

February 28, 1994

FORD: Ladies and gentlemen of the jury, good morning again, my name is Paul Ford, my partner Robin Wadley and I are here today representing Jason Baldwin. I'd like to spend a few minutes with you and describe to you what I believe the truth will show in this case. First, as Jason's lawyer, we are here today and in the days that come, searching for the truth. The prosecutors sitting here are searching for a conviction.

FOGLEMEN: Your honor, I've got to object to that. Mr. Ford knows that's improper for an opening statement.

BURNETT: Sounds like argument, avoid argument.

FORD: The judge is here to ensure a fair trial is had. You're here to determine justice. Opening statement has been described by lawyers in many different ways. It's been described as a road map, to let you know where you're going, where you expect to turn right and left, what you're ultimate destination is. It's also been described somewhat like a puzzle, that at the trial is putting together the pieces of a puzzle. But it helps to have the picture on the box when you're putting together that puzzle so you'll know where you may want to put the different pieces. And that's a good explanation for it. So I'm gonna try just for a minute to just give you that picture on the box for this puzzle.

First, let's start with an understanding of the person of Jason Baldwin. And the evidence will be that Jason Baldwin is a 16 year old boy and he was arrested on the day he got out of school of the 10th grade. The evidence will show that Jason is just an average student. But the important thing is, the evidence will show that Jason is not a trouble maker. He's not one of those kids that the school officials are constantly having to deal with. In fact, I believe the evidence will show that the school officials were shocked that Jason was accused of this crime because of their dealings with him, the kind of person they knew him to be.

Jason comes from a poor background, lives in the trailer park known as Lakeshore Trailer Park which is right off I 55 as you're heading into West Memphis, in between Marion and West Memphis, if you're familiar with that area, as soon as you cross over the bridge past the way station and heading into West Memphis is a trailer park there that's centered around a lake. That's where Jason has grown up. Jason has two younger brothers and he's raised by his mother. His mother works in Memphis, Tennessee and she works a job from 3 to 11. And so, when she's at work, when it's time for children who have to go to school to be getting ready for bed, so Jason takes the obligation of taking care of his two younger brothers, getting them to bed. And in the morning, when Mom is still asleep because she's been up late, and it's Jason who has the obligation of getting himself up, getting his brothers up, getting everybody dressed and fed and catch the bus and go to school. That's the kind of person Jason Baldwin is.

So, with that kind of person, why are we here today? We're here today, because on May the 5th in 1993, a tragedy occurred in West Memphis, Arkansas. And that tragedy was the brutal killing of three 8 year old boys. No one is going to argue, no one is going to say anything that that is a tragedy. That's not the question though. We're not here to determine if a tragedy occurred, and we're not here to determine whether these boys suffered a horrible death. What we're here today and the purpose of this trial is to determine if Jason did it. The prosecution told you that around six o'clock to six thirty in the evening of May the 5th, these three young boys were out playing, riding their bicycles. And their parents missed them, they began to wonder where they are, and they immediately became concerned they way I would with my children. And they began to look, and they began to holler, where are they? The way we all would. When it became an apparent that they weren't at the neighbors next door, they became more concerned. They began to search even harder, the way everyone would if their children were missing. But unfortunately, they didn't find them that night. And the search was called off and they'll wait till morning. When morning comes, the police get involved again. The police and the parents and everyone is concerned and they are looking for these boys, as they should. And they were up approximately 2 o'clock on the afternoon of May the 6th, they found them. They secured the scene, which was described to you. They taped it off with the yellow tape that you see on crime scenes or where fires occur so people are to stay out, don't disturb the area. There may be facts, there may be clues, there may be evidence left out here, don't disturb it. They do that. And as they searched that area, you'll see, from their own testimony, they found nothing. Not even a drop of blood. At that time, the questions were in their minds. Questions upon questions. They had to find the answers. It's the job of a police department to find the answers. But they didn't have the box that came with this puzzle to look at. They didn't know what type of pieces they were trying to put together. The evidence will show that in... since they didn't know who they were looking for, they began an exhaustive, a massive investigation. They went door to door in this community, knocking, asking, "What have you seen? What have you heard? Do you... Can you tell us anything to help?" You'll see that they were looking for transients, they were going to homeless shelters, not only in West Memphis but in Memphis, looking for someone who might just be passing through. West Memphis is a trucking community that makes, has tremendous industry based in trucking. They began to look for a trucker who may be passing through. The evidence will show that they went and obtained fuel records from the truck stops in the area to see who might be passing through and have bought truck fuel. You'll see that they were looking for a veteran, they went door to door looking for a veteran, someone with military experience because some of the things that they had found led them to believe they were looking for a veteran. They began to look for known sex offenders, but they weren't looking for a sixteen year old boy. The West Memphis Police Department was in charge of this investigation. But they needed help, they didn't have any answers to the questions. So they enlisted as the help of the Crittenden County Sheriff's Department and all of their forces. They elicited assistance from the Arkansas State Police and their criminal investigations [inaudible]. They elicited assistance from the police in Memphis, Tennessee. They began to receive information and help and clues from

Police Departments all over the country. They began to look for assistance from the FBI. They began to try to go throughout the community with a questionnaire from the FBI to determine what is the profile of this killer. But despite that search that was massive in scale, there were no answers to their questions. There was no solid evidence pointing to anyone. And the pressure began to build. An arrest needed to be made. Chief inspector Gary Gitchell of the West Memphis Police Department was conducting daily press conferences. The public wanted someone. The press wanted someone. They wanted answers to their questions. But the evidence will show and as late as the 28th day of May, they admitted they were blindfolded. They had no answers.

Suddenly, an arrest is made. Jason Baldwin is arrested. The police swarm into his life and into his residence and arrest him in the middle of the night, they come in, they take his clothes, they take his shoes, they take his personal belongings, they obtain his school records, and his school grades, and his school work, they obtain samples of his hair, they obtain samples of his blood, they obtain his saliva, they take his finger prints, they take his hand writing samples, they take foot prints and they make casts of his shoes for shoe prints, all looking for something to link him to this crime. And then they had to take all of this evidence and send it out to the experts and send it to Little Rock, to the Crime Lab. Send it to the FBI in Virginia, in Quantico, for them to access it. Send it to experts in Alabama for their opinion. And you'll see once again, they came up empty. No substantiating evidence to link him to the crime. But before that ever occurs and before that is made public, Inspector Gitchell goes in front of that same press who had once been the source of his pressure and says on the scale of 1 to 10 the proof against this young boy is an 11. And from that point forward, nobody believes him. No matter what he says, no one listens. The police have an 11, this is an open and shut case. But you'll see that that's far from the truth. You'll see that Jason Baldwin came in front of this court and declared his innocence. And that's why we're here today. The testimony will show you three things that I want you to be listening for carefully. I told you first about this massive investigation that they took place. You'll see the evidence they chose to disregard. The suspects, the statements, the physical evidence. They chose to disregard. Because it didn't fit the puzzle that they wanted to play and make in front of you. You'll see that this evidence that they have and that they'll present to you today and in the days that come is disguised. It has been twisted and manipulated and distorted in order to make the pieces of the puzzle they want to build to fit together. And you'll see that from their own witnesses. Lastly, you will see from their own witnesses, evidence that will show that Jason Baldwin is innocent. From their own testimony. From the witnesses they will bring in front of you in the days that come, you will see one of three things, all of which or any one standing alone will show that Jason Baldwin is innocent. Under your oath as a juror, listen to that evidence. Thank you.