

13 A No, sir.

14 Q When did you go to work for Mr. Weaver?

15 A I believe it was February 27th or 28th of this year.

16 Q Before working for Mr. Weaver, were you in the law
17 enforcement field?

18 A No, sir, I wasn't.

19 Q After coming to work for Mr. Weaver, what duties
20 were assigned to you?

21 A Well, I was jailer, dispatcher --

22 Q Fingerprint man?

23 A Yes.

24 Q And take care of jails; is that correct?

25 A Yes.

1 Q During that time, did you take any clothing from
2 cells that Gene Leroy Hart occupied?

3 A Yes, sir..

4 Q Tell me what type of clothing and how many pair?

5 A I recall on two occasions -- I'm not quite sure of
6 the date, but Mr. Hart was allowed to shower and change clothes
7 and clean up before court.

8 Q Would that have been one of the motion hearings that
9 we had?

10 A Yes.

11 Q And under who's instructions did you retrieve Mr.
12 Hart's clothing?

13 A Who's instructions?

14 Q Yes, upon who's instructions?

15 A I believe Sheriff Weaver.

16 Q What did you do with the clothes?

17 A Whenever I picked them up from the cell after he
18 had changed clothes, I took them into the Sheriff's office
19 and turned them over to Sheriff Weaver.

20 Q Did you turn them over to the Sheriff personally?

21 A Yes.

22 Q What items of clothing?

23 A I believe there was a shirt, a pair of pants, shorts
24 and socks, I believe. I believe that's all the first time.

25 Q Were these boxer shorts?

1 A Sir?

2 Q Boxer shorts?

3 A I believe so.

4 Q Do you know what was done with those items after you
5 turned them over to the Sheriff?

6 A No, sir, I don't.

7 Q You said you did this on two occasions; would it have
8 been the same items of clothing on both occasions?

9 A Yes, I believe so. I don't think they were the
10 same clothes; no.

11 Q But you did take another shirt - one shirt, other
12 than the one you gave the Sheriff; is that right?

13 A Yes.

14 Q A different pair of pants and a different pair of
15 shorts?

16 A Yes.

17 Q Did you ever retrieve any garbage from Mr. Hart's
18 cell?

19 A Not that I recall -- Well, I take that back. Yes, I
20 did.

21 Q What was done with that?

22 A Before Mr. Hart came, I was told to clean up a cell
23 on the southside down the stairs for -- to be occupied by Mr.
24 Hart, and it was cleaned up then; and I believe that whenever
25 he left -- he left two or three different times to go to McAlester,

1 I believe the area was cleaned up afterwards.

2 Q What was done with the trash bag when the cell was
3 cleaned?

4 A I'm not sure.

5 Q Did you give it to somebody?

6 A I believe there was an agent of some type came in
7 there and did go through and check.

8 Q Do you know what they were looking for?

9 A No, I don't.

10 Q At any other time, did you remove any items from
11 Mr. Hart's cell?

12 A Not that I recall.

13 Q Did you participate in the investigation at Camp
14 Scott?

15 A No, sir, I didn't.

16 Q Have you taken any statements from anyone?

17 A Taken any statements?

18 Q Yes, sir.

19 A No.

20 Q Have you interviewed any people concerning the homicides
21 at Camp Scott?

22 A No, sir, I haven't.

23 Q Have you interviewed anybody about Gene Leroy Hart?

24 A No, sir, I haven't.

25 MR. ISSACS: That's all we have, Judge.

1 MR. WISE: We'd have no questions of Officer Bias,
2 Your Honor.

3 THE COURT: Why don't we take about a ten minute
4 break before we continue to the lunch hour.

5 (WHEREUPON, the witness was excused and withdrew from
6 the courtroom.)

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

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

12 THE WITNESS: I do.

13 RONALD WALKER HORGAN

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

16 DIRECT EXAMINATION

17 BY MR. ISSACS:

18 Q State your full name, please, sir?

19 A Ronald Walker Horgan.

20 Q Mr. Horgan, what's your occupation?

21 A I'm a law student at the University of Oklahoma.

22 Q Saturday, on July 1st, did you attempt to serve a
23 subpoena?

24 A Yes, sir.

25 Q Where was that attempt made?

1 A It was made at the house of Mr. and Mrs. Ralph Campbell.

2 Q Tell me what happened when you went there?

3 A We went to the house - it was about 8:00 o'clock, the
4 time that you had agreed to meet her, Barry Cousins and I went,
5 and uh --

6 MR. FALLIS: Your Honor, we would object again on the
7 same grounds as previously stated. It has no relevancy to
8 the issues before this Court. The witness that is the subject
9 of their attempt is present as announced to the Court.

10 THE COURT: Is this on the same witness, Mr. Darrell
11 Creekmore?

12 MR. ISSACS: No, it's a different witness, Miss Jane
13 Cambell.

14 THE COURT: Overruled.

15 Q What happened when you went there, Mr. Horgan?

16 A Mr. Cousins went to the door and knocked on the door,
17 and Mr. Campbell answered, and he came outside and locked the
18 porch door, and came out, and Mr. Cousins and Mr. Campbell
19 talked.

20 Q Mr. Cousins attempt to serve Ms. Campbell?

21 MR. FALLIS: Excuse me, Your Honor, at this point
22 we would object on the grounds that counsel has already
23 represented to this Court in chambers that Mrs. Campbell would
24 be here this afternoon. He made a phone call just immediately
25 outside your courtroom - chambers this morning for that purpose.

1 THE COURT: What is the purpose for continuing this
2 line of questioning, Mr. Issacs?

3 MR. ISSACS: For motion purposes at a later date.
4 The witness had not appeared here when I asked her -- these
5 people to testify, they were here, they were ready to go. We
6 want to put them on the record, so when we have the motion
7 hearing, we'll have a complete record.

8 MR. FALLIS: Well, that would be appropriate at the
9 time of the motion, Your Honor, but certainly not here. This
10 witness has already told him she would be here this afternoon,
11 and he has advised the Court.

12 THE COURT: Sustained, I think it would be irrelevant
13 at this point.

14 MR. ISSACS: I'll recall this witness later on this
15 afternoon.

16 THE COURT: All right. You may step down.

17 (WHEREUPON, the witness was excused and withdrew from
18 the courtroom.)

19 MR. ISSACS: Call Travis Coverdale.

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

23 THE WITNESS: I do.

24 TRAVIS COVERDALE
25 called as a witness on behalf of the Defendant, having been

1 first duly sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MR. ISSACS:

4 Q Mr. Coverdale, would you state your full name please?

5 A Travis Coverdale.

6 Q Mr. Coverdale, where do you live?

7 A Route 1, Locust Grove.

8 Q Do you live there on a farm?

9 A Yes, sir.

10 Q Back in June of 1977, directing your attention to
11 sometime after June 13th, did anything unusual happen near
12 your home?

13 A Yes.

14 Q Would you tell me what happened?

15 A Well, my sister called and told me that they had
16 jumped a man up about a half a mile our house, and the laws
17 was after him coming our ways see, so just a few minutes -
18 the telephone started buzzing and everyone was calling you
19 know.

20 Q Was this right after the homicides at Camp Scott?

21 A Yes, sir, a few days. I don't remember the date.
22 And so a lady had called my wife -- or my wife had called her
23 to see how she was, if she was all right, and she said --

24 MR. FALLIS: Excuse me, Your Honor, at this point --

25 A "Yeah, I'm --

1 MR. FALLIS: Excuse me, sorry for interrupting. We
2 would object on the grounds of hearsay, unless there was a
3 direct conversation with him, and even so, the contents of
4 the information would be hearsay.

5 THE COURT: Objection is sustained.

6 Q Mr. Coverdale, after you had these phone calls about
7 somebody being chased in your direction, what did you see?

8 A We saw two men walking down the road going...

9 Q Would you describe those men for me, sir?

10 A They were, well...close to six foot tall. We were
11 looking about sixty or seventy yards, see.

12 Q Could you tell me the race of those men?

13 A Beg your pardon?

14 Q The race?

15 A They were white men.

16 Q Would you describe the color of their hair?

17 A No. I don't believe I could, but one did wear a red
18 cap. I don't remember the other one.

19 Q How were they dressed?

20 A Well, I really--I really couldn't--I don't remember
21 how they were dressed outside of the red cap see.

22 Q After you saw these men what did you do?

23 A My wife called a lady that lived about a half a mile
24 from us that had told us that there was a patrol car or a
25 sheriff's car at her house and she related to them the message

1 that we had seen somebody going down this road see.

2 Q Did the sheriff's car come and pick those people up?

3 A A few minutes the sheriff's car drove up in the yard
4 and one uniformed officer, I don't remember--I don't know if
5 I paid any attention to whether he was a Highway Patrol or
6 Sheriff's deputy. I didn't know the man. He got out of the
7 car and walked up to where I was and I told him we just called
8 Miss Lee and told her to relate to whoever was there that we
9 saw two men walking down this road and he said "we have them
10 in the car".

11 Q At that time did he tell you the names of those men?

12 A No, sir. He didn't.

13 Q Did you get a closer look at them?

14 A No, sir. I didn't get a better look at them.

15 Q Did you ever hear what happened to them?

16 A Beg your pardon?

17 Q Do you know what happened to them after this?

18 A No, sir. I don't.

19 Q Mr. Coverdale, do you know Dickie Joe Cooper?

20 A Yes, sir.

21 Q Was he one of the men?

22 A No, sir. I'm sure he wasn't.

23 Q Thinking back to that time can you give me, to the
24 best of your recollection, the approximate day when all this
25 happened?

1 A I believe it was on Friday after the accident at the
2 Girl Scout camp. I believe it was Friday.

3 MR. ISSACS: Thank you.

4 THE COURT: Cross examination?

5 MR. WISE: We'd have no cross examination, Your Honor.

6 THE COURT: You're excused.

7 MR. ISSACS: Call Mike Pulchney.

8 THE COURT: Step up here and raise your right hand.

9 Do you swear to tell the truth, the whole truth, and nothing
10 but the truth, so help you God?

11 MR. PULCHNEY: I do.

12 MIKE PULCHNEY

13 called as a witness on behalf of the defense having been first
14 duly sworn testified as follows:

15 DIRECT EXAMINATION

16 BY MR. ISSACS:

17 Q Mr. Pulchney, what is your business, profession, or
18 occupation?

19 A Correctional Officer at the Oklahoma State Penitentiary.

20 Q And in what area of the Penitentiary is under your
21 charge?

22 A Death Row.

23 Q Directing your attention to June--to April of 1978,
24 did you at that time have Gene Leroy Hart on Death Row?

25 A Yes, sir.

1 Q What hours do you work there, Mr. Pulchney?

2 A Eight to four.

3 Q Do you see Gene Leroy Hart?

4 A Every day that he was there, Monday through Friday.

5 Q During that time, did you ever talk to him?

6 A Practically every day.

7 Q Did he ever talk to you about the case?

8 A No, sir.

9 Q What cell was Mr. Hart kept in, Mr. Pulchney?

10 A Thirty three.

11 Q What cell was Mr. Jimmy Don Bunch kept in?

12 A Three.

13 Q How far is cell three from cell thirty three?

14 A Oh, approximately thirteen, fourteen cells. Something
15 like that.

16 Q It's a daily routine, is it not, that men are allowed
17 out of their cell for fifteen minute exercise or shower
18 period. Is that correct?

19 A They're exercised fifteen minutes a day other than
20 Monday and Fridays and they're showered on those days.

21 Q Mr. Pulchney,---withdraw that. Now, Mr. Bunch's cell
22 is at one end of the penitentiary and Mr. Hart's cell is at
23 the other end. Is that not correct?

24 A Well, Bunch's cell is to the front of one end as you
25 say..

1 Q And that's right by the showers?

2 A Right.

3 Q And Mr. Hart's is toward the other end, is that correct?

4 A Toward the other end in the middle of the row.

5 Q And the only time that Mr. Bunch would have an
6 opportunity to visit with Mr. Hart would be during the shower
7 periods or on these exercise periods. Is that correct?

8 A Right. Shower period. Exercise period he would not.

9 Q Did Mr. Bunch notify you that I had been to the State
10 Penitentiary to take a statement from him?

11 A Not until they were going to take him to Tulsa County.

12 Q Well, on June 6, of 1978, did Mr. Bunch tell you I
13 had been there?

14 A No, sir. I did talk to Bunch on that day.

15 Q Did he tell you I had been in the State Penitentiary
16 to take a statement from him?

17 A No, sir. He called me up there. Do you want to know
18 why he called me up there?

19 Q Well, I don't want to know what Mr. Bunch told you
20 because that's been said here about 15 times. What I do want
21 to know is the exact day that he first contacted you, telling
22 you that I had been there and that would have been on the sixth,
23 wouldn't it?

24 A No. He didn't tell me that you had been there until
25 the eighth, that's when they took him out to Tulsa County.

1 Q All right. Did he mention my name on the 6th?

2 A Yes, sir.

3 Q All right, did he tell you that I had been there
4 trying to cook up some cocking bull story for the Court?

5 A On this date, he did not.

6 Q Did you -- on the eighth, did Mr. Bunch tell you
7 on the eighth that I had been there and had taken a statement
8 from him?

9 A Yes, sir, he did.

10 Q Do you know who took him out of the State Penitentiary
11 at McAlester?

12 A No, sure, I sure don't.

13 Q Do you know for what reason he was taken from the
14 State Penitentiary at McAlester?

15 A To serve as a witness on this hearing.

16 Q Isn't it true that the District Attorney from Tulsa
17 County took Mr. Bunch from the State Penitentiary to the Tulsa
18 City Jail?

19 A No, sir, I wouldn't know that because after he left
20 the unit, I don't know who got them from there.

21 Q Now, Mr. Pulchney, directing your attention to Mr.
22 Hart's underwear on the occasions at the State Penitentiary,
23 do you serve as the man who issues new underwear to inmates?

24 A Yes, sir, we issue all the clothing on Monday and
25 Friday.

1 Q Were you ever contacted by anyone about preserving
2 Mr. Hart's underwear for some reason?

3 A Yes, sir.

4 Q Who contacted you?

5 A Well, I was called to the Deputy Warden's office --
6 there was Deputy Warden Bill Earns and OSBI Agent B. G. Jones.

7 Q Did they request that you preserve Mr. Hart's under-
8 shorts?

9 A Yes, sir.

10 Q Did you do so?

11 A Yes, sir.

12 Q How many pairs?

13 A Seven pair.

14 Q What did you do with those shorts after you issued
15 Mr. Hart clean underwear?

16 A Dropped them into a bag, notified the OSBI they had
17 a pair to pick up, and they would come out to the prison and
18 pick them up from me.

19 Q Mr. Pulchney, are you acquainted with Jimmy Don Bunch?

20 A Yes, sir.

21 Q Does he write letters to a lady named Jane Campbell?

22 A Yes, sir.

23 Q How long has he been writing Miss Campbell?

24 A Quite sometime.

25 Q For a year?

1 A Yes, sir, I'd say more than a year. I've had death
2 row two years, and practically I'd say all of that time, he's
3 been writing to her or close to it.

4 MR. ISSACS: Thank you, Mr. Pulchney.

5 THE COURT: Cross examination?

6 CROSS EXAMINATION

7 BY MR. FALLIS:

8 Q Mr. Pulchney, the location of Jimmy Don Bunch's cell
9 while he was there on death row, I think counsel asked you,
10 was next to the shower area, and you said "yes;" is that correct?

11 A Yes, sir.

12 Q Have you personally ever observed the Defendant,
13 Gene Leroy Hart, talking with Jimmy Don Bunch at the time they
14 were there?

15 MR. ISSACS: We'll stipulate that Gene Leroy Hart
16 has talked to Jimmy Don Bunch at the State Penitentiary, how
17 else could he have come up here and requested that I go to
18 the penitentiary unless my client told me and Miss Campbell
19 told me, Judge.

20 MR. FALLIS: If it please the Court, we'll accept
21 this stipulation.

22 THE COURT: Stipulation is noted.

23 Q Now, Mr. Pulchney, counsel asked you concerning any
24 conversation by Bunch with you concerning Mr. Issacs; was there
25 any conversation concerning Mr. Issacs?

1 A On June 6th and June 8th.

2 Q I see. What did Mr. Bunch tell you about Mr. Issacs?

3 MR. ISSACS: I object, it's hearsay. It cannot be
4 cross examined, and therefore, it's inadmissible.

5 MR. FALLIS: I believe counsel asked him the question
6 if he had ever heard that he was suppose to come up and lay
7 a story on the Court.

8 MR. ISSACS: Cockin bull story.

9 THE COURT: It's sustained, unless there's an exception,
10 Mr. Fallis, as hearsay. Any other questions?

11 Q You say on those two dates, sir?

12 A Yes, sir.

13 MR. FALLIS: No, no other questions.

14 THE COURT: Any redirect?

15 REDIRECT EXAMINATION

16 BY MR. ISSACS:

17 Q Mr. Pulchney, did Mr. Bunch ever talk to Mr. Hart?

18 MR. FALLIS: If it please the Court, I think he just
19 stipulated.

20 MR. ISSACS: No, you said, "Did MR. Hart talk to Mr.
21 Bunch," I want to know if Mr. Bunch talked to Mr. Hart. Will
22 you stipulate that, Mr. Fallis?

23 MR. FALLIS: That there was conversation between them,
24 certainly.

25 THE COURT: Stipulation is noted.

1 Q Mr. Pulchney; isn't it true that Mr. Bunch has
2 written the Correctional Department and complained about your
3 guarding him in the penitentiary?

4 A I don't know that he's written to the Correctional
5 Department.

6 MR. FALLIS: If it please the Court, I object to it
7 as being incompetant, irrelevant and immaterial as far as this
8 hearing is concerned.

9 MR. ISSACS: No, not at all.

10 MR. FALLIS: May I ask for a ruling by the Court, and
11 not by Mr. Issacs.

12 MR. ISSACS: Excuse me, Your Honor.

13 THE COURT: Why isn't it irrelevant, Mr. Issacs?

14 MR. ISSACS: Judge, Mr. Bunch, in his statement that
15 he gave in the penitentiary said that Mr. Pulchney came to him
16 trying to get him to make a statement that Gene Hart had con-
17 fessed to killing the girl scouts, what I want to show is
18 in his statement, Mr. Bunch says that Mike Pulchney is the
19 fellow that came to him to try to get him to say those things.
20 What I want to establish is Mr. Bunch and Mr. Pulchney have in
21 the past been at odds with each other.

22 THE COURT: I'll have to sustain the objection, but
23 you may ask him that question.

24 Q Have you in past been at odds with Mr. Bunch, Mr.
25 Pulchney?

1 A Yes, sir.

2 Q Had you had fights with him?

3 A Yes, sir.

4 MR. ISSACS: Thank you, that's all.

5 THE COURT: Recross?

6 MR. FALLIS: No, Your Honor, no other questions.

7 THE COURT: You may step down.

8 (WHEREUPON, the witness was excused and withdrew from
9 the courtroom.)

10 MR. ISSACS: Mr. Hicks is going to be my next witness.

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

14 THE WITNESS: I do.

15 DOUGLAS C. HICKS

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

18 DIRECT EXAMINATION

19 BY MR. ISSACS:

20 Q Mr. Hicks, would you state your full name for the
21 record?

22 A Douglas C. Hicks.

23 Q What is your business or profession?

24 A I'm a state reporter for the Tulsa World Newspaper.

25 Q On June 13th of 1977, were you assigned to cover the

1 Camp Scott homicides?

2 A I assigned myself, yes, sir.

3 Q Since that time, have you covered this case?

4 A Yes, sir.

5 Q During this time, you have written many articles,
6 have you not?

7 A Yes, sir.

8 Q Mr. Hicks, in preparing to write those articles, have
9 you gone to Camp Scott and interviewed people?

10 A Yes, sir.

11 Q You've been here in the court for most of the proceedings;
12 have you not?

13 A All of the open court proceedings.

14 Q Do you know of any exculpatory evidence that has not
15 been reported?

16 A No, sir.

17 Q Now, on June 20th of 1977, there appeared an article
18 in the Tulsa World, No Suspects in Triple Slaying, Probe
19 Sputtering Signs Indicated; is that an article that you wrote?

20 A Yes.

21 Q Mr. Hicks, were you at Camp Scott gathering informa-
22 tion in preperation to write this article?

23 A Off and on, yes, sir.

24 Q What I'm concerned with at this time is whether or
25 not you ever participated in any searches involving tracking

1 dogs?

2 A No, sir, at that time the tracking dogs were used,
3 I was sort of an anchorman and had two reporters feeding me
4 information and trying to make some sense of it.

5 Q Mr. Hicks, did you yourself ever seize any evidence
6 or gather any type of evidence while you were at Camp Scott?

7 A No, sir.

8 Q Have you since that time read any Oklahoma State
9 Bureau of Investigation reports since June 13th?

10 A I have read none, no, sir.

11 Q Have you read any FBI reports?

12 A No, sir.

13 Q Have you read any of the reports of the District
14 Attorney of Mayes County?

15 A Other than the ones that have been filed in court.

16 Q On July 30th, there appeared an article in the
17 Tulsa World, Hart Denies Killing Girls, Fears He'll be Shot;
18 is that one of your articles?

19 A Yes, sir.

20 Q Now, when that article came out, did you interview
21 anyone before writing it?

22 A Several persons.

23 Q Did anyone purport to be Gene Leroy Hart of that num-
24 ber of people?

25 A No one I talked to said they were Gene Leroy Hart.

1 Q On June 24th, there was an article by Doug Hicks
2 and Rob Martindale concerning a burglary at the Sam's Corner
3 Grocery; did you write part of that article?

4 A Yes, sir.

5 Q Were you ever at the Sam's Corner T & H Grocery?

6 A I have been there, but at this time -- at that time,
7 this article was written --

8 Q Yes, sir.

9 A Rob was feeding me information, and I was using some
10 of my own information, and we were sort of sharing.

11 Q There's been testimony about the burglary of Jack
12 Shroff's house; were you ever on the Jack Shroff farm during
13 the month of June of '77?

14 A Yes, sir.

15 Q Approximately how many people were there with you?

16 A I was there on two occasions. I was on the -- I was
17 there on the 17th if memory serves me - I was there on the 17th,
18 and at this time, there were a large number of people there -
19 twenty.

20 Q Were they participating in a search of the area
21 surrounding Mr. Shroff's house?

22 A At that time, I wasn't allowed on the property itself,
23 I stopped at the gate and there were a number of law enforce-
24 ment officers in the property itself, and the newspaper reporters
25 were kept at the gate.

1 Q Let me ask you, were you ever permitted to go to
2 Mr. Shroff's house?

3 A Later I was permitted by David Shroff into the house
4 itself.

5 Q Would that have been on approximately the 20th of
6 June - seven days after --

7 A I believe it was either the 20th or the 19th.

8 Q Would it have been on a Sunday?

9 A I believe it was the 19th.

10 Q 19th, at that time, were there people searching the
11 area that surrounded the Jack Shroff house?

12 A It's my understanding there were.

13 Q Did you see any?

14 A I don't recall - I can't recall.

15 Q Mr. Hicks, on April 6th, 1978, Mr. Hart was arrested
16 at the Pigeon residence just outside of Tahlequah, did you have
17 an occasion to go there?

18 A No, sir.

19 Q Mr. Hicks, at one time you wrote an article saying
20 that if Mr. Hart were to surrender himself that he could call
21 a certain number in Tulsa; is that correct?

22 A That's correct.

23 Q And turn himself in and guaranteed him safety?

24 A Yes, sir, we also had the governor endorse that.

25 Q Do you remember how many additions of the newspaper

1 carried that particular item?

2 A We have three editions which all three would have
3 carried it.

4 Q Okay, is that the only time it was published by your
5 newspaper?

6 A It's the only time the offer in its entirety was
7 published. We eluded to it several times thereafter.

8 Q Were you present at Camp Scott when an airplane
9 sprayed the camp area with some type of liquid?

10 A Yes, sir.

11 Q Do you know the reason for the spray?

12 A It was just to aide in a search. It was to make
13 things -- as my understanding, it's been so long, it's to
14 make things show up that otherwise would not for investigators
15 in the area.

16 Q Did anyone ever report to you that someone had come
17 back to Camp Scott after the homicides - someone that the
18 tracking dogs had tracked back to that area?

19 A I had heard that, that's all I can say. I've heard
20 it.

21 Q Have you ever been -- you've heard testimony this
22 morning about Mr. Shroff's cowboy hat; did you not?

23 A Yes, sir.

24 Q Did you ever see that hat used as a scenting device
25 for tracking dogs?

1 A No, sir.

2 MR. ISSACS: I believe that's all of this witness.

3 MR. WISE: We'd certainly have no questions of Mr.
4 Hicks, thank you.

5 THE COURT: You're excused.

6 (WHEREUPON, the witness was excused.)

7 MR. ISSACS: Is Robert Martindale here?

8 MR. HICKS: No, sir, he's -- I talked with him last
9 night, Mr. Issacs. He said that any time you wanted him, we
10 could get him here in a very short notice.

11 MR. ISSACS: Do you want to be my next witness, Richard?

12 MR. DOWDELL: I will.

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

16 THE WITNESS: I do.

17 RICHARD MICHAEL DOWDELL

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

20 DIRECT EXAMINATION

21 BY MR. ISSACS:

22 Q Mr. Dowdell, would you state your full name?

23 A Richard Michael Dowdell.

24 Q What is your business, profession or occupation.

25 A I'm a reporter for KRMG Radio in Tulsa.

1 Q On June 13th, 1977, were you assigned to cover the
2 girl scout homicides at Locust Grove?

3 A Yes, sir.

4 Q Have you covered that story since you first received
5 the assignment?

6 A Periodically I have.

7 Q Mr. Dowdell, at any time during your conversation or
8 reporting about what happened at Camp Scott, have you read
9 a report of any law enforcement agency?

10 A No, sir.

11 Q During that time, have you taken -- have you gathered
12 any items of evidence?

13 A No, sir.

14 Q Did you participate in any searches involving dogs?

15 A No, sir.

16 Q Did you visit the Jack Shroff residence on or about
17 the 17th -- anywhere from the 17th to the 20th day of June?

18 A No, I did not.

19 Q During the time you covered the Camp Scott matters,
20 did anyone ever officially tell you that the dogs had tracked
21 someone from the Shroff residence back to the tent?

22 A I don't recall that, no.

23 Q Have you visited any of the caves?

24 A No.

25 Q Cave 1, Cave 2, or Cave 3?

1 until the noon recess is over. Judge, has anybody gotten
2 a hold of Mr. Creekmore?

3 THE COURT: I was just going to check on that. Have
4 you reached Mr. Blevins yet? Mr. Issacs, have you ascertained
5 from your witness if in fact Mr. Blevins is his counsel.

6 MR. ISSACS: No, I have not.

7 THE COURT: Why don't you ask him.

8 MR. ISSACS: Judge, one of the ladies just informed
9 me that Mr. Blevins is out of town until Wednesday. The lady
10 from the Welfare Department says Mr. Creekmore does not have
11 a lawyer.

12 MR. WISE: I can only advise the Court that Mr. Blevins
13 called my office --

14 MR. ISSACS: And I can advise the Court that he told
15 us the same thing.

16 THE COURT: I think I was present when he so informed
17 the attorneys. Do you have another witness before noon?

18 MR. ISSACS: No, I don't.

19 THE COURT: Why don't break at this time until 1:15
20 p.m. for lunch.

21 (Following the noon recess, the proceedings continued
22 as follows:)

23 AFTERNOON SESSION

24 MR. ISSACS: I'd call Jane Campbell.

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

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A No.

Q Were you present at T & H Grocery at Sam's Corner?

A No, sir, I was not.

Q Have you ever been to an area referred to in these proceedings as the Grossman burglary?

A (No response.)

Q A grocery store east of Locust Grove?

A No.

Q Mr. Dowdell, did Mr. Wise appear on one of your talk shows on KRMG?

A Oh, boy, that's not my responsibility, I don't remember if he did or not.

Q Would that be Mr. Brock Smith's responsibility?

A No, it would be David Stanford's responsibility.

MR. ISSACS: I believe that's all.

MR. FALLIS: No questions, Your Honor.

THE COURT: You're excused.

(WHEREUPON, the witness was excused.)

MR. ISSACS: Is Mr. Gibson here? We'll take another newspaper man, Judge.

THE COURT: If he has something to say.

MR. ISSACS: Gibson is here, I don't know where he is.

THE COURT: If he's in Courtroom B, I'd request that he come over to Courtroom A.

MR. ISSACS: Judge, I think he'll be my last witness,

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

3 THE WITNESS: To the best of my ability.

4 JANE CAMPBELL

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

7 DIRECT EXAMINATION

8 BY MR. ISSACS:

9 Q Mrs. Campbell, would you state your full name?

10 A Jane Campbell.

11 Q Are you a member of any Christian organization which
12 helps inmates?

13 A Yes, the Prison Ministry.

14 Q Do you correspond with an inmate by the name of
15 Jimmy Don Bunch?

16 A Yes, sir.

17 Q Directing your attention to the first part of June,
18 did you receive a letter from Mr. Bunch?

19 A Yes, I did.

20 Q In that letter, were you requested to make a telephone
21 call to me?

22 A Yes.

23 Q On or about what day was that telephone call made?

24 A Possibly June the 6th.

25 Q And when you made that telephone call, do you remember

1 me saying to you that I had already taken a statement from Mr.
2 Bunch at the State Penitentiary?

3 A Yes, I do.

4 Q Did you make a telephone call because in the letter
5 Mr. Bunch had asked you to call me?

6 A Yes.

7 Q Did you read me a portion of the letter?

8 A I read you two sentences.

9 Q And after having read me that portion of the letter,
10 did I tell you that I had already taken a statement from Mr.
11 Bunch, and that I'd rather not discuss at that time?

12 A Yes, you did.

13 Q Do you know where I was when I talked to you on the
14 telephone?

15 A I believe here in the courthouse.

16 Q Now, in that letter, there was a part of that letter
17 which Mr. Bunch told you not to read to me; is that correct
18 - or to read to anybody?

19 A Yes, it was personal.

20 Q What did he say about me in the part of the letter
21 that he told you not to read to anyone?

22 A He said that you had been very kind to him at one
23 time, and that he wanted to do what he could to help you.

24 Q What did he say about me appearing on parole?

25 A That you had appeared with him before the parole board.

1 THE COURT: Cross exam?

2 CROSS EXAMINATION

3 BY MR. FALLIS:

4 Q Mrs. Campbell, did I understand you, ma'am, to say
5 that in the letter he indicated that Mr. Issacs was going to
6 help him before the parole board?

7 A Yes.

8 Q Now, is that the only letter you ever received from
9 Jimmy Bunch during that time?

10 A No, it isn't.

11 Q You've received letters subsequent to that?

12 A Yes, I did.

13 Q In the later letters that you received, were they
14 contrary to the letter that you had at least read parts of
15 to Mr. Issacs?

16 A Yes.

17 Q As a matter of fact, in the earlier letters, he made
18 some indication a guard had tried to get him to testify that
19 Mr. Hart confessed or made an admission to him?

20 A Yes, Mike Pulchney.

21 Q In the later letters, isn't it a fact, ma'am, that he
22 ask you for forgiveness - what he told you in the earlier letter
23 was a lie?

24 A Yes, he did.

25 MR. FALLIS: No other questions.

1 THE COURT: Redirect?

2 REDIRECT EXAMINATION

3 BY MR. ISSACS:

4 Q Jane, did he ask for forgiveness for lying to me and
5 lying to Gene?

6 A No, he asked for forgiveness to me.

7 MR. ISSACS: Thank you.

8 THE COURT: You're excused, thank you.

9 (WHEREUPON, the witness was excused and withdrew from
10 the courtroom.)

11 MR. ISSACS: Judge, I'd call Jim Gibson.

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

15 THE WITNESS: I do.

16 JIM L. GIBSON

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

19 DIRECT EXAMINATION

20 BY MR. ISSACS:

21 Q Mr. Gibson, would you state your name, please?

22 A Jim L. Gibson, Jr.

23 Q What is your occupation?

24 A I'm a reporter.

25 Q Mr. Gibson, have you covered the Camp Scott homicides

1 since they occurred in June of 1977?

2 A Uh, April 7th was the first -- was the date that
3 the first publication of a story that I had wrote and had
4 anything to do with this.

5 Q Was that concerning the arrest of Gene Leroy Hart?

6 A Yes, sir, and the events after.

7 Q Did you go to Tahlequah, Oklahoma, to the Pigeon
8 residence?

9 A No, the afternoon Mr. Hart was arrested, I came to
10 Pryor.

11 Q So you didn't participate in the search of the Camp
12 Scott area or any of the investigation surrounding those
13 homicides?

14 A No, sir, I didn't - just the man's arrest.

15 Q Have you at any time read any of the District Attorney's
16 files and used that source for a report?

17 A No, any source that I can recall using has been word
18 of mouth.

19 MR. ISSACS: Okay. Thank you. That's all of this
20 witness.

21 THE COURT: Cross exam?

22 MR. FALLIS: No questions.

23 (WHEREUPON, the witness was excused.)

24 MR. ISSACS: Call Mike Wheet.

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

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

3 THE WITNESS: I do.

4 MICHAEL WHEET

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

7 DIRECT EXAMINATION

8 BY MR. ISSACS:

9 Q Mike Wheet, would you state your full name, please?

10 A Michael Wheet.

11 Q What is your business or occupation?

12 A I'm editor of the Pryor Jeffersonian.

13 Q Have you covered the girl scout homicides since they
14 occurred on June 13th, 1977?

15 A Yes, sir.

16 Q During that time, have you participated in any part
17 of the investigation as in searches or a source of information?

18 A I took some pictures for them at the scene.

19 Q All right, other than the pictures that you took, have
20 you gathered any evidence?

21 A No, sir.

22 Q Mr. Wheet, were you present when the dogs were used
23 to track people?

24 A I was present on the 23rd of June when they searched
25 part of Skunk Mountain, but I didn't participate in the search.

1 Q Did you go the cave?

2 A No, sir.

3 Q Mr. Hart was captured over in the Tahlequah area; did
4 you go to Mr. Pigeon's residence?

5 A No, sir.

6 Q Have you at any time read any OSBI report and used
7 that as a source of information?

8 A No, sir.

9 Q Have you ever used any FBI reports or any part of
10 the District Attorney's files as a source?

11 A No, sir.

12 Q Mr. Wheet, on or about the 30th day of June of '77,
13 you wrote an article for the Pryor Jeffersonian concerning the
14 FBI entering the search for Gene L. Hart; do you recall that
15 article?

16 A Yes, sir.

17 Q And as a source for the information contained in
18 that article, did you interview any FBI agents?

19 A An FBI agent came to my office and delivered that
20 scetch, and we had a discussion.

21 Q Do you remember his name?

22 A Les Farris.

23 MR. ISSACS: That's all of this witness, Judge.

24 THE COURT: Cross examine?

25 MR. FALLIS: No.

1 THE COURT: You're excused.

2 (WHEREUPON, the witness was excused.)

3 MR. ISSACS: Call Pearl Wittincott, if she's here.

4 Well, I can find another one.

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

8 THE WITNESS: I do.

9 DON HAYDEN

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

12 DIRECT EXAMINATION

13 BY MR. ISSACS:

14 Q State your name for the Court, please?

15 A Don Hayden.

16 Q Don, on the 13th of June, 1977, what was your business
17 or profession?

18 A Newspaper reporter.

19 Q Have you since that date participated in covering
20 the girl scout homicides?

21 A Yes, sir.

22 MR. WISE: If it please the Court, may I interrupt
23 at this time, Your Honor, to impose again the proposition that
24 if we're going to have a continuing line of newspaper and
25 media people to take the stand to testify to the in-depthness

1 that we've heard already this morning of thier material which
2 is not relevant to this, and is only delaying the continuation
3 of this - that we renew the motion presently before this Court
4 for the cessation of this hearing.

5 THE COURT: How many reporters are you going to call?

6 MR. ISSACS: Three.

7 THE COURT: Overruled.

8 MR. WISE: Very well, Your Honor.

9 Q Mr. Hayden, as a part of your investigation before
10 you prepare a report, do you use sources?

11 A Yes, sir.

12 Q Have you in the past used any Oklahoma State Bureau
13 of Investigation report as a source?

14 A You mean in reference to the Hart case?

15 Q Yes, sir.

16 A Not that I recall.

17 Q Have you used any FBI reports?

18 A No, sir.

19 Q Have you used any matters - any of the materials in
20 the District Attorney's files as a source?

21 A No, sir.

22 Q During the time that you participated in this investi-
23 gation, I believe you told me that you had been on searches
24 with some dogs or where some dogs were called?

25 A Yes, sir.

1 Q Would you tell me about the search that occurred
2 on or about June 20th when dogs were used to track from the
3 Kiowa Unit area to the Jack Shroff residence?

4 A The only dog search that I was on or was involved
5 in was on the land owned by Victor Auxier.

6 Q The Skunk Mountain area?

7 A Right, and subsequent when the SWAT team went in a
8 four square mile area.

9 Q During that search, did you gather any pieces of
10 evidence, such as cigarettes, tin cans?

11 A No.

12 Q Is that the only search that you participated in that
13 involved dogs?

14 A Well, I didn't really participate in it, I was there.
15 I didn't actually walk through the woods.

16 MR. ISSACS: I have nothing further of this witness.

17 THE COURT: Cross examination

18 MR. FALLIS: We'd have no questions. Thank you, Your
19 Honor.

20 (WHEREUPON, the witness was excused.)

21 MR. ISSACS: I'd call Vern Stefanic. Let me step
22 out a moment, Judge.

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

1 A THE WITNESS: I do.

2 Now, Mr. State JACK ROGER WEIMER line 13: was were
3 called as a witness on behalf of the Defendant, having been
4 first duly sworn, testifies as follows:?

5 A Yes, sir. DIRECT EXAMINATION

6 BY MR. ISSACS: One

7 Q Would you state your full name, please, sir?

8 A Jack Roger Weimer, 1110 N. S. 10th

9 Q Mr. Weimer, what is your business, profession or
10 occupation? Mr. Weimer: Tulsa, Oklahoma?

11 A I'm a reporter for the Tulsa Tribune.

12 Q Have you ever covered the girl scout homicides?

13 A Some of it.

14 Q During that time, have you used any OSBI reports, FBI
15 reports or anything from Mr. Wise's files as a source of
16 information? We did, did you talk to any OSBI agents concerning

17 A No, sir.

18 Q During that time, have you ever participated in any
19 of the searches where dogs were used to track people?

20 A No, sir.

21 Q During that time, did you gather any evidence of any
22 kind from either the burglary scenes, the caves that have been
23 mentioned in testimony or the girl scout camp?

24 A The question is did I gather?

25 Q Yes, sir. We'd have no question.

1 THE COURT: You're excused.

2 (WHEREUPON, the witness was excused.)

3 MR. ISSACS: Call Mrs. Wittencott.

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

7 THE WITNESS: I do.

8 PEARL GLENN

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

11 DIRECT EXAMINATION

12 BY MR. ISSACS:

13 Q Would you state your full name, please?

14 A Pearl Glenn.

15 Q And you're a newspaper reporter; are you not?

16 A Yes, sir.

17 Q Formally Wittencott?

18 A Wittcott.

19 Q Wittcott?

20 A Yes.

21 Q You've covered the Gene Leroy Hart case and the girl
22 scout homicides; have you not?

23 A A small part of it; yes, sir

24 Q During that time, did you ever use as a source for
25 your information for the newspaper report any reports by any

1 OSBI agents?

2 A Yes.

3 Q When was that?

4 A The evening Mr. Hart was arrested and the following
5 morning.

6 Q Who made that report?

7 A I had a conversation with Mike Wilkerson.

8 Q He showed you the report.

9 A No, I have not seen the report, it was verbal.

10 Q A verbal conversation?

11 A Verbal conversation.

12 Q Did he tell you what was in the report?

13 A No.

14 Q Have you at any time used as a source of your news-
15 paper coverings an FBI report?

16 A No.

17 Q Have you at any time used any of the material contained
18 in the District Attorney's files?

19 A No, sir.

20 Q Did you participate in any of the searches involving
21 tracking dogs or which involved tracking dogs?

22 A No.

23 Q Were you ever at the scene?

24 A No.

25 Q At Camp Scott?

1 A No.

2 Q Were you at Tahlequah when Mr. Hart was arrested?

3 A No.

4 MR. ISSACS: That's all of this witness, Judge.

5 CROSS EXAMINATION

6 BY MR. WISE:

7 Q Pearl, has Mr. Issacs or Mr. Pitchlynn talked to
8 you before you came here today?

9 A Just very briefly.

10 Q Did they ask you basically what you were just asked
11 now?

12 A No.

13 MR. WISE: I have no further questions.

14 THE COURT: You may step down.

15 (WHEREUPON, the witness was excused.)

16 MR. ISSACS: Judge, there's one other newsman I'd
17 like to call - Rob Martindale.

18 THE COURT: Martindale.

19 MR. ISSACS: Rob Martindale. If he's not here, I'd
20 like to call Mr. Creekmore next. Judge, I think Mr. Creekmore
21 is going to have to be our next witness.

22 THE COURT: All right.

23 MR. ISSACS: Call Mr. Creekmore. Judge, could we
24 have a short recess to discuss his testimony before he testifies
25 here. . . or an attempt to talk to him.

1 THE COURT: I want to ask him a question first. Is
2 he there. Bring him inside the door just a moment.

3 OFFICER HARMON: He evidently want come without his
4 attorney.

5 THE COURT: That's what I want to ask him, who his
6 attorney is.

7 OFFICER HARMON: Yeah, he doesn't want to come.

8 MR. HOBBS: They have gone after the District
9 Supervisor from Tulsa County who is technically his parent
10 being adjudicated a juvenile in the custody of the State,
11 technically, she is --

12 THE COURT: What?

13 MR. HOBBS: She's his guardian, since he is a ward
14 of the State.

15 THE COURT: That's not the lady that came with him
16 this morning?

17 MR. HOBBS: Yes.

18 THE COURT: It is. Why don't we take about a
19 ten minute recess.

20 (WHEREUPON, the following proceedings were held
21 in chambers.)

22 THE COURT: We're in chambers in an in camera hearing
23 with witness Creekmore and Ms. Stone of the Department of
24 Institution Social and Rehabilitative Services, Mr. Issacs
25 as defense counsel, Mr. Sid Wise for the State of Oklahoma, and

1 other attorneys and court personnel. Upon being advised by
2 Mr. Creekmore who is a juvenile, he desires to have legal
3 counsel before testifying inasmuch as he has been the subject
4 of a juvenile proceeding in this county, the Court has conferred
5 with Mr. Jerry Lee, an attorney with Poplin and Blevins,
6 Professional Corporation in Mayes County, Oklahoma, who advises
7 the Court that he is willing to consult with Mr. Creekmore
8 prior to his testimony being taken, and Mr. Creekmore has
9 indicated he is willing if necessary to talk with Mr. Lee.

10 (Following a 10 minute recess, the following further
11 proceedings were held in open court:)

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

15 THE WITNESS: I do.

16 THE COURT: All right. Have you had a chance to
17 visit with your attorney, Mr. Lee?

18 MR. CREEKMORE: Yes.

19 THE COURT: Mr. Lee if you'd like to have a seat over
20 here, you're welcome to stay up here by your client. Go ahead.

21 DARREN CREEKMORE

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

24 DIRECT EXAMINATION

25 BY MR. ISSACS:

1 Q Darren, state your full name?

2 A Darren Creekmore.

3 Q Darren, back in July, 1977, did you speak to some
4 people about seeing Gene Leroy Hart?

5 A Yes.

6 Q Tell me what you saw in the cave south of Jack
7 Shroff's house if anything?

8 A I seen some footprints where there somebody in the
9 cave, and I seen where there use to be a fire inside of it.

10 Q Did you see anything else?

11 A No.

12 Q Would you describe those footprints for me?

13 A Looked like combat boots, smooth soles.

14 Q They had a smooth sole on them?

15 A Yes.

16 Q Darren, you were in Sequayah School, were you not,
17 until July 4?

18 A Yes.

19 Q On July 4th, you left Sequayah School; is that correct?

20 A Yes.

21 Q And I believe that on July 16th, you were in the
22 Mayes County Jail; is that correct?

23 A No.

24 Q When?

25 A 13th.

1 Q 13th?

2 A Yeah.

3 Q Did somebody talk to you while you were in the Mayes
4 County Jail?

5 A Yes.

6 Q How many times did people talk to you while you were
7 in the Mayes County Jail?

8 A He called me down there three times, and the third
9 time, we went up there to the cave.

10 Q Do you see any of those people in the courtroom?

11 A Nope

12 Q That talked to you in the Mayes County Jail?

13 A No.

14 Q Take a look there in the jury box?

15 A Yeah.

16 Q One of them sitting there?

17 A Yeah.

18 Q Point him out.

19 A (Indicating Sheriff Weaver.)

20 MR. ISSACS: Let the record indicate that he's
21 identified Mr. Pete Weaver.

22 Q Darren, when you took these fellows from the Mayes
23 County Jail - took them up to the cave, what happened up there?

24 A Um, we found the cave - or the one that I found before.
25 I took them up there, and they told me that there wasn't no

1 one up there -- that there hadn't been no one up there for
2 awhile, and I -- I knew they were lying 'cause I was up there
3 right before then.

4 Q You were up there yourself?

5 A Yes.

6 Q Who went with you out to that cave other than Mr.
7 Weaver?

8 A Um, whoever they are - them --

9 Q Other guys in uniform?

10 A Yes.

11 Q Did you see Gene Leroy Hart at that cave, Darren?

12 A When I went up there by myself?

13 Q Yes.

14 A No.

15 Q Have you seen Gene Leroy Hart in the past?

16 A In the past, yes.

17 Q What year would that be?

18 A '73.

19 Q Seen him before that time?

20 A I've only seen Gene twice.

21 Q And that was in '73 and when?

22 A I don't remember.

23 Q Longer back in the past then '73?

24 A Yes.

25 Q Darren, up until July 4th, have you been in the Locust

1 Grove area?

2 A Before July the 4th?

3 Q Yes, before July the 4th of 1977, when was the last
4 time you were at Locust Grove?

5 A In January.

6 Q Darren, did you ever tell Sheriff Weaver or any of
7 his deputies that you seen Gene Hart up there?

8 A Yes.

9 Q And why did you do that?

10 A Well, maybe that they went up there, and those foot-
11 prints did belong to him, that they would find him.

12 Q And why did you want them to find him?

13 A Because they told me that there was a bounty on him,
14 and they said that if they found him --

15 Q A bounty?

16 A Yes.

17 Q How much money?

18 A \$700 - something. They told me that if they found
19 him, it would belong to me.

20 Q Have you told me everything that you saw at the cave
21 on that day?

22 A Found those footprints and that fire.

23 Q And that's all that was there?

24 A Yes.

25 Q This is the cave that's located south of Jack Shroff's

1 house; is it not?

2 A Yes.

3 MR. ISSACS: I have nothing further of this witness.

4 THE COURT: Cross exam?

5 MR. FALLIS: Yes, Your Honor.

6 CROSS EXAMINATION

7 BY MR. FALLIS:

8 Q Darren, when was the occasion that you'd been to this
9 cave by yourself; by that, I mean how long before you took
10 Sheriff Weaver up there was it that you had seen this cave
11 with the footprint and the fire?

12 A About a week and a half.

13 Q About a week and a half?

14 A Yes.

15 Q Okay, is this anywhere near your relative's property?

16 A Yes.

17 Q And can you tell us who that relative is, please?

18 A My grandmother.

19 Q Your grandmother?

20 A Yes.

21 Q All right, and in that particular area - this area
22 where you say you saw a cave with a footprint and evidence of
23 a fire?

24 A Yes.

25 Q Are there other caves?

1 A Yes.

2 Q How many other caves?

3 A Two.

4 Q Two other caves?

5 A Yes.

6 Q Now, the cave that you saw the footprint and the
7 fire - the one you say you took Sheriff Weaver to; would you
8 describe this cave to the Court, please?

9 A Well, it was about four foot in height, and it went
10 back about two or three feet.

11 Q Four foot in height and went back two or three feet?

12 A Yes.

13 Q More like an overhang perhaps?

14 A Yes.

15 Q Did you take them to any other cave besides that one?

16 A No.

17 Q How close would these other caves that you know about
18 be to that cave, Darren?

19 A I don't really know.

20 Q Are we talking about in the same general area?

21 A It's up there in the same place.

22 MR. FALLIS: Thank you.

23 THE COURT: Anything further?

24 MR. ISSACS: No.

25 THE COURT: All right. You're excused, and do I

1 understand that you will not be recalling this witness?

2 MR. ISSACS: Just a second, Judge, I might have one
3 more question.

4 THE COURT: All right. Have a seat here, Darren, he
5 might have another question.

6 MR. ISSACS: That's all, Judge.

7 THE COURT: You're excused.

8 (WHEREUPON, the witness was excused and withdrew
9 from the courtroom.)

10 MR. ISSACS: Judge, that's the last one for today.

11 THE COURT: All right. This Court will recess
12 until 9:30 a.m. on Thursday, July 6th, 1978.

13 (WHEREUPON, the cause in hearing was recessed until
14 9:45 a.m., on the 6th of July, 1978.)