

TIPPIT KILLING

Testimony of - Mrs. Barbara Jeanette Davis (3 H 342-50), March 26, 1961

She lives in Athens, Texas, is married, has 2 children, and her husband's first name is Troy. She got married when she was "halfway through the 10th midterm." On November 22, 1963, she was living at 400 East 10th. (p.342) This was a 2-family apartment which they shared with her husband's brother and his wife. It was the corner house at 10th and Patton. She was in bed when she heard the gun shot. She heard two. When she looked outside, she saw "the man was coming across the yard". Mrs. Markham, in Mrs. Davis's account, was screaming and the man was doing what she thought constituted "emptying the gun". On two counts, this is in contradiction to Mrs. Markham's testimony. First, because Mrs. Davis reports Mrs. Markham as screaming at the time a man was on the corner, and second, because Mrs. Davis reports, as did Scoggins, that the man cut through the Davis yard and did not, as Mrs. Markham testified, stay on the pavement and get within a couple of feet of the arc of the pavement. (P.343)

She said the man had the gun in his right hand and seemed to be emptying it in his ~~right~~ left palm. She did not see him throw anything away. She said the man "looked at her first, and looked at me, and then smiled and went around the corner. ... ~~walking~~ ^{walking} at his normal pace." (p.344) After the man left, she went in the house and phoned the police. Then she went to where the policeman had been shot. The the police arrived. Later, she found one shell in the grass beside the house. Later still, her sister-in-law also found one shell. Her sister-in-law's was found on "a little cement walk right here by her door." (p.344)

Note she is not asked whether the police made a search. That evening she and her sister-in-law and others were at the police lineup. There were four white men and she "recognized number 2." (346) Asked

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"was he dressed the same in the lineup as he was when you saw him running across the lawn?" she replied, "all except he didn't have a black coat on when I saw him in the lineup." Mr. Ball then asked, "Did he have a coat on when you saw him?" to which she replied affirmatively, and he asked what color and in this case she said "A dark coat." Here she said, "I did not see him fullface," but on p.344 she had said, "The man looked at me and then smiled." She is shown Exhibit 162 and asked, "Does this look anything like the jacket that the man had on when he was going across your lawn?"

Now she had testified the man was wearing a coat. Ball did not show her a coat. When he asked her "how is it different?", she said, "Well, it was dark, and to me it looked like it ~~might be~~ ^{was maybe} a wool fabric, it looked sort of rough. ^{Like} ~~looked~~ more of a sporting jacket." Shown the shirt, Exhibit 150, she said, "I thought that the shirt he had on was lighter than that." (p.347)

Asked if she had seen Oswald's picture on TV or in the paper, she said she didn't remember. They do get the afternoon paper. (p.348)

She has read to her an excerpt from the December 1, 1963, statement to the Secret Service in which she said, "The man was on the sidewalk directly in front of me and shaking shells from a pistol into his hand as he walked." Then Ball without identifying the source says, "this says here, 'The man was walking in a normal direction and walked across the corner of my property towards Patton Street'." He had included in the second quote the statement that the man was "walking in a normal direction" and he asked Mrs. Davis if she had said that. He is careful, however, not to ask her about the discrepancy between "the man was on the sidewalk directly in front of me" and "walked across the corner of my property". The discrepancy should be obvious. He couldn't have both

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gone by the sidewalk and by taking a shortcut through her yard.

For the first time she is then asked for a description of the man. All that they learn by prompting is that he was white, more "light compacted" than dark, with dark hair. She said his age was 23 or 24. They never could get an estimate of his height from her (p.349).