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West Memphis Three

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

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]

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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 7 May, 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 9 May, 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 newspaper 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 behaviours, 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 pre-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-DQ α 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, Calif.-based forensic psychiatrist, Dr. George Woods; see George Woods Affidavit, to make their case.

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.[82] 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 ... [a]lthough 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.

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Enumerated defendants

History of Arkansas

Murder committed by minors

People convicted of murder by Arkansas

American people convicted of murder

American prisoners sentenced to death

American murderers of children

Hidden categories:

Wikipedia articles needing page number citations from July 2009

Wikipedia indefinitely semi-protected biographies of living people

Mother of slain Scout wants West Memphis Three case reopened

Thu, Jan 26 2012

By Suzi Parker

LITTLE ROCK, Ark (Reuters) - The mother of one of the three Cub Scouts killed in Arkansas in 1993 - a case that is the subject of a documentary nominated for an Academy Award - wants the case reopened because of what she called crucial new evidence.

"Paradise Lost 3: Purgatory," which was nominated this week for a documentary feature Oscar, explores the release from prison of the men known as the West Memphis Three. Damien Echols, Jason Baldwin and Jessie Misskelley spent 18 years behind bars, accused of killing three 8-year-old boys in West Memphis, a city on the banks of the Mississippi River.

Police called the murders of Steven Branch, Christopher Byers and Michael Moore "satanic" because the children's naked bodies had been bound and mutilated.

The three men were released in August after they took a bargain in which they could continue to claim their innocence but pleaded guilty in exchange for an 18-year sentence and credit for time served. DNA tests did not link the men to the crime scene and, in fact, showed the presence of others who have never been identified.

"I am content in my heart that Damien Echols, Jason Baldwin and Jessie Misskelley did not murder my son," Steven Branch's mother, Pam Hobbs, said this week in a news release.

Hobbs wants the state of Arkansas to examine what she called crucial new evidence involving Terry Hobbs, her ex-husband and the stepfather of Branch.

Last week, lawyers for the West Memphis Three released polygraph tests from three new witnesses who say that Terry Hobbs' nephew, Michael Hobbs Jr., told friends that his uncle murdered the three boys.

Echols' attorneys say that this new information reveals that people closest to Terry Hobbs may have more information than they previously acknowledged.

"These three young witnesses are very willing to cooperate," Lonnie Soury, a spokesman for Echols, told Reuters.

Neither Terry Hobbs nor Michael Hobbs Jr. could not be reached for comment, but Terry Hobbs has long denied any wrongdoing.

"From the very beginning until this moment, state and local officials has reassured me at every turn of the case there has never been one speck of evidence in me as a suspect," Terry Hobbs said in a statement last August after the three men were released.

Scott Ellington, a prosecutor in Jonesboro, Ark., said in August that if new, credible evidence was produced that he would be willing to re-examine the case.

He told Reuters on Tuesday that he had just received a packet from Echols' attorneys containing the new information.

"I haven't had a chance to read through it all and digest it but I will," he said.

Some parents of the three murdered children just want the case to go away.

Todd and Diana Moore, parents of Michael Moore, asked the Academy of Motion Picture Arts and Sciences to exclude "Paradise Lost 3: Purgatory" from nomination consideration because they say it glorifies the West Memphis Three. The film is the third in an HBO series about the murders.

"This film should be exposed as a fraud, not rewarded with an Academy Award nomination," the Moores wrote in a letter to the Academy on Tuesday.

The case is also the subject of a second documentary, "West of Memphis." That film from "Lord of the Rings" director Peter Jackson screened last week at the Sundance Film Festival in Utah.

(This version corrects title for Soury to show he is a spokesman for Echols, not an attorney for Echols)

(Reporting by Suzi Parker; Editing by Corrie MacLaggan and [Paul Thomasch](#))

Peter Jackson's West Memphis 3 Doc Reveals New Allegations

Fri, Jan 20 2012

Peter Jackson's "West of Memphis" documentary reveals fresh allegations in the 1993 murder case of three young boys in Arkansas.

In the documentary, screening at Sundance Friday, three new witnesses undergo polygraph tests. They declared under penalty of perjury that the nephew of Terry Hobbs, the stepfather of one of the young victims, told them his uncle was behind the murders.

According to lawyers working on the so-called West Memphis 3 case, three friends of Michael Hobbs Jr. came forward a few weeks ago after seeing a "48 Hours" special on the case. Damein Echols, Jason Baldwin and Jessie Misskelley, Jr. have long professed their innocence of the killings, and the case, and fight for their release has been chronicled in a trilogy of documentaries by Joe Berlinger and Bruce Sinofsky.

In August 2011, the men were freed after nearly two decades behind bars and intense celebrity lobbying for their release. Berlinger and Sinofsky, who scrambled to add the info to "Paradise Lost 3" before its HBO debut last week, also points the finger at Hobbs.

Also read: Out of Prison, West Memphis 3 Ex-Con Seeks Justice

Lonnie Soury, part of the investigative team being financed in part by Peter Jackson and Fran Walsh, told TheWrap that the new information came from a Dec. 11 call on the confidential tip line set up three years ago.

"Three eyewitnesses placed Terry Hobbs with the children immediately before they disappeared," Soury said.

Also read: 'West Memphis Three' Killers Freed After 18 Years

This contracted Hobbs' statement under oath that he didn't see the children the day they were murdered. The team quickly brought the witnesses to Washington, D.C. for polygraphs, he told TheWrap.

"This is critical new information," Stephen Braga, an attorney for Echols, said. "With the secret now out, let's hope that someone in the Hobbs family has the heart, the soul and the courage to come forward to tell the truth directly."

Braga has given the new investigative materials to a district attorney for review.

The earlier convictions were not overturned completely. Rather through a legal maneuver, the three men will maintain their innocence, while acknowledging that there was enough evidence against them for a murder conviction.

A district court judge said the men had served their time, but issued a 10-year suspended sentence against them.

Soury said that the information was released Friday in advance of the screening, because the film covers some of the recent developments. "Once the information was out there, it would not be confidential."

According to an account by law firm Ropes & Gray, one witness that recently came forward said Hobbs Jr. picked up his friends in his truck.

"He was very quiet and upset," the witness said. "Michael then said to us, 'You are not going to believe what my dad told me today. My Uncle Terry murdered the three little boys.' According to

Michael, his dad called this 'The Hobbs Family Secret,' and he asked us to keep it a secret and not tell anyone."

Another witness recounted said that, while playing pool with Hobbs Jr. in his basement, he made the same revelation.

A third witness said that, while he was at Hobbs Jr.'s home in 2003 or 2004, he was told he couldn't go to the basement to play pool because Michael Hobbs Sr. and Terry Hobbs were talking. The witness said he " listened with Michael Jr. at the top of the stairs. I heard two men talking. One appeared to be very upset even crying and he said 'I am sorry, I regret it.' The other man was trying to console him and said, 'You are in the clear, no one thinks you are a suspect, those guys are already in prison.' "

Eyewitnesses have said they saw Hobbs Sr. with the three boys on the day of the murders. DNA consistent with Hobbs was found in the knot of a shoelace that was used to tie another one of the victims.

Hobbs has insisted he's innocent, saying he didn't see the boys the day they were killed.

Related Articles: [Out of Prison, West Memphis 3 Ex-Con Seeks Justice](#) 'West Memphis Three' Killers Freed After 18 Years [Atom Egoyan to Direct Movie Based on 'West Memphis Three'](#)

Mar 9, 2010

WEST MEMPHIS THREE ON 48 HOURS

Categories: Essays

Written By: Billy Sinclair

Let me state at the outset I do not know if Damien Echols, Jason Baldwin, and Jessie Misskelly are guilty of the brutal murders of three eight year old boys: Stevie Branch, Michael Moore, and Chris Byers. The murders occurred in May 1993, apparently at or around a local playground known as Robin Hood Hills in Crittenden County, Arkansas where children were known to play. The playground at the time was near a major interstate. The horrible nature of the murders shocked the rural West Memphis community, and the crime was quickly linked to “satanic cult” worshipping and sacrifice (both of which were part of a national media craze in the early 1990s).

And that’s where Damien Echols came into the picture. He was a troubled teenager who always dressed in black, wore his hair in styles similar to “Satan worshippers,” and had some serious psychological problems. In fact, a local juvenile probation officer named Jerry Driver who was assisting the police at the crime scene immediately tagged Echols at the crime scene as the person probably responsible for the murders. Perhaps it was Driver’s initial assessment of the crime scene itself or the official belief that the murders of the young boys was tied to Satanism which prompted the local police to round up, question, and even polygraph a number of West Memphis teenagers, including Echols.

The public record in the West Memphis Three case suggests Echols actually requested a polygraph examination which, according to the police and the polygraph examiner, revealed the teenager was being deceptive about his alleged involvement in the crime. But these findings are subject to critical debate because no written record of the polygraph examination was kept, leaving its conclusion in serious doubt. But the “deceptive” findings of that initial polygraph examination, and the fact that Echols had reportedly boasted in the presence of others about his involvement in the murders, led the West Memphis Police Department to believe Echols and his two frequent associates, Baldwin and Misskelly (who was, perhaps still is, borderline intellectually challenged) were responsible for the murders.

This is where the case takes its most incriminating turn against the West Memphis Three. With the approval of Misskelly’s father, the police took the teenager into quasi-official custody at which time he confessed, primarily pointing the finger of blame at Echols and Baldwin. All three teenagers were arrested and charged with the murders of the young boys. While Misskelly has recanted that original confession, claiming it was the product of police coercion, six months later he confessed a second time in much greater detail to the police in the presence of his attorney and against his attorney’s advice.

Misskelly was tried first and separate from Echols and Baldwin. He was convicted and sentenced to life imprisonment and two 20-year terms. Echols and Baldwin were tried together with Echols being found guilty of capital murder and sentenced to death while Baldwin was spared the death sentence and given a life sentence.

These convictions and sentences occurred in 1994. Two years later HBO aired a documentary about the case titled *Paradise Lost* which cast grave doubts on the guilt of Echols, Baldwin and Misskelly. The documentary was the spring board for national and international support for the three convicted murderers who became known as “West Memphis Three.” The case became a cause celebre for stars like Johnny Depp, Nathalie Maines, and Eddie Vedder. Another HBO documentary and at least one book would be devoted to establishing the innocence of the West Memphis Three.

In their zeal to establish the innocence of the West Memphis Three, supporters for the trio have been shockingly irresponsible in pointing the finger of blame at other people as the probable killers of the three boys. First, there was the possible African-American man who was seen by employees of a local Bojangles’ restaurant on the evening of the crime at the restaurant. The restaurant was located near the bayou in Robin Hood Hills where the bodies of the three boys were found. The black man was reportedly dazed, covered with blood and mud, and went into the ladies restroom. The employees called the police who responded to the call but did not fully check out the information. The following day the restaurant’s manager called the police a second time when the bodies of the young boys were found, operating on the premise there may be a connection between the two events. This time the police took blood scrapings from the walls of the restaurant’s restroom but it was later carelessly lost or deliberately destroyed. No one knows for sure. Supporters for the West Memphis Three labeled the bloody African-American man as “Mr. Bojangles”—a moniker reminiscent of the Old South. Contrary to what some of the West Memphis Three supporters believe, I don’t think the local police deliberately destroyed the “Mr. Bojangles” evidence just so they could convict three local white teenagers for this unspeakable crime. If the police even remotely believed the mysterious black Mr. Bojangles was connected with the murder of three white kids, they would have devoted every law enforcement resource in the State of Arkansas to make a case against him (or any black man they could ‘frame’ as him).

The next person who became a target of the West Memphis Three supporters’ “red-herring” blame game was Mark Byers, the step-father of Chris Byers. Police took some photographs of the boys’ bodies shortly after they were found. One of these photos indicated a “bite mark” was left on at least one of the victims. This was the conclusion drawn by HBO’s second documentary, *Paradise Lost 2*. The fact that Mark Byers had all his teeth extracted and replaced with dentures after the murders was enough “evidence” for some of the West Memphis Three supporters to conclude he was either the killer or somehow connected to the murders. And the fact that Mark Byers gave the HBO producers of the first *Paradise Lost* documentary a pocket knife which was discovered to have a speck of blood on it added to the clamor of his guilt, even though test results on the blood proved inconclusive. And the fact that Byers has some “garden variety” violent episodes in his past (accusations by a former wife that he assaulted her, for example), which are woven into the cultural fabric of the South, added fuel to those who believed he was involved in the murders. It didn’t matter that Byers eventually took and passed a polygraph examination which cleared him of any involvement in the horrible crime, or that he was eliminated as the source of subsequent DNA evidence discovered at the crime scene—some still believe he did it.

And, finally, the West Memphis Three supporters, including the mother of one of the victims (Stevie Branch) pointed the guilt finger at Terry Hobbs. Pam Branch is now

estranged from her former husband, Terry Hobbs, and there has been a lot of animosity associated with their estrangement. The basis for the guilt finger being pointed at Hobbs is a strand of hair found in the ligature which bound Michael Moore and proved to be consistent with Hobbs' hair and another strand of hair found nearby which proved to be consistent with the hair of a friend of Hobbs, David Jacoby. This was enough to make the local police some fourteen years after the crime question Hobbs about the crime and later declared he was not a suspect. Still, Stevie's mother has concerns about Hobbs' involvement because after the murders she found a pocketknife belonging to her son in Hobbs' personal belongings—a knife the boy carried with him everywhere. Hobbs recently told CBS' 48 Hours host Erin Moriarty that he took the knife from Stevie before the crime because he didn't want an 8-year-old walking around with it.

Based on what I have read and viewed about the West Memphis Three murders, particularly the latest 48 Hours program, I do not believe one person committed the crime. It would be hard for one person to corral three 8-year-olds and slaughter them with a knife or a blunt instrument and hogtie them in the manner they were found. It's possible but not likely. That certainly eliminates the "dazed and crazed" Mr. Bojangles who was so messed up he couldn't even control his own bowel movements. And I don't believe the step-fathers did it either. Just because Mark Byers got his teeth pulled and replaced with dentures after the murders and may have slapped a former wife certainly does not translate into enough evidence to even suspect he slaughtered three innocent children, one of whom was his own stepson. And Terry Hobbs didn't do it—and for anyone to believe the two strands of hair found at the crime scene which are consistent with Hobbs' hair and the hair of one of his friends is sufficient "evidence" of guilt is out of touch with reality and knows very little about forensic evidence.

Did the West Memphis Three commit the murders? I don't know, but I do know there is more "evidence" indicating they did it than anyone else so far tagged as a potential suspect in the case. There's the two Misskelly confessions, there's the possible failed polygraph examination by Echols, there's Echols own boasts that he participated in the killings, and there's the serious psychological disorders Echols was suffering with at the time of the killings. But even this "evidence," taken in its totality, leaves plenty of room to doubt the involvement of the West Memphis Three in the killings.

Having said that, I must say quite strongly that Echols and Baldwin are entitled to a new trial. It has been indisputably established that one or more of the jurors who convicted them were influenced by Misskelly's confessions. In effect, the Echols/Baldwin jury relied upon evidence not presented at their trial and which was not subject to cross-examination. The law is clear on this issue: a reversal of their convictions is mandated. Of course, a reversal of the Echols/Baldwin convictions could lead to an unholy result. They could either be set free because the State elects not to retry them due to the high-profile nature of the case or they could be acquitted by a jury. This would leave Misskelly as the only convicted defendant in the case—the alleged mentally retarded individual who stepped up to the plate and accepted responsibility for the horrific murders, assuming he and Echols and Baldwin committed them, locked up in prison with a life sentence and two 20-year sentences while the other two are walking free. Talk about a miscarriage of justice.

I would suggest that supporters for the West Memphis Three, some of whom have deep money pockets like Johnny Depp, hire a litany of experts to have Echols and Baldwin

undergo truth-seeking examinations: a polygraph examination (the results of which would be maintained this time), hypnosis, voice stress analysis, and psychological examination designed to detect deception. If the two men pass these tests (and any other their defense team could put together), their supporters would have credible evidence to present to the American public that the two men are, in fact, innocent of the horrible murders for which they stand convicted.

Personally, I have a number of questions after viewing the recent 48 Hours program. Why didn't Erin Moriarty interview Baldwin? Why didn't she interview Misskelly? Why didn't she ask Echols, whom she did interview, if he would be willing to undergo a polygraph examination at the program's expense? The program, I suspect, was set up to give Echols and his supporters an opportunity to make an uncontested argument for his innocence and to point the finger of guilt at the three other possible suspects, Mr. Bojangles, Mark Byers, and Terry Hobbs.

The one thing 48 Hours got right about the West Memphis Three case was to call it a "mystery" and one not likely to be solved anytime soon. One other thing is also clear: Damien Echols and Jason Baldwin should be given a new trial based upon juror misconduct and let the chips fall where they may afterwards.

<http://www.cbsnews.com/stories/2010/02/27/48hours/main6251328.shtml>

http://en.wikipedia.org/wiki/West_Memphis_3

30 Responses to "WEST MEMPHIS THREE ON 48 HOURS"

Cheryl Stafford Says:

April 2nd, 2010 at 7:56 am

you did not mention that Jessie misskelley and Jason bold win aft er there conviction were asked to point the finger at Damion for a lesser sentence and both declined also why was a hair found on Michael moor who was not the stepson of terry Hobbs i know about transfer but that's a bit of a stretch and knife the child had that was found in his possessions why would he not of gave it to the mother for a keep sake i find that very interesting the fact that she found is the point hear not to mention he shot her brother who later died of those wounds and mark Byers step son is found murdered and later his wife found dead in her bed no apparent cause he must be one unlucky guy what say you.

june miller Says:

April 7th, 2010 at 3:02 pm

I think that the things you say would be much more credible if you would learn how to spell and use punctuation.

Ellis Ahuja Says:

April 9th, 2010 at 7:35 pm

I am not surprised rather shocked to read American history of crimes and conviction of innocents'. It is shame, a stigma on the forehead of a free, most progressive and economically advanced country. why can't we have just, and impartial justice for all . Defender of justice are blind but not deaf ; . why haven't those innocent been exonerated . They have suffered for no fault, like many others . Is this American justice? Poor, innocent have to fight all their life to prove their innocence. Law is well established that one is innocent till proved guilty, but it seems every one is guilty until proved innocent . there are many rich ones who have never been punished for murders and other crimes and poor are convicted and punished, even excecuted despite being innocent . Is riches a

qualification or proof of innocence and poverty proof of guilt?

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April 9th, 2010 at 7:39 pm

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Gloria Virgilio Says:

May 18th, 2010 at 2:01 am

Howdy there,I find out that your web log is incredibly educational and helpful and we were curious if there is a possibility of acquiring More article content like this on your site. If you willing to help us out, we will be willing to compensate you... Best regards, Gloria Virgilio

Valentin Haugabrook Says:

June 13th, 2010 at 7:54 pm

Nice site, I like it, but it seems a kind of weird while using mozilla browser, keep it moving:)

Ed Teadh Says:

June 29th, 2010 at 9:42 am

I think it is funny how supporters can see a hair as enough evidence to show guilt but all the evidence against the three which is much more is only circumstantial. I really think that celebrity's getting involved to me anyway does more harm than good. I guess I can't save the world I don't sing folk songs. Echols was more than a black wearing targeted kid. He had sociopathic tendencies' if you watched the movies during the trial. He did more to sink himself than anyone else. Combing his in the mirror in a obsessive manner during a capitol murder case showed indifference for his situation and the murdered. The way he laughed and his attorneys had to try to bring him to reality when he said he was day dreaming on the stand and no paying attention was classic sociopath. It takes a sociopath to do what was done to those kids. An indifference to the suffering of others, and Baldwin fit the bill of someone who would follow his leader Echols. Couple this with the boarder line retarded lackey that would do what he was told and you have the mix of personality that could commit the crime and had the man power to do so. Celebrity activism like in this case and others like free Mumia when the evidence points to them more than anyone else is sickening.

jerry price Says:

July 25th, 2010 at 8:33 pm

fuck that them three boys are innocent, its the damn step father who needs to be shot in the damn head for killin them kids. set them boys free. and make sure that step father never sees the light of day again!!!

Shirley Horne Says:

July 25th, 2010 at 8:58 pm

I agree the stepfather should be the one in prison and they need to let them boys go they have already done enough damage to them.

snowbird Says:

July 27th, 2010 at 3:46 am

I don't get it. I found dozens of sites to free these 3 on nothing but "hearsay," or what was published on their so called innocence. Lots of cursing or filthy language..and that in itself explains a lot. Not to mention dopers like Johnny Depp standing up for them...oh and lets not forget the self proclaimed devil worshiper Marilyn Manson..and the one Dixie chick who just adores the limelight. I searched online for over 3 hours to find the truth about all this "lack of evidence" and found court records, conversations, and plenty of evidence against these 3. When I watched the first film I knew they were guilty then. You don't have to be a rocket scientist to figure out the truth of what really happened. But the worst part of this for me is the lack of compassion or hardly a mention of those 3 little innocent boys. Its a heyday and a circus of arguments, disagreements, fights and opinions. I want justice and I want this over with. I want these young boys to rest in peace. The true judgment for this case is already in...a much higher court will deliver the correct sentence in time..take my word for that.

Alvin Says:

August 6th, 2010 at 11:52 pm

What really. Bothers me is while these innocent men sit in jail the murdering stepfather of one sits free and everyone is so caught on cults satanic worship and whoopyty whoop whatever else. I was 13 when I saw the first movie and I knew it was the stepfather, now they have evidence and still won't convict him. This really urkes me. These guys were an easy target for an open shut case. Rediculouse I mean listen to hobbs long enough its common sence, he talked about what he would do to them if he could get his hands on em. That was all a bunch of BS to keep the attention off of his sorry ass. Sometimes laws fuckin suck these guys r gonna lose there whole life before they decide to get the guy or guys that really did it and when its all said and done all they will get is I'm Sorry fuckin stupid ppl make me sick

Rednecks Suck Says:

November 5th, 2010 at 3:30 pm

Snowbird, you are a complete.. well moron. I quote "when I watched the first film I knew they were guilty then". You watched a film showing no evidence against those 3 boys whatsoever. There was no DNA/hair/eye witnesses.. nothing to put them at the scene, nor convict them of murder. They are in jail because of police pressure put on young kids forcing confessions by innocent boys. Even if they did it, which is highly in question, there is no evidence, not even circumstantial. Seriously grab a brain before you decide someone is guilty of murder.. idiot.

David Perry Davis Says:

November 13th, 2010 at 1:58 pm

Please, Steve — do not ever again link Mumia Abu Jamal to the West Memphis Three. Mumia is guilty as hell. There were 4 independent witnesses who saw Mumia kill Faulkner, 2 of whom saw him give the coup-de-gras shot, his jury had 3 blacks – and was picked by Mumia himself. The gun used to kill Faulkner was lying next to Mumia. There was powder residue on his jacket. What the hell more do you need?! MUMIA IS

GUILTY AS SIN – WAKE UP.

Linking Mumia with the West Memphis Three does nothing but turn off people who have read the record and know Mumia is guilty.

Anyone interested in the latest on the West Memphis Three should come on over to [wm3blackboard dot com](http://wm3blackboard.com) and join the discussion. The website is run by one of the victims' fathers (one of the loudest supporters of the WM3).

David Perry Davis Says:

November 13th, 2010 at 2:00 pm

Doesn't appear to have come through – sorry if this is a re-posting:

Please, Steve — do not ever again link Mumia Abu Jamal to the West Memphis Three.

Mumia is guilty as hell. There were 4 independent witnesses who saw Mumia kill Faulkner, 2 of whom saw him give the coup-de-gras shot, his jury had 3 blacks – and was picked by Mumia himself. The gun used to kill Faulkner was lying next to Mumia. There was powder residue on his jacket. What the hell more do you need?! MUMIA IS GUILTY AS SIN – WAKE UP.

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WEST MEMPHIS THREE AND POSSIBLE INNOCENCE Says:

November 27th, 2010 at 3:23 pm

[...] chronicling most of the essential facts about the horrific crime for which they stand convicted (here). But I will restate the crucial facts for the sake of this post. In May 1993 three eight-year-old [...]

WEST MEMPHIS THREE: ANOTHER LOOK Says:

December 6th, 2010 at 2:44 pm

[...] the “facts” in the case. The supporters suggested that my core factual presentation in my two previous posts was not entirely “accurate.” Their primary concern was about my assertion that despite all the [...]

THE CASE AGAINST THE WEST MEMPHIS THREE Says:

December 30th, 2010 at 10:13 am

[...] case which have garnered significant interest, and criticism, from West Memphis Three supporters (here, here, here and [...])

Trixie Says:

February 4th, 2011 at 3:20 pm

I didn't know abusing your wife was a “garden variety” offense. That shows how much you know about domestic violence. Any man who hits a wife or kid can do just about anything. If they go that far, what's to stop them from going further? The majority of people are not abusive so that tells you something about that man's personality. I'm not saying he's guilty but for you to pass off abusive behaviour as something that is no big deal and happens in the south makes me sick. Do your homework and read *The Devil's Knot*, a book about the case and then tell me there is any evidence at all. As for the confession, I have a 20 year old son and believe me, they will tell you what you want to hear and they are very easily coerced. Most boys that age could not stand up to the pressure put on them by the police. They would crack, trust me.

sally Says:

May 3rd, 2011 at 10:32 am

This is very interesting to say, but hair at a crime scene to me is a big deal, Hobbs the stepfather, claimed he did not see the children all day so how did it get there? Also it was said he went to pick his wife up at 9 at night from work, and she asked where her son was. What type of person who is a parent would not be worried about their 8 year old son. A guilty person.

sally Says:

May 3rd, 2011 at 10:53 am

This is very interesting to say, Hair at a crime scene to me is a big deal especially when the step father claims he had not see his stepson all day. He cared so much about his son where he stated he took the knife away because it was dangerous. Why would not that same caring nature call the mother of the son and let her know that he has not seen him all day, and he does not know where he is at. Instead he casually goes and picks her up from work at 9 at night and she has got to ask where he is at. When was he going to start worrying about his 8 year old son.

A Says:

July 23rd, 2011 at 9:31 am

You haven't followed this case from the beginning, it is apparent. You should probably do more research before you write a blog like this. First thing – "Robin Hood" hills is not a playground. Get your facts straight and dig further before you do something like write this.

Billy Sinclair Says:

July 23rd, 2011 at 12:37 pm

You're correct I have not followed the case from the beginning, but whether or not "Robin Hood" hills was a "playground" or a place where children sometimes frequented. I analyzed the possible guilt/innocence of th West Memphis Three based on the evidence presented at their trials and other evidence that has been disclosed since their convictions. I have advocated that they should be granted a new trial, but I stopped far short of saying they are "actually innocent." That's my story and "I'm sticking to it."

Mimi Says:

August 19th, 2011 at 12:35 pm

Morning All. I am disappointed in how they will let those 3 men leave tie them up too the lie ms hen too see if they lie only God knows when there lowing those presus boys will sleep until Jesus will wake them up it is making me sick when sweet little children die.

Mimi

Miss V Says:

August 19th, 2011 at 1:57 pm

They are innocent and now freed. Thank God.

RedZack Says:

August 20th, 2011 at 9:28 am

If they find out the truth and have to declare them not guilty, the state will have to pay lots of money to these 3 men.

Also they have to admit that they stolen them 18 years of their life, that they did a horrible mistake, and almost "murdered"one of them, since he had the death sentence. All that will question the justice system and make the judges guilty of a crime too.

And thats why nobody wants to allow a reworking on the case.

WEST MEMPHIS THREE PLEAD GUILTY—ALMOST Says:

August 21st, 2011 at 5:48 am

[...] in West Memphis, Arkansas in May of 1993. I have posted five articles about this case on this site (here, here, here, here, and here). In those posts I expressed a troubling belief in the guilt of the men [...]

Dannybohy Says:

August 25th, 2011 at 9:08 am

Billy , thank you for the Blogs! glad to see someone can see past the BS documentries and Celeb worship!

chloe Says:

August 25th, 2011 at 10:50 pm

I viewed this case with a completely open mind not to be swayed one way or the other and to make up my own mind.To many mistakes were made in this case to get any conviction against anyone ..Evidence was lost,misplaced and destroyed.A lot of circumstantial evidence was inaccurate and now some of the main witnesses have said that they lied.Damien's behaviour in court was troubling to say the least but as he has a very high IQ I do feel he felt indifferent to what was happening around him.I also remember feeling indifferent and smug through my teenage years.I thought i knew it all (what teen doesn't)and i also dabbled in wicca I had a alter in my bedroom ..I have since grown out of that like most teens do Damien being no different.This case is a reminder to every prosecuter and defense attorney and police officer what not to do ..They also questioned selected people often skipping suspects or failing to find them

Sasha Fierce Says:

October 2nd, 2011 at 2:54 pm

Billy Sinclair?...hmmm

When you are in a hole...stop digging!

Mr Hobbs, oopps I mean, who ever the killer is should pay for the horrific killing of those little boys and for the suffering that he put the West Memphis 3 in!

Mr Hobbs, oopps I mean, (I dont know why I keep doing that..silly me) Mr Sinclair...keep digging u will get to where you deserve

Georgey Says:

January 25th, 2012 at 11:51 pm

It really bothers me to think that people actually think that the police coerced Misskelly into a confession. Please just think about it. BTW Misskelly NEVER said the police treated him badly or were going to give him a deal. He just said they told him to say it. Now, I don't care that he was mentally challenged (he is not retarded), you just would never admit to murdering three 8 yr olds if you are innocent. Even after 12 hours of intense questioning. What, you just give in and say I can't take it anymore, yes we did it??? YOU JUST DON'T ADMIT IT if your innocent. Not the first time he gave it up and not the second time (in detail).

Take a listen to his confessions he was very calm and knew exactly what went down.