

# New trial granted; prosecutor's argument too good

A Tulsa woman convicted of murder in the killing of her prominent attorney husband was granted a new trial because the prosecutor's closing argument was too good.

Judge Henry Hudson said he was convinced that the jury would not have convicted Laura Reuter had it not been for the closing argument of state's attorney Pat Malloy, the **Oct. 9, 1913**, Tulsa World reported.

"In all my experience in the criminal courts of the state, I never before heard such a convincing and analytical argument before a jury," the judge said. A large crowd in the Bartlesville courtroom immediately broke into applause which the World story said was an ovation for the Tulsa county attorney.

The judge said he also took into consideration the testimony of Tulsa attorney Harry Campbell, who said Bud Ballew, a chauffeur for another suspect, had told him that Mrs. Reuter had not taken part in the conspiracy to kill the victim. Campbell had previously represented Mrs. Reuter.

The new trial ruling had been announced the afternoon before, and the World published an extra edition to inform readers of the new development in what it called the state's most sensational murder case, printing details of the decision under a two-line banner headline.

Mrs. Reuter was charged with the May 5, 1912, slaying of Charles T. Reuter as he slept in a bedroom across a hall from his wife in the Reuter house in Tulsa. She told police her husband had been killed by a burglar. Neighbors, awakened by screams from Mrs. Reuter, said they had seen a man fleeing.

The murder and subsequent trial had all the elements to



make it a sensational case — the victim was prominent, Mrs. Reuter was an attractive woman who had been her husband's stenographer in Peoria, Ill., and was named as a co-respondent in the divorce case by Reuter's first wife, the couple quarreled frequently and slept in separate rooms, she said he had abused her and there were rumors she had been intimate with a co-defendant, whose sister was a close friend.

Co-defendants Guy D. McKen-

zie and Joe Baker were convicted of murder on Nov. 1, 1912, by a Tulsa jury that required only two ballots after a 27-day trial. They were sentenced to life in prison. Mrs. Reuter had been convicted and sentenced to life in prison in a trial that had been moved to Bartlesville on a change of venue.

Mrs. Reuter's second trial ended in an acquittal.

Roads in eastern Oklahoma were bad and a notice was printed at the top of that day's

Tulsa World inviting auto owners to a meeting to discuss improvements.

"The matter under discussion will be the good roads movement to which every autoist should be vitally interested," the boxed notice said. "Automobile owners will be benefited more than anyone else by good roads but so far they have shown but little interest in the movement."

Another Page 1 story reported that Christy Mathewson, master manipulator of the ball, led the New York Giants to victory in the World Series at Shibe Park in Philadelphia when he shut out the Athletics in a 10-inning battle by a 3-0 score. But it was the only game the Giants won; the Athletics took the series 4-1.

The U.N. General Assembly voted to bypass the issue of Red China's claim to membership for the 10th straight year, the **Oct. 9, 1960**, World reported.

The U.S. had lost its former big majority in the U.N. The vote was 42-34 to shelve the issue for the remainder of that session. Most of the 16 new African nations that had been admitted as members abstained from voting.

Soviet Premier Nikita Khrushchev, visiting in the United States, compared the campaign speeches of Vice President Richard Nixon and Sen. John F. Kennedy to mere words to be tossed into a garbage pail after the election was over, another story on that page said.

Khrushchev was scheduled to leave for Moscow in a few days after a 25-day visit in the U.S. He held forth the prospect of a summit meeting with the next president in spite of preconditions set during the current campaign by both presidential aspirants.

Reflections on 100 years of the Tulsa World, researched and written by Gene Curtis, former Tulsa World managing editor

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## YOUR WORLD

A QUICK READ OF TODAY'S NEWSPAPER.

SUNDAY, OCTOBER 9, 2005

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**USA WEEKEND:** Actress Kirsten Dunst, star of "Elizabethtown," talks about her leading men. **INSIDE**

### NEWS

**TIGHTER SECURITY:** Iraq announces a curfew, weapons ban, border closings and other security measures to clamp down ahead of a constitutional referendum. **A-5**

**STAY OR LEAVE:** In the aftermath of the hurricanes, business owners struggle with decisions. **A-8**

### SPORTS

**COMEBACK FALLS SHORT:** Missouri built a three-touchdown cushion, then held on to conquer Oklahoma State 38-31. **B-1**

**EAGLES HAVE LANDED:** The Dallas Cowboys face an important battle with NFC East rival Philadelphia. **B-15**

### SCENE

**GOING, GOING, GONE:** Tulsa couple turns passion for collectibles into online auction action. **D-1**

**HOME OF HOPE:** Center offers women treatment for drug and alcohol abuse. **D-2**

**COME TOGETHER:** OCCJ will honor Tulsa Community Foundation at inaugural awards dinner. **D-3**

**CULTURE GAP:** Hispanic Outreach Program helps children adapt to new environment. **D-8**

### SCENE2

**SECOND SIGHT:** Troupe gained fame as spawning ground for great comedians. **H-1**

**5 ALIVE:** Family found the key to happiness is five grand pianos in the house. **H-3**

**TWO-FISTED PIANO:** Donald Ryan swings for the bleachers. **H-3**

**PRIME FORM:** Paltrow's performance is "Proof" of great sum of talent. **H-5**

### BUSINESS

**BANKRUPTCY RUSH:** Area attorneys say they are booked solid leading up to the Oct. 17 deadline that marks the start of a lengthier bankruptcy filing process. **E-1**

**HARD TO SWALLOW:** The price of iced tea is putting a sour taste in consumers' mouths, Business Editor John Stancavage writes in a follow-up to an earlier column. **E-1**



**DON'T FENCE THEM IN:** Jacob Fred Jazz Odyssey proves all great music is in a class by itself. **H-1**

### LOTTERIES

#### SATURDAY RESULTS

##### Missouri Day

Pick 3: 1-5-2  
Pick 4: 0-0-4-0  
ShowMe: 3-5-8-34-41

##### Missouri Night

Pick 3: 6-4-5  
Pick 4: 9-6-0-1  
ShowMe: 8-10-21-25-41  
Lotto: 3-4-5-6-7-23

##### Kansas

Pick 3: 6-7-1  
Cash 5: 3-4-16-23-28  
Super Cashball: 11

##### Texas

Pick 3: 6-2-2  
Cash 5: 2-6-7-8-21  
Lotto: 6-11-30-32-37  
Bonus ball: 43

##### Iowa

Iowa Powerball: 26-31-35-46-50  
Powerball: 28

### CORRECTIONS, CLARIFICATIONS

Corrections and clarifications pertaining to Tulsa World articles will appear in this space when necessary.

## SMOKE:

One land purchase was approved by the BIA for the purpose of establishing a home.

FROM A-1

force the tax laws of Oklahoma," Ross said.

Currently, area smoke shops located on Indian land are using tribal sovereignty to thwart enforcement of compacts associated with a new cigarette tax. Recent surveys have shown that 21 stores from the Cherokee, Creek and Osage tribes are selling cigarettes with the state's cheapest tobacco stamp, undercutting nontribal competition by 40 cents to 70 cents a pack.

The tribes contend that their smoke shops are operating within their right to buy cheaper cigarettes elsewhere and sell them in the Tulsa area.

A Tulsa World review of real estate records and court documents shows intricate land deals that established two smoke shops with the coveted exemption on cigarette taxes.

Records show a paper trail of land acquisitions that converted nontribal land to Indian land.

A Cherokee-licensed smoke shop at 1412 N. Sheridan Road was established by First American Tobacco Co. LLC in about 2000.

Land records show that First American Tobacco engaged in transactions to sell land to and lease land from a Cherokee woman, who in turn had the land reclassified as restricted or Indian land.

In 1998, Mary Jane Fields Conness, now deceased, purchased a lot on North Sheridan at a fraction of its market value from First American Tobacco, according to Tulsa County land records. Conness used \$750 in Indian trust money for a lot, which had sold for \$22,500 one month earlier, land records show.

After getting the lot reclassified as Indian land, Conness leased the land back to First American Tobacco for a 10-year period, records show.

First American constructed a smoke shop on the site and avoids paying the new cigarette tax but continues to pay land taxes on the lot, records show.

Ross said the Tax Commission is

### First American Smoke Shop



STEPHEN PINGRY / Tulsa World

### Smoke shop locations



Tulsa World

looking at such scenarios of smoke shops avoiding the full cigarette tax but paying land taxes.

The Sheridan smoke shop has sold packs of cigarettes with a 6-cent compact stamp. The shop should be using an 86-cent compact stamp, according to a compact signed by the Cherokee Nation.

First American Tobacco, based in Pryor, was owned at the time by Lee I. Levinson, Bruce Taylor and Mark McCollough.

Conness' land purchase was approved by the Bureau of Indian Affairs for the purpose of establishing a home for Conness, records show.

The use of Indian trust money is the key requirement to acquire land that can be moved from non-Indian status to Indian status, said Nedra Darling, spokeswoman for the Department of Interior of Indian Affairs in Washington, D.C.

A second Tulsa smoke shop with different owners was set up in a similar manner, according to a federal lawsuit filed in the Northern District Court of Oklahoma.

A smoke shop licensed by the Creek Nation at 4943 S. Mingo Road was set up by Daniel Bruner, now deceased, and a "straw man" known as Charles Hudson, according to the federal lawsuit.

Bruner's widow, Diana J. Bruner, filed the lawsuit against her husband's parents, Bim Bruner and Le-

**1998 June 2** — Jean Nettles Goins and others sell property at 1412 N. Sheridan Road to Four Feathers Ltd., L.L.C. of Pryor for \$22,500.

**June 11** — Four Feathers sells property to First American Tobacco Co., L.L.C. of Pryor for \$22,500.

**July** — First American sells property for \$750 to Mary Jane Conness, who uses funds from her Bureau of Indian Affairs trust fund account. BIA certifies the property "was purchased for a home" for Conness.

**November** — Mary Jane Conness agrees to lease property and premises to First American for 10 years for a smoke shop.

**1999 July** — BIA approves lease.

**2000** Smoke shop built on property.

**Recent surveys have shown that 21 stores from the Cherokee, Creek and Osage tribes are selling cigarettes with the state's cheapest tobacco stamp, undercutting nontribal competition by 40 cents to 70 cents a pack.**

da Bruner. The elder Bruners held the title to the smoke shop land.

Court documents show how Daniel Bruner directed money from his Creek father's trust account to buy frontage property on Mingo Road to set up a smoke shop business.

Daniel Bruner allegedly supplied Hudson with money to purchase the Mingo lots for \$47,000, documents state.

Hudson in turn sold the property to Bim Bruner for \$18,000 taken from Bruner's Indian trust account, court documents state.

The transaction reclassified the land as Indian land upon approval of BIA superintendent Jimmy Gibson in 1996, records show.

Bim Bruner then leased the land back to his son, who began operating a smoke shop on it, the lawsuit alleges. Bim Bruner died in 2001.

Smoke shop owners for First American Tobacco or the Mingo store were not available for comment.

The BIA has since reviewed similar deals and taken action to better scrutinize them, Darling said.

Darling said the BIA took action in 2001 that removed the approval authority for local superintendents overseeing such deals.

"Some of these transactions happened and when they were noticed by the regional office, the authority to authorize these agreements at the superintendent level was withdrawn and moved up to the regional director level," Darling said.

Dennis Wickliffe, the BIA superintendent who approved the Conness deal, is now deceased, Darling said.

Wickliffe was a self-governance

specialist for the Cherokee Nation and other tribes when he approved the Conness land purchase that resulted in the land becoming restricted, Darling said.

The Cherokee Nation, which licensed the First American smoke shop, said the BIA had scrutiny over the Conness and First American transactions.

"This is a transaction that took place seven years ago and we know of no way of undoing it," said Cherokee Nation spokesman Mike Miller. "It had the bureau's approval. We understand they do it differently now and our citizens adhere to what is required."

Darling said the transactions are legal but deserve closer review.

Tulsa County officials said they look at land transactions from the standpoint of whether the land is tax exempt. The county will remove a parcel from the tax rolls if the property owners provide documentation from their respective tribe indicating it qualifies for an exemption, said Keith Hulsizer, Tulsa County Assessor first deputy.

Meanwhile, the state continues to grapple with enforcing new cigarette compacts on tribal stores, primarily in eastern Oklahoma. State officials estimate that more than \$15 million in Indian compact taxes is missing from the collection of the new cigarette tax, which took effect Jan. 1.

There are 198 Indian smoke shops across Oklahoma, Ross said.

Curtis Killman 581-8471  
curtis.killman@tulsaworld.com

Omer Gillham 581-8301  
omer.gillham@tulsaworld.com