

1 having been previously sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MR. MACY:

4 Q You're the same Jerry Flowers who was testifying  
5 earlier who identified these tapes; is that correct?

6 A Yes, I am.

7 Q You've shown the jury a series of six tapes. Were  
8 they all taken on the same day?

9 A No, sir. The first five were. The sixth one was  
10 taken the day after, which was the 24th.

11 Q All right. And when did the first one start?  
12 Approximately what time.

13 A Without referring to my notes specifically, it was on  
14 the 23rd about 9:30 a.m., give or take right around in there.

15 Q And then five of the tapes were made that day?

16 A Correct.

17 Q Approximately how late did it run that evening?

18 A We finished up right around 8:30 p.m., somewhere right  
19 in that area.

20 Q And then the sixth tape was made when, sir?

21 A The next morning, somewhere around 9:00 o'clock, I  
22 think. Somewhere around there is when it started. The 24th.

23 Q And was that the tape the jury saw last?

24 A Yes, it is.

25 Q In these tapes the defendant mentioned that he at one

1 point wrote down some names of some, quote, "suspects,"  
2 unquote. Do you recall what some of those names were?

3 A Yes, I do. He wrote down Clem Jeffries, Walter  
4 Stephens. I believe he wrote down Thatias Robinson. I think  
5 that's -- that may be about it.

6 Q All right. These people that he mentioned -- now,  
7 later on he described some of these people as being ones in  
8 the tape; is that right?

9 A Yes.

10 Q Were these people checked out as suspects in this  
11 case?

12 A Yes, they were.

13 Q And what happened to them?

14 A They were eliminated forensically by our forensic  
15 chemist.

16 Q There was from time to time when the defendant was not  
17 in his dream state, or whatever you call it, seemed to be  
18 some inconsistencies in the tapes. Would you explain that?

19 A Well, I personally think that the inconsistent  
20 statements were made by Mr. Miller, whereby the fact that he  
21 brought up things when he was not in his -- what I call his  
22 trance. He'd bring up things that I felt like he was just  
23 muddying the water with.

24 MR. EVANS: Judge, I'll object to this line of  
25 testimony and ask that it be stricken as to what his opinion

1 is in regard to a matter like this.

2 THE COURT: Overruled. He may answer.

3 He has answered.

4 Q (By Mr. Macy) All right. Now, Officer, did you go to  
5 school at Bing?

6 A No, I did not.

7 Q You throughout the tapes made reference to your  
8 relationship with Mr. Miller. What actually was that  
9 relationship?

10 A Of course, my relationship with him at the time of our  
11 interview was based strictly that I'm interviewing a suspect  
12 that I believed could possibly be involved in a murder, and I  
13 am doing everything that I have knowledge of knowing how to  
14 do as to create a relationship as a good guy to him to see if  
15 I can only gather the truth in this matter. If I come on to  
16 him like I'm the enemy, obviously he wouldn't talk to me.

17 Q But there -- all right.

18 The techniques you used then were used to try  
19 to obtain statements and details from him; is that correct?

20 A That's correct.

21 MR. MACY: Your witness, counselor.

22 THE COURT: You may cross-examine.

23 CROSS-EXAMINATION

24 BY MR. EVANS:

25 Q Mr. Flowers, let's go through some things that I have

1 some questions about. Try to do this as quickly as possible.

2 Now, at several times -- and the jury has just  
3 seen all the tapes. At several times on the tape Robert  
4 tries to tell you about a homicide involving a lady named  
5 Kaiser; is that right?

6 A Yes.

7 Q And each time that he tried to tell you details about  
8 the Kaiser killing -- in fact, he even tells you at one point  
9 I think that Harry Carter is the man who killed Mrs. Kaiser;  
10 right?

11 A Yes.

12 Q And in fact, that is who the police -- the Oklahoma  
13 City Department thinks did kill Mrs. Kaiser, is Harry Carter;  
14 right?

15 A To my best recollection, yes.

16 Q He hasn't been charged, but he's the prime suspect in  
17 that lady's homicide; right?

18 A To the best of my knowledge. I have no personal  
19 knowledge about that case.

20 Q Now, Robert tries to give you information about Mrs.  
21 Kaiser and her murder, who did it. You stopped him. You  
22 weren't interested in that, were you?

23 A That's correct. Not at that time.

24 Q Okay. And he also tells you about a lady that was --  
25 that should have been found dead at 29th and North Shartel;

1 is that right?

2 A Yes.

3 Q Now, you and the rest of the Oklahoma City Police  
4 Department looked into that; right?

5 A Yes.

6 Q And in fact, you come up with no information to  
7 indicate that a lady was ever found dead or was ever killed  
8 at that location; isn't that correct?

9 A Yes.

10 Q So, that would be a wrong piece of information that  
11 Robert gave you as best we can tell; is that right?

12 A Well, it's just not a piece of information that we  
13 could corroborate to being the truth at that time.

14 Q Well, have you since -- at this time have you since  
15 learned any information to indicate that that would be true?

16 A No.

17 Q There's something that struck my attention on the  
18 tape. You told Robert that you had some witnesses to I guess  
19 it was the [REDACTED] homicide; is that correct? You told him  
20 that; is that right?

21 A Yes.

22 Q You told him you had an eye witness that saw him  
23 leaving Mrs. [REDACTED] house and had in fact shown pictures --  
24 a picture lineup, one of which a picture was Robert, to this  
25 witness, and this witness identified Robert's picture; is

1 that right?

2 A Yes.

3 Q And that was in fact not true.

4 A That's correct.

5 Q You were stretching the truth, shall we say, to try to  
6 once again elicit information from him; is that right? That  
7 was one of your techniques.

8 A Well, I don't know if I could say elicit information.  
9 All I could gather -- was trying to gather the truth at that  
10 point.

11 Q And when you told him that his hair had been found at  
12 both scenes, that in fact was not true either, was it?

13 A Well, all I knew at that point is Negroid hairs had  
14 been found at both scenes.

15 Q Okay. But no analysis had been done as to whether or  
16 not it was Robert's hair or even consistent with his hair;  
17 right?

18 A No, that's not correct. I had been told that Negroid  
19 hairs had been found and that the hairs taken from Mr. Miller  
20 looked similar but they had not been looked under a  
21 microscope or forensically yet. I was told that by the  
22 chemist. She wasn't positively sure that they were the right  
23 hairs, but she said that they did look very similar to the  
24 ones that she did have.

25 Q Once again, you were telling him information hoping

1 that he would throw his hands up and say, okay, you've got  
2 me, I did it. That was pretty much your plan; is that right?

3 A Yes.

4 Q As to some of the things he told you, Mr. Flowers --  
5 perhaps I missed something. Do you have any information to  
6 tell the jury and Court that Mrs. [REDACTED] was ever stabbed?

7 A Well, in our -- the first time we started  
8 investigating this homicide, we had been told by the Medical  
9 Examiner's Office that they thought she had been stabbed  
10 several times in the vagina. At that time of the interview  
11 with Mr. Miller, we thought that could be the case. We only  
12 learned last week that that not to be the case.

13 Q In fact, she has not -- she was not stabbed with a  
14 sharp object in any way; is that correct?

15 A No. The medical -- that's correct. Now, that's how  
16 we determined -- last week we were told that it was a blunt  
17 instrument that had torn the inside of her vagina.

18 Q Robert said several times on the tape that the woman --  
19 starting with Mrs. [REDACTED], he said Mrs. [REDACTED] was stabbed.  
20 Aside from the three-centimeter wound on her neck, do you  
21 have any information now to give to the jury that indicated  
22 Mrs. [REDACTED] was stabbed on any portion of her body with a  
23 knife?

24 A No.

25 Q And as to Miss [REDACTED], aside from the blunt object

1 that the medical examiner thinks might have been inserted  
2 into her vagina, do you have any information to give to this  
3 jury and the Court right now to indicate that Mrs. [REDACTED] was  
4 ever stabbed at anyplace on her body with a knife?

5 A No.

6 Q Robert told you that several times though, didn't he?

7 A That they both were stabbed or what?

8 Q Yes.

9 A Yes.

10 Q He says -- he tells you at one point I'm going to tell  
11 you that he can see blood on Mrs. -- you were asking him  
12 questions about Mrs. [REDACTED] at the time, and on the tape he  
13 said that he could see blood coming from her temple area of  
14 her head. Do you recall him making that statement?

15 A Vaguely I do. I can't recall part of the tape.

16 Q Do you have any information to give the Court or the  
17 jury at this time to indicate that there were any injuries to  
18 Mrs. [REDACTED] temple area?

19 A The only thing that I can recall -- you have to bear  
20 in mind now, I was not at the scene of either one of these  
21 two homicides. I came into this case after both homicides  
22 were investigated at the scene. The only thing I can  
23 remember seeing are the photographs of Mrs. [REDACTED] and, of  
24 course, I remember seeing a lot of blood on the pillows  
25 around her head. I can't recall actually seeing the blood



1 running down her head. But there again, I was not at the  
2 scene.

3 Q Do you know of any information or any evidence to  
4 indicate that a cord was used to tie Mrs. [REDACTED] or Mrs.  
5 [REDACTED] hands up?

6 A The only thing that I know about that personally is  
7 the fact that she had a lot of bruising around her wrists and  
8 areas there. I do not know whether or not she was tied by a  
9 cord. Obviously I wasn't there.

10 Q You didn't work the scene of either homicide, so you  
11 can't tell us whether or not any cord was ever found or any  
12 cord of appliances was cut off; is that correct?

13 A That's correct.

14 Q Now, at one point Robert tells you on the tape that  
15 the jury saw, he tells you that the woman -- she's not too  
16 old. She's older than Robert, middle-aged. Do you recall  
17 him telling you that?

18 A Yes, I do.

19 Q Now, my question, Mr. Flowers, prior to you talking to  
20 Robert, had you or anybody else from the Oklahoma City Police  
21 Department shown him any pictures of the ladies that you were  
22 talking about?

23 A No. As a matter of fact, we never did have a picture  
24 of Mrs. [REDACTED], and not -- to my knowledge not one even  
25 exists now.

1 Q But the crime scene photos had been taken of Mrs.  
2 [REDACTED], the ones that have been introduced into evidence, and  
3 the crime scene photos of Mrs. [REDACTED] -- excuse me -- Miss  
4 [REDACTED] had been taken; correct?

5 A That's correct.

6 Q And you did not show him any of those pictures.

7 A Absolutely not.

8 Q And prior to that time, you didn't tell him or imply  
9 to him in any way how old the women were that you were  
10 talking about, did you?

11 A No, I did not.

12 Q And that's when he told you that they weren't too old,  
13 older than him, that they were middle-aged.

14 A I recall him saying that, yes.

15 Q He says it several times -- Robert says it several  
16 times on the tape that the man's looking for something to  
17 steal, or he's looking for something to take. Now, there's  
18 been other testimony on this matter before, but let me ask  
19 you, Mr. Flowers: Do you know of any information as to the  
20 [REDACTED] -- first the [REDACTED] homicide, whether anything was  
21 taken?

22 A Of course, you have to bear in mind again, I did not  
23 work that scene. I can only tell you what I've been told,  
24 that there were a few items missing from that house.

25 Q Okay. But you heard previous testimony about her

1 purse was found at the scene with the money and credit cards  
2 in it; correct?

3 A Yes.

4 Q Prior to the 23rd of February, 1987, when you started  
5 the taped interview, had you or anybody else to your  
6 knowledge with the Oklahoma City Police Department ever taken  
7 Robert out to any of the scenes, any of the houses and showed  
8 him both their lands?

9 A Absolutely not.

10 Q You're positive of that?

11 A As far as my personal recollection, no one ever took  
12 him out there. I know that I didn't, nor Detective Shupe  
13 didn't.

14 Q Now, as to Mrs. [REDACTED] house, her body was  
15 discovered we found out on January the 11th, 1987. As to  
16 Mrs. [REDACTED] case, the yellow wire, the yellow tape that  
17 accompany a homicide or a crime scene, to your knowledge was  
18 that placed on the [REDACTED] house?

19 A As far as my recollection, yes, I recall seeing it in  
20 a photograph.

21 Q And when you and Mr. Shupe took Robert out to the  
22 [REDACTED] house there on the 23rd of February, that yellow tape  
23 was still on the house at that time, wasn't it?

24 A I recall seeing, I think -- and I can't be absolutely  
25 positive -- but I think I recall seeing one small piece on

1 the porch maybe wrapped around one of the poles up towards  
2 the front. And, of course, I saw this after I walked up to  
3 the house because it was dark.

4 Q You in your interviews with Robert several times  
5 placed your hands on his hands; is that correct?

6 A Yes, I do.

7 Q Okay. Did you notice anything unusual about his  
8 hands?

9 A I don't know what you mean.

10 Q Okay.

11 A What do you mean?

12 Q Did you notice anything unusual about his hands?

13 A As far as appearance?

14 Q Yes.

15 A Nothing other than the fact that -- I do recall when  
16 we first came in there with the forensic chemist -- and I  
17 don't know if she recalls it or not -- pointing out -- of  
18 course, Mr. Miller was dirty when we first brought him in. I  
19 recall his hair being kind of dirty and nappy looking, as  
20 well as his fingernails were dirty and kind of lengthy. If  
21 that's what you're getting at, I do recall that, yes.

22 Q His fingernails were dirty and they were lengthy.

23 A Yes.

24 Q Okay. Well, it begs the question, Mr. Flowers,  
25 there's been a fingernail found at the scene of the [REDACTED]