



1 statement of Thomas Jesse Ward, was played to the Jury, as  
follows, to-wit:)

2 QUESTIONS BY MR. WYATT:

3 Q You are Thomas Jesse Ward. Is that correct?

4 A Yes, sir.

5 Q Mr. Ward --

6

7 MR. ROSS: The press is right outside the door, so you  
8 might (Inaudible.)

9 Q We are here today in the matter of the charges that have  
10 been filed against you.

11 A Uh-huh.

12 Q We started a preliminary hearing Monday.

13 A (No audible response.)

14 Q This is the third day of preliminary. We've entered into  
15 certain stipulations to the witnesses to testify today and we've  
16 requested a continuance and we made a record of all of this and  
17 you agreed and asked the Court to approve the continuance and  
18 the stipulation. Is that correct?

19 A Yes.

20 Q All right. As part of the agreements that we've entered  
21 into, you have agreed to be questioned by myself and the police  
22 in regards to certain facts that you want to bring to light.

23 A Yes, sir.

24 Q Is that correct?

25 A (No audible response.)

1 Q Now, you understand, Tom, that there are police officers  
2 present?

3 A Yes.

4 Q You understand that those police officers would admonish  
5 you that you have a right to counsel present at this hearing?

6 A Yes.

7 Q And you have counsel here?

8 A Yes.

9 Q I'm here representing you?

10 A (No audible response.)

11 Q They would admonish you that anything that you say could  
12 and would be used against you at a trial of this case --

13 A Uh-huh.

14 Q -- if you agree to speak and answer questions? You  
15 understand?

16 A (No audible response.)

17 Q You'll have to speak up, Tom.

18 A Yes, sir.

19 Q You also understand that you are under no obligation to  
20 answer any questions?

21 A Uh-huh.

22 Q That you can refuse to answer questions, they can't force  
23 you, intimidate you or coerce you into answering questions. Do  
24 you understand?

25 A Yes, sir.

1 Q If you decide to answer questions today, you do it as a  
2 free and voluntary act. Is that correct?

3 A Yeah.

4 Q Now, you and I have discussed your answering questions,  
5 have we not?

6 A Yes, sir.

7 Q I think I told you that it may or may not be in your best  
8 interest to do this.

9 A Uh-huh.

10 Q And I know counsel for Mr. Fontenot has described it as a  
11 "dice roll".

12 A Uh-huh.

13 Q It may be helpful in your defense; it may be very harmful.  
14 Do you understand?

15 A Yes, sir.

16 Q But once you make the statements, you can't take them back.

17 A Yeah.

18 Q You can't stop the use of those statements against you.

19 A Yeah.

20 Q You're an adult, aren't you?

21 A Yes, sir.

22 Q You've never been declared mentally incompetent?

23 A No.

24 Q You're not under the influence of any alcohol or narcotic  
25 drugs --

1 A No.

2 Q -- that might muddle or befuddle your mind this morning?

3 A No.

4 Q You're fully aware of what you're doing?

5 A Yeah.

6 Q We've discussed it?

7 A Yeah.

8 Q Do you want to continue and make statements or would you  
9 ask that the process stop now and make no statements?

10 A Well, I want to make a statement.

11 Q You want to make the statement?

12 A Yes.

13 Q Do you feel the statement is in your best interest?

14 A Yes, sir.

15 Q You feel it will be helpful to the police in their  
16 investigation?

17 A Yes, sir.

18 MR. ROSS: Don, can we go ahead and have him read this  
19 to him, just so --

20 MR. WYATT: I'll read it to him.

21 MR. ROSS: Okay.

22 Q They've handed me a card to be read to you, which are the  
23 rights that you have about making statements. I've tried to  
24 tell you what those rights were, but there may be a few others  
25 here. And I'll read this to you so the record shows that you've

1 been advised. All right?

2 A (No audible response.)

3 Q "You have the right to remain silent." You don't have to  
4 speak or talk to anyone. You understand that?

5 A Yeah.

6 Q That's been previously explained to you?

7 A Yes, sir.

8 Q Okay. And I think after I admonished you, you remained  
9 silent. After I told you not to talk with anyone, you didn't  
10 talk with anyone.

11 A Uh-huh.

12 Q Is that right?

13 A That's right.

14 Q "Anything you say today can and will be used against you."  
15 You understand that?

16 A Yes, sir.

17 Q No taking it back once you make a statement.

18 A Uh-huh.

19 Q All right. "You have the right to talk to a lawyer and  
20 have him present while you're being questioned." I'm here, you  
21 have a lawyer retained. Do you feel you're being adequately  
22 represented?

23 A Uh-huh.

24 Q Are you happy with my representation? Would you like  
25 somebody else to come in and represent you?

- 1 A No, sir.
- 2 Q Think you need another lawyer to advise you here this  
3 morning?
- 4 A No.
- 5 Q You don't believe so?
- 6 A Huh-uh.
- 7 Q Do you feel I'm representing your interest?
- 8 A Yes, sir.
- 9 Q They advise you further that if you couldn't afford to hire  
10 counsel, that one would be appointed, but you've hired counsel?
- 11 A Uh-huh.
- 12 Q If you decide to make a statement today, and at some point  
13 during that statement you decide maybe I shouldn't do this, you  
14 can stop, and just say, hey, I don't want to talk any more about  
15 it. Do you understand?
- 16 A Uh-huh.
- 17 Q There's no one going to force you to complete a statement.  
18 Once you start, you could stop at anytime. You understand?
- 19 A Yeah.
- 20 Q Any of these rights you don't feel you understand?
- 21 A No.
- 22 Q Any of them you want further explained?
- 23 A No.
- 24 Q Knowing that when we start, you've given up certain rights?
- 25 A Uh-huh.

1 Q And it's your wish that we go ahead and start?

2 A Yeah.

3 MR. WYATT: George, can you think of anything else we  
4 need to put on the record?

5 MR. BUTNER: Record reflects that everyone present,  
6 including the two officers.

7 (Brief off-record discussion.)

8 Q On April 27th or 28th --

9 MR. WYATT: Which day was it?

10 MR. ROSS: The 28th was the disappearance.

11 Q April the 28th, did you at any time enter McAnally's store?

12 A Yes, sir, I did.

13 Q Were you with anyone when you entered the store?

14 A Yes, sir.

15 Q Who were you with?

16 A Marty Ashley.

17 Q Who is Marty Ashley?

18 A He was just a friend.

19 Q Where does Marty Ashley live?

20 A He lives up in Tulsa.

21 Q Where did Marty Ashley live at the time you entered  
22 McAnally's?

23 A On -- I can't think what street it is. It's down by, uh,  
24 let's see ... Is that Washington or Hayes? Up on East  
25 Mississippi, on this side of Mississippi, on the west side.



- 1 It's up near the college. It's a school out there. I can't  
2 think of what school it is. He lived across the street from it.  
3 I believe it's 10th Street.
- 4 Q Okay. Did he live in an apartment or a house?  
5 A It lives in a house apartment.  
6 Q Did he rent it or did he live with somebody else?  
7 A He lived with somebody else.  
8 Q Who did he live with?  
9 A Jay Dicus.  
10 Q Who is Jay Dicus?  
11 A Just one of his friends.  
12 Q Had you ever been to their home?  
13 A Yes.  
14 Q Now, did Jay Dicus and Ashley use drugs?  
15 A Yes.  
16 Q What type of drugs?  
17 A Uh --  
18 Q Just name them off.  
19 A Well, they smoke marijuana and drank and they done what  
20 they call "crystal".  
21 Q Are you talking about methamphetamines?  
22 A Yes.  
23 Q Speed?  
24 A Yes.  
25 Q Now, how did they do the crystal? Did they take it orally,

- 1 did they inject it?
- 2 A Inject it.
- 3 Q So they were shooting up with crystal?
- 4 A Uh-huh.
- 5 Q When was the last time you were at Marty Ashley's house?
- 6 A That day.
- 7 Q The day of the 28th of April?
- 8 A Yes.
- 9 Q Was Dicus there?
- 10 A I can't recall.
- 11 Q Was anyone else there?
- 12 A Shelly Manski.
- 13 Q Shelly Manski. Who is she?
- 14 A It's Jay Dicus's girlfriend's daughter.
- 15 Q Jay Dicus's girlfriend's daughter?
- 16 A Yeah.
- 17 Q Where does she live?
- 18 A. They live all in Tulsa now. They --
- 19 Q Her last name is Manski?
- 20 A Yeah.
- 21 Q Was her mother there?
- 22 A Yes.
- 23 Q Who is her mother?
- 24 A I believe her name is Janet Manski or Jane Manski.
- 25 Q Jackie Manski?

- 1 A Jackie Manski, that's it.
- 2 Q Who else was there?
- 3 A Theresa Manski and Shelly Manski's boyfriend, and I don't  
4 know what his name was.
- 5 Q Shelly's boyfriend?
- 6 A Uh-huh.
- 7 Q How old a fellow was he?
- 8 A He's about -- he was about sixteen.
- 9 Q Did you and anyone else leave the Dicus house?
- 10 A Me and Marty.
- 11 Q Anyone else?
- 12 A No.
- 13 Q What type of vehicle were you in when you left?
- 14 A It was about a '69 Chevy -- Chevrolet pickup, either  
15 Chevrolet or Ford, I don't remember.
- 16 Q Whose pickup was it?
- 17 A It was a guy that was there.
- 18 Q What was his name?
- 19 A I don't know. It was a blond-headed guy, I think, I don't  
20 remember what his name was.
- 21 Q I thought you told me earlier it was Ashley's pickup?
- 22 A No, it was a guy that lived there.
- 23 Q With Dicus and Ashely?
- 24 A Yeah, with Dicus and Ashley.
- 25 Q How long did he live there?

- 1 A I don't know.
- 2 Q Had he always been there when you went there?
- 3 A I just went there just a couple of times.
- 4 Q Had he always been there?
- 5 A No, just that one time is the only time I seen him.
- 6 Q How did you know he lived there?
- 7 A I just figured, them being all over there and everything,  
8 and it was -- One night when I was over there it was up pretty  
9 late in the night and everything and they was all going to bed,  
10 and they was all there when I left.
- 11 Q Where did the pickup come from?
- 12 A I don't know, from that blond-headed guy.
- 13 Q Where did he get the pickup?
- 14 A I don't know. I recognized the pickup being -- uh, I can't  
15 think of his name -- Terry Timmons' pickup. He used to own it.
- 16 Q Terry Timmon's old pickup?
- 17 A Yeah.
- 18 Q Where does Terry Timmons live?
- 19 A I believe he lives in Kansas now.
- 20 Q Is his family in Ada?
- 21 A I believe so.
- 22 Q Does he have a brother?
- 23 A Yeah.
- 24 Q What's his brother's name?
- 25 A Mike Timmons.

- 1 Q Does he have a mother an father?
- 2 A He has a mother.
- 3 Q What's her name?
- 4 A I don't know.
- 5 Q Where does he live?
- 6 A I don't know.
- 7 Q Where does the brother live, Mike?
- 8 A Well, I've seen him in jail a lot. They did live up on  
9 Sandy Creek Drive, in those little white apartments by -- I  
10 can't think of the name of it, Davis Garage, kind of east of  
11 Davis Garage, a little white line of apartments.
- 12 Q Do you feel that the Timmons people owned the pickup at one  
13 time?
- 14 A Yeah.
- 15 Q You know it to be the same pickup?
- 16 A Yeah.
- 17 Q Absolutely positively it was the same pickup the Timmons'  
18 owned?
- 19 A Yeah.
- 20 Q All right. So, you and Marty Ashley left the house in the  
21 pickup?
- 22 A Uh-huh.
- 23 Q Anyone else with you?
- 24 A No.
- 25 Q Did you ever pick anyone else up, other than the girl?

- 1 A No.
- 2 Q No one else ever got in with you?
- 3 A No.
- 4 Q Where did you first go?
- 5 A Well, he come out to the house and picked me up and then we  
6 went to their house.
- 7 Q He came to your house to pick you up?
- 8 A Yeah. He come over and asked me if I had a spare tire. He  
9 told me that they was getting ready to move to Tulsa. He asked  
10 me if I had a spare tire. And I told him, no, that I didn't  
11 have a spare tire. And then he asked me if I wanted to go drink  
12 a couple of beers and go shoot a couple of games of pool. And  
13 so then we left from the house, and I told him, sure. So, we  
14 left from the house and went up to Manski's and Dicus and then  
15 went to J.P.'s.
- 16 Q All right. Who was at the Manski-Dicus house when you  
17 arrived in the pickup?
- 18 A Everyone I mentioned.
- 19 Q Everyone you mentioned was there?
- 20 A Uh-huh.
- 21 Q About what time did you arrive at Manski's?
- 22 A It was around 6:30, 6:00.
- 23 Q All right. And you all left to go to the J and P?
- 24 A Uh-huh.
- 25 Q And you went to the J and P?

- 1 A Uh-huh.
- 2 Q And it was you and Ashley?
- 3 A Uh-huh
- 4 Q That went into the J and P?
- 5 A Yeah.
- 6 Q What did you do in the J and P?
- 7 A We shot some pool and played a few games of pool.
- 8 Q When did you leave?
- 9 A About thirty minutes later.
- 10 Q Where did you go?
- 11 A We went back into town to Dicus's.
- 12 Q Back to Dicus's house?
- 13 A Yeah.
- 14 Q What did you do there?
- 15 A We smoked a joint.
- 16 Q You or Ashley shoot any meth?
- 17 A No, I don't -- I --
- 18 Q Did Dicus shoot any while you were there?
- 19 A No. Nobody did.
- 20 Q Was Dicus there?
- 21 A Yeah.
- 22 Q He smoked a joint with you?
- 23 A Yeah.
- 24 Q Then what did you do?
- 25 A We left back out and we was going to go back out there to

1 play some more pool, and we went back out there and he bought a  
2 bottle of whiskey, and then we went from there to McAnally's.

3 Q You stopped at McAnally's?

4 A Uh-huh.

5 Q Did you go in?

6 A Yeah.

7 Q Did Dicus or Ashley go in?

8 A Yeah.

9 Q Why did you stop there?

10 A To get a beer.

11 Q What happened when you got inside?

12 A I walked back towards the back to get the beer, and Marty  
13 started talking to Donna and --

14 Q Did Marty know Donna?

15 A Yeah.

16 Q How long had he known Donna?

17 A I don't know.

18 Q But they knew each other?

19 A Yeah, they, you know, acquainted with each other when we  
20 come in.

21 Q What happened?

22 A He started flirting with her and she told him that he was  
23 married -- I mean, she was married. And then after she told him  
24 that she was married, he goes, you must not be happily married,  
25 because if you was happily married, you wouldn't have to be



1 working. And then he started hinting around to her about  
2 saying, well, if you marry me and everything, you wouldn't have  
3 to do nothing like this or anything.

4 Q Now, where were you when this conversation took place?

5 A I was getting ready to walk on back toward the back and  
6 then I was kind of listening to them, you know, because I  
7 thought it was kind of funny, you know, after her saying that  
8 she was already married and everything, and then -- So, then I  
9 went on back to the back, and then when I come up to the front,  
10 he bent over the counter and he kissed her and then he walked  
11 out the door.

12 And then I walked on up and I paid for the beer. Then  
13 after I paid for the beer, she come around the counter and went  
14 out the door and I walked out behind her. And then I walked out  
15 to the pickup and then she -- when I opened the door, she goes -  
16 - uh, she's talking to Marty, and she goes, "Are you serious  
17 about what you're talking about?" And he goes, "Yeah." And so  
18 she jumped in the pickup with him, and then we drove from there  
19 to my house and that's when he let me out. It was about 9:00  
20 o'clock when I got back to the house.

21 Q All right. Did you see these other folks that testified at  
22 the preliminary that they saw you all --

23 A Yes

24 Q -- leaving the store? Did you see those folks?

25 A Yeah, that's what made me remember and everything.

- 1 Q So, you were one of the people that was there and you saw--
- 2 A Uh-huh.
- 3 Q -- those people come into the store?
- 4 A Yeah.
- 5 Q And the girl left voluntarily --
- 6 A Yeah.
- 7 Q -- with you all?
- 8 A Yeah. Well, she pointed at the one that had the blue vest
- 9 on, and she pointed out to him that he was the worker and that
- 10 he was taking her place.
- 11 Q Who did she tell that to?
- 12 A To Marty. He goes, what about the store, and she goes, ah,
- 13 he's going to take care of it and pointed to him.
- 14 Q So, she got in? What happened --
- 15 A Yeah.
- 16 Q -- while they drove back to your place?
- 17 A They just talked and they was kissing when they would stop
- 18 at a stoplight. We went from, let's see, down to Oak Street and
- 19 then turned there on Oak to Main Street and then went down Main
- 20 Street to Latta Road there and turned off and went on to my
- 21 house.
- 22 Q Did you get out at your house?
- 23 A Yes.
- 24 Q Anyone else picked up, anyone else with them at the time?
- 25 A No.

- 1 Q Did you ever see him again?
- 2 A No.
- 3 Q Do you know whether he moved or not?
- 4 A No. I don't know, but he was telling me that he was moving  
5 to Tulsa, him and Jackie and Jay and all of them.
- 6 Q Was Jay Dicus supposed to be going with him to Tulsa?
- 7 A Yeah.
- 8 Q Do you know whether or not Jay Dicus ever moved to Tulsa?
- 9 A Well, I never have seen them since. Well, you know, after  
10 that and everything, I moved to Norman and, you know, I've never  
11 seen them since. I never -- I didn't think anything about it  
12 and all because them, you know, being, you know, acquaintance,  
13 and her going ahead and jumping in the pickup and everything and  
14 then going on to the house --
- 15 Q Did you know her last name was Haraway?
- 16 A No. I didn't even know her first name. I just thought it  
17 might have been, you know, someone who he knew and everything  
18 and that, you know, it was kind of like a boyfriend-girlfriend  
19 deal, you know, them jumping in and run off. I thought it was,  
20 it seemed kind of, you know, strange about them saying that --
- 21 Q To your knowledge --
- 22 A -- she was married.
- 23 Q -- did that pickup stay with Ashley?
- 24 A. Yeah.
- 25 Q Would he have it somewhere?

1 A Uh-huh. Unless he's sold it since then.

2 Q Did Jay Dicus ever drive that pickup?

3 A I don't know. I just seen them just a few times. They  
4 come over about, I guess, about four days, four or five days  
5 before it happened, and he asked to borrow a lawnmower, and I  
6 went over to his house with him and he mowed his lawn. And  
7 then --

8 Q Who?

9 A Marty.

10 Q Was he driving the pickup that day?

11 A Huh?

12 Q Was he driving the pickup --

13 A No, I was driving my brother's pickup. My mother had my  
14 brother's pickup down here.

15 Q Okay.

16 A And I took the lawnmower over there.

17 MR. WYATT: Let's go off the record.

18 (Thereupon, there was a brief off-record discussion.)

19 QUESTIONS BY MR. ROSS:

20 Q Tommy, you said there at the end that you thought Ashley  
21 still had the pickup.

22 A Uh-huh. I just said I guess.

23 Q Earlier you said you didn't believe it belonged to him,  
24 some blond-headed guy?

25 A Uh-huh. Because a few days before that, you know, Marty

1 didn't have no car when I went up to his house. I was in my  
2 brother's pickup, and he said that, you know, he -- he got in my  
3 brother's pickup with me and we went to my house and got the  
4 lawnmower.

5 Q Okay. So, from what you said, correct me if I'm wrong, you  
6 were at your house and Marty Ashley came over?

7 A Uh-huh.

8 Q In this pickup?

9 A Yeah.

10 Q Wanting a spare tire because he was moving to Tulsa?

11 A Uh-huh. Yeah.

12 Q Do you know what time that was?

13 A Oh, I'm just guessing, it was around 6:00 or 7:00.

14 Q Okay. Then you and Ashley went over to Ashley and Dicus's  
15 house?

16 A Uh-huh.

17 Q Which is over by the grade school, close to the college?

18 A Yeah.

19 Q Okay. And then you and Ashley went in J.P.'s?

20 A Uh-huh.

21 Q Shot pool?

22 A Uh-huh.

23 Q And then went back to Dicus's house?

24 A Uh-huh.

25 Q Smoked a joint and then you and Ashley left again?

- 1 A Yeah.
- 2 Q Went back to J.P.'s, bought some whiskey?
- 3 A Uh-huh.
- 4 Q Then went to McAnally's?
- 5 A Uh-huh.
- 6 Q And she left with y'all?
- 7 A Yeah.
- 8 Q Now, Dicus wasn't with you then?
- 9 A No.
- 10 Q Just you and Marty?
- 11 A Just me and Marty.
- 12 Q Can you describe Marty?
- 13 A He's -- Well, that description, or the picture, it don't  
14 look hardly anything like him.
- 15 Q The composite doesn't?
- 16 A No. But, his hair is about the same length and everything  
17 as the composite picture.
- 18 Q What color is his hair?
- 19 A It's kind of -- a little bit darker brown than mine, I  
20 believe.
- 21 Q Okay. Do you know how he wears it?
- 22 A No, I don't recall.
- 23 Q Body-wise, is he bigger than you, or smaller, height?
- 24 A Well, he's -- I believe he's a little bit taller than me.
- 25 Q Is he heavier or skinnier, or about the same?

- 1 A He's about the same, you know, he's about the same.  
2 (Thereupon, there was a brief off-record discussion.)
- 3 Q Okay. Let me ask this. Before you answer, let Don see if  
4 this is okay with him. Okay?
- 5 A Okay.
- 6 Q I'll go ahead and ask him, then he can see. You said that  
7 you went and shot pool at J.P.'s and then you went back and  
8 bought liquor later?
- 9 A Uh-huh.
- 10 Q Now, the witnesses you heard yesterday said you bought  
11 liquor the first time, then came back and played pool.
- 12 A Yeah.
- 13 Q Are you sure which way it happened?
- 14 A No, it's been so long.
- 15 Q You just remember you were there twice?
- 16 A I've been there twice, and then --
- 17 Q That day. Once you bought liquor and once you shot pool,  
18 but you are not sure which happened first?
- 19 A Uh-huh.
- 20 Q Okay. And do you recall -- The people who said, yesterday,  
21 you were in there, do you recall them being in there?
- 22 A Yeah.
- 23 Q Okay. Do you recall what kind of liquor you bought?
- 24 A It was some wine, I believe, uh, it was MD, something like  
25 that.

1 Q Okay. So, basically, from what they testified yesterday,  
2 as to being at J.P.'s, you're not disagreeing with that, other  
3 than that you weren't with Karl, you were with Marty?

4 A With Marty, uh-huh.

5 Q Okay.

6 A That's what, you know, made me remember and everything, is  
7 seeing the witnesses and all. And, see, when y'all questioned  
8 me the first time, I just thought it was a funny game, you know,  
9 that y'all was playing with me, and so I just made up the lie,  
10 you know, and that's how y'all got my statement about being a  
11 lie. And I tried to explain it to you about being a lie and  
12 everything, and it was just all backfiring.

13 Q So, the Court --

14 MR. WYATT: Let me ask him a couple.

15 MR. ROSS: Sure.

16 QUESTIONS BY MR. WYATT:

17 Q Is what you're telling us today, Tom, that whatever  
18 statements Fontenot made are lies?

19 A Yeah.

20 Q That he wasn't with you?

21 A No.

22 Q And that Marty Ashley was with you?

23 A Uh-huh.

24 Q Marty Ashley is the one that left with the girl?

25 A Yeah.



1 Q And you feel like Marty Ashley or Dicus, the guy he was  
2 living with -- or whoever the blond guy he was living with might  
3 know where she is?

4 A I believe Marty would.

5 Q You believe Marty would know where she is?

6 A And I remember another guy, too, that was there, this Tony  
7 Norman.

8 Q Tony Norman?

9 A Uh-huh.

10 Q Now, where was he?

11 A Huh?

12 Q Where was he?

13 A He was at Manski's house and Jay Dicus's.

14 Q Did he live there with Dicus?

15 A No, they were just friends. I believe he lives with his  
16 dad, J.D. Norman.

17 Q J.D. Norman?

18 A Yeah.

19 Q Was Fontenot ever with you that day?

20 A No.

21 MR. WYATT: Okay.

22 FURTHER QUESTIONS BY MR. ROSS:

23 Q What Fontenot, the statements Fontenot made to the police,  
24 did you tell him that story?

25 A No.

- 1 Q So, you know how he got any information he might have?
- 2 A Huh-uh.
- 3 Q Okay. From your story, from what you're saying here today,
- 4 I can take it, also, that Odell Tittsworth wasn't with you?
- 5 A No.
- 6 Q Do you even know Odell?
- 7 A No.
- 8 Q You don't even know who he is?
- 9 A I've seen him before, but I don't know him.
- 10 MR. ROSS: Do you care if he answers a question?
- 11 MR. WYATT: I don't care. I know the answer to it.
- 12 QUESTIONS BY MR. BUTNER:
- 13 Q Where did you get the name "Odell Tittsworth"?
- 14 A From Mr. Smith.
- 15 FURTHER QUESTIONING BY MR. ROSS:
- 16 Q So, Mr. Smith told you that it was Odell that was with you?
- 17 A Yeah, he said Odell and Karl.
- 18 Q Okay. After you left J.P.'s the second time, you and Marty
- 19 went to McAnally's?
- 20 A (No audible response.)
- 21 Q Straight from J.P.'s?
- 22 A Uh-huh.
- 23 Q Okay. When you went in, there wasn't anyone there besides
- 24 her?
- 25 A That one guy that had the blue vest on yesterday, the first

1 witness.

2 Q Okay. The guy who said that he was inside when you and  
3 another person walked in, one of you went to the back, one of  
4 you went to the counter?

5 A Yeah, the one that you had me standing right next to -- up  
6 to.

7 Q Okay. If I was to tell you that was Mr. Moyer --

8 A. Uh-huh.

9 Q -- you're saying that that person was in there?

10 A Yeah.

11 Q And then he left?

12 A No. He was still in the store when I left out -- when both  
13 of us left out.

14 Q He was still in the store when you --

15 A Yeah, because she pointed him out to being a worker.

16 Q Are you talking -- Okay. Let me see if you can remember.  
17 There was a heavier man with a beard and glasses --

18 A Yeah.

19 Q -- and a blue vest on?

20 A Yeah.

21 Q He testified yesterday.

22 A Yeah.

23 Q Are you saying that he was the one that was still there?

24 A I don't know now. I'm confused. I thought it was that  
25 other guy, that one I stood beside.

1 Q The one that you stood beside?

2 A I thought that he was the one that she pointed at. I  
3 didn't pay him too much attention, you know. She said that  
4 there was a worker in there that --

5 Q So, but by any means, what you're saying is someone was  
6 still inside the store when y'all left?

7 A Yeah.

8 Q Okay. The people who testified that they were in the  
9 parking lot --

10 A Uh-huh.

11 Q Did you see them?

12 A Yeah. Yeah, I recognized them, too.

13 Q So, the people who testified yesterday that they saw you --

14 A Uh-huh.

15 Q -- coming out with Donna Haraway were correct?

16 A Huh?

17 Q They were correct that you did walk out with her?

18 A Yeah, I walked out behind her.

19 Q Okay. And Marty was already in the pickup, and it was  
20 parked there in front, like they said?

21 A Uh-huh.

22 Q Because y'all were just going to get a beer?

23 A Uh-huh. And then walked up -- she opened up the door and I  
24 was standing by the door, and then that's when she said, do you  
25 want to -- she goes, are you serious about what you're talking

1 about, and he goes, yeah, then she jumped in.

2 Q Did you ever get any beer?

3 A I just got that one can of beer.

4 Q Did you pay for it?

5 A Yeah.

6 Q Okay.

7 Q I remember that cigarette, when they was talking about that  
8 cigarette burning in the ashtray, that was my cigarette.

9 Q So, you went back there and put it --

10 A Huh?

11 Q You were --

12 A When I was getting the money out to pay for the beer, I put  
13 it in the ashtray, set it in the ashtray. It was on the  
14 counter, inside of the counter -- (Indicating.)

15 Q So, she went ahead and sold you the beer?

16 A Huh?

17 Q She was still in there when you bought the beer?

18 A Yes.

19 Q You just went ahead and paid her?

20 A Yeah. And then after I paid her, she walked around the  
21 counter and went outside and I walked out behind her.

22 Q Did she take any money with her out of the register?

23 A No.

24 Q So, as far as you know, the register was not tampered with  
25 while y'all were there?

- 1 A Huh-uh. I know it wasn't.
- 2 Q And then you all went riding around?
- 3 A Yeah. As soon as she said that and everything, she jumped  
4 in, he goes, what about the store, and she goes -- that's when  
5 she pointed out to the guy in the store and said that there's  
6 somebody taking care of it. And then that's when he drove me  
7 on, straight on home, took me on home, and then I got out of the  
8 pickup and went in the house.
- 9 Q Okay. How long had you know Marty? I mean, is there any  
10 question in you mind that the person you're talking about was  
11 Marty Ashley?
- 12 A Yeah. I've know him for about, I guess, about seven or  
13 eight years.
- 14 Q So, you're sure it was Marty Ashley?
- 15 A Yeah.
- 16 Q And are you as sure about Jay Dicus?
- 17 A Yeah.
- 18 Q Do you know him when you see him?
- 19 A Yeah.
- 20 Q How long have you know him?
- 21 A Practically all my life.
- 22 Q The same with this Tony Norman?
- 23 A Yeah.
- 24 Q Known him all of your life?
- 25 A Uh-huh.

1 Q Do you know where he lives?

2 MR. BASKIN: We know.

3 MR. ROSS: Oh, okay. Never mind.

4 A Well, like I said, when they come questioned me and  
5 everything, I just blocked plumb off my mind about it and  
6 everything. I remember when I went in the house that night and  
7 everything and when they started showing the picture about her  
8 being missing and all, I looked at the picture and it didn't --  
9 because, you know, I didn't know that she was going with him and  
10 everything, you know. I didn't thing about the McAnally deal or  
11 anything, I just seen the picture and then when I was looking at  
12 the picture, everything kind of, around me, went black, and then  
13 that's the last thing I remember. I didn't even remember that  
14 was her or anything. And then when they come questioned me, you  
15 know, I just thought it was another day, you know -- you know,  
16 because I just thought I just went in the store and out of the  
17 store with her and went on home and that was it.

18 Q Okay. Now, the first -- I don't know if he will let me ask  
19 this. Don't answer this yet, until Don says one way or the  
20 other.

21 You're positive that this was April the 28th?

22 A Uh-huh.

23 Q No question in your mind?

24 A No question in my mind.

25 Q And you're positive, pretty much, as to the time frame and

1 stuff?

2 A I couldn't say that.

3 Q Is there anything in your mind that makes you know this was  
4 the 28th?

5 A Yes.

6 Q What?

7 A When they brought me a picture last night, Terry did, the  
8 trustee in the county, and she showed me the picture of Donna,  
9 and then I resembled -- you know, I recognized her then. Until  
10 all this other time, I never have recognized her at all, really.

11 FURTHER QUESTIONS BY MR. WYATT:

12 Q Why did the trustee bring you a picture?

13 A Huh?

14 Q Why did the trustee bring you a picture?

15 A I asked to see the picture of her. I was talking to Jim.  
16 I told Jim, I said, well, I think I had something to do with it.

17 Q Jim who?

18 A It is a trustee.

19 MR. ROSS: Allen? A big guy?

20 A Yeah.

21 MR. ROSS: Messed up teeth?

22 A Yeah.

23 MR. ROSS: Runs Broadway Rec?

24 A Yeah.

25 MR. ROSS: Jim Allen.



1 A I told him, I said, well, I think I had something to do  
2 with it, after all.

3 QUESTIONS BY MR. ROSS:

4 Q So, you asked them to show you a picture, and they went and  
5 got one?

6 A Uh-huh. Because he -- he said, nah, he goes, you're  
7 messing up, you know, you're getting all confused and  
8 everything. And then they went and got the picture, you know,  
9 and they said, he's talking about a different girl, you know.  
10 He said that they knew Marty Ashley and that it was a different  
11 girl that Marty was going with. Then they showed me the picture  
12 and I seen the picture, and I said, wow, it is the girl that  
13 Marty picked up out there and she left with us.

14 Q The picture you're talking about, are you talking about  
15 like a flier that was put out, you know, not actually like a  
16 Polaroid or something like that?

17 A No, it was just a little small picture, kind of like this.

18 Q Okay. Do you have any idea where they got that?

19 A I sure don't.

20 Q Okay. Let me ask you this. You've made prior statements  
21 about the stuff that happened that night. Are you now saying  
22 that those were lies?

23 A Uh-huh.

24 Q That you thought it was just a --

25 A Yeah, I just thought it was a put-on, you know.

- 1 Q -- put on?
- 2 A Yeah, because, you know, I just thought, well, shoot, if I  
3 tell you a lie and everything, then y'all would go down there,  
4 you know, and see for yourself that it wasn't true, and then I  
5 would be out the next day, that's what I thought was going to  
6 happen.
- 7 Q So, you weren't out fishing or doing anything else, you  
8 were with Marty Ashley and Jay Dicus?
- 9 A Yeah.
- 10 Q Were these your friends? I mean, was it unusual that they  
11 would come over to your house or -- You said you had known them  
12 a long time.
- 13 A Yeah, but they didn't usually come over, didn't hardly ever  
14 come over.
- 15 Q Can you think of anybody that was at your home or that you  
16 might have seen when you were out, other than the people that  
17 have testified, that we could contact? Was there anybody at  
18 your house when they came to pick you up that would have seen  
19 them or --
- 20 A My sister was there, was all.
- 21 Q What's her name?
- 22 A She seen them. Huh?
- 23 Q What's her --
- 24 A. Joyce Cavens.
- 25 Q Joyce Cavens?

1 COURT REPORTER: What was the last name?  
2 A Cavens.  
3 Q Okay. Is this the same -- Had you ever been in possession  
4 of this pickup?  
5 A No.  
6 Q Okay. So, the man who testified yesterday that he saw you  
7 driving this pickup with Karl and some other people, he was  
8 talking about some other pickup?  
9 A Yeah. He's talking about Bryan Cox. He used to come down  
10 and go fishing with us all the time.  
11 Q Okay. And you've never discussed any of this with Karl?  
12 A No.  
13 MR. WYATT: And you told Karl today, this morning --  
14 A Yeah, yeah, I told him this morning.  
15 Q Prior to this time?  
16 A I said, hey, man, I said, I remember what happened; and he  
17 goes, what? I said, man, I said, I remember what happened. And  
18 he goes, what do you mean --  
19 MR. WYATT: You hadn't ever told Karl prior to today?  
20 A No.  
21 MR. WYATT: About your dream or anything else?  
22 A No. Huh-uh. I didn't know until last night about the  
23 whole thing, you know, until, you know, I seen the witnesses up  
24 there and everything, and you know, I started seeing the  
25 witnesses, and it kind of brought back my attention, you know,

1 about it.

2 Q So, what dream are you talking about?

3 MR. WYATT: You don't know about the dream? They know  
4 about the dream.

5 MR. ROSS: Well, is that what he's talking about, his  
6 statement?

7 MR. WYATT: Uh-huh.

8 Q. Are you saying --

9 MR. WYATT: Don't answer his question.

10 MR. ROSS: I was going to ask him if it was a dream or  
11 a lie, because he said earlier that he just lied about it.

12 MR. WYATT: Well, that's beating a dead horse. The  
13 statement he made previously, I don't know what it's going to  
14 be, whether it's a lie or a dream or what. He's saying that  
15 it's not true.

16 MR. ROSS: Okay.

17 MR. WYATT: I think, you know, other than look at it  
18 ten different ways, we've given you everything that he knows to  
19 give you or that I know that he knows to give you.

20 MR. ROSS: Did you ask him whether or not he had ever  
21 seen these guys since?

22 MR. WYATT: Yes. He said, no, he hasn't.

23 MR. ROSS: Or her?

24 MR. WYATT: He things they moved to Tulsa. He moved  
25 to Norman.

1 MR. ROSS: Can I ask him if he has ever seen her  
2 since?

3 MR. WYATT: Well, have you ever seen her again,  
4 Haraway?

5 A No.

6 MR. ROSS: Okay. Did he know her?

7 MR. WYATT: No.

8 MR. ROSS: Didn't know her. Okay. He read you your  
9 rights earlier, before you started to make the statement?

10 A Uh-huh.

11 MR. ROSS: Would you also agree that it's true that  
12 you haven't been promised anything or no deals have been made or  
13 anything in relation to you giving this statement, other than  
14 that we would continue the preliminary hearing?

15 A Uh-huh.

16 MR. WYATT: We will stipulate to that.

17 MR. ROSS: I think we went through that pretty well  
18 with Bill. Do you agree with that?

19 A Yeah.

20 MR. ROSS: That's all I've got.

21 (This concludes the playing of State's Exhibit Number 81.)

22 Q (By Mr. Ross:) Detective Smith, in the transcript of -- in  
23 the tape there that we heard, Defendant Ward stated that you had  
24 told him the name Odell Tittsworth and Karl Fontenot.

25 A That is what he stated, yes.

