

Announcement of Verdict in the Damien Echols/Jason Baldwin Trial

(Punishment phase)

(March 19, 1994)

(JURY LEAVING THE COURTROOM AT 2:05 P.M.)

THE COURT: I want to be sure the record reflects that you understood the Court's ruling --

MR. PRICE: -- Yes, sir --

THE COURT: -- that Mr. Echols did have and would have been permitted an opportunity to make any statement in the sentencing phase had he chosen to do so.

MR. PRICE: Yes, sir.

THE COURT: As far as the right of allocution, the Court will again afford him the right of allocution at the time of pronouncement of any sentence.

MR. PRICE: Yes, sir. We understand the Court's ruling.

THE COURT: I just wanted to be sure it was (3543)

(PAGE 3544 IS MISSING)

(EXAMINING) All right, ladies and gentlemen, your verdicts are in good form and read as follows:

We the jury after careful deliberation have unanimously determined that the following aggravating circumstance or circumstances existed beyond a reasonable doubt at the time of commission of capital. It is checked and signed by the foreman as a unanimous finding.

The murder of Michael Moore committed by Jason Baldwin was committed in an especially cruel and depraved manner.

We the jury after careful deliberation have unanimously determined that the following aggravating circumstance or circumstances existed beyond a reasonable doubt at the time of the commission of the capital murder.

The murder of Stevie Branch committed by Jason Baldwin was committed in an especially cruel and depraved manner.

We the jury after careful deliberation have unanimously determined that the following aggravating circumstance or circumstances existed beyond a reasonable doubt at the time of the commission of the capital murder.

The capital murder of Chris Byers committed by (3545) Jason Baldwin was committed in an especially cruel or depraved manner.

Form two, count two. The following mitigating circumstances were unanimously found in regard to Jason Baldwin in the death of Stevie Branch.

The capital murder was committed while Jason Baldwin was acting under unusual pressures or influences or under the domination of another person.

The youth of Jason Baldwin at the time of the commission of the capital murder.

The capital murder was committed by another person and Jason Baldwin was an accomplice and his participation relatively minor.

Jason Baldwin has no significant history of prior criminal activity.

There were no other mitigating factors found and it is appropriately signed as a unanimous finding by the foreman.

Form two, mitigating circumstances as to count three. We the jury find in regard to Jason Baldwin that the following mitigating circumstances probably existed at the time of the murder.

A unanimous finding that the capital murder was committed while Jason Baldwin was acting under unusual pressures or influences or under the domination of (3546) another person.

The youth of Jason Baldwin at the time of the commission of the capital murder.

That the capital murder was committed by another person and Jason Baldwin was an accomplice and his participation relatively minor.

Jason Baldwin has no significant history of prior criminal activity.

There were no other findings with regard to form two, mitigation. And it is appropriately signed as a unanimous finding by the foreman.

Form three, conclusions as to count one.

MR. FORD: Your Honor, I didn't hear. Was there nothing on form two as to Michael Moore, count one?

THE COURT: Maybe I skipped it. Let me check. (EXAMINING) I've got them here, but I apparently overlooked it.

Count one as to Jason Baldwin in the death of Michael Moore.

We the jury unanimously find in regard to Jason Baldwin that the following mitigating circumstances probably existed at the time of the murder.

The capital murder was committed while Jason Baldwin was acting under unusual pressures or influences or under the domination of another person. (3547)

The youth of Jason Baldwin at the time of the commission of the capital murder.

The capital murder was committed by another person and Jason Baldwin was an accomplice and his participation relatively minor.

Jason Baldwin has no significant history of prior criminal activity.

There were no other mitigating circumstances indicated on any part of form two. It is appropriately signed by the foreman as a unanimous finding.

Form three, conclusions, count one. Jason Baldwin as to the death of Michael Moore.

The jury having reached its final conclusions will so indicate by having its foreman place a checkmark in the appropriate space in accordance with the jury's findings. In order to check any space the conclusions must be unanimous. The foreman of the jury will then sign the end of this form.

We the jury conclude that one or more aggravating circumstances did exist beyond a reasonable doubt at the time of the commission of the murder. Signed by the foreman. There were no other boxes included.

A similar finding as to count two on Jason Baldwin with regard to the death of Stevie Branch. (3548)

We the jury conclude one or more aggravating circumstances did exist beyond a reasonable doubt at the time of the commission of the capital murder, signed by the foreman indicating a unanimous finding.

Form three, count three, with regard to the death of Chris Byers by Jason Baldwin.

We the jury conclude one or more aggravating circumstances did exist beyond a reasonable doubt at the time of the commission of the capital murder, signed by the foreman as a unanimous finding.

Form four, the verdict, in regard to count one, the death of Michael Moore by Jason Baldwin.

We the jury after careful deliberation have determined that Jason Baldwin shall be sentenced to life imprisonment without parole, signed by all twelve members of the jury including the foreman.

Count two in regards to Stevie Branch, verdict. We the jury after careful determination have determined that Jason Baldwin shall be sentenced to life imprisonment without parole, signed by all twelve members of the jury.

Count three with regard to Chris Byers.

We the jury after careful deliberation have determined that Jason Baldwin shall be sentenced to life imprisonment without parole, signed by all twelve (3549) of the jurors indicating their individual verdict.

Ladies and gentlemen, with regard to the verdicts just read, are those your individual verdicts represented by your signatures on the verdict forms?

THE JURY: Yes, they are.

THE COURT: Count one. Michael Moore, aggravating circumstances with regard to charges against Damien Echols.

We the jury after careful deliberation have unanimously determined that the following aggravating circumstance or circumstances existed beyond a reasonable doubt at the time of the commission of the capital murder.

The murder of Michael Moore committed by Damien Echols was committed in an especially cruel or depraved manner.

Count two, Stevie Branch. We the jury after careful deliberation have unanimously determined that the following aggravating circumstance or circumstances existed beyond a reasonable doubt at the time of the commission of the capital murder.

The murder of Stevie Branch committed by Damien Echols was committed in an especially cruel and depraved manner. (3550)

Count three, Chris Byers.

We the jury after careful deliberation have unanimously determined that the following aggravating circumstance or circumstances existed beyond a reasonable doubt at the time of the commission of the capital murder.

The murder of Chris Byers committed by Damien Echols was committed in an especially cruel or depraved manner.

Form two, mitigating circumstances, count one, Michael Moore.

We unanimously find in regard to Damien Echols that the following mitigating circumstances probably existed at the time of the murder.

The capital murder was committed while Damien Echols was under extreme mental or emotional disturbance.

The capital murder was committed while Damien Echols was acting under unusual pressures or influences or under the domination of another person.

No other mitigating circumstances were found. It is appropriately signed by the foreman.

Count two, Stevie Branch. We the jury unanimously find in regard to Damien Echols that the following mitigating circumstances probably existed at (3551) the time of the capital murder.

The capital murder was committed while Damien Echols was under extreme mental or emotional disturbance.

The capital murder was committed while Damien Echols was acting under unusual pressures or influences or under the domination of another person.

There are no other mitigating factors indicated and it is signed by the foreman.

Count three, Chris Byers, form two, mitigating circumstances.

We unanimously find in regard to Damien Echols that the following mitigating circumstances probably existed at the time of the capital murder.

The capital murder was committed while Damien Echols was under extreme mental or emotional disturbance.

The capital murder was committed while Damien Echols was acting under unusual pressures or influences or under the domination of another person.

There are no other mitigating circumstances indicated. It's signed by the foreman on the line provided.

Form three, conclusions, count one, Michael Moore. (3552)

We the jury having reached its final conclusions will so indicate by having the foreman place a checkmark in the appropriate space or spaces in accordance with the jury's finding. In order to check any space your conclusions must be unanimous. The Foreman of the jury will then sign at the end of this form.

We the jury conclude that one or more aggravating circumstances did exist beyond a reasonable doubt at the time of the commission of the capital murder.

The aggravating circumstances outweigh beyond a reasonable doubt any mitigating circumstances.

The aggravating circumstances justify beyond a reasonable doubt a sentence of death, signed by the foreman as a unanimous finding.

Count two, Stevie Branch.

We the jury conclude one or more aggravating circumstances did exist beyond a reasonable doubt at the time of the commission of the capital murder.

The aggravating circumstances outweigh beyond a reasonable doubt any mitigating circumstances.

The aggravating circumstances justify beyond a reasonable doubt a sentence of death, signed by the foreman as a unanimous finding.

Count three, Chris Byers. We the jury conclude (3553) one or more aggravating circumstances did exist beyond a reasonable doubt at the time of the commission of the capital murder.

The aggravating circumstances outweigh beyond a reasonable doubt any mitigating circumstances.

The aggravating circumstances justify beyond a reasonable doubt a sentence of death.

Verdict forms: Count one in the death of Michael Moore.

We the jury after careful deliberations have determined that Damien Echols shall be sentenced to death by lethal injection, signed by all twelve of the jurors.

Count two, Stevie Branch.

We the jury after careful deliberation have determined that Damien Echols shall be sentenced to death by lethal injection, signed by all twelve jurors.

Count three, Chris Byers.

We the jury after careful deliberation have determined that Damien Echols shall be sentenced to death by lethal injection, signed by all twelve jurors.

Ladies and gentlemen, again, are those your unanimous findings represented by your signatures on (3554) the verdicts I read?

THE JURY: Yes, they are.

THE COURT: All right, gentlemen, are there any other questions at this time?

MR. DAVIDSON: I ask that the jury be polled, your Honor.

THE COURT: I don't see a need to poll the jury beyond what I've done because their signatures are represented on each of the verdict forms.

Are these your signatures on the forms?

THE JURY: Yes.

THE COURT: All right, ladies and gentlemen. the Court wants to express its thanks and appreciation for your service during this long trial. I think perhaps it's the longest trial that has been conducted in this area, at least in my recollection. It was extremely difficult. You've been diligent in your efforts and appeared to consider your task with the appropriate sense of urgency and fair play.

And I appreciate it and I know I speak for all the attorneys and people present that you performed a difficult and thankless job, frankly. I appreciate it. You'll be permitted to go and I'll have the officers escort you --

MR. FORD: -- Your Honor -- (3555)

THE COURT: -- Just a minute. I'm going to ask, however, that you step back into the jury room just for a few minutes more while the Court concludes sentencing and some other matters. You're welcome to stay in the jury box if you care to during sentencing.

What is your pleasure in that regard? You can have a few minutes in the back or you can stay for sentencing.

THE FOREMAN: We'll stay.

THE COURT: All right. Gentlemen, if you would have your clients stand, please.

THE DEFENDANTS: (COMPLYING)

THE COURT: Mr. Baldwin and Mr. Echols, did each of you -- Mr. Baldwin and Mr. Echols -- hear the reading of the verdicts in your cases? Mr. Echols, did you hear them?

DEFENDANT ECHOLS: Yes, sir.

THE COURT: Mr. Baldwin, did you hear the Court read the sentences?

DEFENDANT BALDWIN: Correct.

THE COURT: Do either of you have any legal reason to show the Court or give the Court as to why sentence should not be imposed? Mr. Echols?

DEFENDANT ECHOLS: No, sir.

THE COURT: Mr. Baldwin? (3556)

DEFENDANT BALDWIN: Because I'm innocent.

THE COURT: Pardon?

DEFENDANT BALDWIN: Because I'm innocent.

THE COURT: Well, the jury has heard the evidence and concluded otherwise.

Do either of you have anything you want to say?

DEFENDANT ECHOLS: Nope.

DEFENDANT BALDWIN: No.

THE COURT: Are you satisfied that the opportunity for allocution has been made?

MR. PRICE: Yes, sir.

MR. FORD: Yes, sir.

MR. DAVIDSON: But not giving up our previous objection.

THE COURT: I understand that. All right, gentlemen, I'm ready to proceed with sentencing unless you have any other matters you want to bring up at this time?

MR. WADLEY: Not with respect to sentencing, your Honor.

THE COURT: Mr. Baldwin, you have heard the reading of the verdicts in your case and it is -- first of all, the Court has an obligation to advise you, each of you, that you have a right to appeal, that you must give notice of your intentions to (3557) exercise that right within the statutory period of time. Each of you have competent lawyers that will discuss those matters with you and advise you on it. It's my obligation to let you know you do have a right to appeal, and you need to consider that with your attorneys.

This being a capital offense in each of your cases there will be no bond set. It is not a bailable offense so you will have time to discuss with your lawyers what your intentions are within the next days.

In your case, Mr. Baldwin, you will be adjudicated guilty of three counts of capital murder. You will be sentenced to the Arkansas Department of Corrections to a term of life without possibility of parole on each of the three counts.

You will be at this time remanded to the custody of the sheriff for transportation to the Arkansas Department of Corrections immediately to carry out the sentence of the Court in this regard. He will be in your custody. Mr. Sheriff.

Mr. Echols, do you have anything further you would care to say before pronouncement of sentence?

DEFENDANT ECHOLS: No, sir.

THE COURT: Mr. Echols, the jury having found you (3558) guilty of capital murder, three counts, in the death of Michael Moore, Chris Byers and Stevie Branch, you are hereby adjudicated guilty of capital murder, three counts, and you are remanded to the custody of the sheriff to be immediately transported to the Arkansas Department of Corrections where the director of the Arkansas Department of Corrections or his duly appointed and designated representative will on the fifth day of May, 1994, be directed to cause to be administered a continuous intravenous injection of a lethal quantity of an ultra-short acting barbituate in combination with a chemical paralytic agent into your body until you are dead.

He will be in your custody, Mr. Sheriff, for immediate transportation to the Department of Corrections to carry out the orders of this Court.

All right, ladies and gentleman, if you would step back into the jury room for just a few minutes.

(JURY LEAVING THE COURTROOM AT THIS TIME)

(THE FOLLOWING CONFERENCE WAS HELD AT THE BENCH)

MR. FORD: Your Honor, the short report prepared by the prosecuting attorney's office indicates that on May 5, 1993, the defendant along with Jessie Misskelley and Damien Echols killed three eight-year-old boys. (3559)

Your Honor, there's been no finding that this defendant did anything with Jessie Misskelley, and we would object to the short report containing his name.

There has been no finding, there was no adjudication by this jury in this court that my client did anything with Jessie Misskelley, and we object to that being included in the short report which is placed in his Department of Corrections file because there has been no such finding by this Court, and it would be inappropriate for him to do that.

MR. FOGLEMAN: Your Honor, there doesn't have to be. That is a report of the prosecuting attorney to the Department of Corrections. There doesn't have to be a finding of any Court to that effect.

THE COURT: As far as I know, there hasn't been a finding by this Court or by the jury. Those are the statements of the prosecuting attorney that are required by law to be submitted with the judgment signed by the Court.

The judgment of the Court certainly doesn't reflect that. That's the prosecuting attorney's estimation of the file. I suppose if you wanted to file an objection to it, you could file it. I don't have any problem with that.

MR. FORD: I just wanted to state for the record (3560) that this is required by law. It will be placed in his jacket at the Department of Corrections. It will be -- and there has been -- with the absence of a finding that he did anything with Jessie Misskelley, we want the record to be clear that we will be objecting to this short report being included in his file as there has been no finding and the judgment of the Court does not indicate that my client did anything with Jessie Misskelley.

MR. DAVIDSON: We join in that objection, your Honor.

THE COURT: The record may so reflect your objection. If you care to make a statement or an additional report to be included in the file, you will be permitted to do so.

MR. FORD: Your Honor, I'd also inquire as to what facts in mitigation and what facts in aggravation the Court is going to include on the departure report.

THE COURT: The departure report is not applicable to capital felony cases. It's a report that's required by the new sentencing act at anytime when the sentencing judge departs either up or down from the presumptive sentence found on the grid.

Capital murder, rape, first degree murder and some other felonies are excluded from the sentencing (3561) act and guideline and it's not even an appropriate subject matter to be included.

We included it simply because the Department of Corrections may be looking for that form just out of paperwork and we put the statement on it that it is not applicable to this case.

MR. FORD: I don't see anything on here.

THE COURT: It should be printed on there that it is not applicable. The one I signed indicates that it is not applicable to the case.

MR. FORD: Your Honor, that's the reason I --

THE COURT: -- We put it in there just because if they're looking for it, it's going to be there, and the Court's going to say that it's not pertinent or applicable to the particular case.

If you want to prepare something real quick, your statement to be placed in there, I'll allow you to do that.

MR. FORD: Your Honor, we will submit a report directly to the Department of Corrections in due course so that it can be typewritten.

THE COURT: All right.