

STATE OF OKLAHOMA, }
CHOCTAW COUNTY } ss.

In the District Court of Choctaw County, State of Oklahoma.

Consolidated Cases No.
3544 and 3545

State of Oklahoma

VS.

Robert Wiste

Plaintiff

Defendant

VERDICT

We, the Jury, duly empaneled and sworn in the above entitled cause, do, upon our oath, find for the Defendant, Robert Wiste, on the allegation of Amnesia

~~See B. 2~~

Mrs. B. W. Turner
Mrs. Leonard H. Jones
J. C. Thompson
Adell Popchick
Claude E. White
Dollie Palmer
Majine Atkinson

IN THE DISTRICT COURT OF CHOCTAW COUNTY, STATE OF OKLAHOMA

STATE OF OKLAHOMA,)	
	PLAINTIFF,)	
)	
VS.)	NO. <u>3544</u>
)	
)	
ROBERT WISTE,)	
	DEFENDANT.)	

M O T I O N

Comes now the defendant, Robert Wiste, by and through his attorneys of record, Payne and Welch, and respectfully moves this Court to dismiss the above styled cause for the following reasons:

1.

Defendant stands charged herein with the offense of murder, by virtue of an information filed in this Court on February 19, 1964.

2.

Certain proceedings were had in connection herewith as a result of the filing of said information, and the last time this cause has been set upon any docket of this Court for any purpose whatsoever was in 1966, as will more fully appear from the Court's records in connection with said cause, which said records are incorporated herein by reference and made a part hereof as if fully set forth herein.

3.

No action having been taken herein, either by the office of the District Attorney of Choctaw County or the District Court of Choctaw County, Oklahoma, since 1966, the defendant herein has been deprived of his right to speedy trial in this cause, and the same should be dismissed.

FILED

IN DISTRICT COURT
CHOCTAW COUNTY, OKLA.

12-28-73
Deputy

4.

The aforementioned delay, none of which was occasioned by defendant in any respect, has resulted in substantial prejudice to defendant's right to a speedy trial herein, due to the fact that relevant testimony from witnesses favorable to the defendant is no longer available due to the death of such witnesses, and it now appears and difficult and unlikely that testimony relevant to defendant's mental condition at the time of the occurrence of the incident which gave rise to the filing of this information will be now available to defendant.

5.

As hereinbefore stated, none of the delay, amounting to some seven (7) years since any action was last initiated herein, either by the State of Oklahoma or by the District Court of Choctaw County, is attributable to the defendant.

WHEREFORE, premises considered, defendant prays that this Court dismiss the above styled cause for the reason that defendant has been denied his right to a speedy trial and to due process of the law under the Constitutions of the State of Oklahoma and the United States of America.

PAYNE AND WELCH
ATTORNEYS FOR DEFENDANT

BY 
DON ED PAYNE

IN THE DISTRICT COURT OF CHOCTAW COUNTY, STATE OF OKLAHOMA

STATE OF OKLAHOMA,)	
	PLAINTIFF,)
)	
VS.)	NO. <u>3545</u>
)	
ROBERT WISTE,)	
	DEFENDANT.)

M O T I O N

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same should be dismissed.

F I L E D

IN DISTRICT COURT
CHOCTAW COUNTY, OKLA.

12-28-73
Court Clerk
By *[Signature]*
Deputy

4.

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PAYNE AND WELCH
ATTORNEYS FOR DEFENDANT

BY 
DON ED PAYNE

IN THE DISTRICT COURT OF CHOCTAW COUNTY, STATE OF OKLAHOMA

STATE OF OKLAHOMA

PLAINTIFF

VS.

Consolidated Nos. 1544 and 1545

ROBERT WISTE

DEFENDANT

ORDER DIRECTING JURY TRIAL ON PETITION FOR ADJUDICATION OF
MENTAL INCAPACITY

Now on this the 7th day of March, 1966, the above styled and numbered cases having been called for trial, the defendant presents his Petition alleging a mental incapacity to make a rational defense herein on account of amnesia alleged to exist for a period of time covered by the allegations contained in the information in each of the above numbered cases; defendant appearing by his attorneys of record and the State appearing by Ralph K. Jenner, County Attorney and Jack Swedensky, Assistant Attorney General of the State of Oklahoma, the Court considers said Petition and the exhibits thereto attached, including the affidavits of defendant's attorneys, a report from the Eastern State Hospital at Vanita, Oklahoma and upon consideration thereof finds that a doubt exists as to the mental capability of the defendant to adequately confer with his attorneys and defend against the allegations contained in the informations on file in each of the above styled cases on account of alleged amnesia for the period of time covered by the allegations contained in the informations filed against him.

IT IS THEREFORE ORDERED BY THE COURT that a jury be empaneled to try and determine the issues raised by said Petition and that the trial of the defendant on the informations in each of said cases be stayed pending such determination.


DISTRICT JUDGE

IN THE DISTRICT COURT OF CHOCTAW COUNTY, STATE OF OKLAHOMA

STATE OF OKLAHOMA **FILED**
IN DISTRICT COURT
VS. CHOCTAW COUNTY, OKLA. Consolidated Nos. 3544 and 3545
ROBERT WISTE *May 7 1966*
Helen Warrick Court Clerk

.....
Deputy
PETITION FOR ADJUDICATION OF MENTAL
INCAPACITY OF DEFENDANT TO CONDUCT
A RATIONAL DEFENSE

Comes now the defendant herein, Robert Wiste, also known as Bobby Wilson, and alleges:

This defendant has been formally charged by separate informations in this Court in Case Number 3544 with the crime of murder in connection with the death of his mother, Lavonne Wilson, and in case number 3545 with murder in connection with the death of his sister, Judy Wiste; these cases have heretofore by agreement and order of this Court been consolidated for trial; it is charged and claimed by the State in each of these cases that each homicide occurred on the 20th day of June, 1963.

This defendant alleges that on account of a mental illness termed "amnesia" he now has and has had at all times since the 20th day of June, 1963, suffered from an absolute and complete mental inability to recall events immediately preceeding the alleged assault upon his mother, Lavonne Wilson and his sister, Judy Wiste, and that said inability to now know or recall events immediately preceeding, during and immediately after the alleged assaults upon said deceased persons result in a mental incompetency on the part of this defendant to make a rational defense in said criminal proceedings.

Defendant alleges that subsequent to the filing of said informations against him in this Court, his attorneys, Hal Welch and Vester Songer, requested this Court to commit him to Eastern State Mental Hospital at Vanita, Oklahoma, for a period of ninety days observation in order that his mental capabilities might be ascertained and that as a result of said observation and investigation at said mental hospital, it was found and determined in the following language:

"It is the opinion of the staff that the patient has a complete amnesia for the allegations."

A copy of the report so made and furnished to this Court under date of September 5, 1963, signed by Ruth V. Annadown, M. D., Acting Medical Superintendent of said mental institution is attached hereto, marked Exhibit "A" and made a part of this Petition.

Attached to and made a part of the report of said Ruth V. Annadown, M. D. is a report of social data made as an incident to said investigation of the mental status of this defendant signed by Ina J. Javellas, ACSW, Social Work Supervisor and a report of Walter E. Blevins, Staff Physician, a copy of which is attached hereto and made a part of this Petition.

Defendant further alleges that at the previous trial of these cases, which resulted in a mistrial because of the inability of the jury to agree on a verdict, Dr. Moorman P. Prosser, a qualified psychiatrist who had examined this defendant testified that this defendant did in fact suffer a complete amnesia as to the events, allegations and period of time above set forth and reference to the testimony of Dr. Prosser so given in this Court is made and the same is made a part of this Petition.

Subsequent thereto and on December 14, 1965, this defendant was re-examined by the said Dr. Moorman P. Prosser; it is reported from said subsequent examination by said Dr. Prosser in part as follows: