

Testimony conflicts . . .

(Continued from B-3)

Until then, she testified, she did not think she had it written anywhere when Summers had arrived.

Kennedy had ordered the calendar be produced when the hearing began in October. When he heard Tullis' testimony — which came two weeks after the order — he asked Meyer where the calendar was.

Meyer told the judge that he had not found it, but that when he did, he would "make it available" to Guhin.

Kennedy ordered Meyer to find the calendar and told him he could not return to court without it.

Kennedy said he was astonished that the calendar had not been found, that it was "hard to believe . . . he (Meyer) could forget receiving something like that," and that it was "incredibly crucial that her (Tullis') diary (calendar) be available to her to be questioned about.

"I'm within a hair of saying you can't have an investigating officer (in court). If having an investigating officer is being used by them (the prosecution) as a way to stonewall the discovery request, then I think that that's an abuse of the privilege of having an investigating officer."

Meyer left the courtroom and returned with the calendar several hours later.

In a similar matter, San Bernardino Police Detective John McDonald — the case's other main investigator — testified when questioned by Guhin that the wives of Tullis' two brothers also had calendars on which they had written that Summers arrived there on March 29, 1977, and worked the next day.

McDonald first learned of the calendars' existence during interviews with the women last year and made copies of them.

Under questioning by Canty, prosecution witness Emery testified that he shared a cell with Summers for about three months starting in December 1979 in Deschutes County Jail in Oregon.

The two talked a lot, he said, and Summers told him he was being "framed" in California on murder and kidnapping charges.

But, Emery testified, "one time he said that he more or less did it. Roy said one time to me he went into this lady's house. I can't recall her name. And they got in a family argument over the kid, I believe it was. And it led to her death and he kidnapped the two kids — not kidnapped them. He felt he didn't have the heart to take them to kill them so he took them down to Elko, Nev."

When cross-examined by Guhin, Emery said he had not been promised any benefits for his testimony and that he was speaking up to help "them two little kids."

Guhin asked Emery many questions about his memory and how Summers allegedly said he killed Wise.

Emery said he told detectives that "choking" sounded familiar, but he was not sure.

Guhin questioned Emery's credibility and said the inmate contradicted himself in testimony compared to what he had said during a taped interview last year with Detective McDonald.

The tape was played in court and a transcript of it showed that Emery said he had put "it all together that he's (Summers), that he went in and killed her."

"He (Summers) said he took the kids and then that's when I caught on to him killing her and things like that," the transcript said.

But the transcript also showed that Emery was unsure of the names of the children — he said he thought one was "Carrie" and that Tiffani, rather than Brandi, was Summers' child.

As a prosecution witness, Tullis testified that Summers talked about Beverly Wise and said she was "no good."

She said Summers said Wise did not deserve to live and that he said "someday he ought to kill her, was going to or something else because of the kind of person she was."

But under cross-examination by Guhin, Tullis said, "I can't tell for sure if Roy ever said he was going to kill Beverly. He gave me the impression that he would like to."

And she said she recalls Summers saying something like "I'm sure lucky I was here (in Utah)," when she and Summers were interviewed shortly after the crimes occurred.

Bolstering Guhin's contention that detectives in the renewed investigation intimidated witnesses, Tullis testified that officers threatened her with jail or prison if she did not tell them the right information.

She said Detective Meyer gave her the impression he did not think she was telling the truth.

"He told me if I didn't tell the truth that he was going to get a warrant with my name on it and I was going to be arrested and I was going to go to jail," she testified.

Prosecution witness Donna Jones testified that she saw Summers in Elko in the spring or summer of 1979 when he inquired about buying the home she was living in.

She testified that Summers told her he had a couple of girls, that they were in Idaho and that one of them had an illness and needed medication.

Jones said she had seen a photo of Summers in the Elko newspaper in connection with a horseshoeing business and testified that the photo looked like the man who came to her house in 1979 and that Summers sitting in the courtroom looked "pretty much" like the man in the newspaper.

Under cross-examination by Guhin, Jones said that she felt pressured and harassed by detectives Meyer and McDonald when they interviewed her, adding that the detectives seemed to want answers from her that she did not have.

A waitress at the Stockman's Motor Hotel, Roberta Jones, (no relation to Donna Jones) testified that Summers came into the coffee shop of the Stockman's several times in 1977 and that he had two little girls with him.

She said Summers told her the little girls were his, that he had custody of them and that his wife "wasn't fit to have them."

Canty showed Jones some photos and she chose a

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