

March 17, 1994

THE COURT: All right, court will be in session.

BY PRICE:

Ladies and gentlemen, this will be the only opportunity that I'll have to make a closing argument on behalf of my client, Damien Echols. And the reason for that is because since the State has the burden of proof, Mr. Fogleman did the introductory closing argument and after I do mine, Mr. Ford will do one on behalf of Mr. Baldwin, and Mr. Davis will have a chance to get back up here and do the final closing argument. Be sure when you listen to these statements that he makes, realize that we will not have a chance to come back up here and respond to those things that he brings up.

I want you to think back to this time, think back what you thought about this case, back on May the 5th, back on June the 3rd, back on February 22nd of this year when you appeared in this court to begin the jury selection process. In most cases, we have, we try to get a jury that knows nothing about a case. And we try to do a selecting and a screening process to try to get jurors who are not familiar with the case. In this case, because of the nature of the case, there was a tremendous amount of publicity. But each of you, when you came to the jury selection, each of you said that you would base your decision only on the evidence brought forth at this trial. Because if there's any of you that will think back to other things you've heard about, other things that you've read about, other things that you've talked about, then there's no reason for me to continue, I may as well just sit back down. Because this was a trial on the evidence introduced at this court, in that jury stand, and these exhibits. Let's review the evidence, and when we do that, let's keep in mind the State has the burden of proof to prove beyond a reasonable doubt that Damien Echols is guilty of this crime. It's important to review the evidence, it's also important -- all the jury instructions are obviously very important, a couple of them I want to remind you about at this time that I think are, particularly in a case like this, will be more important than normal.

The definition of reasonable doubt, a portion of it is: the jury is satisfied beyond a reasonable doubt if after an impartial consideration of all the evidence, he has an abiding conviction of the truth of the charge. Also think of that in conjunction with circumstantial evidence. A fact is established by circumstantial evidence when its existence is reasonably be inferred from the other facts proved in the case. However, circumstantial evidence must be consistent with the guilt of the defendant and inconsistent with any other reasonable conclusion. The elements that the State has to prove are two-fold. One, that with Mr. Echols or an accomplice had premeditation or a deliberated purpose. That two, that Mr. Echols or an accomplice caused the death of these three boys.

We told you in the opening we were going to be presuming four different things in this case and we've done that. One, would be Damien Echols tunnel vision. A second, that Damien Echols

was kinda weird. A third, police ineptitude, and that -- particularly that area dealt with other suspects. And fourth, no proof beyond a reasonable doubt. Obviously all the evidence can't fit neatly into any of those categories, and some things, some won't -- uh, be a part of one category or another. But let's try to review the evidence and think of those terms.

First of all we have, we brought forth the existence of other suspects. And the reason we did that? Is because the existence of other suspects could be reasonable doubt. One of the things we brought forth is testimony concerning John Mark Byers. This is not an attempt on behalf of the defense to go after anybody without any basis. But we brought forth evidence that this particular knife here, Defendant's E-6, we had testimony from Dr. Peretti, that some of the injuries on Christopher Byers were consistent with this type of knife.

We also had the testimony that there was blood, which later tested to be DNA, and that was consistent with Chris Byers and also John Mark Byers. Now where was that blood, where was that DNA? Was it on the blade part that could have been easily wiped off? No. The blood was back -- the testimony was, back in the hinge. And it was real hard to get to. We also had the testimony -- was that the only evidence about this knife? No.

There was the testimony where Dr. Peretti said he saw a red fiber in this knife. Was that red fiber ever tested by the Crime Lab? No. In addition, we have the testimony of Dr. Peretti that some -- from this witness stand up here -- some of the injuries on Chris Byers were consistent with a knife of this type. That was the testimony of Dr. Peretti.

We also asked John Mark Byers about statements that he'd given the police. When he testified on the stand, he testified that he injured his thumb while making beef jerky back at Thanksgiving. Okay, and then we asked him about the previous statements he gave the police on two different occasions. There's times, the police interviewed him back in May, right after the bodies were found. Officer Ridge said, "We have evidence that you're involved, we think you're a suspect," and they asked him about it. In addition, all the way -- January, middle part of January -- they again, ask him about this specific knife. And what did Mr. Byers say at that time? Mr. Byers said, "There's no way my blood could be on that knife. There's no way Christopher's blood could be on that knife. I have no idea how any blood could be on that knife."

And I think the -- this is -- the evidence -- the possibility of John Mark Byers as a suspect is certainly an aspect of reasonable doubt in this case. And we also, there was some testimony from Inspector Gitchell as to why was John Mark Byers questioned. Well, Gitchell said that, "Number one, is that any time we read somebody their rights, they're a suspect." So back in January of this year, John Mark Byers was still a suspect according to the West Memphis Police Department. In addition, we asked Gitchell, you know, Gitchell testified, "It was my job to track down all leads. To check all possibilities." But he said, not only once, but I think it was on two occasions from that very witness stand, "The only reason I questioned John Mark Byers is because Dan Stidham asked me to." Now, was Inspector Ridge in fact checking all possible suspects? Or was he only

doing this just because some lawyer happened to ask him to do that? Or was there other evidence indicating that Mr. Byers might've been a suspect?

In addition, we have the testimony of Mr. Byers' whereabouts that evening. He testified he left about -- that at one time he left to try to find Christopher, came back, and then he left about 8:30. Of course, he testified it was dark at 8:30. So what's he do when he leaves the house at 8:30? He leaves, still wearing shorts, still wearing flip-flops, still without a flashlight. Course he leaves and it's dark, and then he says later on he went back. I think the questionable whereabouts of John Mark Byers is important. The State has alluded that the time of death was between six and eight o'clock. Has there been any evidence whatsoever from this witness stand that that was the time of death? I submit to you no. I submit to you the defense does not have to prove when time of death occurred. That's something that the State has to do.

In addition, we not only pursued John Mark Byers as a possible suspect, we also pursued the man at Bojangles. There was testimony that a man came in about 9:15, to Bojangles Restaurant, with blood all over him, and with mud all over him. The testimony was that he was a black man. He went in, he was disoriented, he went into the ladies' bathroom, he left blood all over the bathroom walls, he got blood on the toilet paper, he also left some sunglasses. So what does Marty King the manager do? He calls the police department. Regenia Meek has already gotten the report about one of boys being missing, drives through the drive part, gets some of the information, but Regenia Meek doesn't pursue it all.

And then, it's not 'til the next day that Marty King mentions to a friend of his, "What about this blood? What about this person who came by?" And then somehow, later on on the day the bodies were found, Mike Allen and Detective Ridge showed up at the Bojangles to question. Now what did they do? Number one, they took blood samples. They went in the bathroom and they took two or three different blood samples. Where's the blood samples? Ridge testified, "I lost it. I lost it." The fact that blood -- in this particular case, why is, are these blood samples so important. What other evidence had the West Memphis Police Department come up with, with any kind of blood other than perhaps the blood at Bojangles? Their whole theory is, there was no blood at the crime scene, must've all been cleaned up. And yet, with less than a mile from the crime scene, somebody comes in and has blood on him, they lose that blood, we don't have that blood, there's no way to have that blood tested.

In addition, Marty King says, not only did they get the blood samples, but I gave 'em the sunglasses, the guy left a pair of sunglasses. You ever seen fingerprints on sunglasses? You ever seen hair maybe caught up in the corner hinges part of glasses? And where is the sunglasses? Well, the police department as to that aspect say, "We didn't get any sunglasses, we don't know anything about any sunglasses." Is that all the evidence of a black male involvement? I submit that there's two other things.

Lisa Sakevicius had testified, and Dr. Peretti testified there was a black, a negro hair found on the sheet which was used to transport Chris Byers to the Crime Lab. There's been no testimony that that hair's matched up with anybody. Perhaps that hair matched up with this gentleman -- the man at Bojangles. And that is certainly, is a reasonable doubt.

Now was this something that the defense just made up? Maybe that we're pursuing these, these other possibilities trying to throw some doubt and just, do a little defense-type stuff. Well, were we the only people that were interested in this? What happened back on May 26th, Gitchell wrote a letter to the Crime Lab and said, "Is there any evidence of a black male involvement?" That was something that the West Memphis Police Department was also trying to pursue.

They testified, we tracked down hundreds and hundreds of leads. But if you look at this, what other individuals were possibly in the area? Where did this take place? The bodies were found in the area, based on the testimony, fifty yards from the Blue Beacon Truck Wash, a hundred yards from a truck stop, Love's Truck Stop. Right on a major interstate, actually at the crossing of two interstates, at which you have hitch hikers, you have truckers. Wonder what kind of knots those were, wonder if those perhaps were truckers knots which were used to tie up the bodies. The fact that there were three different types of knots, or four different types of knots used, does that mean three or four different people tied 'em? Perhaps. Does that mean that the same person tied different knots? Perhaps. But the fact that, um, that it's common knowledge that truckers use knots, that's a possibility for those knots.

In addition, we have the crime scene itself where the bodies were found. What evidence was there, and what evidence was not there. Now we had the evidence on picture number twenty-eight, that showed the area, this is the scuff mark. This must have been cleaned up by somebody who did this. Well, it's a possibility it could have been cleaned up, but it's also a possibility nothing ever happened right in this area. If you, the -- based on the testimony of the type of injuries that occurred on the boys, there must've been some kind of struggle that took place, obviously. There were several injuries obviously from knives, from other objects, perhaps sticks, perhaps other objects, perhaps baseball bats. But was there any evidence at this crime scene area, that this is where they were beaten, or stabbed, or cut? No. There's been no evidence whatsoever.

As a matter of fact, what else is here? What very important piece of evidence that the police kinda want to just bury under all the rest of this? That shoe print. Now, what kind of print was that? That was a tennis shoe print. The testimony when my client was arrested he had on boots. All the testimony was boots, black boots, were generally what my client wore. And those black boots did not match up from that tennis shoe print. And that tennis shoe print was found right at the area where the bodies were thrown in. Is there -- I submit to you that the existence of that tennis shoe print, of which the police, not only did they take some pictures of it, they got a cast of it, and they know for a fact, that did not match up my client's boots or anything else found in my client's house. Cause you know if there'd been a match, there'd have been testimony about that. We don't have to prove who killed these boys. The State has to prove my client did. And I

submit to you the existence of that tennis shoe print, that doesn't match my client's boot prints, is reasonable doubt.

In addition, the State, at some point -- of course this was later on in the trial -- decided to put forth testimony about the motive. Now the State's not required to put on motive, so if the State's not required to put on motive, obviously the defense is not required to disprove motive, but they can if they want to. And the motive that the State tried to allude to, that this was a, let's see, the "trappings of occultism" killing. Is there anything else, anything, here at this crime scene indicating an occult killing? Do you see any pentagrams out here? Do you see any nine foot circles?

Is there any indication whatsoever, is there any indication that the boys were killed out here? We had Dr. Peretti's testimony. He was asked, about, if there were three possibilities. One, that the boys were killed in the water. That could explain why no blood was on the ground. But he also testified that the injuries, particularly the injury to the penis, was very, very difficult even for him to do. He testified it would take him about ten or twelve minutes to do if you had somebody that was very familiar with surgical instruments. And if he was in his lab doing that. Also if you look at, then, perhaps, it took place on the ground. But there's no blood on the ground. That third possibility is that these murders took place someplace else. And that is a, that's not an imaginary doubt, that is a real doubt, that is a reasonable possibility of what took place in this crime.

We also have time of death. The testimony from Dr. Peretti, the State's own witness, in his opinion, based on the limited information, and Dr. Peretti was very quick to say that the information was limited, that the time of death was between 1:00AM and 5:00AM. Now, you had Dr. Jennings get up, and did Dr. Jennings say, "No, that's not the time of death." He never said that. Did Dr. Jennings get up and say, "The time of death was between 6:00 and 8:00PM on May the 5th." He never said that. He said that the factor, of which Dr. Peretti used, lividity, that is, is not, is usually the worst factor to consider, and then Dr. Jennings went on to say, "However, if you're comparing lividity, you check several things. You check the number of times you press the body, the location where you check it."

He also said body temperature is very important. We have a situation where the bodies were found at one o'clock and the med - and the coroner doesn't get out there until four o'clock, a three hour time difference. It's not the fault of my client that the -- as part of the police ineptitude that we don't know what -- we don't have the proper information to tell the time of death. I submit to you, although the State wants to say time of death is just not really relevant here, I submit to you time of death is very relevant. Is very relevant here. Because there's no proof the murders took place between six and eight. The State has alluded that in their questions, but nobody has testified to that.

In addition, also, what was out at the crime scene? We had the pants. We had the pants of two of the boys were turned inside out. Were zipped up and buttoned up. Now what does that mean? Was there any evidence of a struggle? I got out the pants and I got out the shirts. And I asked several of the witnesses, "Any tears?" "No." "Any scrapes?" "No." "Compare the pic -- the wounds on the bodies with the wounds on the clothing." "No." So what does that mean? Does that mean that the clothes were taken off before the injuries took place? If they were taken off as part of a struggle, wouldn't there be tears? Wouldn't there be damages to the clothing? But the fact that they weren't, what does that mean? Does that mean that the clothes were taken off in the presence of someone that knew the boys? That certainly is a reasonable possibility.

Also, the clothing that was found, of course we have one pair of underwear that was found, two pair of underwear that was not. Of course, Dr. Griffis had testified that, if it's a serial killing, sometimes a serial killer will take a souvenir. Perhaps that's a reasonable possibility.

We also have, in this case, is there any proof that it really was cleaned up here? What would it have taken to clean this area up? Is the State contending that my client with his black boots rubbed the boots all across here and completely cleaned this area? We don't know.

You also look at the sticks. The State had said, particularly the stick that was used to push some of the clothing down in the water. Part of that stick was up above the water. And the testimony was, yes when things are in water, it's hard to get prints off of 'em, but if objects, you know, it's possible to get fingerprints off objects that aren't in water. When the police went to the crime scene and found that particular stick that was wrapped around the clothing, what do they do with that stick? They left it at the crime scene. And it wasn't until, not one, but two months later, that Detective Ridge went back out there and found that stick and I think found another one.

I submit to you, has there been any proof, either this stick or this other stick over here, the bigger one, is there any proof that this is a murder weapon? Was there any blood found on this? Any hairs found on this? Any tissues? No. That is pure speculation that that's a murder weapon. What else did Dr. Peretti say? He didn't say only a stick like this could cause those injuries. Perhaps a baseball bat, perhaps a two by four, perhaps other types of objects could cause those injuries.

Another key point to this case was the tunnel vision: Damien Echols tunnel vision. The State has made a big deal about my client's beliefs. In most criminal cases you think of the Fifth Amendment and the Sixth Amendment -- right to criminal trials, right to public trials, right to jury trials. But in this case, we also have the First Amendment, freedom of religion. The State has attempted to say that some of these items of Damien Echols' are some kind of motivation for this killing.

We have these writings here. When were these writings written? At least two -- two! -- years before the murders. Is there anything in here tending to specifically say, linking my client with

any kind of murder? Is there any kind of premeditation in here? No. Is there anything in here linking -- that these -- the writings in here -- um -- that any evidence that my client caused the murders? No. My client is a teenager, and we certainly didn't hide that fact from you. And the fact that my client did some writings, take these back, go back and read them, go read all these. But this, in and of itself, is no evidence of murder and even if you add in all the other things, quote "trappings of occultism," according to Dr. Griffis, that has nothing to do with this case whatsoever. And besides, this even has quotes from Shakespeare. In addition, that was two years before.

Ahhh, let's get closer to the crime! Let's get within a year. We have, according to Dr. Griffis, "The Book of Shadows." Go back and look at this. Is there anything in here that's evidence of murder? No. Is there anything in here that's evidence of premeditation? Any of these writings were at least a year prior to the murders. surely the State is not implying well, Damien Echols wrote these items and had been planning these murders for over a year. Go back, take a look at every one of these. Take a look at every one of these, there's nothing in this book -- yeah, maybe that is a pentagram -- but there's nothing, in and of itself, this book that has any relevance in this case. This isn't any kind of motivation for murder, this isn't any kind of intent, or premeditation, and even add these two together, it still comes up with nothing.

Ahhh, but we have the pictures. We have this weird kind of picture right here, State's Exhibit 112. Is this any kind of motivation for murder? No. Is this any kind of trappings of occultism? It looks like a weird picture, but this doesn't prove anything in this case. And even adding them together. And then we have the picture right here from the skating magazine. Yeah, it's kind of a weird strange looking picture, but so what? It's still all right in America to have weird things in your room, and it doesn't mean you're guilty of murder and it doesn't give any kind of motivation. We didn't have to explain away any of this stuff. Damien got on the stand and said "Yeah, it's my picture. Yeah, that's my writing." The whole part of a teenager, when you're growing up, in the teen years, is questioning things. Questioning your religious beliefs. Questioning your parental values. But just because you do that is not any kind of evidence of murder.

We had the testimony from Bryn Ridge about questioning Damien Echols. Yes, we did make a big deal about the questioning of Damien Echols. Police talked to him on one occasion for fifteen, twenty minutes. Then they had him up there for two hours on May the 9th. Then they had him up there for eight hours. Eight hours on May the 10th, trying to get a confession out of him and they didn't do that. There's a dispute as to what was said during that conversation, as to parts of it. If the West Memphis Police Department would have wanted to have accurate information about that conversation, they could have spent two dollars and plugged in that tape and recorded the conversation, and they would have resolved the doubts that you have in your mind right now about what took place. Now did Damien get up on the stand and deny he had a conversation with Ridge? No. Ridge asked him about religious beliefs, Damien told him. Ridge asked him "How do you think the murders occurred?" What did Damien say? Mutilation, probably drowned, some

were cut, one more than another. And how does he get that specialized information? Rumors all over West Memphis. It was even in the newspaper, it was all on TV. There's certainly nothing special about the statements that Damien told Ridge.

Did -- the other thing -- in interrogation techniques sometimes the police will write up a report and get somebody to sign it, to say yes, this is basically what I told you. They didn't even do that in this case. The police sat up here and grilled Damien for eight hours and then have come in and said, tried to tell you exactly what he said -- in quotations -- but if they would have wanted to do it right, they could have taped it.

Ah, but Damien -- according to their testimony -- Damien wasn't a suspect until he started talking to, about his Wiccan beliefs with Inspector, with Ridge. All right. After Damien tells them that, then if you want to get accurate information you plug in that tape recorder. Ridge didn't do that for the rest of his interview, Durham didn't do that for the rest of his interview, and neither did any other officers that talked to him that day. We even had Gary Gitchell testify he talked to Damien, the last person later on on May the tenth, we don't even have any notes about what he was saying. I wonder if during that part of the conversation, Damien continued to deny the murders.

They made a big deal about Damien stating to Durham "I'll tell you everything I know, if you let me talk to my mom." Did he talk to his mom? Did he do that? Sure. He didn't know anything. He continued to deny the murders. But that certainly isn't any kind of admission of guilt.

In addition, looking at the testimony, we have, the main statements that the State has attempted to introduce has been the, we call the softball girls, and you heard Ms. VanVickle and Ms. Medford testify. Let's look back at the circumstances of what they heard in that conversation.

Both of them testified they were about twenty foot away, didn't see each other, was Damien talking to them? No. Damien was talking, one of them said, to five or six people, the other girl said a bunch of people. All they heard was the middle part of the conversation. They admitted, we didn't hear what they talked about initially, they said we didn't hear what they talked about at the latter part, we just heard the part about Damien Echols saying that he killed two, uh three, of the boys and was gonna go kill two more. I submit to you that that conversation was taken out of context.

We certainly don't have to prove anything about that conversation. If the State believed that conversation, they could have had the five or six other people that were listening to that conversation, they didn't put those witnesses on. We don't have to prove anything. The State's the one that had that burden, not the defense. And even, if you listen to the, as part of that conversation, we don't know what the context was, was Damien talking about the murders? Perhaps he was. If you'd been up at the police station and they grilled you for twelve, ten hours, and people were asking you about that, sure. The girls also said "Well, Damien was kind of

weird. We, you know, heard some rumors about Damien." Did the girls believe what they heard, what they say they heard, that day? Ms. Medford says "Ah, I went and told my mom right away." And what did her mother say? "She didn't tell me 'til, 'til it was past dark and we got in the car to go home." Her daughter was so scared and so concerned about what she heard from Damien Echols, that she decided to go ahead and finish out the softball game and watch another two other games, and not 'til they left to mention it to mom. Okay. At that point, did mom believe it? Did even the girl believe it? Did they go tell the police right away? No. Did they tell them right when the -- they waited until a week or so after Damien Echols was arrested, before they decide, ah, now we'll tell the police.

That's the only statements they have. The State is gonna, has put a big emphasis, Damien confessed. I submit to you that this wasn't any kind of admission at all whatsoever. And the State certainly doesn't have quote "the words of Damien Echols" to convict him. The circumstances around that conversation, if it did in fact take place, there's certainly reasonable doubt.

We also emphasized police ineptitude during this investigation. We brought up the part about photo line-ups. Just think for a minute, if you're a suspect in a case, and the police show your picture to some other people, possible witnesses. And if the witnesses identify your picture, then that's important and we'll write a report up. But if they don't identify your picture, then we just don't have to write a report, we're not gonna write a report about it. Well I submit to you, it is very important if your picture's shown to somebody and they don't pick you out, there ought to be a report about that. And the fact that ah, sometimes we show pictures and do reports and other times there's no reports, that fits in with the police ineptitude and that's also part of the reasonable doubt.

We also had the, there's another part of the testimony about police ineptitude, we asked about surveillance, did they do surveillance on a certain person's home. Yes, we did some surveillance, but we never bothered to transcribe it. We never bothered -- you, you just can't hear anything about that. All right, so they go, the police go to the point about doing some kind of elaborate surveillance, about taping, about having something, a transmitter in Gitchell's office, a receiver, whatever. All right, just tell me the date you put it in. "We don't know." Tell me when did you take it out. "We don't know." Well tell me the dates of the conversations. "We don't know." All right, just give me the transcript. Certainly, if you went to the trouble of doing surveillance... Ahhh, but what's their likely response? Maybe there's nothing on this. So if they do surveillance and my client is there, and my client doesn't say anything implicating, the police, they just don't want that. Another part of police ineptitude. And it's certainly possible -- we asked questions about it -- there are outfits that could do voice translations and they can clear up tapes if they really wanted it. If they really wanted the right information. But no. Damien Echols tunnel vision. Damien Echols tunnel vision. If something fit in with their theory that Damien was involved, they investigated that. If it didn't, they chucked it aside, they threw it away, just like that Bojangles blood.

In addition, the fiber evidence. Ahh, this is the big scientific evidence in this case. Because there's no DNA evidence, there's no blood evidence linking my client whatsoever. But the fibers. We asked Lisa Sakevicius about the fibers, she testified microscopically similar. Of course John Kilbourn used the term consistent, which is probably the same term. I submit to you that microscopically similar is built in reasonable doubt. She didn't say it's a match, she didn't say you could take two different fibers, put them together and say yes, positively these are together. There are similarities. And you look at them in a microscope and there's similarities. And I also asked her "What about this disclaimer you put on every one of your reports?" Yep, the FBI tells us that we need to put on there some language to the effect of fibers do not contain enough individualistic characteristics to the exclusion of others. And that's the reason I also showed her that book that I had that said it's very important when testifying to explain not only the benefits, but also the limits of fiber comparisons.

Now let's look at the fibers themselves. There were two sets related to my client. One, was the cotton/poly fibers that were found on, um, Mr., uh, um, Moore clothing. What was the source of those, based upon the testimony? We don't know. We don't know for sure what the source was. They were microscopically similar to a t-shirt, a blue and green Garanimals t-shirt, size six that doesn't fit my client.

Were there any other fibers? Ahh, the red cotton fibers. Of course, cotton is very common, and Lisa testified that back on June the 6th we found a red t-shirt in Damien's house and those, that red t-shirt had fibers that matched fibers found on the scene. Okay. But is it important in fiber evidence to exclude the possibility of other fibers? They waited until December 20th to go back to the homes of the vic -- two of the homes, not even all the homes, to only two of the homes of the victims -- found a red t-shirt in the former home of Michael Moore and lo and behold, that red cotton t-shirt had the same kind of red cotton t-shirt, microscopically similar and they're also microscopically similar to the ones found at the scene. I submit to you fiber evidence has some value, but there's built in reasonable doubt.

The other thing, how are fibers transferred? The testimony was there's primary transference, a fiber from one clothing on another, then secondary, goes off one clothing onto something else, onto a third thing. How does that actually occur in real life? You're able to use your common sense based on the reasonable doubt instructions. I submit to you that it's certainly possible for fibers to be transferred when clothes are being washed. Even if you look in your pocket, a lot of times you may find fibers, different color fibers. Did that fiber come from this particular clothing? No. It probably came from something that was washed or dried together. And that certainly is a possibility of how fibers could be transferred. So I submit to you that the fiber evidence, is certainly, there's built in reasonable doubt with that fiber evidence.

We also, at some point, got to the issue of motive. And that's where the State introduced the testimony of Dr. Dale Griffis. And the State, his conclusion was, this crime had trappings of occultism. And I asked him, just tell me what factors you had -- obviously, these things certainly

stuff that was written a year or two before the murders, "Ah, that's occult related things," you know, "They, when they're doing their satanic things use stuff like this." What about May the 5th? To me it seems like May the 5th is more important than something that took place a year or two years before.

If you look at that evidence, the three big factors, the date, the moon and the slicked off area. Those were the three primary things he looked at. The date. "Yes, on May the 1st it's a satanic date and so is April the 30th. One is Beltane, one is Walpurgisnacht." Alright, but the murders took place on May the 5th. Ah, if they take place within a week, it's a satanic -- it could be perhaps a satanic killing. Well, I submit to you that if it takes place a week before or a week after, according to Dr. Griffis it could be satanic. So if you got thirteen possible dates, a week on either side, twenty-six weeks, half the weeks of the year, it could be a satanic killing according to Dr. Griffis?

Ah, well let's look at some other factors. The moon. Ah, now that's real important. I asked him, he said "Well the fact that there's a full moon, that is a factor." Okay, well I asked him "Well, then, if it was no moon does that mean it's not satanic?" "Well, no still could be, but less likely." I asked him "Well, what if it's a half-moon, is that fifty percent of, of? Is it occult related or not occult related?" I submit to you that the fact of the dates and the moon have absolutely nothing to do with this case whatsoever. Obviously, if a crime takes place, you're gonna either have a moon or not have a moon, and you're, it's gonna be on a date, but just to sit down and use those, pull those figures out of the air and say "Ah-ha, this now has the trappings of occultism" is incorrect.

He also, I asked him about the slicked up area. Ah, so the fact there's a slicked up area, that means it's satanic. What I thought based upon some of his testimony is, you know, if it's a satanic or an occult or cult related killing, they leave some kind of a mark. They want people to know. So according to his reasoning, there's nothing there, we can't explain it, so it must be occult related.

Of course the State has inferred that, from the one testimony of the one, of Michael Carson that Jason Baldwin had made a statement that he'd sucked the blood. Is the State contending that even if that is true, that's where all the blood went? Well what about all the injuries, there was lots of injuries to the boys. Besides the injury to the penis on Chris Byers, there was all those other injuries as well. Where did all that blood go?

I also asked him "Could it be a sex crime?" "Yes." I asked him, you know, he testified about the way the boys were tied. It's also possible that that could be easy access on a sex crime, which has absolutely nothing to do with any of this occult related or the trappings of occultism. I also asked and he said it could be a serial killer.

But I submit to you from the evidence that's been put forth, although the State doesn't have to prove motive, I submit to you that they haven't proven motive. You know, we don't have to, we

did not have to come in here and say it was not an occult related killing. But what did we do? We put Robert Hicks up here to try and explain this phenomenon. And Hicks got up here and testified about there are cult cops, who go around spreading satanic panic, and part of their theory is no other evidence, so it must be occult related. I also asked him -- just -- what kind of data do you have? Like imperial studies, empirical studies, or. And he said that there wasn't any empirical studies about any of these cult related type killings. But even if there was, there's no evidence that this killing was an occult related.

The State produced the Hollingsworths. That's their big eyewitness. That Damien Echols was seen around 9:30, ten o'clock, walking near the Blue Beacon near Love's Truck Stop. We had Narlene and Anthony. Of course, Anthony testified they were dirty. Didn't say anything about any blood at all on either one of them. Narlene testified there were eight people in the car, she thought about stopping to pick up Damien and Domini, and then they were going to pick up Dixie. So there'd be eleven people in a Ford Escort. But besides just that, she was very sure, she was just as sure as it was Damien as just as sure it was Jason -- I mean as it was, uh, Domini. And her testimony was holes in the jeans, flowery pants. She also testified yes, LG Hollingsworth, her nephew, was a suspect in this case. I submit to you that goes toward possibly her bias. But the key testimony of Narlene was, what else did she say? Between 5:00 and 5:10, she saw the, uh, she also saw the kids earlier in the day and then she found out they were missing. She found out at five o'clock they were missing, and that was before the parents knew anything about the kids being missing.

We also did have the testimony from Dr. Peretti. The State has alleged that because there's different types of weapons, that maybe perhaps multiple people were involved. There hasn't been any testimony whatsoever as to the number of people that committed this crime. You know, that is not something we have to disprove. The State has that burden of proof. Just because they pick up a stick, just because they -- or two sticks -- and maybe a particular knife and there's three different knives and go ahead and say maybe three people did it, there's no evidence whatsoever to the number of people that committed this crime. It is certainly possible one person, and only one person, could have done this. It's also possible any number of individuals could have done it.

We had Dr. Peretti testify about the injuries on the bodies and he also noticed there were some injuries on the buttocks of Chris Byers. We have the testimony from Mark Byers that earlier in the day he had beat him, hit him three or four times with a belt. We also had the testimony that there was a belt buckle injury on one of the boys. I submit to you that is reasonable doubt. Now there was the testimony about the injury to the ears, that could be from dragging the boys, that could have been when they were thrown in the water, that could be some type of sexual act that was performed on the boys, there's no conclusive proof whatsoever as far as that. But particularly, there's no testimony as to actually where these boys were killed.

Then we have the area of weapons. The State has come in and tried to allude, this particular, the Lakeshore knife, is the murder weapon. Well, Dr. Peretti said a knife of this type, some of the

injuries were consistent with a knife of this type. He never did say this particular knife caused those injuries. Where was this knife found? This knife was found, according to testimony, in the Lakeshore area in the lake. But what part of the lake did they look at? Did they look at the whole lake? Were they trying to check for all weapons that could've been out in that lake? Because there was some testimony that other suspects lived out on the lake. No, they only looked at certain areas. They only looked at two areas, very convenient to the area where Jason Baldwin lived.

But in addition, was there any testimony as to who threw this particular knife in the lake? No. Was there any testimony that this knife was thrown in after May the 5th? No. Again, we don't have to prove anything about this knife. We don't have to disprove anything about this knife. The State has the burden of proof, and even with this knife, they haven't proved that this knife was the murder weapon. Because if you also look again at the circumstantial evidence instructions, "A fact is established by circumstantial evidence if it's reasonably inferred from other facts proved in the case. Circumstantial evidence must be consistent with the guilt of the defendant and inconsistent with any other reasonable conclusion." There's no testimony whatsoever who threw this knife, or how, or if this knife has anything to do with the case.

There was testimony from Jim Parker that yes, we sold a knife similar to this. Any testimony that Damien Echols ever had this particular knife? There was some testimony that Damien had a knife similar to this, of course that came from Deanna Holcomb, an ex-girlfriend, that he had a knife a couple years ago. Damien got up on the stand and admitted "Yes, I had some knives. I used to have a knife collection." The fact that he had a knife collection is not evidence of murder.

In addition, we're not required to prove any defense whatsoever. But when we put, we not only put Damien Echols up on the stand and he was there for the after -- one afternoon and also part of the next morning. And Mr. Davis had a chance to ask any question that he wanted to, and you had the chance to observe the demeanor of Damien Echols on that witness stand, and consider that in your deliberations. Consider his answers.

In addition, we put forth evidence as to what Damien Echols was doing, thought he was doing, on May the 5th. I submit to you that the State is making some kind of alleging that we made up our alibi defense. The key thing to look at is if I ask you what you were doing back on May the 5th, you may not remember. If I pick out another day, what were you doing back on November 13th? I don't really remember. Now some dates stick out in your mind. You may remember when Kennedy was shot, when Elvis died, the Challenger explosion, the man on the moon. For certain people, certain dates really stick out in your mind. But I submit to you that once Damien was accused of a murder on May the 5th, the family went back and double-checked well, what all was I doing that day? The whole nature of evidence like this generally it's family and friends that know what you're doing. Generally you don't have a bunch of complete strangers to come in and say what you're doing on a specific day. We put forth the testimony, we put forth the Sanders, that said it, May the 5th was the date that they were there. We had the two Sanders

daughters. We had Randy Sanders, who wasn't sure of the date, but he knew that they went to Splash Casino that day. He saw Gail Sharp. Gail Sharp admitted seeing the Sanders. Gail Sharp remembers May the 5th, because that's the day she won \$10,000. And so I submit to you that we did put testimony for this of what Damien was doing that day.

Now, the interest -- you may be wondering what difference does that make. Well, quite frankly, when did the murders take place? We don't know. There's no evidence they took place between 6:00 and 8:00. If they did take place during 6:00 and 8:00, Damien's -- there was evidence that Damien was over at the Sanders. Perhaps they took place after, um, at some, uh, Dr. Peretti testified, between 1:00AM and 6:00, and 5:00AM. If that's true, even if Narlene did see Damien about 9:30 walking out in that area, that makes absolute -- there's no relevance to that whatsoever. We don't know from the evidence put forth and it's not Damien Echols' fault that we don't know the time of death. Damien was not the one out at, at when the bodies were found, Damien's not the one that didn't get the right information to Dr. Peretti. And you'd think if you're trying to solve a murder, time of death is a very important day.

The State asked the question of Damien about "Well, it appears that the story changes to fit the facts, when they're damaging." Well, I submit to you that the State is the one that doesn't know the facts. The State cannot come in here and accuse Damien Echols of changing the story to fit the facts, if they don't even know what the facts are. Because it's not our job to prove what happened May the 5th, it's the State's job and they haven't done it.

If you look at all the evidence in this case, the State has tried to allege this is a satanic killing or had the trappings of occultism. In Kenneth Hicks' book it states, "The satanic model of criminal behavior has no observable basis. The notion of a continuative [?] behavior rests upon no empirical foundation." Is Mr. Hicks the only one with that opinion? No. I asked him about the last quote in his book, and Ken Lanning, behavioral scientist from the FBI: "Bizarre crime and evil can occur without organized satanic activity. The law enforcement perspective requires we distinguish between what we know and what we don't know."

In the case here, I submit, there's a lot of things we don't know. And for the State to come before you in this courtroom and say "We don't know the time of death. We don't know what happened. We don't know where the boys were killed. We don't know if they were killed out there because there's no blood out there." And turn around and say "Because of all that, convict Damien Echols because he's a weird teenager." They haven't met their burden of proof.

When you go back in the jury room, ask for the exhibits, look at all the exhibits, study your notes, and I submit to you that once you make your deliberations, you'll come to the conclusion the State has not proven beyond a reasonable doubt that Damien Echols killed anybody on May the 5th.

Thank you.