

embedded in his hip. In November 1991, Jessie applied for Social Security Disability benefits. A hearing was held in 1992, and benefits were awarded by a decision issued in May 1993.

Jessie's dad was diagnosed with cancer in the Summer of 1991. Jess and Pam had divorced, and he was living with Jessie in the Cummings' household in Philips. He began losing a considerable amount of weight and became anorexic, according to his medical records. (Appendix 47). The stress on the Cummings' family increased when Eugene Mayo abandoned Judy and moved back in with his parents in August of that year.

Judy was very dependent on Eugene, and was distraught by his leaving her, especially since it appeared he left because he had found a girlfriend. Judy's son James was in prison at that time. She sent her son Henry to Arkansas shortly after Eugene left, along with James' wife Mildred, who had become pregnant by Henry. That left Judy living alone with her 11 year old daughter, Melissa Moody, in a house they were renting in Tushka.

Jessie had sold Eugene and Judy a red flatbed pickup truck earlier in 1991. The Bill of Sale to the truck was in both their names, and they were making payments to Jessie. At the end of August the truck was at Jessie's house for repairs. Judy and Melissa stayed at Jessie's house while the truck was being repaired, further adding to the tensions in the household.

Labor Day was early in 1991, falling on September 1. Jessie finished the truck repairs that weekend, not knowing it would be one of the last favors he did for his sister. Judy and Melissa were killed by Anita and Sherry on Thursday, September 5, 1991. That Fall, Jessie buried his father, his sister and his niece.

#### F. Sherry Cummings: The Dominate Person in the Cummings' Household

Sherry Marie Mitchell was born on October 17, 1967, in Jay, Oklahoma. She is the oldest of eight children that Lahoma Yaws had with a variety of men. Sherry's father is J.B. Colvard. Sherry's youngest sibling is her half sister Lahoma Yaws [herein Lahoma II to distinguish her from her mother, who has the same name], who is 10 years younger than Sherry. Lahoma II was the prosecution's only witness at the penalty phase of Jessie's trial. Background information about her



is set forth in Part H below.

Sherry's extended family system is solidly within the Poor White Trash subculture. They were transient, moving frequently between and in many states. She started Kindergarten in California around 1973. During that period of time her family lived in proximity to Judy Moody and her family. Sherry was closest to Judy's second child, Henry Moody. During her childhood, she also became acquainted with Jessie, Jessie's and Judy's parents and other siblings.

Lahoma Yaws' husband, Charlie Yaws, died in March 1977. Four months later, Lahoma gave birth to Lahoma II, whose father is Douglas Pearson. After Charlie's death, Lahoma's lifestyle became even more transient. A series of poorly-chosen boyfriends often mistreated her children. Her children grew up fast and hard, especially Sherry because she was the oldest.

At age 14, Sherry dropped out of school and married her first husband, John Rowe, who was about 6 years older than her. Sherry reports that the marriage was prompted by a desire to get out of her mother's house because Lahoma's boyfriend, Herbert Pinkerton, was trying to molest Sherry. Lahoma and her family were living in New Mexico at the time. Because Sherry was too young to marry in New Mexico, her mother drove them to Dalhart, Texas, and signed a consent for Sherry to marry so young. Sherry married John on April 12, 1982.

During their brief marriage, John and Sherry led a vagabond life, often living out of their vehicle of the moment. At one point, John and Sherry lived in a tent in Judy Moody's backyard in California. During that time, Sherry had a reputation for engaging in prostitution, turning tricks to earn money. When John and Sherry split up, he went to live with relatives in Colorado. Their divorce was finalized there in 1984.

After separating from her husband, Sherry migrated to the Batesville, AR, area in 1985. Her mother Lahoma Yaws, was living in the area with one of her most abusive boyfriends, Frank Clark, who Sherry described as having "mental" problems. Also living in the Batesville area were Mary Ann Jackson, who is Lahoma II's half-sister, and Doug Pearson. Pearson was a long-time resident of the Batesville area and the father of Mary Ann and Lahoma II. Sherry stayed with Doug and Mary Ann initially, because she was not getting along with her mother, and she wanted to get away from



Frank, Lahoma's abusive boyfriend.

At the time, Jessie, his wife Janell, and his parents were living in Pfeiffer, AR, which is just north of Batesville. Jessie had the reputation of taking care of his women and being a good provider. Sherry began seeing Jessie, and also commenced a bisexual relationship with Janell. Sherry moved into a house which Jessie was renting in Pfeiffer, and eventually moved in with Jessie and Janell, sharing the same bedroom and bed.

When Sherry became pregnant in the Fall of 1986, she had already had three "miscarriages". By this time, Sherry, Jessie and Janell were living in a bus parked next to a house which Lahoma was renting in Tupelo, OK. This extended family was not without tensions. During an argument between Sherry and Jessie in early 1987, she cut him on the chest with a knife. Sherry had discovered her mother was sleeping with Jessie. Lahoma demanded Jessie choose between her and Sherry. Jessie chose Sherry,<sup>4</sup> and a short time later they moved away from Tupelo. Janell had left Jessie and their mutually-agreed upon divorce was finalized February 19, 1987, in Coal County District Court, JFD 87-12.

The summer of 1987, Jessie met Loretta McCullar [aka Loretta Wells] at a street dance in Tupelo, and they began a sexual relationship. At the time of the homicides in September 1991, Loretta was living in Atoka with her father, and spent a good deal of time, almost daily, at the Cummings' house in Phillips. Loretta reports that in addition to being a sexual partner with Jessie, she and Sherry were close friends.

Sherry gave birth to her only child, Debra Marie Cummings, on June 9, 1987, in Harrison, Arkansas, by c-section. She and Jessie were living in Marshall, Arkansas at the time. Jessie and Sherry married a few months later in Centrahoma, Oklahoma, on October 8, 1987, in the home of Jessie's sister, Debbie Smith. In 1987, Sherry also had an appendectomy.

In May of 1989, Jessie and Sherry again were living on the outskirts of Batesville, Arkansas,

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<sup>4</sup>Lahoma feeling spurned by Jessie may explain her role in encouraging Lahoma II to claim at Jessie's trial that he had raped Lahoma II in April 1991, an allegation which Lahoma II first made in February 1995. More information about that allegation is set forth below.



with Mary Ann Jackson and her husband Walter Renfrow. Mary Ann did babysitting to earn money. One of her customers was Anita Lewis, who had Mary Ann babysit her son Robbie.

Sherry and Jessie became acquainted with Anita. Sherry and Jessie moved into a rental house up the road from Mary Ann and Walter, and Anita soon joined them. Anita and Sherry commenced a bisexual relationship in addition to their relationship with Jessie, and all three shared the same bed. One night in bed, Sherry suggested that Jessie and Anita get married. A short time later they were married on June 14, 1989.

Later that summer Anita, Sherry and Jessie moved to Oklahoma. In January of 1990, they moved into the small rental house in Phillips, OK, where they were living at the time of the offenses. During 1990 is when Sherry began seeking medical care for lower abdomen pain and vaginal bleeding, which was attributed to adhesions or PID. The problem persisted for years. In May of 1994, she had laparoscopy surgery at McAlester Hospital and was diagnosed as having a left ovarian cyst.

In April 1991, she was in a car accident in Atoka County while en route to her mother's house. Lahoma, her children, and her boyfriend David Potter, had recently moved to Atoka County from Arkansas. Sherry was taken to the Emergency Room and diagnosed as having a left pelvic sprain and a left knee sprain.

Sherry was the dominant personality in the Cummings' household. Not only did she have seniority as the "first wife," she was a skilled fighter. In a culture where conflict is resolved by going outside to fight, and where the might is right, this was an important asset. Sherry could fight and kick like a mule, and she knew how to put her adversary in a choke hold. Although she only stands 5'2", she makes up for her size through strength and brute force.

Many people have described her as being able to stand up to any man. Her sister Lahoma II reports that Sherry was capable of getting the best of Jessie in a fight, who is 5'9" tall but at times weighed less than Sherry.

Around 1991, Sherry sent Shirley Cunningham to the hospital for injuries from a fight they had. Sherry also kept Anita under her thumb in this way, because Anita was no match to Sherry. In



Anita's own words:

Anybody that's seen Sherry fight knows she can kick like a bay mule. She just — she can fight. I mean, if you get whopped once, you're not likely to want to get the person back on you again. (T. 766; see also T. 732-33).

Sherry could whoop me without even blinking an eye. And she didn't need no weapon to do it. (PH-I 293).

I would say that [Sherry] controlled. (T. 742)

Most men are no match for Sherry (PH-II 20).

Sherry pretty much did what she pleased in the Cummings' household. When Jessie came home with money from selling something or in payment for work he had done, Sherry was the one who took most of the money to pay the bills. Jessie was away from home a good deal of the time, often gone overnight a day or more at a time. In his absence, Sherry ruled the roost. A cunning woman, she often used deceit to get people to do things. For example, she would often claim that it was Jessie who told her to make someone do something when she really was the one.

During her marriage to Jessie, Sherry often recruited other women to have sex with Jessie, enticing them with his reputation for being well endowed. This was one way for Sherry to get to know women and find out if they might be willing to engage in bisexual relations. Sherry also had sex with an assortment of men, including Judy's son Henry Moody, Faye Martin's husband Craig, Loretta's cousin Robert Atkinson, Debbie Smith's husband Jimmy, and local men such as Daniel Chick and Cliff Long. Jessie often suspected she was earning money on the side by "turning tricks," as she had done in her past, but he had learned and accepted that Sherry was going to do what she wanted to do.

Within weeks of these offenses, Daniel Chick moved into the Cummings' household and became a frequent sex partner of Sherry's. Faye Martin once caught them kissing behind a barn, and they admitted to her they were in love and wanted to leave together. However, the arrests in July of 1994 intervened in their plans.

While in jail, Sherry made numerous phone calls to W.L. Hill, the family friend who lived in



Texas. Initially, after her arrest, she talked to Mr. Hill about her and Chick going to live with him when she got out of jail. A few months later, she talked with Hill about her and Cliff Long going to live with him. She apparently believed she would only briefly remain in jail.

The day of her arrest, Sherry was taken to the Pittsburg County jail. There she became acquainted with John Wayne Ingle, who was visiting a former wife incarcerated there. After a few months in McAlester, Sherry had to be transferred to another facility because of a problem with another female inmate. Sherry was moved to the Atoka County jail. While there she married John Wayne Ingle in 1995, on Valentine's Day. Ingle was a transient truck driver and 19 years old than her. Her youngest sister, Lahoma II, and Loretta [McCullar] Wells were witnesses.

The marriage did not last long. Sherry reports she learned he was still married to his first wife, who lives in Oregon. The last time she saw Ingle was January 6, 1996, at which time they ended their relationship. She has been trying to get a divorce for about a year, because she has a new boyfriend that she wants to marry.

Sherry has very cleverly avoided the appearance of participating in these offenses. Despite Anita's claims that Sherry put the gun in Anita's hand and forced her to kill Judy, Sherry claimed to have been going to the bathroom in the port-a-potty on the back porch when she heard the shots, and was shocked to find Anita had killed Judy. She claimed Anita forced her to help move Judy's body to the storm cellar and clean up. She blamed Anita for handcuffing and incapacitating Melissa. Whoever was recruited to help Sherry get Judy and Melissa out of the house that night while Jessie was still in Oklahoma City and Anita was at work, Sherry has substituted Jessie for that person in her statements.

Sherry is serving three concurrent 35-year sentences for two counts of Accessory After the Fact and one count of permitting a child to be abused (Appendix 53). She is currently incarcerated at a private woman's prison in Odessa, Texas. Her parole eligibility date is September 2000. She has professed anger that the OSBI has not followed through with prosecuting rape charges arising out of alleged rapes by several men who, as she claimed to the OSBI after her July 1994 arrest, had raped her (see Appendix 20). Those claims apparently are too incredible to merit prosecution.