

including vehicles.

In July 1994, Final Harvest was running an evening shift to take advantage of the cool weather. One of Anita's co-workers was Michael Williams. After her arrest, Anita tried to send letters to Michael and his sister Joan through Diane Fields, but she turned the letters over to the OSBI (Appendix 36). After Jessie's trial, Anita boasted to Sherry that she had fooled Jessie while working for Final Harvest, because she had an affair with somebody at work behind Jessie's back. Michael Williams most likely is the person with whom Anita was having an affair at the time of the arrests.

#### M. The July 1994 Arrests.

Six weeks short of three years from the deaths of Judy and Melissa, Anita Cummings gave Jessie the startling news that she had shot and killed Judy. On Sunday, July 24, 1994, Jessie and Anita had driven to Durant, OK, for a major food-shopping trip. On the way back, they got into an argument which resulted in Anita becoming more resolved to leave Jessie.<sup>7</sup> Anita had always gotten the short end of the stick in this pluralistic marriage, because Sherry dominated and controlled her, and Anita had to share Jessie with an ever increasing pool of women. Jessie's health problems, and the loss of all his teeth that summer, had made him less attractive to her, and she was looking for a man who would give her his undivided attention.

On Wednesday, July 27, 1994, Anita decided to tell Jessie she wanted to leave. That evening, the usual group of people were at the Cummings' house: Chick, Cliff Long, Shirley Cunningham and her kids, Vicki and Orlin Yaws, and Omar and Mandy Bayles. Anita asked Jessie to come to their bedroom with her to talk. Once alone with Jessie, Anita shared with Jessie her intent to leave. She also divulged to him she was the person who had shot and killed his sister Judy. Not thinking beyond the potential consequences of disclosing this information to Jessie, Anita naively thought this admission would cause Jessie to turn her out of the house.

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<sup>7</sup>In her pre-trial statements to the police, Anita acknowledged that she had been planning to leave Jessie for several weeks before she went to the police to seek assistance in getting her children from Jessie (Appendix 19, p. 29).

Jessie kept pressing Anita for more information and details. All he was able to elicit from her was:

- Anita had shot and killed Judy during an argument;
- they had kept the body in the cellar until nightfall, and then moved it to the pond;
- Anita had taken Melissa with her and done away with her.

(see Appendix 24 & 7). Despite Jessie's efforts to press Anita for more details, this is the most he could drag out of her. He didn't want her to leave the bedroom until she had told him more.

At one point, Sherry came into the bedroom and discovered that Anita was telling Jessie about the killings. Sherry became upset with Anita and tried to jump her, but Jessie intervened and sent Sherry out of the room. At another point during this conversation, Shirley Cunningham came in the room to let Jessie know that she and the kids were ready to go back to the house in Phillips. Sherry drove them home. At bedtime, Jessie chose to sleep on the couch rather than in the marital bed -- something he had never done before during their marriage.

The next day, Jessie locked up in the travel trailer next to the house all of the guns owned by them, in order to keep the woman from killing each other. Throughout the day Jessie pressed Anita and Sherry for more details. He asked Anita if she would go with him to talk to Coal County Sheriff Bill Ward and tell the Sheriff what she had told Jessie. He also planned to go to Wal-Mart in Atoka and buy another tape recorder in order to get Anita to say on tape what she told him. Jessie kept trying to elicit additional information from Anita and Sherry, and only heard the same minimal details. He also had to keep Anita and Sherry apart, because Sherry was angry with Anita and wanted to beat her up.

That night, Anita left for her evening shift at Final Harvest as usual. Sherry, who knew Eddie Fields and worked for him before, drove along with Anita, which gave the woman an opportunity to discuss what to do next. A major concern for them was Jessie's expressed intent to make Anita tell the Sheriff about her roll in the killings. When they arrived at Final Harvest, Eddie Fields told Sherry he did not have enough work that night to add her to his workforce. Sherry called

home, and Chick came to pick her up.

After Sherry left, Anita approached Eddie Fields for advice on how to leave Jessie and get her two kids out of the house to be with her. In order to get him to help her, she claimed that Jessie had been abusing her and the kids. Eddie eventually brought his wife Diane into the conversation. Suggestions were made about going to women shelters, and phone calls were made to the Atoka Sheriff's Office to obtain assistance in getting the kids out of the house. The Atoka Sheriff's office explained that it was a Coal County matter, since the kids lived in Coal County.

Eddie and Diane both knew Jessie and his household, and probably were skeptical about some of the stories Anita told them about being abused by Jessie. Anita became bolder and escalated the stories she told the Fields -- first insinuating that Jessie controlled her by a secret that they shared, and eventually claiming that Jessie and Sherry had forced her at gun point to shoot Judy (although it was later proven that Jessie was in Oklahoma City when Anita shot Judy and could not have forced Anita to do it at gunpoint). As with her revelations to Jessie, Anita failed to impart any significant information about how Melissa was killed. (Appendix 25 & 26).

Eventually arrangements were made for Anita to go to the Coal County Sheriff's office to obtain their help in getting the children of the Cummings' house. Anita claimed to be afraid that she would be followed there by Jessie, so the Atoka Sheriff's Office provided an escort to the County line, where a Coal County escort took over. Anita arrived at the Coal County Sheriff's office at 3:23 a.m. (Appendix 17). According to handwritten notes of the Deputy on duty, Anita requested assistance in getting her children out of her house because her husband had held her at gun point for 3 ½ hours and threatened to kill her if she left him; nothing was said about the killings (Appendix 17).

Undersheriff Tom Griffin was contacted at 3:30 a.m., the judge contacted at 3:35 a.m. and Assistant D.A. Becky Baird was contacted at 3:40 a.m. Apparently during this time Anita was asked to write out a handwritten statement. In that statement, Anita mentioned:

- the argument with Jessie the Sunday before on the way home from Durant;
- her request to leave the marriage and her claim that Jessie was refusing to let her go;

-her claim that he held a gun to her head Wednesday night for hours, and again Thursday morning.

(Appendix 17). Nothing was said about the killings.

Anita was interviewed by Undersheriff Griffin at 5:00 am (OR 2). He apparently explained to Anita the kind of information needed to get an order to remove her kids from Jessie's house. During the course of that discussion, Anita verbally told Griffin she had murdered Judy Mayo, and Sherry and Jessie were involved in both homicides (*id.*). At 5:30 am, Anita's request to talk to Sheriff Ward was relayed through the dispatcher (Appendix 17). At 5:45 am, Anita was questioned by Sheriff Ward and Undersheriff Griffin. In the tape-recorded portion of that interrogation, Anita confessed to killing Judy (Appendix 17). She told them that: Jessie told "them" to kill Judy or he would kill them; she shot Judy on the couch inside their house; she and Sherry put Judy's body in the cellar, and then Anita went to work; when Jessie got back from Oklahoma City, he and Sherry moved Judy; when Jessie and Sherry came back, they took Melissa and left again; when they returned without Melissa, Jessie got rid of the couch; she didn't know what had happened to the gun; that Jessie knows how to play head games to get people to do what he wants (*id.*). No claims were made about Melissa being raped.

At 6:30 am Anita was placed under arrest. According to the Sheriff's Office booking sheet, the only sign of an injury on her body was a bruise on her right wrist (Appendix 17). The OSBI was contacted about these developments. At some point Judge Branam signed Orders, finding Probable Cause to detain Anita, Sherry and Jessie (Appendix 54). No record was made of that Probable Cause hearing (Appendix 7). Nor is there any record as to whether the Judge's probable cause finding was based on an affidavit or verbal testimony.

Sheriff's Deputies went out to the Cummings' house in Lehigh early that morning and removed six year old Robbie and one year old Ashley from the home. By way of explanation, Sherry and Jessie were told that Anita had had a nervous breakdown. When they called the Sheriff's Office to obtain more information, they were told to come in to see the Sheriff at 8:00 a.m.

En route to the Sheriff's office, they stopped at the house in Phillips where they dropped off