

ARKANSAS BLOG

Witness against Howard leaves court in a huff

by Mara Leveritt


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On Wednesday, **Tim Howard's** defense attorneys undercut the credibility of the woman who, for a while, looked like the state's star witness.

Jennifer Stanley was one of a number of women Howard was "dating" in 1997, around the time **Brian** and **Shanon Day** were murdered. Her last name at the time was Qualls, and Howard, who was recently divorced from Vickie Howard whom he continued to see, also "dated" Qualls' sister, Kim Jones.

Stanley testified Wednesday, the eighth day of Howard's trial, that his truck had been stolen weeks before the murders, so he was relying on his ex-wife and friends for transportation. As a result, there was discussion of various vehicles as Stanley offered her account of Howard's movements in the days before and immediately after the murders.

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Stanley recalled that she saw Howard withdraw what she thought was a gun wrapped in a towel from under the seat of her car on the Thursday before the murders, on Saturday, Dec. 13.

She said that on Friday night, Howard called her at around 11 p.m. and asked her to pick him up at a rest area near the Red River bridge. “He was shaking, his eyes were bugged out, and he said he needed rest,” she testified.

They went to her house to sleep, but Stanley said Howard got up to leave less than three hours later — at about 1:30 Saturday morning — telling her “he had to take care of some business and get his money.”

She said she was awakened about two hours later when Howard brought Brian and Shanon Day and their baby to her house, but that she then she went back to sleep. She said when she awoke at around 6:30 that Saturday morning, Howard and the Days were gone.

According to Stanley, Howard returned a bit later and told her that the Days “were hiding out” and that he was the only person who knew where they were.

Continuing her account, she said:

- that on the morning of the murders, Howard had an undetermined amount of folded cash;
- that he asked her to see if her co-worker would lend him his pickup truck for a few hours because he needed “to move some furniture for Brian;”
- that the co-worker agreed to loan the truck;
- that when she got off work at around 4 p.m. that Saturday and returned home, she found a big black truck box filled with cleaning supplies in her front yard;
- that Howard arrived at the house with her sister, Kim, at about 5 p.m. , saying that Brian and Shanon were dead and that, “I’ve got to get out of here because I’m going to be accused of killing them;”
- that Howard and the two women fled to a motel in New Boston, Texas, where they spent Saturday night;
- that when Howard called his ex-wife Vickie from the hotel, she told him that the police wanted to talk to him;
- that on Sunday morning, she and her sister got a newspaper that reported police had found a pair of bloody boots near the site where Brian Day’s body was found;
- that Howard said he’d left those boots in the U-Haul and somebody was trying to set him up;
- that the three then showered and drove back to Ashdown, where Howard went into the sheriff’s office to be interviewed, while the women waited outside;
- and that before she and her sister also gave statements, Howard told them not to “say anything about the money.”

Stanley said Howard stayed at her house Monday night and that she also saw him and had sex with him on Tuesday. However, she said, by Wednesday her conscience was “eating [her] alive,” because of such things as Howard’s comment about the Days being in hiding and his purchase of the black truck box.

She said she met with **Sheriff Danny Russell** and state police investigator **Hays McWhirter** at Millwood Lake, because she was scared to be seen in town and told them “everything.”

The officers then followed her to her house, she said, where they took from the trunk of her car a black nylon bag belonging to Howard that was earlier introduced into evidence, as well as the large truck box.

When cross-examined by Howard’s attorney, Patrick Benca, Stanley said she never saw any marks or bruises on Howard and that the clothes he’d worn for the past few days showed no signs of blood.

She also admitted that she had once said no one would have Howard if she couldn’t and that she’d attempted suicide with pills once when Howard said he was breaking off their affair. Stanley played down the incident. “I was drunk and pissed off,” she said. “That’s me saying something because I was mad.”

A key question arose when Benca asked Stanley if she had looked into the black bag police took from her car’s trunk. She said she had opened it briefly once and seen items that could be used in sex, but that though

she'd seen Howard with novelty handcuffs with fur on them in the past, the handcuffs were not in the bag.

The handcuffs were significant because Shanon Day's body was found with her hands bound behind her with a pair of novelty cuffs.

Benca asked Stanley if it wasn't true that, shortly before this trial, she had told the defense team's investigator that when she'd looked in the bag, the cuffs were there. "No!" Stanley insisted.

The trial recessed for lunch, during which the attorneys did some quick research. When the trial resumed, with Stanley still on the stand, Benca played an audio-recording of the investigator's interview with her.

Stanley reacted indignantly when she realized that she had been recorded without her knowledge, complaining loudly over the recording. The recording was played again, and the court heard it more clearly this time, but still with interruptions.

Finally, with the third playing of the snippet, Stanley could clearly be heard telling the investigator that she saw handcuffs in the black nylon bag with other "stuff" when she opened it the day after the murders.

When Stanley was dismissed as a witness, she slammed the courtroom door on her way out. **Circuit Judge Charles Yeargan** looked up from the bench and asked who'd done that. Several jurors pointed to the empty witness box and told the judge, "She did."

Soon after that **Prosecutor Bryan Chesshir** rested the state's case. Benca asked Yeargan to order the charges against Howard dismissed, arguing that the prosecution had failed to meet its burden of proof, but Yeargan denied the motion.

One of the first defense witnesses Benca called was McWhirter, the state police investigator who had testified earlier for the prosecution. With him on the stand, Benca established that a tape recorder McWhirter said he had in his shirt and believed to be running during the interview with Stanley at Millwood Lake had failed to work.

Benca also showed McWhirter a three-page typewritten report made from that interview, then followed by showing him a single page of hand-written notes. "Where are the rest of your notes?" Benca asked.

McWhirter acknowledged that there would have been more than one page of handwritten notes for him to dictate a three-page report, but he could not say where the rest of his handwritten notes might be. Benca said they were not supplied to the defense.

Benca is expected to move quickly through his other defense witnesses, possibly resting the defense's case by the end of Thursday.

Yeargan has reportedly asked both sides to keep their closing arguments to under 45 minutes, giving hope to those in the court who are growing weary of this long-running trial.

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