

on her. Anita is described by many as not being very maternal, and her relationship with Melissa was not good.

Loretta McCullar was at the Cummings' house that night. Loretta was a family friend who lived with her father in Atoka, and visited the Cummings' house almost daily. Loretta had been having a sexual relationship with Jessie for some time, and she was close friends with Sherry, although she did not get along well with Anita. Loretta was at the Cummings' house visiting when Anita came home with Melissa, fuming about having to watch Melissa, especially since Judy was going to Roland's Bar in Lehigh, which was just up the road from the Cummings' house in Phillips.

Around 2:00 am Thursday morning, September 5, 1991, Jessie and Anita drove Loretta home. Debra Marie (who was 4) and Robbie (who was 3) were asleep in the kids' room. Melissa slept on the twin bed in the living room. When Jessie and Anita returned home, they and Sherry also went to bed. A short time later, Jess and Judy arrived from Roland's Bar. Jess went to bed in his bedroom, and Judy joined Melissa in the livingroom.

K. The Offenses and Discovery of the Bodies in 1991

On the morning of September 5, 1991, Jessie Cummings and others sleeping at the Cummings' household awoke. Present at the Cummings' home in Phillips that morning were Jessie, his father Jess, Sherry Cummings, Anita Cummings, the children, (Robbie, who had recently turned three, and Debra, who was four), Judy Mayo and her eleven year-old daughter Melissa Moody. Around 10:00 a.m., Jessie and his father left for Oklahoma City where his father had an appointment to check into Presbyterian Hospital for treatment of his cancer (T. 518 & 692; see also Appendix 47). When Jessie left, he told his family that he did not know when he would return, and that he might stay overnight at the hospital with his dad.

Although Sherry Cummings claimed that Jessie instructed her the night before to kill Judy on this day (T. 516-7), and Anita claimed that Jessie instructed her prior to leaving that morning to kill Judy (T. 691), no other evidence supports this testimony. The events of the day likewise do not support that a plan was underway to commit a homicide of Judy that day. Judy was not held away