

(OPENING STATEMENT ON BEHALF
OF THE STATE)

BY MR. MASON:-

The defendant, Henry Methvin, is on trial before you and the state prosecutes him upon this information, which I will read to you.

(Mr. Mason reads information to the jury)

To this INFORMATION and charge the defendant, Henry Methvin, has entered his plea of not guilty. And thus the issues are made that you gentlemen are called upon to try at this time.

One of the most important duties ever imposed upon a citizen of our state you are now called upon to perform, -to determine the guilt or innocence of this defendant upon this charge--.

The burden of proof is upon the state of Oklahoma to show that this defendant did commit the offense of murder in the manner and form charged in this information; that presumption remains with him throughout the trial of this case until overcome by competent testimony, and beyond a reasonable doubt. We want this jury, on behalf of the state, to give to this defendant and to the citizens of this state, careful consideration to the testimony, and to the instructions of the court, and you men, and not the County Attorney, nor counsel for defendant, or anybody else, will have the responsibility,

but the responsibility will be solely upon you to determine the guilt or innocence of this defendant.

We will try to state to you briefly what the testimony on behalf of the state will be to sustain this charge of murder.

This offense was committed on or about April 6th, 1934, in the morning of that day. At that time Percy Boyd was an officer out here at Commerce, as was Cal Campbell, the deceased; both peace officers in that community. As to their duties the court will instruct you along that line.

These officers received some information that morning concerning some persons out on the highway, at a point just west of Highway 66, and on a road running West from Highway 66, just immediately south of the city of Commerce; that there were some persons out west on this highway, and just beyond the N.E.O. railroad tracks, and these men were urged as officers to go down there and make an investigation, which they did.

Upon arriving at this scene they found this defendant, Henry Methvin, Clyde Barrow and Bonnie Parker, fugitives from justice, in an automobile. Mr. Campbell and Mr. Boyd approached them to interrogate them, and these parties backed their car up and finally into some soft ground in a ditch.

And unable to get away the two men in the car, Clyde Barrow and this defendant, got out of this car, leaving Bonnie Parker the woman in the car, and engaged Mr. Campbell, the deceased, and Mr. Boyd in a gun fight.

I think the testimony will show there were about eighty shots fired by Barrow and Methvin, one or both of them, and that these shots were from Browning automatic rifles, and there were a few shots returned by Mr. Campbell and Mr. Boyd. The shooting from this defendant and his associates was back in an easterly direction along the highway towards Campbell and Boyd.

During this fusillade of shots coming from this defendant and associates, Boyd and Campbell were forced to take cover. At a time when Mr. Campbell was down, -probably not lying down fully-, but in his movements around there he was wounded by a shot of these men with the rifles, and as a result of that gun shot wound he died in a short space of time.

Mr. Boyd, in the meantime, received a wound on one side or the other of his head, which affected him somewhat.

After they were both down this defendant carried a rifle, leveled at Percy Boyd, a witness who

will testify from the stand, came up and made Boyd get up and go back up to the car of this defendant, and his associates, and later was made to get in that car, or probably before being placed in the car, made him wade in the mud and aid, -while he was wounded-, in the removal of this car from that road side ditch, drainage ditch, and mud. Now being unable to move the car out of the ditch, a truck came along, and they made the truck man and others assist in the removal of this car from that mud.

In the meantime a gentleman came out, having heard the shots, -a Mr. Jack Boydston- came up from the east, and this defendant carrying a rifle, in front of Clyde Barrow, Clyde Barrow being armed with a rifle, the two men made Boydston stop his car and come up to where there car was. There was quite a little said therē by Barrow, and others were directed to aid and assist in the removal of their car from the mud, which was removed in the meantime and Mr. Boyd was made to get in the car, and to accompany this defendant, Clyde Barrow and Bonnie Parker in their escape from this road in Ottawa County, Oklahoma, leaving the lifeless form of Cal Campbell in the road.

They took Mr. Boyd with them out of this

county, and out of this state, and around on various highways in Kansas, and on side roads, and he will detail to you the route they took, near the town of Bartlett, Kansas, and over around Pittsburg, and in the night time they finally released Mr. Boyd and he was able to get into communication with his family and other people.

Henry Methvin was arrested and returned to this county and is now on trial.

You gentlemen are the only persons who can determine the one question: Is he guilty or innocent of the offense charged,

Other persons not named by me there saw this car, the two men out on the ground using their rifles in that gun fight which resulted in Mr. Campbell's death.

When we have shown that state of facts, or a state of facts that establish that this defendant either shot and killed Cal Campbell, or if he didn't shoot or kill Cal Campbell, didn't fire a shot, but encouraged, aided or abetted any other person, Clyde Barrow or Bonnie Parker, by either word, act or deed, in the commission of this crime, he is guilty of murder as charged in this information and we will expect a verdict of guilty at your hands, -if this testimony sustains the allegations of this information, under the instructions of the Court.
