

**January 26, 1994**

**STIDHAM:** Good morning. (clears throat) If you can bear with me for just a minute, I'll see if I can get this ready here. (long pause)

May it please the Court, ladies and gentlemen of the jury, my name is Dan Stidham. We, I introduced myself during the jury selection process, the voir dire. I'd like to introduce you to Jessie, the defendant in this matter. I'd also like to introduce you to Mr. Crow, and the lady sitting at the defense table is my secretary and legal assistant, Ms. Cresp (PHONETIC).

Um, it's not often that I agree with the prosecutor about anything. But I do have to agree that this is a horrible and senseless crime, and nobody can change that. But that's not why we're here today, uh, the purpose why we're here today is for truth and justice, and to determine whether or not little Jessie Misskelley had anything whatsoever to do with this horrible crime. And I would submit to you that the proof is going to show that he did not have anything to do with this crime.

The opening statement ladies and gentlemen of the jury, is where we tell you about our case. The prosecutor's told you about his case. He's told you what he intends to prove, and this is our opportunity to show you what we intend to show and demonstrate through our case. I would remind you that the defendant, Mr. Misskelley, is presumed innocent. We talked about that extensively during the voir dire examination. He is protected by this presumption of innocence throughout the entire trial.

And also I would like to point out to you, and I want you to think about this through the entire trial, because this is very, very important, it's probably the most important thing you'll hear throughout the trial. The State is required to prove their case beyond a reasonable doubt. And throughout this case I want you to think about those two words because they're very important. Reasonable doubt.

And now ladies and gentlemen of the jury, I want to show you, uh, give you a preview of our case. And what we think that the proof will show in this matter.

Ladies and gentlemen of the jury, this whole case is a sad, sad story. We all know that. But what's even sadder is the way that the West Memphis Police Department decided to investigate this crime, investigate Mr. Misskelley. Ladies and gentlemen of the jury, the police have told the press, and they've told the public, that this is the most difficult case that they've ever investigated. The most difficult case in the history of the West Memphis Police Department.

Inspector Gitchell gave daily news conferences about the progress in the investigation. He told what information he could about the progress, and uh, there was a very -- can everyone see that? Do I need to move it a little bit? Ladies and gentlemen there was a public outcry. The public was demanding that someone be arrested for this crime. And the police department were trying to respond to this tremendous amount of pressure that they were under.

In addition to the public outcry, there was a reward. And I believe at one time the reward actually reached up near 35 to 40 thousand dollars. And that anyone who could provide information leading to the arrest and conviction of the people responsible for this horrible crime would get the reward money. I want you to think about that reward money, and the reward that was offered, because it's going to play an important factor, an important role, throughout the entire course of this trial.

Also, ladies and gentlemen of the jury, the West Memphis Police Department had what I refer to as "Damien Echols Tunnel Vision." And what I mean by that is, and I think what the proof will show, is that they had Damien Echols picked out as the person responsible for this crime from day one. I believe the proof will show that they brought him in for questioning either the day the bodies were recovered, or the day after. He was their prime suspect from the very, very beginning. And I also think that the proof will show, that they literally rounded up anybody and everybody they could, and brought them to the West Memphis Police Department and questioned them regarding their knowledge of Damien Echols.

Ladies and gentlemen of the jury, the second part of our defense will be that this statement that Mr. Misskelley gave the West Memphis Police Department, stating that he was present when the murders were occurred is a false story. We believe that what Mr. Misskelley told the police was absolutely false. How do we know it was false? Because it was factually incorrect in many, many important areas. The proof will show that Mr. Misskelley said this thing or that thing, or this thing or that thing, and it was wrong. The police didn't care, they just kept right on interrogating, they glossed right over it. They didn't care that what this kid was telling them was wrong. They knew it was wrong.

The second thing that the police will rely on is the fact that only someone who was there could have known these things. And therefore Mr. Misskelley had to have been present. Well ladies and gentlemen of the jury, the evidence will show that everyone in West Memphis knew what had happened to these boys. It was common knowledge throughout the city what had happened -- what injuries the boys had sustained, uh, where they were cut, everything about the crime was common knowledge in West Memphis, Arkansas.

The third reason, ladies and gentlemen of the jury, that we know that Mr. Misskelley's statement to the police was false is because of his alibi. The evidence will show that not only was Mr. Misskelley not in Robin Hood Hills at the time of these homicides, he was in a different county almost 40 miles away at the time these crimes occurred.

The third part of our defense is going to be answering the one question that you're going to have in your mind after you hear the factual inconsistencies and the alibi witnesses each get on the witness stand and tell you where Jessie Misskelley was on May the 5th, 1993, we're gonna answer the question that's in your mind. Why did Jessie Misskelley tell this wild story to the West Memphis police about being present when he wasn't? Why did he do that? And we will

demonstrate that to you, by demonstrating, and by evidence, that Jessie Misskelley has a mental handicap. Second of all, we will demonstrate to you that Jessie Misskelley is very suggestible. Thirdly we will demonstrate to you that the psychological police tactics, the interrogation techniques that were deployed against Mr. Misskelley at the time of his statement on June the 3rd rendered him completely incapable. They, they broke his will. They scared him beyond all measure. And how did they do that? They used a photograph of one of the victims, they showed it to Mr. Misskelley, and it terrified him. The evidence will show that it terrified him so much that he sat in his chair and just froze. The second thing that they did is they played a tape of little boy's voice, in a real eerie tone that said "nobody knows what happened but me" and it terrified Mr. Misskelley. The third thing that they did is they showed him a diagram, a circle. They drew a circle on a piece of paper and they put three dots in the middle, and they said ladies and gentlemen, uh, they said "Mr. Misskelley, those three dots are you, Damien and Jason." And then they made bunches of dots on the outside of the circle, like this (tapping sounds) and they said "these dots represent the police. Why don't you come out and help us? And we will help you." The officer's notes will reflect that Jessie Misskelley said "I want out." And it was shortly thereafter that he gave this statement to the police.

Ladies and gentlemen, again, I ask you throughout the course of this trial to think of two words -- reasonable doubt. I think that you will agree with the defense at the end of this trial that there's not just one reasonable doubt, there's gonna be many, many reasonable doubts. Thank you for your attention.

**THE COURT:** Call your first witness.