

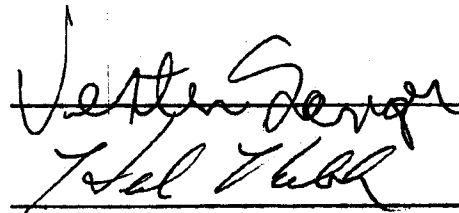
"We find that the patients emotional status and reactions are the same as those which we found and described in previous reports and testimony. He still has a very real and complete amnesia for that period of time when his mother and sister were allegedly shot with a gun held by him.

It is my studied opinion that this man cannot recall or recount this period and could not possibly assist you in explaining or accounting for his action in this interval of time."

A copy of the report of said Dr. Moorman P. Prosser is attached to this Petition and made a part hereof. The above referred report of Ina J. Javellas, ACSW, Social Work Supervisor is marked Exhibit "B" and attached to this Petition. The report of Walter E. Blevins, Staff Physical of Eastern State Hospital is attached to this Petition marked Exhibit "C" and the report of Dr. Prosser is attached to the Petition and marked Exhibit "D"

On account of this defendant's mental condition, he has been unable to and can not assist his attorneys, Vester Songer and Hal Welch, by recounting to them any events which occurred during the period of time of such amnesia and that the affidavit of said attorneys is attached hereto and marked Exhibit "E" and made a part hereof.

WHEREFORE, defendant respectfully petitions the Court for an adjudication that said defendant is not presently capable of proceeding to trial and making a rational defense because of the above described mental incapacities of said defendant.



Attorneys for the Defendant

September 5, 1963

The Honorable Howard Phillips
Judge of the District Court
In and for the County of Choctaw
Hugo, Oklahoma

Re: WISTE, (Wilson), John Robert
Your Criminal Court No. 3545

Dear Judge Phillips:

The above named individual was admitted to this hospital on your order for psychiatric examination and observation on July 31, 1963. The patient is a nineteen year old, white, single, male who is charged with murder.

The staff has completed its evaluation of this patient and he is ready to be returned to your jurisdiction for administrative disposition. The patient shows no evidence of an overt psychosis. It is the opinion of the staff that the patient has a complete amnesia for the allegations. He knows the difference between right and wrong and his ability to adequately advise his attorney in his own defense is not impaired except for the above mentioned amnesia.

You may remove the patient from the hospital at your earliest convenience. If you have further questions in this case please feel free to contact us.

Sincerely,

Ruth V. Annadown, M.D.,
Acting Medical Superintendent

RVA:pjb

cc: Choctaw County Attorney
Choctaw County Sheriff

EXHIBIT "A"

SOCIAL DATA

RE: WISTE, Robert (Wilson)

The following is information obtained during an interview on August 19, 1963, with Mrs. Ernestine Pittman, Director, Choctaw County Department of Public Welfare. According to Mrs. Pittman, Mrs. Lavonne Wilson initially applied for financial assistance during June, 1954. At that time Mrs. Wilson was ineligible to receive assistance as the family did not meet the Oklahoma residence requirements. However, Mrs. Wilson reapplied in April, 1954, was certified in May, 1954, and continued to receive Aid to Dependent Children financial assistance until July, 1962.

According to Mrs. Pittman, correspondence was initiated with the Department of Public Welfare in Sacramento, California, and also Wassca, Minnesota, to obtain clarifying information regarding Mrs. Wilson's alleged marriages to a Orville Wiste and A. William Harris. Mr. Wiste's parents were reported to be living in Minnesota. Mrs. Wilson claimed that she and Sergeant Harris, an Air Force man, were married in June 1950. A discrepancy existed as she also contended that she married Mr. Wiste in 1943, and was divorced from him in 1951. The latter was reported to be the father of Robert and Judy. In addition, she related that her maiden name was Lavonne Winkler.

On September 8, 1954, correspondence was again initiated with the Department of Public Welfare, Sacramento County, California. A reply to this letter provided information that Mrs. Wilson had been receiving an Army allotment which was discontinued due to divorce. The letter continued that Mrs. Wilson did not want Sergeant Harris to know she and the children's whereabouts and "that they were going by a different name." A request for information to the Department of Public Welfare, Eugene, Oregon, supplied data that Mrs. Wilson was probably divorced from Sergeant Harris in 1953.

Another letter to Sacramento County, California, indicated that no record could be found of the marriage between Lavonne Winkler and Orville Wiste. In addition no record was found of the divorce between these two individuals during the period 1946-1953.

On March 17, 1954, correspondence was initiated with the Lane County Department of Public Welfare in Eugene, Oregon. A reply to this letter revealed that Mrs. Wilson had contacted that agency during July, 1948, regarding boarding home placement for her two children, Robert and Judy. The children's father's name was given as Orville Wilson. Mrs. Wilson returned the Agency in September, 1948, and applied

EXHIBIT "B"

WISTE, Robert (Wilson)

for financial assistance. However, she failed to meet the necessary residence requirements. During April, 1949, Mrs. Wilson reapplied and received assistance during the period May, 1949- November, 1951. Her maiden name was given as Winkler and the Department later learned that the name of the children's father was Orville Wiste. Copies of birth certificates which verified this latter information also revealed that Mr. Wiste's sister, Mrs. Cecil (Eleanor) Kelling resided at 521 2nd N.W., Waseca, Minnesota.

During April, 1952, the Eugene Oregon agency assigned the Wilson case to a special worker who visited the Wilson home once monthly. It was learned that Mrs. Wilson's car belonged and was registered to a William J. Harris, 620 North Washington Street, Eugene, Oregon. Apparently Mrs. Wilson never admitted being married to Mr. Harris and was described as refusing to answer questions regarding him. Again it was learned that she had been receiving an Army allotment from him but it was not possible to obtain verification of the marriage.

This same letter dated March 17, 1954, continued that Agency personnel had interviewed neighbors of the Wilsons' in the same apartment building who described Mrs. Wilson as seclusive and they knew little about her and the children.

It was learned that during August, 1953, the American Red Cross made a request to the Home Service Division to Chittenden County, Burlington, Vermont. The request which was made on behalf of Sergeant William Harris who stated that he had not heard from his wife, Lavonne Wilson, and expressed concern. However, the Red Cross was unable to locate Mrs. Wilson but found that she was receiving her mail at the Springfield Post Office located thirty miles from Eugene, Oregon.

The Department of Public Welfare in Eugene Oregon requested that the same agency in Michigan contact Mr. William Harris' parents in Traverse, Michigan to clarify whether or not Lavonne Winkler and Mr. Harris were married. The parents were unable to provide information regarding this alleged marriage.

A letter dated March 25, 1954, was received by the Choctaw County Department of Public Welfare from the County Welfare Board in Waseca, Minnesota. Mr. Wiste, sr., father of Orville Wiste was visited in his home in Jamesville, Minnesota. He and one of his sons operated a

WISTE, Robert (Wilson)

grocery on the west edge of the town of about 1,000. The father volunteered that six months before his son, Orville, had visited the family briefly. He was described as "slipping out" when he left and was thought to have gone to Sacramento.

According to Mr. Wiste, Sr., his son had left home about twenty years before to enroll in an Art School in Indianapolis. Apparently Orville Wiste maintained limited contact with his relatives with the exception of this sister, Mrs. Kelling. At that time Mrs. Kelling resided at 348 Lampson, Sacramento. Mr. Wiste's father described him as "having never been able to realize or assume responsibility." The elderly Mr. Wiste reported that he had not met his son's second wife or "her childre" but that Mr. Wiste had a son by a former marriage. Apparently this son was in the military service.

During the interview with Mrs. Pitman on August 19, 1963, she indicated that Mrs. Kelling had been contacted and the latter stated that she did not know Orville Wiste's whereabouts. She described him as an individual who moved frequently and who periodically corresponded with her. In addition, she did not meet Mrs. Wilson or the children but also corresponded with them.

During July, 1961, correspondence was received from the Waseca County, Minnesota Welfare Board. The purpose of the correspondence was to notify the Choctaw County Department of Public Welfare that the elderly Mr. Wiste had died. An agency worker had interviewed one of Orville Wiste's brother, Robert Wiste, in an attempt to help the family contact Orville regarding his father's death. However, the plan evidently was unsuccessful.

On August 30, 1961, the Oklahoma Department of Public Welfare received information that Orville Wiste was employed as a meat inspector some where in California. He could not be located at a California address or at an address give as Reno, Nevada. According to Mrs. Pittman, Mrs. Wilson contacted her during the fall of 1961, and requested assistance in contacting the Division of Vocatinal Rehabilitation. A referral was made to Mr. Fred Hodges of the Durant, Oklahoma, Division of that agency. It was Mrs. Pittman's impression that Mrs. Wilson's medical evaluation arranged by Vocational Rehabilitation revealed a diagnosis: Dorsal Lumbar Sclerosis: Osteoarthritis of the spine. In addition, plans were approved for Mrs. Wilson to begin a beauty course during August, 1962, at Central State Ceauty College, Oklahoma City. Mrs. Pittman indicated that she did not have any further information as to the outcome of these plans. Therefore,

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WISTE, Robert (Wilson)

correspondence was initiated from Eastern State Hospital to the Division of Vocational Rehabilitation in an attempt to secure further pertinent information on her family situation.
(See attached correspondence.)

According to Mrs. Pittman, Lavonne Wilson had impressed her as an individual who socialized little in the community, was not known to have any close friends, and appeared to encourage her children to do likewise. During the discussion, Mrs. Pittman volunteered that she had become quite frightened herself during an interview with Mrs. Wilson during 1962. At that time Mrs. Wilson obtained work and was no longer eligible to continue assistance. Following Mrs. Pittman's explanation it is alleged that Mrs. Wilson became quite physically tense, gripped her hands, and began looking through her purse repeatedly. Mrs. Pittman was fearful of being injured or harmed by Mrs. Wilson as she speculated "something might be in the purse."

(Miss) Ina J. Javellas, ACSW
Social Work Supervisor

SOCIAL DATA

RE: WISTE, Robert (Wilson)

August 28, 1963

On August 19, 1963, I was in Hugo, Oklahoma, for the purpose of securing pertinent social information regarding Robert Wiste. As Mr. Wiste has no known living relatives various individuals were interviewed within the community with whom he had some continuous association for a period of time. There is no developmental data and information about significant family relationships is limited.

Mr. A. R. Moore, 1024 East Jefferson, Hugo, Mr. Wiste's legal guardian was interviewed at which time permission was secured to contact certain individuals and agencies in order to obtain background and collateral information regarding Robert Wiste. Mr. Moore related that he did not know of any relatives of the family. He is a 56 year old highschool graduate who claims to have had business interests in Hugo for 28 years. He presently is the owner and operator of Red River Valley Products Company. On August 26, 1963, Mr. Moore will meet with Social Security Administration personnel in Muskogee for initiating action as to a lump sum death payment settlement of Mrs. Wilson's social security account.

Initially Mr. Moore appeared apprehensive and threatened which eventuated in his telephoning his attorney about whether "he should talk." The attorney apparently encouraged him to be cooperative and to provide necessary data. Mr. Moore then impressed me as relating in an oversolicitous but essentially guarded manner. The Wilson family, as they were known to the community, were described as "staying to themselves." Mr. Moore spontaneously verbalized that he used to take Robert hunting and fishing when the latter was 8-9 years old. However, in recent years he seemed to think his contact had been limited with the family and he was "unaware of the family situation." The mother had been employed for 8-9 months during 1962 and 1963 as a waitress in the Marbut Restaurant, on the western outskirts of the city. (This was verified by the employer, Mr. Marbut). She worked the afternoon shift until about 10 to 10:30 p.m.. According to Mr. Moore, Mrs. Wilson was a "hard worker" who periodically experience financial difficulties. She apparently has owed Mr. Moore for feed and grains since 1957. He described what seemed to be her apprehension as to the inability to meet this obligation. It was learned that Mrs. Wilson and Robert reportedly had joint ownership of about 24 head of cattle. During the interview with Mr. Moore it was learned that Mrs. Wilson was employed in the local County Agent's office for approximately 4 to 7 months since early summer of 1962. The Department of Public Welfare (Choctaw County) indicated that Mrs. Wilson's financial assistance had been discontinued during July of 1962.

EXHIBIT "B-1"

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Social Data

RE: WISTE, Robert (Wilson)

Records of the Hugo Public School and Highschool indicated that Mr. Wiste was born in San Francisco, California, on September 3, 1944. He first entered Eugene Field School in the Hugo public school system on April 13, 1953 where he remained for 6 weeks and was retained in the third grade due to work which was described as "below passing". During the years 1958-59 he completed the eighth grade in this same school. Grades 9-12 were completed in the Hugo Highschool. (See copies of transcripts for academic record etc.) On April 17, 1963 Mr. Wiste's transcript was mailed to Oklahoma State University as he applied for a National Defense Student Loan. Additional material was sent to the University by the highschool on June 12, 1963.

Mr. Simon Parker, Principal of the highschool, appeared friendly, cooperative and provided what is considered reliable information. Mr. Parker volunteered that Mr. Wiste had impressed him as a "quiet, cooperative, pleasant boy and a good student" who had been selected as the outstanding student in the Diversified Occupations Program during this Senior Year. In addition, Mr. Wiste acted as toastmaster of the Trade and Industrial Club's annual banquet during the Spring of 1963. Mr. Parker described Mr. Wiste as an individual who appeared not to share much with the faculty or his classmates of his feelings, observations about happenings, or people, and his "home life or background." Mr. Parker emphasized several times that Mr. Wiste "had never been known to have been involved in any 'trouble' in the school or community. Additional information indicated that Mr. Wiste has not been involved in previous legal difficulties.

According to Mr. Parker, Mr. Wiste's mother, Mrs. Lavonne Wilson, had limited contact with the highschool faculty. She was pictured as an individual who was rather guarded and vague in providing information about herself, Robert, and his sister, Judy. It was noted that none of the school records contained information about the student's father or his present whereabouts. Although Mrs. Wilson's occupation was listed as Laboratory Technician, this data was not substantiated.

Judy was born in Sacramento, California, December 13, 1945. During May of 1963 she completed her Junior year. Although Miss Wiste periodically made average and above average grades, the records indicated that she had been experiencing some scholastic difficulty the second semester prior to her death. Both Mr. Parker and Mr. Ray Kelley indicated that there had not been much opportunity to observe the brother-sister relationship.

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Social Data

RE: WISTE, Robert (Wilson)

They attributed this lack primarily to "different" classes, schedules, and different friends. Mr. Kelley, is the highschool's instructor in the Diversified Occupations Program. In addition, he has been appointed as the administrator of Mr. Wiste's estate. Mr. Wiste's closest friends were reported to be a co-worker in the grocery store, R. D. Payne, and Jimmy Murphy. However, it was not possible to contact Mr. Murphy.

Information from the various collateral sources appeared consistent in that Judy, Mr. Wiste's sister, was not known to date or participate in social activities in school, outside school hours or events within the community. However, Judy was a member of the Future Teachers of America and Future Homemaker's of America. She discontinued band following the ninth grade while Robert discontinued playing the trumpet during the second semester of his Sophomore year and enrolled in track for one semester. The family as a group were alleged to have had limited participation in community affairs. Mrs. Wilson was not known to have participated on any groups and no close friends were known. See attached correspondence received from Reverend William Sikes Jr., First Christian Church, Hugo.

Mr. Ray Kelley, one of Mr. Wiste's instructors, was interviewed in his home on August 19, 1963. His wife periodically volunteered information as the Kelleys' appear to consider themselves as close friends of Mr. Wiste and expressed a desire to continue this relationship. As appeared to be with other individuals contacted, the Kelleys' described "feeling shocked and surprised", and seemed to be continuing to experience ambivalence regarding the patient's behavior and his present situation. The Kelleys' were cooperative and the information is considered to be of a reliable nature.

Mr. Kelley volunteered that several times during the year Robert and some of his friends accompanied him on fishing and hunting trips. It seemed the informant's opinion that Mr. Wiste enjoyed these experiences. Apparently he confided in Mr. Kelley that he hoped to study Veterinary Medicine when attending Oklahoma State University.

It is my impression that Mr. Kelley was a key male figure in Mr. Wiste's life. Two days before Mrs. Wilson and Judy were killed and the house burned, Mr. Wiste visited the Kelleys' and had lunch in their home.

Social Data

RE: WISTE, Robert (Wilson)

According to Mr. Kelley the patient was a quiet, sensitive individual who did not verbalize in a spontaneous manner during classes. In addition, he did not discuss his family situation or happenings in the home. It seemed Mr. Kelley's impression that some difficulties existed in Robert and his mother's relationship. He related that one possible area of disagreement was Robert dating Judy Buchanan, a classmate. Mrs. Wilson supposedly had what was termed "temper outbursts" and she is alleged to have discouraged her teenagers bringing friends in the home. It could be noted at this time that Mrs. Vera Miner, Miss Buchanan's maternal grandmother, with whom the former is living was telephoned. Mrs. Miner related that Judy's parents are separated and Judy has been living with her. (The length of time is unknown). Mrs. Miner refused permission for Judy to be interviewed. She commented that "the sooner Judy forgot all this the better." Judy has reportedly been working as an aide this summer in the city hospital.

According to Mr. Kelley, Mr. Wiste has been working from 1 to 6 p.m., weekdays and all day Saturdays for the past two years in Ford's Grocery, 108 East Duke Street, Hugo. He was employed in the butcher shop where his supervisor was R. D. Payne. Mr. Payne had been employed in the store for ten years. The latter individual was named by all persons interviewed as a close friend of Mr. Wiste as they were frequently seen together throughout the community. When Mr. Payne was seen he appeared frightened and tended to minimize any continuous relationship with Mr. Wiste outside the work situation. However, he volunteered that he had not personally met Mrs. Wilson or the sister. He had known that they shopped in the grocery. According to Mr. Payne Mr. Wiste was cooperative, eager to learn, industrious, and well-liked by the customers. Mr. Wiste's personal appearance evidently was neat and clean. No information suggested difficulties present during the period of employment.

None of the individuals interviewed provided information about any known physical illnesses or medical treatment which Robert Wiste had received.

According to Mr. Kelley the patient joined the National Guard on April 30, 1963. Mr. Wiste was to report to Camp Polk, Louisiana, on June 21, 1963 for a period of six months. This data was verified by 32 year old Srg. George Robinson, Administrative Supply Technician of the National Guard. Srg. Robinson explained that Mr. Wiste had attended 7-8 meetings.

Social Data

RE: WISTE, Robert (Wilson)

He described the patient as "quiet, cooperative" and that he had joined the unit following suggestion by a grocery co-worker, William Dale. In a spontaneous manner Sgt. Robinson related that a couple of things impressed him about Mr. Wiste, that he usually talked with his head down and seemed to avoid a direct glance and that he expressed a desire to attend Officers' Candidate School. Furthermore, he had become acquainted with Mr. Wiste 1-2 months prior to the Guard Unit contact. Sgt. Robinson described "mixed feelings" following Robert's apprehension by the legal authorities as the National Guard "had met and decided to attempt to raise money for Robert" because he seemed well accepted by the group and they "wanted to help him."

According to Mr. Kelley, Robert purchased a car and financially assisted his mother in buying the truck. The family home which was a four room single story frame house was located on a thirty-nine acre farm north of Hugo. Mrs. Wilson reportedly owned a house at 703 West Jackson Street, Hugo, which was rented to tenants.

Mrs. Wilson's employer, Mr. Marbut, owner and operator of the Marbut Restaurant, was also seen in his business establishment. It was my impression that Mr. Marbut reacted in a hostile defensive manner when approached. He was not very spontaneous and responded only to specific questions. During the interview he appeared physically tense, grimaced, and periodically blurted out such comments as "I don't know anything." The focus of the hostility appeared to be Robert Wiste who he described as a "hard headed boy" and a "love sick boy." Mrs. Wilson was described as making a satisfactory work adjustment since initial employment in about October-November, of 1962. He coupled such comments as "she was a hard worker" and "worked her fingers to the bone to educate those children" to present material about Mrs. Wilson. In addition, her personal feelings and family life were depicted as a "closed book." According to Mr. Marbut, Mrs. Wilson appeared preoccupied and somewhat withdrawn for 3-4 weeks prior to her death. He illustrated this with the remark that she "kept her head down". Mr. Marbut knew of no other living relatives of the family.

No information was obtained from any of the individuals interviewed which suggested or indicated that Mrs. Wilson was dating or had any social contacts with men in the community.

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Social Data

RE: WISTE, Robert (Wilson)

It would be helpful to have further information about Mr. Marbut and Mrs. Wilson's relationship as it looked as if he was withholding information. Attached are copies of additional material which may be pertinent to Mr. Wiste and his family.

During my interviews and discussions with each individual, with the exception of Mr. Marbut, it was my impression that they felt a genuine interest, respect, and warmth for him. They saw him as a sensitive shy individual. Each person seemed interested in maintaining their relationship with him and wondered what they might do to help him. Numerous individuals appeared to experience guilt that Robert had "become involved in such serious trouble." It was commented "why dedn't he tell us and let us help him." The community image seemed to be that of the "all American boy." There seemed to be considerable resentment harboured toward the mother for appearing aloof and not showing some indications of warmth and appreciation for Robert and Judy. Each individual described what they termed Robert's attempt to handle things as he did not "complain or criticize about his mother to others." There apparently was disbelief and shock on the part of these friends when it was known that Robert had been apprehended and legal charges filed.

(Miss) Ina J. Javellas, ACSW
Social Work Supervisor

WISTE, Robert John (WILSON)
Hugo, Oklahoma

14364

Male	July 31, 1963	White	August 1, 1963
		Butcher	September 3, 1944
	Single		Protestant

STATEMENT OF PROBELM: The patient was admitted on a Code IV - Criminal Commitment from Choctaw County where he is charged with murder. On interview the patient states that he had gotten along fairly well with his mother until the last two or three years then they began to argue about practically everything, but mostly about the girls he would go with and using the family automobile. The arguments had gotten particularly heated over the past six months. He states that his mother would fly into a rage about the girl he was going with and had told him repeatedly that he would have to quit going with her. On the night that his mother and sister died he states that he had gone to bed and was asleep when his mother came in; she awakened him and started to argue with him about his girl friend and told him that he could not use the family car again. She also told him he would have to leave and proceeded to pack his clothes and put them in the car. He told her he was not going to leave, whereupon she picked up a loaded automatic, .22 rifle at the foot of the patient's bed and pointed it at him. The patient states that she clicked off the safety on the rifle and he became frightened. He says in his own mind he had to get the rifle because he knew that in her frame of mind she might shoot him. At this point he states that he cannot remember what happened, but when he came to himself his mother and sister were lying on the floor and blood was everywhere. He says that he did not know whether they were dead or not, but that they did not seem to be breathing. He says he laid them on the bed and took the gun to the car and thought about running, but decided against this and went back inside the house. He then thought about killing himself, but was afraid someone else might be blamed for it. He then took some gasoline and poured it around in the bedroom, kitchen, and bathroom and then struck a match. He states that there was an explosion and he either jumped or was blown through a window onto the ground. He states that the explosion burned his hands and face. A neighbor hearing the explosion came over and took him to the hospital.

PAST HISTORY: The patient states that he was born in San Francisco, California, in 1944. As far as he knows his birth was normal. He started to school at the age of six and has made good grades throughout school and was on the honor roll most of the time. He graduated from high school three months ago. He states that he has worked a half day through his junior and senior years in school. He worked in the meat market for a local grocery store. He denies the use of alcohol and drugs.

EXHIBIT "C"

FAMILY HISTORY: The patient states that his father deserted the family when he was five years of age. His father is fifty-four years of age, but he does not know his state of health. He states that he has no use for his father. His mother was fifty-two years of age at the time of her death and had been in good health. He had one younger sister and states that he got along with her all right. He denies any mental illness in the family.

MARITAL HISTORY: The patient is unmarried.

MEDICAL HISTORY: The patient had the usual childhood diseases without complications or sequelae. He broke his right arm at the age of fourteen years and his left arm at the age of eleven years.

MENTAL STATUS EXAMINATION: This is a bearded, but tidy, eighteen year old youth who is friendly, frank, and cooperative. He expresses little emotion when telling the story about his mother and sister. He has strong feelings of ambivalence about his mother stating that he supposed he should love her since she was his mother. He says he did not hate her, but just could not understand her. The sensorium is clear and memory is adequate. He appears to be very intelligent, abstracts well, and does comparisons easily. His reasoning and judgment are good and he is well oriented. There are no mannerisms. His affect is slightly flat and he denies hallucinations and delusions.

IMPRESSION: Deferred.

Walter E. Blevins, M.D.
Staff Physician

Approved by:

Ruth V. Annadown, M. D.
Acting Superintendent

STATE OF OKLAHOMA
SS
COUNTY OF CHOCTAW

AFFIDAVIT OF ATTORNEYS

Vester Songer and Hal Welch, each being first duly sworn, upon oath states:

That they are the attorneys of record for the defendant, Robert Wiste, also known as Bobby Wilson, in cases numbered 3544 and 3545 in the District Court of Choctaw County, Oklahoma, wherein he is charged respectively with the crime of murder in connection with the death of his mother, Lavonne Wilson and the death of his sister, Judy Wiste, and that these affiants have been associated with and conferred with the said defendant on numerous occasions since the commission of the alleged offenses.

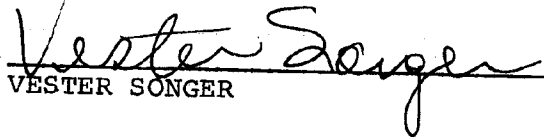
Affiants state that the said defendant has been unable to give them any information whatever as to events which occurred on the night of the death of his mother and sister over a period of time commencing prior to the alleged assault by some person upon said decedents. Said defendant has been unable to relate to them the duration of said period of time as to which his amnesia exists, and no other known witness can supply testimony as to the duration of said interval, nor what did in fact occur during said interval.

Affiants therefore state that they have been wholly unable to ascertain from discussing with their client or otherwise the precise circumstances as to the events which caused the death of said decedents and that the inability of said defendant to recount events during said period of time create a real and substantial impediment to conduct a rational defense in behalf of said defendant; there are no other known

EXHIBIT "E"

witnesses to said events and if there are other witnesses thereto, defendant is unable to assist his attorneys in ascertaining the identity of said person or persons, if any there be; that if said defendant did in fact commit or cause the acts or any part of the acts resulting in the death of his mother or sister, said defendant is unable to and his attorneys have been unable to ascertain circumstances of the commission of such act or acts other than the events leading up to the time of the commencement of said amnesia set forth in the foregoing petition.

Affiants each further state that in their opinion the matters and things set forth in the foregoing petition are true.

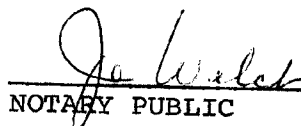


VESTER SONGER



HAL WELCH

Subscribed and sworn to before me by Vester Songer and by Hal Welch this 7th day of March, 1966.



NOTARY PUBLIC

My Commission expires: July 3, 1967.

IN THE DISTRICT COURT OF CHOCTAW COUNTY, STATE OF OKLAHOMA

STATE OF OKLAHOMA

PLAINTIFF

VS.

NO. 3544

ROBERT WISTE

DEFENDANT

STATE OF OKLAHOMA

PLAINTIFF

VS.

NO. 3545

ROBERT WISTE

DEFENDANT

ORDER ADMITTING DEFENDANT TO BAIL

Now on this the 20th day of February, 1964, there comes on for hearing in open court in each of the above styled and numbered cases the application of the defendant for admission to bail, and it appearing that said cases are in fact companion cases and should be heard and considered together so far as this application for bail is concerned, the Court proceeds to hear and determine said application .

The Court finds that said defendant should be admitted to bail herein by making and filing a single bond with the Clerk of this Court in the principal amount of \$ 20,000.00 , conditioned upon his appearance to answer in each of said cases to the charges pending against him.

IT IS THEREFORE ORDERED BY THE COURT that the above named defendant be and he is hereby admitted to bail in the amount stated above, conditioned upon his appearance in each of said cases to answer to the respective charges against him, same to be filed with and approved by the Clerk of this Court.

IT IS DIRECTED that this Order be filed in Case No. 3544, and a certified copy of this Order be filed in Case No. 3545.

Howard Phillips
DISTRICT JUDGE