

Testimony of

# Mrs. Ann Scott

February 1, 2006

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United States Senate  
Committee on the Judiciary  
Subcommittee on the Constitution, Civil Rights, and Property Rights  
Hearing on "An Examination of the Death Penalty in the United States".  
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ELAINE MARIE SCOTT  
1967 - 1991

Our daughter Elaine Marie Scott, age 21 and a fourth-year junior studying Elementary Education at the University of Oklahoma, was brutally beaten, tortured, sexually assaulted, and beaten to death by Alfred Brian Mitchell at the Pilot Recreation Center in Oklahoma City, Oklahoma, on January 7, 1991. Mitchell had just been released on his 18th birthday from Lloyd Rader Juvenile Detention Center in Sand Springs, Oklahoma.

Elaine was born in Novato, California, a small California town about 30 miles north of San Francisco. She went to school in Novato until the 6th grade when her father was transferred to Tulsa with Safeway Stores. With all the crime and violence that was up and coming in California, we thought that Oklahoma would be a nice, quiet, drug-free state, and a great place to raise kids. Well, not quite.

Elaine graduated from Jenks High School with good grades. She played both the flute and piccolo in the High School Marching Band and Orchestra and was a good kid. She attended the University of Oklahoma, majoring in Elementary Education and minoring in Music. She worked part time at the Pilot Recreation Center in Oklahoma City with children from poor families.

Unfortunately for Elaine, Alfred Brian Mitchell was not a good kid. Mitchell, who lived in the Pilot Recreation Center neighborhood, was released from Lloyd Rader Juvenile Detention Center on his 18th birthday. He had been locked up for three years for raping a little 12-year-old girl that he dragged off from her bus stop one morning. The Department of Human Services (DHS) could have kept him for another year but chose not to because they couldn't help him, and they needed his bed for someone that could be helped. So, home he came.

Seventeen days after his release from Lloyd Rader, he beat, tortured, sexually assaulted and beat our beautiful daughter to death using his fists, and then a golf club until it broke. He stabbed her in the neck five times with a compass that you would use to make circles with, and finally used a wooden coat-tree that crushed her skull and sent shards of wood completely through her brain. She never had a chance.

The homicide detectives and police forensic people did an outstanding job of keeping us informed of everything that was happening as they traced all the evidence and put everything together. Mitchell was identified and caught within 24 hours. At first it was thought that he was just a witness, but as time went on he was booked for murder, robbery of her car, larceny and finally for rape.

Our first encounter with Mitchell was at the preliminary hearing. There he was, smiling and laughing with his family and friends as though he didn't have a care in the world. After three different days of testimony, the judge ruled that the case would go to trial. On leaving the courtroom, Mitchell told all the news reporters that the prosecutor would have to prove his case. He then got on the elevator, still smiling at the reporters and was taken away.

In June of 1992, the trial finally started after Preliminary Hearings, many delays because of a lack of funds for defense expert witnesses, and several different dates for motions hearings. Again, and all through the trial, Mitchell

smiled and laughed for the news reporters. Even when he was on the witness stand, he never admitted that he and he alone had murdered Elaine. It took the jury 1½ hours to find him guilty of murder, and about 2 hours to give him the Death Penalty. In 1999 there was an evidentiary hearing at the federal court where it was determined that the forensic chemist from the Oklahoma City Police Department had lied on the witness stand. Even though Judge Thompson from the federal court threw out the rape charges, he upheld the death penalty because the murder was heinous, atrocious and cruel. In July of 2000 at the 10th Circuit Court, the judges overturned the sentence because it was felt by them that the jury might have given Mitchell a lesser punishment if the rape charge had never been presented. So back to court we went in October of 2002, to redo the sentencing phase of the trial. After two weeks of listening to evidence, the case was given to the jury. It took them 5 hours, but they also came back with a unanimous verdict and once again gave Mitchell the Death Penalty. Mitchell, true to form, stood at the elevator waiting to be taken back to prison, turned and gave our oldest son David an ear-to-ear grin.

On October 11, 2005, we finally started the Appeals process again with the state Court of Criminal Appeals. We have not, as of this date, had a decision from them, nor do we know when we will. But we will be ready to continue on and see this through to the end when it comes.

Through all of this, Mitchell has never shown any remorse for his actions. If you ask if we seek retribution, yes, we do. Alfred Brian Mitchell was found guilty by two different juries of his peers. He was given the Death Penalty because of his crime and because it was felt that he would commit more crimes if he were ever, under any circumstances, released. I, me, want this bully gone. I want him to disappear off the face of this earth. I want him to rot in Hell for all of eternity. He is a bad seed that never should have been born. He is an animal, and when you have an animal that attacks people, you take it to the pound and have it "put away". What this animal has taken from us cannot ever be returned. He has taken a lot of the love and laughter from our home.

I have had my husband break down and sob in my arms; and I have watched his health, both mental and physical, deteriorate over the years. I have seen Elaine's two brothers struggle with life. David the oldest, has gone through panic attacks and at times thought that he should be dead because he has outlived his sister and that is not the way it should be. I have watched Elaine's little brother Robert "clam up". To this day he still cannot talk about his most favorite person in the whole wide world. His big sister is gone, taken violently from him and he still can't deal with it. The rest of us, my husband and I, have "closed ranks" with our children. We have become more protective and frightened every time that they are out of sight.

Will we ever get over the murder of our daughter? Will there ever be any closure for us?

I don't think so. Even after Mitchell has been executed, we will still be left with all of our wonderful memories of Elaine --- and all of the horror that was done to her. But perhaps once he is gone, we will be able to spend more time on the happy memories, and less time thinking about how her life ended. WE WILL be at Alfred Brian Mitchell's execution -- we will not rejoice, because it won't bring Elaine back. But we don't expect that it will. However the process will finally be over and we will no longer have to spend any time or effort on pursuing justice for our beautiful daughter. Perhaps we will finally hear the remorse that so far has never been expressed. For certain, what it will do is insure that he won't ever be able to hurt another little girl again.

I hope and pray that you will never have to walk in our shoes.