

1 witness.

2 You may step down.

3 Young lady, raise your right hand, please.

4 Go right ahead, Mr. Ponton.

5 GLADYS MILLER,

6 having been first duly sworn by the Court to tell the
7 truth, the whole truth, and nothing but the truth,
8 was examined and testified as follows:

9
10 DIRECT EXAMINATION

11 BY MR. PONTON:

12 Q. Would you please state your name for the
13 record?

14 A. Gladys Maxine Miller.

15 Q. Where do you live?

16 A. In Ryan, Oklahoma.

17 Q. Are you married to Ronald Miller who just
18 testified here?

19 A. Yes.

20 Q. What is your relationship to Rueben Moore?

21 A. His daughter.

22 Q. Do you remember a man named Henry Lucas?

23 A. Yes.

24 Q. Do you see him here in the courtroom?-

25 A. Yes.

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1 Q. Would you please point him out?

2 A. He is right over there.

3 Q. Is he wearing that blue jacket and red tie?

4 A. Yes.

5 MR. PONTON: May the record reflect the
6 witness has identified the defendant?

7 THE COURT: It will so reflect.

8 Q. (BY MR. PONTON) I want to show you what has
9 been marked as State's Exhibit 49-A. Is that a bid
10 estimate for a roofing job in 1983?

11 A. Yes.

12 Q. Did you help make out any of that bid?

13 A. I made it all out.

14 Q. All right. Do you remember going out to
15 that job with your husband, Ronald?

16 A. I can't really recall the job, but it's my
17 handwriting so I had to have.

18 Q. And that was the Ray Kay job?

19 A. Yes.

20 Q. And do you remember your husband working on
21 that Ray Kay job?

22 A. Yes.

23 Q. And do you recall your father, Rueben Moore,
24 working on that Ray Kay job?

25 A. Yes.

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1 Q. Do you have any recollection whether or not
2 Henry Lucas worked on that Ray Kay job?

3 A. I can't say who-all worked on it, exactly.

4 MR. PONTON: We pass the witness, Your Honor.
5

6 CROSS-EXAMINATION

7 BY MR. JEWKES:

8 Q. Mrs. Miller --

9 A. Yes.

10 Q. -- with respect to State's Exhibit Number
11 49-A, you have testified that's your handwriting?

12 A. Uh-huh.

13 Q. And you helped your husband make the
14 estimate. Is that correct?

15 A. Yes.

16 Q. Did you and your husband go by yourselves
17 there to the Ray Kay house to actually make the
18 estimate or do you remember that?

19 A. I don't really remember.

20 Q. Okay. If the date that you placed in the
21 upper right-hand corner reads 5-26 of '83, you're in
22 agreement with me that would be May the 26th of 1983?

23 A. Yes, that would be the date.

24 Q. And that would have been the day that you
25 made the bid. Is that correct?

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A. Uh-huh.

Q. Now, Mrs. Miller, I'm going to ask you just a few questions and I'm going to ask you to answer these questions if you can based only on your recollection and not on anything anyone might have told you. Okay?

A. Yes.

Q. Do you know when Rueben Moore and Company, that being Rueben Moore, Ronald Miller and Steve Gilbert actually started the work on Mr. Kay's house?

A. No, I don't.

Q. And you have already testified you don't have any knowledge as to who worked on the job?

A. No.

Q. And at this point in time do you have in your possession any payroll records that would pertain to the Ray Kay job or any other job?

A. No, I haven't.

Q. Now, I'm going to ask you just a few more questions and once again this must be based on your personal recollection. Okay?

A. Uh-huh.

Q. Please bear with me. We will be through in just a second.

I want you to look over your right shoulder

1 and we have got a series of dates right here,
2 Thursday, May the 26th, of 1983.

3 A. Uh-huh.

4 Q. Do you know where Henry Lucas was on that
5 day?

6 A. No, I don't.

7 Q. What about May 27th of 1983?

8 A. No.

9 Q. What about May 28th, 1983?

10 A. No.

11 Q. What about May 29th, 1983?

12 A. No.

13 Q. What about Monday, Memorial Day, May 30th,
14 1983?

15 A. I sure don't.

16 Q. What about May 31st, 1983?

17 A. No.

18 Q. June 1st, 1983?

19 A. No.

20 Q. Your answer is also no?

21 A. Yes, sir.

22 MR. JEWKES: Pass the witness.

23 MR. PONTON: Just one last question.

24

25

REDIRECT EXAMINATION

BY MR. PONTON:

Q. You sort of -- Were you the ones that kept the books for the roofing company or kept whatever records you-all had?

A. Sort of. When my mother quit taking them, I done it. I started learning how is what I done, and I didn't do a very good job but --

Q. Since that Memorial Day weekend of 1983, have you looked for any pay records for R. M. Moore Roofing Company for that period of time?

A. Yes, I have.

Q. Looked pretty hard?

A. Yes.

Q. And have you been able to find anything?

A. Not anything.

Q. Are you satisfied that there aren't any that are still around?

A. I don't believe there are. I have looked through -- We have moved two times since then, and I have looked through everything and I haven't found anything.

Q. And you specifically have been looking for payroll records from around that weekend, haven't you?

A. Yes, for that part of the time.

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1 Q. Couldn't find any?

2 A. No.

3 MR. PONTON: That's all I have, Your Honor.
4 Pass the witness.

5 MR. JEWKES: Your Honor, may I have a brief
6 moment with counsel?

7 THE COURT: Go ahead.

8 MR. JEWKES: We pass the witness, Your Honor.
9 No further questions of this witness.

10 MR. PONTON: She may be excused, Your Honor.

11 THE COURT: All right. What's next, Mr.
12 Ponton?

13 MR. PONTON: That's all, Your Honor.

14 THE COURT: That's good. We will be in
15 recess until --

16 MR. PONTON: Your Honor, I don't have any
17 witnesses for tomorrow.

18 THE COURT: Does the state have any tomorrow?

19 MR. JEWKES: I --

20 MR. PONTON: I reserved tomorrow in case
21 these witnesses took longer than they did, and I
22 don't have any that will be here. For Monday, Your
23 Honor, I have Parker McCullough and Don Higginbotham,
24 two of Henry Lucas' former attorneys.

25 THE COURT: They will be here Monday?

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1 MR. PONTON: Yes, sir. And then on Tuesday
2 I have the car witnesses, the search witnesses coming
3 in.

4 THE COURT: All right.

5 MR. PONTON: So that's what the -- And we
6 were planning on finishing up the car witnesses in a
7 couple of days. And like I told you, I'm going to
8 try to finish up everything next week as far as
9 evidence.

10 THE COURT: How does it look to you?

11 MR. JEWKES: Your Honor, of course, Mrs.
12 Pennock and I have been down here with you-all here,
13 and Bill Moody has been up at the office working on
14 several parts of the case. To our knowledge, we
15 don't have any witnesses to bring before the Court
16 tomorrow.

17 THE COURT: Well, let's call it off, then,
18 until Monday morning. If you-all have something that
19 comes up between now and then, all you need to do is
20 let me know and we will get ahold of everybody and we
21 will see if we can do so.

22 MR. JEWKES: Yes, sir, no problem.

23 MR. PONTON: Your Honor, you said Monday
24 morning. Do you mean Monday afternoon?

25 THE COURT: Monday afternoon is what I mean.

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1 MR. PONTON: That's what I had planned for
2 my witnesses.

3 (An evening recess was taken.)
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