

The West Memphis Three

- PrintEmailshareBy Fiona Steel
-

Confession

Jessie Misskelley was brought in to WMPD for questioning on 3 June 1993. During the course of his interrogation, which lasted for several hours, Jessie was given a lie detector test and the police succeeded in securing a confession from Jessie of his own part in the murders of the three boys. He named Jason Baldwin and Damien Echols as his accomplices.

According to Jessie's defense attorney, Daniel Stidham, Jessie claims that he and his friends were first approached by the police and offered a reward for information about the murders. Jessie was later taken into WMPD for questioning despite the fact that they did not have a written waiver of his Miranda Rights signed by Jessie's father, a legal requirement when police interview minors. Normally this breach of a minor's constitutional rights would be sufficient to have the subsequent confession quashed. For some reason in this case Judge Burnett chose to allow it.



Dan Stidham

In his confession, Jessie claimed that Jason Baldwin telephoned him very early on the morning of 5 May. During the course of this conversation, Jason had asked Jessie to accompany himself and Damien Echols to the Robin Hood Hills area. Initially, Jessie stated that he had gone to the Robin Hood area at about 9:00 a.m. that day to an area near a creek where he met up with Damien and Jason. They were actually in the creek when the three boys rode up on their bicycles. Baldwin and Echols had called to the boys who then came to the creek. At this time, Baldwin and Echols began to severely beat the boys. Jessie, claiming to be merely an observer, stated that at least two of the boys were raped and forced to perform oral sex on Baldwin and Echols. While these events were occurring, (James) Michael Moore had attempted to escape, but Jessie had caught him and returned him to Baldwin and Echols.

Jessie stated that Baldwin had used a knife to cut the boys' faces and the penis area of Christopher Byers. Echols had used a large stick to hit one of the boys and to strangle one of them. After this attack the boys' clothes were removed and they were tied up, Jessie then left the scene. He was sure that Christopher Byers was already dead. After he arrived home, he claimed

that he was telephoned by Baldwin who apparently said "We done it!" And "What are we going to do if somebody saw us?" Jessie said that he could hear Echols in the background.

When asked whether he had ever been involved in a cult, Jessie said that he had been for about three months. He told police that they usually met in the woods where they engaged in orgies and initiation rites which included killing and eating dogs. He stated that at one of these meetings, he saw a photograph that Echols had taken of the three boys and claimed that Echols had been watching the boys.

Jessie, when asked to describe what Baldwin and Echols were wearing at the time of the murders, told police that Jason had been wearing blue jeans, black lace-up boots and a T-shirt with a skull and the name of the band "Metallica" on it. Damien was wearing black pants, boots and a black T-shirt.

During the course of this first statement, Jessie changed the time that the murders occurred from 9:00 a.m. to 12:00 p.m. and explained that the three boys had skipped school. These times were again changed in another recorded statement taken two hours after the first one had concluded. In this statement Jessie said that he, Baldwin and Echols had arrived at the Robin Hood area between 5:00 p.m. and 6:00 p.m., but after prompting from one of the interviewing officers, he again changed this time to between 7:00 p.m. and 8:00 p.m. The final time Jessie gave was that the teenagers had arrived at 6:00 p.m and the victims had arrived when it was nearly dark.

In this second statement, Jessie gave further details about the sexual molestation of the boys. He stated that the boys had been held by the head and ears and forced to perform oral sex on Jason and Damien. He named Steven Branch and Christopher Byers as the two victims who were raped. He stated that the boys had been tied with brown rope. A further contradiction in this story was added later when one of the interrogating officers testified that according to his notes Jessie had claimed that Baldwin had called him the night before the murders had occurred and said that they planned to go and get some boys and hurt them.

Dan Stidham was able to secure the expert testimonies of Dr Richard Ofshe and Warren Homes. Dr Ofshe, a Pulitzer Prize winning social psychologist and an expert on false and coerced confessions, believed after reading the confession, listening to the tape and interviewing Jessie Misskelley, that Jessie's confession was a coerced compliant and false confession. The reasons given for this conclusion were:

1. Many instances of coaching from the interrogating officers, especially in regard to the timing of events and Jessie's identification of Christopher Byers as the boy who had been emasculated.
2. That nearly three hours of the interview were not recorded.
3. That the interrogating officers had used intimidating methods during the interrogation.
4. That many areas of Jessie's confession were not supported by the facts.

Examples of incorrect information in Jason's "confession:"

1. Jessie stated that the victims and Jason Baldwin were not at school when in fact they were proven to have been in attendance
2. Jessie stated that the victims were bound with rope when in fact they were bound with their own shoelaces
3. Jessie stated that one boy was choked with a stick when the medical examiners report stated that there was no evidence of strangulation
4. Jessie stated that the boys were anally raped when in fact the medical examiner had found no evidence of this occurring
5. Jessie described the murders as having been conducted at the scene where the bodies were found when in fact the medical examiner had stated that there was no blood found at the scene.

Dr Ofshe was not permitted to state all of his opinion during the trial as Judge Burnett had previously ruled that Jessie's confession had been voluntary and Ofshe's testimony in this regard would directly contradict the court's previous ruling. Burnett also stated that such a testimony would give an expert witness the power to determine whether the accused was guilty or innocent which was solely the jury's domain. Finally, the jury only heard that Ofshe had a lot of experience with coerced confessions and it was possible for police to obtain a confession from someone who was in fact innocent, anything more specific was not allowed.

Warren Holmes, an expert in lie detection testing and interrogation who has studied and worked in this field for over thirty years, agreed to testify for the defense after he was approached by Daniel Stidham, despite the knowledge that he would not be paid for his services and only his expenses would be reimbursed.

At a hearing prior to the trial, Judge Burnett ruled that Warren Holmes could not testify regarding the polygraph examination itself. As polygraph test results are not admissible evidence he would only allow Holmes to testify to his experience and qualifications and to give an analyses of the interview techniques used during Jessie Misskelley's interrogation.

When Holmes analysed the polygraph test conducted by the WMPD on Jessie Misskelley he found that Jessie's responses to the questions relating to the murders indicated that Jessie was truthful in his answers and in fact did not have any knowledge of them. The WMPD interrogating officers' statement to Jessie that he had in fact lied, indicated that they had not conducted or interpreted the results of the tests properly. The result of being informed that he was lying would have greatly contributed to Jessie's sense of helplessness in the situation making him more likely to comply with the demand for a confession by the police.

According to Holmes there are a number of indicators which will validate to the investigators that a suspect's confession is true.

1. In a true confession the suspect will often give the police information about the crime that the police do not already know.

2. If a confession is true the suspect gives information that fits with the real evidence of the crime.
3. A true confession is usually given in a narrative form including many incidental details about the situation surrounding the crime which can be corroborated by police later
4. In a true confession, if the investigators make an incorrect supposition about the crime, the suspect will correct them.
5. In a true confession, there is no need to correct the suspect for contradictions in their story.
6. In a true confession there is no need for coaching or leading questions in order to elicit information.

Homes believed that there were many instances in Jessie's confession where these criteria were not met. He was especially concerned that Jessie was wrong about the times and the type of ligatures used. Both of these factors should have meant a great deal to him. Nor does Jessie mention anything about his feelings at the time of the crimes or afterwards, or talk about the things that were said by himself, the other perpetrators or the victims. Jessie's confession was elicited by a series of highly suggestive questions by the interrogating officers and was not given in a narrative form.

The testimony of these two witnesses was the strongest evidence that the defense had to refute the prosecution's case which was built solely upon the weight of Jessie's confession. Without this expert opinion, Jessie's case was severely hampered.



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West Memphis Three

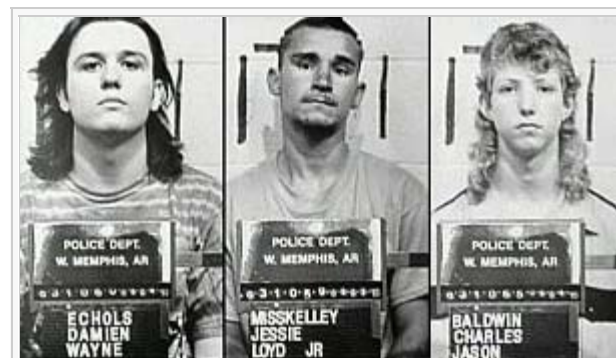



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The **West Memphis Three** are three men who were tried and convicted as teenagers in 1994 of the 1993 murders of three boys in [West Memphis, Arkansas](#). **Damien Echols** was [sentenced to death](#), **Jessie Misskelley, Jr.** was sentenced to [life imprisonment](#) plus two 20-year sentences, and **Jason Baldwin** was sentenced to [life imprisonment](#). During the trial, the prosecution asserted that the children were killed as part of a [satanic ritual](#).^{[1][2][3]} A number of documentaries have been based on the case, and celebrities and musicians have held fund raisers in the belief that they are innocent.

In July 2007, new [forensic evidence](#) was presented in the case and a status report jointly issued by the State and the Defense team stated, "Although most of the [genetic material](#) recovered from the scene was attributable to the victims of the offenses, some of it cannot be attributed to either the victims or the defendants." On October 29, 2007, the defense filed a *Second Amended Writ of Habeas Corpus*, outlining the new evidence.^[4]

Following a successful decision in 2010 by the [Arkansas Supreme Court](#) regarding newly produced DNA evidence,^[5] the West Memphis Three reached a [deal](#) with prosecutors. On August 19, 2011, they entered [Alford pleas](#), which allow them to assert their innocence while acknowledging that prosecutors have enough evidence to convict them. Judge David Laser accepted the pleas and sentenced the three to time served. They were released with ten-year [suspended sentences](#), having served 18 years and 78 days in prison.^[6]



The West Memphis Three photographed after their arrest in June 1993 by the West Memphis Police Department 

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The crime

Three eight-year-old boys—Stevie Branch, Michael Moore, and Christopher Byers—were reported missing on May 5, 1993. The first report to the police was made by Byers' adoptive father, John Mark Byers, around 7:00 p.m.^[7] The boys were allegedly last seen together by three neighbors, who in sworn affidavits told of seeing them playing together around 6:30 p.m. the evening they disappeared, and saw Terry Hobbs, stepfather of Stevie Branch, calling them to come home.^[8] Initial police searches made that night were limited.^[9] Friends and neighbors also conducted a search that night, which included a cursory visit to the location where the bodies were later found.^[9]

A more thorough police search for the children began around 8:00 a.m. on the morning of May 6, led by the Crittenden County Search and Rescue personnel. Searchers canvassed all of West Memphis, but focused primarily on Robin Hood Hills, where the boys were reported last seen. Despite a human chain making a shoulder-to-shoulder search of Robin Hood Hills, searchers found no sign of the missing boys.

Around 1:45 p.m., juvenile Parole Officer Steve Jones spotted a boy's black shoe floating in a muddy creek that led to a major drainage canal in Robin Hood Hills. A subsequent search of the ditch revealed the bodies of three boys. They were stripped naked and had been **hogtied** with their own shoelaces: their right ankles tied to their right wrists behind their backs, the same with their left arms and legs. Their clothing was found in the creek, some of it twisted around sticks that had been thrust into the muddy ditch bed.^[10] The clothing was mostly turned inside-out; two pairs of the boys' underwear were never recovered. Christopher Byers had lacerations to various parts of his body, and mutilation of his scrotum and penis.^[11]

The autopsies, by the forensic pathologist Frank J. Peretti, indicated that Byers died of "multiple injuries",^[11] while Moore and Branch died of "multiple injuries with drowning".^{[12][13]}

Police initially suspected the boys had been **raped**;^[10] however, later expert testimony disputed this finding despite trace amounts of sperm DNA found on a pair of pants recovered from the scene. Prosecution experts claim Byers' wounds were the results of a knife attack and that he had been purposely **castrated** by the murderer; defense experts claim the injuries were more probably the result of post-mortem animal predation. Police believed the boys were assaulted and killed at the location where they were found; critics argued that the assault, at least, was unlikely to have occurred at the creek.

Byers was the only victim with drugs in his system; he was prescribed **Ritalin** (methylphenidate) in January 1993, as part of an **attention-deficit hyperactivity disorder** treatment.^[9] The initial autopsy report describes the drug as **Carbamazepine**, and that dosage was found to be at sub-therapeutic level. John Mark Byers said that Christopher Byers may not have taken his prescription on May 5, 1993.^[14]

Victims

The three victims, Stevie Edward Branch, Christopher Byers and Michael Moore, were in the second grade at Weaver Elementary School; each had achieved the rank of "Wolf" in the local Cub Scout pack; and they were best friends.^[15]

Stevie Edward Branch

Stevie Edward Branch was the son of Steven and Pamela Branch, who divorced when he was an infant. His mother was awarded custody and later married Terry Hobbs. Branch was eight-years-old, 4 ft. 2 tall, weighed 65 lbs, and had blonde hair. He was last seen in blue jeans, white t-shirt on a black and red bicycle. He was an honor student. He lived with his mother, Pamela Hobbs, his stepfather, Terry Hobbs, and a four-year-old stepsister, Amanda.^[16]

Christopher Byers

Christopher Byers was born to Melissa DeFir and Ricky Murray. His parents divorced when he was four years old; shortly after, his mother married John Mark Byers who adopted the boy. Byers was eight-years-old, 4 ft. tall, weighed 52 lbs, and had light brown hair. He was last seen in blue jeans, dark shoes, and white long sleeve shirt. He lived with his mother, Sharon Melissa Byers, his stepfather, John Mark Byers, and his stepbrother, Shawn Ryan Clark, aged 13. According to his mother, he was a typical eight-year-old. "He still believed in the Easter Bunny and Santa Claus".^[16]

Michael Moore

Michael Moore was the son of Todd and Dana Moore. He was eight-years-old, 4 ft. 2 tall, weighed 55 lbs, and had brown hair. He was last seen in blue pants, blue Boy Scouts of America shirt, orange and blue Boy Scout hat on a light green bicycle. Moore enjoyed wearing his scout uniform even when he was not at meetings. He was considered the leader of the three. He lived with his parents and his nine-year-old sister, Dawn.^[16]

Suspects

Baldwin, Echols, and Misskelley

At the time of their arrests, Jessie Misskelley, Jr. was 17 years old, Jason Baldwin was 16 years old, and Damien Echols was 18 years old.^[17]

Baldwin and Echols had been arrested for [vandalism](#) and [shoplifting](#), respectively, and Misskelley had a reputation for his temper and for engaging in fistfights with other teenagers at school. Misskelley and Echols had dropped out of high school; however, Baldwin earned high grades and demonstrated a talent for drawing and sketching, and was encouraged by one of his teachers to study [graphic design](#) in college.^[9] Echols and Baldwin were close friends, and bonded over their similar tastes in music and fiction, and over their shared distaste for the prevailing cultural climate of West Memphis, situated in the [Bible Belt](#).^[9] Baldwin and Echols were acquainted with Misskelley from school, but were not close friends with him.^[9]

Echols' family was poor, with frequent visits from [social workers](#), and he rarely attended school. He had run off with an early girlfriend. The pair later broke into a trailer during a rain storm and were arrested, though only Echols was charged with [burglary](#).^[9] Police heard rumors that the young lovers had planned to have a child and [sacrifice](#) the infant; based on this story, they had Echols institutionalized for psychiatric evaluation. Echols denied allegations that he had chased a younger child with an ax, but did admit to attempting to remove a classmate's eyeball and while detained reportedly sucked blood from another boy's arm. He was diagnosed as [depressed](#) and [suicidal](#), and was prescribed the [antidepressant imipramine](#). Subsequent testing demonstrated poor [mathematical](#) skills, but also showed that Echols ranked above average in reading and verbal skills.

Echols spent several months in a mental institution in Arkansas, and afterward received "full disability" status from the [Social Security Administration](#).^[9] During Echols' trial, Dr. George W. Woods testified (for the defense) that Echols suffered from:

"... serious [mental illness](#) characterized by grandiose and persecutory delusions, auditory and visual [hallucinations](#), disordered thought processes, substantial lack of insight, and chronic, incapacitating mood swings."^[9]

At his death penalty sentencing hearing, Echols' psychologist reported that months before the murders, Echols claimed that he obtained super powers by drinking human blood.^[18]

At the time of his arrest, Echols was working part-time with a roofing company and expecting a child with his new girlfriend, Domini Teer.^[9]

Chris Morgan and Brian Holland

Early in the investigation, the WMPD briefly regarded two West Memphis teenagers as suspects. Chris Morgan and Brian Holland, both with drug offense histories, had abruptly departed for [Oceanside, California](#), four days after the bodies were discovered.^[19] Morgan was presumed to be at least casually familiar with all three murdered boys, having previously driven an ice cream truck route in their neighborhood.

Arrested in Oceanside on May 17, 1993, Morgan and Holland both took [polygraph](#) exams administered by California police. Examiners reported that both men's charts indicated deception when they denied involvement in the murders. During subsequent questioning, Morgan claimed a long history of drug and alcohol use, along with blackouts and memory lapses. He furthermore claimed that he "might have" killed the victims but quickly recanted this part of his statement.^[19]

California police sent blood and urine samples from Morgan and Holland to the WMPD, but there is no indication WMPD investigated Morgan or Holland as suspects following their arrest in California. The relevance of Morgan's recanted statement would later be debated in trial, but was eventually barred from admission as evidence.^[19]

"Mr. Bojangles"

The sighting of a black male as a possible alternate suspect was implied during the beginning of the Misskelley trial. According to local West Memphis police officers, on the evening of May 5, 1993, at 8:42 p.m., workers in the [Bojangles' restaurant](#) about a mile from the crime scene in Robin Hood Hills reported seeing a black male who seemed "mentally disoriented" inside the ladies' room of the restaurant. The man was bleeding and had brushed against the walls of the restroom. Officer Regina Meeks responded to the call, taking the restaurant manager's report through the restaurant's [drive through window](#). By then, the man had left and police did not enter the restroom on that date.^[20]

The following day after the victims' bodies were found, Bojangles' manager Marty King, thinking there was a possible connection to the bloody man found in the bathroom, repeated the incident to police officers who then inspected the ladies room. King gave the officers a pair of sunglasses he thought the man left behind and the detectives took some blood samples from the walls. Police detective Bryn Ridge testified that he later lost those blood scrapings taken from the walls and tiles of the restroom. A hair identified as belonging to a black male was later recovered from a sheet which was used to wrap one of the victims.^[20]

Investigation

Evidence and interviews

Police officers James Sudbury and Steve Jones felt that the crime had "cult" overtones, and that

Damien Echols might be a suspect because he had an interest in occultism, and Jones felt him capable of murdering children.^[10] They interviewed Echols on May 7, two days after the bodies were discovered.^[10] During a **polygraph** examination, he denied any involvement. The polygraph examiner claimed that Echols' chart indicated deception.^[9] On May 9, during a formal interview by Detective Bryn Ridge, Echols mentioned that one of the victims had wounds to the genitals, and this was felt to be incriminating knowledge.^[10]

After a month had passed with little progress in the case, police continued to focus their investigation upon Echols, interrogating him more frequently than any other person; however, they claimed he was not regarded as a direct suspect but a source of information.^[9]

On June 3 police interrogated Jessie Misskelley Jr. Misskelley, whose **IQ** was reported to be 72 (making him **borderline intellectual functioning**), was questioned alone; his parents were not present during the interrogation.^[9] Misskelley's father gave permission for Misskelley to go with police, but did not explicitly give permission for his **minor** son to be questioned or interrogated.^[9] Misskelley was questioned for roughly twelve hours; only two segments, totaling 46 minutes, were recorded.^[21] Misskelley quickly recanted his confession, citing intimidation, coercion, fatigue, and veiled threats from police.^{[3][9]}

Misskelley was a minor when he was questioned,^[3] and though informed of his **Miranda** rights, he later claimed he did not fully understand them.^[9] The **Arkansas Supreme Court** determined that Misskelley's confession was voluntary and that he did, in fact, understand the Miranda warning and its consequences.^[22] Misskelley specifically said he was "scared of the police" during his first confession.^[23] Portions of Misskelley's statements to the police were leaked to the press and reported on the front page of the Memphis *Commercial Appeal* before any of the trials began.^[9]

Shortly after Misskelley's original confession, police arrested Echols and his close friend Baldwin. Eight months after his original confession, on February 17, 1994, Misskelley made another statement to police with his lawyer Dan Stidham in the room continually advising Misskelley not to say anything. Misskelley ignored this advice continually and went on to detail how the boys were abused and murdered. Stidham, who was later elected to a municipal judgeship, has written a detailed critique of what he asserts are major police errors and misconceptions during their investigation.

Vicki Hutcheson

Vicki Hutcheson, a new resident of West Memphis, would play an important role in the investigation, though she would later recant her testimony, stating her statements were fabricated due in part to coercion from police.^{[9][24]}

On May 6, 1993 (the day the murder victims were found), Hutcheson took a **polygraph** exam by Detective Don Bray at the Marion Police Department to determine if she had stolen money from her West Memphis employer. Hutcheson's young son, Aaron, was also present, and proved such a distraction that Bray was unable to administer the polygraph. Aaron, a playmate of the murdered boys, mentioned to Bray that the boys had been killed at "the playhouse." When the bodies proved to have been discovered near where Aaron indicated, Bray asked Aaron for further details, and Aaron claimed that he had witnessed the murders committed by Satanists who spoke **Spanish**. Aaron's further statements were wildly inconsistent, and he was unable to identify Baldwin, Echols or Misskelley from photo line-ups, and there was no "playhouse" at the location Aaron indicated. A police officer leaked portions of Aaron's statements to the press contributing to the growing belief that the murders were part of a satanic rite.

On or about June 1, 1993, Hutcheson agreed to police suggestions to place hidden microphones in her home during an encounter with Echols. Misskelley agreed to introduce Hutcheson to Echols. During their conversation, Hutcheson reported that Echols made no incriminating statements. Police said the recording was "inaudible", but Hutcheson claimed the recording was audible. On June 2,

1993, Hutcheson told police that about two weeks after the murders were committed, she, Echols and Misskelley attended a [Wiccan](#) meeting in [Turrell, Arkansas](#). Hutcheson claimed that, at the Wiccan meeting, a drunken Echols openly bragged about killing the three boys. Misskelley was first questioned on June 3, 1993, a day after Hutcheson's purported confession. Hutcheson was unable to recall the Wiccan meeting location, and did not name any other participants of the purported meeting.^[3] Hutcheson was never charged with theft. She claimed she implicated Echols and Misskelley to avoid facing criminal charges and to obtain a reward for the discovery of the murderers.^[3]

Trials

Misskelley was tried separately, and Echols and Baldwin were tried together in 1994. Under the "[Bruton rule](#)", Misskelley's confession could not be admitted against his co-defendants and thus he was tried separately. They all pleaded not guilty.^[25]

Misskelley's trial

During Misskelley's trial, Dr. [Richard Ofshe](#), an expert on [false confessions](#) and police coercion and Professor of Sociology at [UC Berkeley](#), testified that the brief recording of Misskelley's interrogation was a "classic example" of police [coercion](#).^[26] Critics have also stated that Misskelley's "confessions" were in many respects inconsistent with themselves and the particulars of the crime scene and murder victims, including (for example) an "admission" that Misskelley "watched Damien rape one of the boys."^[27] Police had initially suspected that the victims had been raped because their anuses were dilated. However there was no forensic evidence indicating that the murdered boys had been raped and dilated [anuses](#) are a normal post-mortem condition.^[9]

On February 5, 1994, Misskelley was convicted by a jury of one count of first-degree murder and two counts of second-degree murder.^[28] The court sentenced him to life plus 40 years in prison.^[29] His conviction was appealed and affirmed by the Arkansas Supreme Court.

Echols and Baldwin's trial

Three weeks later Echols and Baldwin went on trial where the prosecution accused the three of committing a Satanic murder. The prosecution called Dale W. Griffis, a graduate of [Columbia Pacific University](#), as an expert in the occult to testify the murders were a Satanic ritual.^[30] On March 19, 1994 Echols and Baldwin were found guilty on three counts of murder.^[31] The court sentenced Echols to death and Baldwin to life in prison.^[3]

At trial, the defense team argued that news articles from the time could have been the source for Echols' knowledge about the genital mutilation, but the prosecution claimed that Echols' knowledge, which Echols said was limited to what was "on TV", was nonetheless too close to the actual facts, since there was no public knowledge of drowning or that one victim had been mutilated more than the others. Echols testified that Ridge's description of the conversation (which was not recorded) regarding those particular details was inaccurate (and indeed that some other claims by Ridge were "lies"). The author Leveritt argues that Echols' information may have come from police leaks, such as Detective Gitchell's comments to Mark Byers, that then circulated amongst the local public.^{[9][26]} The defense team objected during cross-examination of Echols when the prosecution attempted to question him about his past violent behaviors, but were overruled.^[32]

Aftermath

Investigative criticism

There has been widespread criticism of how the police handled the [crime scene](#).^[9] Misskelley's former attorney Dan Stidham cites multiple substantial police errors at the crime scene, characterizing

it as "literally trampled, especially the creek bed." The bodies, he said, had been removed from the water before the coroner arrived to examine the scene and determine the state of [rigor mortis](#), allowing the bodies to decay on the creek bank, and to be exposed to sunlight and insects. The police did not telephone the coroner until almost two hours after the discovery of the floating shoe, resulting in a late appearance by the coroner. Officials failed to drain the creek in a timely manner and secure possible evidence in the water (the creek was sandbagged after the bodies were pulled from the water). Stidham calls the coroner's investigation "extremely substandard." There was a small amount of blood found at the scene that was never tested. According to HBO's documentaries *Paradise Lost: The Child Murders at Robin Hood Hills* (1996) and *Paradise Lost 2: Revelations* (2000), no blood was found at the crime scene, indicating that the location where the bodies were found was not necessarily the location in which the murders actually happened. After the initial investigation, the police failed to control disclosure of information and speculation about the crime scene.^[33]

According to Mara Leveritt, investigative journalist and author of *Devil's Knot*, "Police records were a mess. To call them disorderly would be putting it mildly."^[9] Leveritt speculated that the small local police force was overwhelmed by the crime, which was unlike any they had ever investigated. Police refused an unsolicited offer of aid and consultation from the violent crimes experts of the [Arkansas State Police](#), and critics suggested this was due to the WMPD being investigated by the Arkansas State Police for suspected theft from the [Crittenden County](#) drug task force.^[9] Leveritt further noted that some of the physical evidence was stored in paper sacks obtained from a supermarket (with the supermarket's name printed on the bags) rather than in containers of known and controlled origin.

Leveritt also mistakenly presumed that the crime scene video was shot minutes after Detectives Mike Allen and Bryn Ridge recovered two of the bodies, when in fact the camera was not available for almost thirty minutes afterward.^[26]

When police speculated about the assailant, the juvenile probation officer assisting at the scene of the murders speculated that Echols was "capable" of committing the murders, stating "it looks like Damien Echols finally killed someone."^[9]

Brent Turvey, a Forensic Scientist and Criminal Profiler, stated in the film *Paradise Lost 2* that human bite marks could have been left on at least one of the victims. However, these potential bite marks were first noticed in photographs years after the trials and were not inspected by a board-certified medical examiner until four years after the murders. The defense's expert testified that the mark in question was not an adult bite mark, while experts put on by the State concluded that there was no bite mark at all.^[34] The State's experts had examined the actual bodies for any marks and others conducted expert photo analysis of injuries. Upon further examination, it was concluded that if the marks were bite marks, they did not match the teeth of any of the three convicted.^[35]

Appeals and new evidence

In May 1994, the three appealed their convictions.^[36] The convictions were upheld on direct appeal.^{[22][37]} In 2007, Echols petitioned for a retrial based on a statute permitting post-conviction testing of DNA evidence due to technological advances made since 1994 which might provide exoneration for the wrongfully convicted.^[38] However, the original trial judge, Judge [David Burnett](#), disallowed presentation of this information in his court. This ruling was in turn thrown out by the Arkansas Supreme Court.

The knife of John Mark Byers (1993)

John Mark Byers, the adoptive father of victim Christopher Byers, gave a knife to cameraman Doug Cooper, who was working with documentary makers [Joe Berlinger](#) and Bruce Sinofsky while they were filming the first *Paradise Lost* feature. The knife was a folding [hunting knife](#), manufactured by [Kershaw](#). According to the statements given by Berlinger and Sinofsky, Cooper informed them of his

receipt of the knife on December 19, 1993. After the documentary crew returned to New York, Berlinger and Sinofsky reported to have discovered what appeared to be blood on the knife. HBO executives ordered them to return the knife to the West Memphis Police Department. The knife was not received at the West Memphis Police Department until January 8, 1994.

Byers initially claimed the knife had never been used. Blood was found on the knife and Byers then stated that he had used it only once, to cut deer meat. When told the blood matched both his and Chris' blood type, Byers said he had no idea how that blood might have gotten on the knife. During interrogation, West Memphis police suggested to Byers that he might have left the knife out accidentally, and Byers agreed with this.^[9] Byers later stated that he may have cut his thumb. Further testing on the knife produced inconclusive results, due in part to the rather small amount of blood,^[9] and because both John Mark Byers and Chris Byers had the same [HLA-DQα](#) genotype.

John Mark Byers agreed to, and subsequently passed, a polygraph test during the filming of *Paradise Lost 2: Revelations* in regard to the murders, but the documentary indicated that Byers was under the influence of several psychoactive prescription medications that could have affected the test results.

Possible teeth imprints

Following their convictions, Echols, Misskelley and Baldwin submitted imprints of their teeth that were compared to alleged bite-marks on Stevie Branch's forehead not mentioned in the original autopsy or trial. No matches were found.^[39] Byers had his teeth removed in 1997—after the first trial. He has offered apparently contradictory reasons for their removal: in one instance claiming that seizure medication he was taking caused periodontal disease, and in yet another claiming other kinds of dental problems which had troubled him for years.^[40]

After an expert examined autopsy photos and noted what he thought might be the imprint of a belt buckle on Byers' corpse, the elder Byers revealed to the police that he had spanked his stepson shortly before the boy disappeared.^[9]

Vicki Hutcheson recants

In October 2003, Vicki Hutcheson, who played a part in the arrests of Misskelley, Echols and Baldwin, but did not testify at the trial, gave an interview to the *Arkansas Times* in which she stated that every word she had given to the police was a fabrication.^[41] She further asserted that the police had insinuated if she did not cooperate with them they would take away her child.^[41] She noted that when she visited the police station they had photographs of Echols, Baldwin, and Misskelley on the wall and were using them as [dart](#) targets.^[41] She also claims that an audio tape the police claimed was "unintelligible" (and eventually lost) was perfectly clear and contained no incriminating statements.^[41]

DNA testing and new physical evidence (2007–2010)

In 2007, DNA collected from the crime scene was tested. None was found to match DNA from Echols, Baldwin, nor Misskelley. In addition, a hair "not inconsistent with" Terry Hobbs, stepfather to Stevie Branch, was found tied into the knots used to bind one of the victims.^{[42][43]} The prosecutors, while conceding that no DNA evidence ties the accused to the crime scene, said that, "The State stands behind its convictions of Echols and his codefendants."^[44]

On October 29, 2007 papers were filed in federal court by Damien Echols' defense lawyers seeking a [retrial](#) or his immediate release from prison. The filing cited DNA evidence linking Terry Hobbs (stepfather of one of the victims) to the crime scene, and new statements from Hobbs' now ex-wife. Also presented in the filing was new expert testimony that the alleged knife marks on the victims were the result of animal predation after the bodies had been dumped. This included the injuries to Byers' genitals.^{[4][45]}

On September 10, 2008 Circuit Court Judge David Burnett denied the request for a retrial, citing the

DNA tests as inconclusive.^[46] That ruling was appealed to the Arkansas Supreme Court, which heard oral arguments in the case on September 30, 2010.

Foreman and jury misconduct (2008)

In July 2008, it was revealed that Kent Arnold, the jury foreman on the Echols/Baldwin trial, discussed the case with an attorney prior to the beginning of deliberations and advocated for the guilt of the West Memphis Three as a result of the inadmissible Jessie Misskelley statements.^[47] Legal experts have agreed that this issue has the strong potential to result in the reversal of the convictions of Jason Baldwin and Damien Echols.^[47]

In September 2008, Attorney (now Judge) Daniel Stidham, who represented Jessie Misskelley in 1994, testified at a postconviction relief hearing. Stidham testified under oath that, during the trial, Judge David Burnett erred by making an improper communication with the jury during its deliberations. Stidham overheard Judge Burnett discuss taking a lunch break with the jury foreman and the foreman reply the jury was almost finished. He testified Judge Burnett responded, "You'll need food for when you come back for sentencing", and that the foreman asked in return what would happen if the defendant was acquitted. Stidham said the Judge closed the door without answering. He testified that his own failure to put this incident on the court record and his failure to meet the minimum requirements in state law to represent a defendant in a capital murder case was evidence of *ineffective assistance of counsel* and that Misskelley's conviction should therefore be vacated.^[48]

Arkansas Supreme Court ruling

On November 4, 2010 the [Arkansas Supreme Court](#) ordered a lower judge to consider whether newly-analyzed DNA evidence might exonerate the three.^[49] The justices also said a lower court must examine claims of misconduct by the jurors who sentenced Damien Echols to death and Jessie Misskelley and Jason Baldwin to life in prison.^[49]

In early December 2010, Circuit Court Judge David Laser was selected to replace David Burnett, who was elected to the [Arkansas State Senate](#), to preside in the evidentiary hearings following the successful appeal.^[50]

Plea deal and release

After weeks of negotiations on August 19, 2011, Echols, Baldwin and Misskelley were released from prison as part of an [Alford plea](#) deal, a rare legal mechanism in which "no contest" pleas are entered but innocence is nevertheless maintained. An Alford plea concedes that prosecutors have sufficient evidence to secure a conviction but reserves the right to assert innocence. Stephen Braga, a prominent attorney with Ropes & Gray who took up Echols's defense on a pro bono basis beginning in 2009, negotiated the plea agreement with prosecutors.^[51] Under the deal, Judge David Laser vacated the previous convictions, including the capital murder convictions for Echols and Baldwin, and ordered a new trial. Each man then entered an Alford plea to lesser charges of first and second degree murder while verbally stating their innocence. Judge Laser then sentenced them to [time served](#), a total of 18 years and 78 days, and they were given a Suspended Imposition of Sentence for 10 years.^[52] If they re-offend they can be sent back to prison for 21 years.^[53]

The Alford plea deal meant that the hearing ordered by the Arkansas Supreme Court in November 2010, scheduled for December 2011 before Judge Laser, became unnecessary.^[52] Factors cited by prosecutor Scott Ellington for agreeing to the plea deal included the fact that two of the victims' families have joined forces with the defense, the mother of a witness who testified about Echols's confession has questioned her daughter's truthfulness, and the State Crime Lab employee who collected fiber evidence at the Echols and Baldwin homes after their arrests has died.^[54] As part of the plea deal, they can not pursue civil action against the state for wrongful imprisonment.^[55]

Many of their supporters as well as opponents who still believe them guilty resented the unusual plea

deal.^[56] Supporters are pushing the Arkansas Governor Mike Beebe to pardon Echols, Baldwin and Misskelley based on their innocence. Beebe plans to deny the request absent evidence showing someone else committed the murders.^[57] Prosecutor Scott Ellington said the Arkansas state crime laboratory would run searches on any DNA evidence produced in private laboratory tests in the defense's investigation. This would include running the results through the FBI's [Combined DNA Index System](#) database.^[58] Ellington said that although he still considered the men guilty, the three would likely be acquitted if a new trial were held given the powerful legal counsel representing them now, the loss of evidence over time, and the change of heart among some of the witnesses.^[59]

Family and law enforcement opinions

The families of the three victims are divided in their opinions as to the guilt or innocence of the West Memphis Three. In 2000, the biological father of Christopher Byers, Rick Murray, described his doubts about the guilty verdicts on the West Memphis Three website.^[60] In 2007, Pamela Hobbs, the mother of victim Stevie Branch, joined those who have publicly questioned the verdicts, calling for a reopening of the verdicts and further investigation of the evidence.^[61] In late 2007, John Mark Byers also announced that he now believes that Echols, Misskelley, and Baldwin are innocent.^[62] "I had made the comment if it were ever proven the three were innocent, I'd be the first to lead the charge for their freedom," said Byers. "Every opportunity that I have to voice that the West Memphis Three are innocent and the evidence and proof prove [*sic*] they're innocent."^[63] Byers has been speaking to the media on behalf of the convicted and has expressed his desire for justice for the families of both the victims and the three accused.^[63]

In 2010, district Judge Brian S. Miller ordered Terry Hobbs, the stepfather of victim Stevie Branch, to pay \$17,590 to [Dixie Chicks](#) singer [Natalie Maines](#) for legal costs stemming from a defamation lawsuit he filed against the band. Miller dismissed a suit Hobbs filed over Maines's remarks at a 2007 Little Rock rally implying he was involved in killing his stepson. The judge said Hobbs had voluntarily injected himself into a public controversy over whether three teenagers convicted of killing the three 8-year-old boys had been wrongfully condemned.^[64]

[John E. Douglas](#), a former longtime FBI agent who has interviewed the country's most prolific serial killers during his years with the FBI and works as a profiler to help police in their searches for violent criminals, said the slayings of the three West Memphis boys weren't the work of three unsophisticated teenage killers, but that of a single person who set out to degrade and punish the victims.^[65]

Douglas was formerly FBI Unit Chief of the Investigative Support Unit of the [National Center for the Analysis of Violent Crime](#) for 25 years. Douglas stated in his report for Echols' legal team that there was no evidence for Satanic ritual involvement in the killings and agreed with the post-mortem animal predation explanation for the alleged knife injuries. Douglas believed that the perpetrator had a violent history and was familiar with the victims and geography. He stated that the victims had died from a combination of blunt force trauma wounds and drowning in a personal cause driven crime.^[4]

Documentaries, publications and studies

Three films, *[Paradise Lost: The Child Murders at Robin Hood Hills](#)*, *[Paradise Lost 2: Revelations](#)*, and *[Paradise Lost 3: Purgatory](#)*, directed by [Joe Berlinger](#) and [Bruce Sinofsky](#) have documented this case and were strongly critical of the verdict. The movie marked the first time [Metallica](#) allowed their music to be used in a movie, which drew attention to the case.^[66]

There have been a number of books, including *[Blood of Innocents](#)* by [Guy Reel](#), *[The Last Pentacle of the Sun: Writings in Support of the West Memphis Three](#)*, edited by Brett Alexander Savory & M. W. Anderson, featuring dark fiction and non-fiction by well-known speculative fiction writers, and *[Devil's Knot](#)* by [Mara Leveritt](#), which also argue that the suspects were wrongly convicted. In 2005, Damien Echols completed his memoir, *[Almost Home, Vol 1](#)*, offering his perspective of the case.^[67] A

forthcoming book by Greg Day in defense of John Mark Byers has not yet been released.^[68]

In 2002, [Henry Rollins](#) worked with other vocalists from various well-known rock, hip hop, punk and metal groups and members of [Black Flag](#) and the [Rollins Band](#) on the compilation album *Rise Above: 24 Black Flag Songs to Benefit the West Memphis Three*. All money raised from sales of the album are donated to the legal funds of the West Memphis Three. Metalcore band [Zao](#)'s 2002 album *Parade of Chaos* included a track inspired by the case named "Free The Three". On April 28, 2011, the band [Disturbed](#) released a song entitled "3" as a download on their website. The song is about the West Memphis Three, with 100% of the proceeds going to their benefit foundation for their release.^[69]

A website by Martin David Hill, containing approximately 160,000 words and intending to be a "thorough investigation", collates and discusses many details surrounding the murders and investigation, including some anecdotal information.^[70]

Investigative journalist [Aphrodite Jones](#) undertook an exploration of the case on her [Discovery Network](#) show *True Crime With Aphrodite Jones* following the DNA discoveries. The episode premiered May 5, 2011, with extensive background information included on the show's page at the Investigation Discovery site. In August 2011, White Light Productions announced that the West Memphis Three will be featured on their new program, *Wrongfully Convicted*.^[71]

In January, 2010, the CBS television news journal *48 Hours* aired "The Memphis 3", an in depth coverage of the history of the case including interviews with Echols and supporters. On September 17, 2011, *48 Hours* re-aired the episode with the update of their release and interviews from Echols and his wife, and Baldwin. *Piers Morgan Tonight* aired an episode on September 29, 2011, about them discussing their plans for the future and continued investigations on the case.

West of Memphis, directed and written by [Amy J. Berg](#), and produced by [Peter Jackson](#), as well as Echols himself, premiered at the [2012 Sundance Film Festival](#).

Defendants

Jessie Misskelley

Jessie Misskelley Jr. (born July 10, 1975) was arrested in connection to the murders on May 5, 1993. After a reported 12 hours of interrogation by police, Misskelley, who has an IQ of 72, confessed to the murders, and implicated Baldwin and Echols. However, the confession was at odds with facts known by police, such as the time of the murders.^{[72][73]} Under the "*Bruton* rule", his confession could not be admitted against his co-defendants and thus he was tried separately. Misskelley was convicted by a jury of one count of first-degree [murder](#) and two counts of second-degree murder. The court sentenced him to [life](#) plus 40 years in prison. His conviction was [appealed](#) and affirmed by the Arkansas Supreme Court.^[74]

On August 19, 2011, Misskelley, along with Baldwin and Echols, entered an [Alford plea](#). Judge David Laser then sentenced them to 18 years and 78 days, the amount of time they had served, and also levied a suspended sentence of 10 years. All three were released from prison that same day.^[72] Since his release, he has gotten engaged to his high school girlfriend and enrolled in a community college to become an auto mechanic.

Charles Jason Baldwin

Charles Jason Baldwin^[75] (born April 11, 1977) along with Misskelley and Echols, entered an [Alford plea](#) on August 19, 2011.^[76] Baldwin pled guilty to three counts of [first degree murder](#) while still asserting his actual innocence. The judge then sentenced the three men to 18 years and 78 days, the amount of time they had served, and also levied a suspended sentence of 10 years. Baldwin was initially resistant to this deal, insisting as a matter of principle that he would not plead guilty to

something he did not do. But, he said, his refusing the deal would have meant Echols stayed on death row. "This was not justice," he said of the deal. "However, they're trying to kill Damien."^[77] Since his release, he has moved to Seattle to live with friends and is in a relationship with a woman who befriended him while he was in prison. He has stated that he plans on enrolling in college to become a lawyer helping [wrongfully convicted](#) persons prove their innocence.^[78] Baldwin stated in an interview with [Piers Morgan](#) that he now works for a construction company and he is learning how to drive.^[79]

Damien Wayne Echols

Damien Wayne Echols (born **Michael Wayne Hutchison**,^[80] December 11, 1974) was on death row, locked-down 23 hours per day at the [Varner Unit Supermax](#).^[3] On August 19, 2011, Echols, along with the two others collectively known as the West Memphis Three, were released from prison after their attorneys and the judge handling the upcoming retrial agreed to a deal. Under the terms of the [Alford guilty plea](#), Echols and his co-defendants accepted the sufficiency of evidence supporting the three counts of [first degree murder](#) while maintaining their innocence. DNA evidence failed to connect Echols or his co-defendants to the crime.

The mental stability of Damien Echols during the years immediately prior to the murders and also during his trial was the focus of his appellate legal team in their appeal attempts. In his efforts to win a new trial, Echols, 27 at the time of the appeal, claimed he was incompetent to stand trial because of a history of mental illness. The record on appeal spells out a long history of Echols's mental health problems, including a May 5, 1992, Arkansas Department of Youth Services referral for possible mental illness, a year to the day before the murders.^[81] Hospital records for his treatment in Little Rock 11 months before the killings show a history of self-mutilation, and assertions to hospital staff that he gained power by drinking blood, that he had inside him the spirit of a woman who had killed her husband and that he was having hallucinations. He also told mental health workers that he was "going to influence the world."^[81] The appellate legal team argued that Echols didn't waive his assertion that he wasn't mentally competent before his 1994 trial because he wasn't competent to waive it. To assist in the appeals process, Echols' appellate legal team retained a [Berkeley](#)-based forensic psychiatrist, Dr. George Woods, to make their case.^[82]

Echols' lawyers claimed that his condition worsened during the trial, when he developed a "psychotic euphoria that caused him to believe he would evolve into a superior entity," and eventually be transported to a different world. His psychosis dominated his perceptions of everything going on in court, Woods wrote.^[81] Echols' mental state, while in prison awaiting trial, was also called into question by his appellate team. While in prison Damien wrote letters to Gloria Shettles, an investigator for his defense team.^[83] Echols sought to overturn his conviction based on trial error including juror misconduct, as well as with the results of a DNA Status Report filed on July 17, 2007, which concluded "none of the [genetic material](#) recovered at the scene of the crimes was attributable to Mr. Echols, Echols' co-defendant, Jason Baldwin, or defendant Jessie Misskelley Although most of the genetic material recovered from the scene was attributable to the victims of the offenses, some of it cannot be attributed to either the victims or the defendants."^[84] Advanced DNA and other scientific evidence — combined with additional evidence from several different witnesses and experts — released in October 2007 has thrown the original ruling into question. A hearing on his petition for a writ of [habeas corpus](#) is pending in the Federal District Court for the Eastern District of Arkansas.^[85]

In 1999, he married while he was in prison.^[86] Until August 2011, he was incarcerated in the [Arkansas Department of Correction](#) (ADC) Varner Unit [Supermax](#).^{[87][88]} Echols, ADC# 000931, entered the system on March 19, 1994.^[88] On August 19, 2011, Echols, along with Baldwin and Misskelley, entered an [Alford plea](#).^[76] The judge then sentenced them to 18 years and 78 days, the amount of time they had served, and also levied a suspended sentence of 10 years. Echols' sentence

was reduced to three counts of **first degree murder**. Lawyers representing the West Memphis Three reached the plea deal that allowed the men to walk free. They were transferred to the hearing with their possessions. The plea deal did not technically result in a full exoneration; some of the convictions would stand, though the men would not admit guilt. The counsel representing the men said they would continue to pursue full exoneration.^[89]

Echols co-wrote the lyrics to the song "Army Reserve", on **Pearl Jam's self-titled album**.^[90] Punk musician **Michale Graves**, formerly of **The Misfits**, has written music to coincide with Echols' poetry. Echols and Graves released an album titled *Illusions*, in October 2007. Echols has published his memoirs, *Almost Home: My Life Story Vol. 1*. His poetry has appeared in the *Porcupine Literary Arts* magazine (Volume 8, Issue 2), and he has written **non-fiction** for the *Arkansas Literary Forum*.^[91] Since his release, he has moved to New York with his wife and has no intentions of returning to Arkansas. In an interview with **Piers Morgan**, he stated that he would like to have a career in writing and **visual arts**.

See also

- Norfolk Four**

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