

**March 17, 1994**

**MR. FOGLEMAN:** May it please the court, attorneys for the defense, ladies and gentlemen of the jury. Before I get into this argument, I wanna take this opportunity--and I'm sure that the attorneys for Mr. Baldwin and Mr. Echols would join me in this--it's been a long trial and we all appreciate your willingness to serve, your time, your attention. We've all observed that you've continued to take notes throughout the trial despite some of it being fairly tedious and perhaps boring type testimony. But we all appreciate your willingness to serve, to take the time away from your families and jobs to do--what I'm sure all of you feel, is your civic responsibility and we all appreciate that.

When you took your oath as a juror you took an oath to do a particular duty. And what that was, was to render a verdict based solely and exclusively as the laws that come from Judge Burnett and the evidence that has come from this witness stand. And nothing else. And that's all that anybody can ask you to consider in arriving at your verdict and that's all that we ask you to consider. Your duty as a juror demands that.

Because of the nature of this case, no matter how you look at it--you might feel sympathy for one side or the other. Nobody can tell you not to have sympathy. Because you're gonna have sympathy for whoever you choose to. But the important thing--and the Judge has told you this, is that sympathy is not--is not, a proper basis for reaching a verdict. And that sympathy should not affect in any way your verdict in this case. And we, on behalf of the State, ask you to follow that instruction as well.

Now y'all heard all through jury selection, you probably heard a hundred times--that the State has the burden of proof beyond a reasonable doubt. And that is this State's burden and we welcome that burden. As we told you during jury selection it's also important that you not require more than what the law requires of us. And that burden tells you basically two things. How much the State has to prove and what the State has to prove. What the State has to prove, if you'll recall--are only the elements of the offenses charged. Nothing else. Not whether somebody got blue socks or white socks or anything else, other than the elements of the offense charged. How much we have to prove--beyond a reasonable doubt. And that instruction the court gives you has a clear definition of reasonable doubt. It's not a mere possible or imaginary doubt. But once you are convinced--if you have an abiding conviction of the truth of the charge, you are convinced beyond a reasonable doubt.

Now, I wanna talk to you a little bit about some things that happened in jury selection and opening statements and throughout the trial that I submit to you were guided to try to get you to increase that burden. Number one, during jury selection, a lot of psychology used in jury selection--the defense has an expert trying to help them. And there are a lot of word games that are played during jury selection. And some of the examples during jury selection were like--help me to make sure that we don't make a mistake. Nobody wants a mistake in this case. Nobody.

But when somebody says, "help me," is a psychological ploy to try to get you subconsciously to move, not in the middle--but move toward their side.

Also used what's called visual imaging. Remember the bridge, building a bridge back here of reasonable doubt. Y'all remember that? Well that bridge--is it a small bridge or a big bridge? The examples used like a bridge across the Mississippi River or a hundred feet across. Well if they only make it ninety feet is that beyond a reasonable doubt, you know--how would you react to that. Well, the image that is trying to be built is something large and massive, which in reality there's a line--they didn't make it or they did. It's proof beyond a reasonable doubt or it's not. And it doesn't matter how you get across that line. Whether it's a foot bridge, a massive structure, a log, whether you swim across--it doesn't matter how you get there.

In opening statements the defense tells you that all the prosecution wants is a conviction and all the defense wants is justice. We all want justice. We want justice and it's another ploy to try to get you leaning to their side, adopting their side. Sitting in the jury box and think, well, how can we counter what the State's saying. Another phrase in opening was that you are a barrier between the prosecution and the defendant. It's the same thing. Also throughout that process and throughout the trial there are questions asked of witnesses and in particular I remember on Dale Griffis. Well is it possible that this was a sex related crime? Also asked that of Detective Ridge. Is it possible that this could be a serial killer? Is it possible that it happened somewhere else? Is it possible that this was not satanic related?

Ladies and gentlemen, in the instruction that the court has given in reasonable doubt--reasonable doubt is not a mere possible doubt. Anything is possible. But that's not the standard at all. The reason I bring all this up--I, as Mr. Davis asked you during the jury selection process, all that we want is twelve people who are sitting there who are gonna be fair to both sides and impartial. Now I'm not up here saying that well because of these things you're consciously would be anything other than fair. But subconsciously--and that's what those are designed to do, to subconsciously have you leaning in favor of the defense. And all that we ask is that you start as you been through the trial even on both sides.

Now what does the State have to prove? The State has to prove, number one, that with the premeditating and deliberating purpose of causing the deaths of any person--that's number one. What was the state of mind? What was the state of mind? Premeditation and deliberation. And number two, that with that state of mind, Damien Echols on one hand or an accompish, Jason Baldwin or an accompish on the other hand, caused the death of Michael Moore, Stevie Branch and Christopher Byers. Now what I wanna do now, is I wanna go through each of those two elements--I wanna go through the evidence and let's just see where we come out.

First, premeditation. All you have to do, ladies and gentlemen, is look at the nature of the injuries that these eight-year-old children suffered to conclude that there was premeditation and deliberation. Now premeditation doesn't mean that before you did it, you sat at home and you

thought--well, let's go out today and let's kill three eight-year-old boys. Doesn't mean that. The instruction the court gives you--tells you that premeditation and deliberation, that state of mind, can be formed in an instant. As long as you have got a conscious object to cause death. And that you've weighed in the mind this course of conduct.

Now you might say, well now wait now a minute, you know--they had head injuries, they were beat up bad, drowned. Think about it. You've got a kid who's been--he's got head injuries that are enough to be fatal in and of themselves. One of them's face, the left side of his face is practically gone. And then the other boy has his genital area removed. Now you say, 'Well, what if they just meant to hurt them bad or mutilate them'. Well, once they take one of those boys and they beat him and give him injuries that would be fatal, and then they put him in water tied where he can't do anything but go to the bottom, and he aspirates water, and what do you think he's gonna do, no matter what the head injuries are? Use your common knowledge. What do you think he's gonna do? You think he's just going to sink to the bottom? Don't you think he'd be struggling, and thrashing to get some air? And once they do one--and they see that they know--they know that he's still alive, and they know that putting them in the water is gonna kill 'em. And they've got the conscious object to cause these boys' deaths.

Now, let's talk about Damien Echols or an accomplice, Jason Baldwin or an accomplice, causing the death of these boys. As the court instructs you, some of this evidence is only as to one, some of it as to both. In this case, you've got evidence that at about nine thirty--sometime between nine thirty and ten on May the fifth, this is the area of the crime scene, and somewhere in this area Damien Echols--who by his own admission dresses very distinctively and stands out in a crowd--he is seen by somebody who's seen him hundred of times, Narlene and Anthony Hollingsworth. And he's seen with somebody they identify as Damien's girlfriend. They're muddy, dirty, and they're here about nine thirty or ten, which Damien denies. Now, all of y'all--I don't think any one of you could forget Anthony and Narlene's testimony. I got to thinking about it later, and you know--we laughed, we all laughed. You laughed, we laughed, the defense attorneys laughed, everybody laughed--they were dead serious. And, you don't pick your witnesses--and because they're simple, and they're not highly educated, that should be no reason to discount anything they said. Think about what they said and really how they said it. I submit to you, you'll find that they were highly credible. And that they did see Damien Echols on this service road between nine thirty and ten on May the fifth, 1993. Now, who he was with--draw your own conclusions. Says his girlfriend and they describe her as having red hair and long. You got a picture of Jason Baldwin at the time of his arrest. Nothing wrong with having long hair and the picture in there is not shown to shown that he's a bad person because he got long hair. But think about that. Think about who Damien was with on May the fifth.

Now, you got Jodee Medford and Christy VanVickle--two kids who were just at the softball field having a good time, this is in May--later part of May and what--what does Christy hear as she's going by. She hears this defendant, Damien Echols, say, "I killed those three boys." And she gets out of there. Jodee, who's walking in a different area, hears him say the first part just

like Christy did, and then she hears him say, "and I'm gonna kill two more before I turn myself in and I've already got one picked out." Now you observed their testimony. Those were two scared kids up here. They didn't wanna be here, they didn't wanna be photographed or filmed. Had no motivation to do anything other than come up here and tell you the truth. Even though they didn't want to. They didn't wanna be here, they didn't wanna be involved in this.

But this defendant says this and you might ask yourself, well, now wait a minute. We've got a crime scene that's clean. The killers were very meticulous about removing any evidence, hiding the bicycles, hiding the clothes, hiding the bodies. Why would he stand out there and tell everybody? Well number one, who was he telling? He was telling the group of six or seven of his little groupies that followed him around.

Remember, he says he dresses that way and everything to keep people away from him, but everywhere you look he's got little groupies hanging around him. Now, and you say, well still, why would he say that? Well remember when Mr. Davis was examining him about this manic-depressive situation? And in the manic phase you feel invincible? Nobody can touch you? I submit, ladies and gentlemen that in that manic phase--feeling invincible, he didn't care what he said. Why, he'd already been questioned by the police. Two or three times. They couldn't touch him. They couldn't touch him and he didn't care. Just like he told the police, the killer didn't care.

This is an item of evidence that applies to both defendants, remember Deanna Holcomb--Damien's former girlfriend--she says that she saw this in his pocket. I said, "Well how did you see it in his pocket?" "Well I was hugging him and I felt it in there and I pulled it out." And she identified, she didn't say this was the knife. You remember her testimony. She said it was a knife similar to this.

But you know what--the thing that I submit shows her credibility about this knife is--she said there's one thing different about it though, or maybe there wasn't, there was one thing different--it had a compass. The one that I saw him with had a compass in the end. And do you remember Jim Parker, the man we brought from Chattanooga, whose family had the Parker Knife distributing company and they distributed knives just like this. When the knife was distributed what did it have? It had a compass. Now, this knife also applies to Jason Baldwin. Where was it found? Where was it found?

First of all, you got the drawing on here, Detective Allen drew that, remember that? And he said, 'hey I'm no engineer, I'll just--I'm kind of guesstimate', and I think he was just a little off on this spot but the chart by the engineer is more accurate. But you've got this dock right here. This dock right here, which is right behind Jason Baldwin's trailer. And forty-seven feet--not from the dock, but from these trees over here you find this knife. This knife right here. And you say, well maybe it was thrown from this trailer over here--over here--well, this trailer right here you got--remember the testimony about that tree right there they measured from? And you see the picture how it spreads out and he testified was about as tall as this building and that's in May. And then

they find it in, what was it, November the seventeenth maybe. Something like that. The most likely spot for this knife to have come from is that dock behind Jason Baldwin's house. Now you say, well--so--you know, Dr. Peretti said this knife or that other knife, either one of them could have caused all those injuries. I will come back later and I wanna show you, and you look at the wounds--remember Mr. Davis, when he was selecting you for the jury, he asked you--you know, would you be able to look at those pictures and look at them closely--look at them closely. I'll come back later and show you, and ask you to look at the pictures, and you'll see that a knife like this--not like that other knife, but a knife like this, with this serration pattern caused the injuries--some of the injuries to Chris Byers.

Now, back on Damien--we got fibers. On Michael Moore's Cub Scout pants and on his Cub Scout hat, you had some fibers an on the--had cotton and polyester, kind of greenish. On the pants you had one green cotton fiber and one green polyester fiber and on the Cub Scout hat you have one green polyester fiber. Remember that little bitty shirt, the shirt about the size of one of these victims. Remember that? That we held up--the greenish blue surf,whatever--that hung in the closet where Damien's clothes hung. It's Michelle's bedroom, but Damien slept in there. But, you remember that shirt? And Lisa Sakevicius testified that those fibers that were found on there were consistent as having come from that shirt. Ya think--well--you know--but the fibers are just consistent, you know--it could have come from hundred of other shirts. Number one, the shirt is poly-cotton. We didn't just find cotton. We didn't just find polyester. We found both polyester and cotton that are consistent as having come from this shirt. Number two, the testimony was that the search of Jason's trailer, getting fabric--and they knew what kind of fibers they were looking for, Lisa Sakevicius did the search herself. You got Jason's place search, you got Damien's place searched, you got Jessie's searched, you've got the Byers house--you got fibers, and you got fibers from the Moore house. And out of all those houses, out of all the clothing in those houses, nothing. Nothing but this one shirt were those fibers matched to. Ask yourself whether that isn't significant.

Then you've got Damien's statements. He talks to the police and does he make an outright confession to the police? No. But what does he tell Detective Durham after he's been questioned for a while. "Look, let me talk to my mother and I'll tell you all about it.--I'll tell you all about it." And then he tells Detective Ridge, when Detective Ridge asked him, "How do you think they died?"--"Mutilation. Two of them probably drowned. One of them was cut up more than the others." Coincidence? He just guessed? Did the police even know that two drowned at that point? Remember reading from the newspaper article trying to suggest, well he got these details out of the newspaper. What did they read to you. Said all of them were sexually mutilated or castrated. Said they were found in water. Wasn't anything about two of them drowning. Wasn't anything about one of them cut up more than the others. And that came from this defendant's over here own mouth.

Let's talk about Jason Baldwin--we've talked about the knife, and that applies to both of them. And then you got Michael Carson. Remember Michael Carson? The guy that was in jail with

Damien. He's not up here telling you, hey I'm a little choirboy. He's been in lots of trouble. But you know, ironically, he didn't come forward until all of that was disposed of. He didn't come saying, look, I'll tell you all this if y'all give me a special deal. He didn't wanna get involved. He comes from the kind of raising that you don't snitch--you do not snitch. But, there's just something different, just like Ms. Sakevicius said--she's never had a case like this. Remember they're asking her about going to the search warrants? And she said there's nothing ordinary about this case. Well, in this case, it's not the ordinary case. And Michael Carson, after seeing the effect on the victims' families, felt the need to come forward and tell what he knew. What this defendant Jason Baldwin had told him. About sucking the blood from the kid's penis. And what else did he say? He says he's gonna get Jessie. Because Jessie messed everything up. Didn't say Jessie lied, he said Jessie messed everything up.

Then you got the fiber. Now on the Damien's fiber you got three, but as--I think it was Mr. Kilbourn who testified said that, uh--either Kilbourn or Lisa Sakevicius, said that cotton or polyester are more common. But still, out of all those houses only matched those. But rayon is less common. Lisa Sakevicius said you don't get that very often in the lab. And you got this rayon fiber, this one tiny little fiber found on that black and white polka-dot--or check, whatever it is--shirt of one of these little victims. And they take that tiny little fiber and they compare it microscopically, they look at its shape, it's color, and they tell you that it's consistent from having come from that robe in Jason Baldwin's house. Now, this tiny little fiber--and the defense make a big deal about that--remember them putting the slide in and saying--you know--where is that fiber on there, I can't see it on there.

Well they think it's a big enough fiber that they brought this Charles Lynch in from Dallas. To come in here and say, oh well it's not consistent from coming from that source. But now what did Mr. Lynch say? He admitted, he talked up here about color. Remember that? All I wanna do is talk about color. How the color's different. Ran his graph and color's different. Well, he admitted that when I talked to him he said the main difference was shape. Because one end is flattened and the other end is round. He admitted saying that. But when he comes in here after he finds out that Ms. Sakevicius flattened it herself, all of the sudden it's color that's the main thing. That's all he wants to talk about. Says he could not flatten the fiber. He even took a hammer and tried to flatten the fiber. And all Ms. Sakevicius did was take a scalpel and flatten the fiber. He also said that the fiber was round. Mr. Kilbourn told you--they may be round when it comes out and you might--Mr. Kilbourn being real fair to his fellow forensic specialists, or whatever they're called--says, well I guess you could say it is more round than it is square, but you remember the thing it had all the pattern around it. Hardly call it round. And Mr. Lynch, in making his decision--they used these graphs, and I don't want to bore y'all or anything, but this is the graph that Ms. Sakevicius ran on the questioned fiber and the known fiber. And you can look at it yourself. Well after Mr. Lynch testified and she testified at my request, I had her do--because he's talking about intersections and things like that--I had her take two fibers from that robe and run a graph on them, and what do you end up with? You end up with more than intersection, on this graph of the

two that we know for sure came from the robe than on these two questioned. In fact, you look at the two graphs, the questioned and the known matched better than the two you know for sure came from the same robe. And then he says and talking about color, this is his evidence about why they don't match. This graph right here. We offered it as State's Exhibit 125. That graph right there says--well, you know--it came--that's just inconsistent. See those intersections right there? That just can't be. Well again I said, Ms. Sakevicius, would you take two fibers you know come from that robe, flatten one of them, leave the other one round, and run your graph. And what do you get, but a graph with intersections almost identical to the graphs that he runs that says that it means it's not the same. And these are two fibers you know came from the same source--that robe.

And then we brought Mr. Kilbourn, from Alabama--one of the foremost authorities on fibers in this country--twenty-eight, twenty-five, twenty-eight, I don't remember exactly how many years of experience that he's got in this field--and we brought him in to explain this process and to get his opinion. And in his opinion, the fibers were consistent with having come from the same source. And they try to attack him and attack his credibility, but in fact, Mr. Kilbourn has testified--as he testified for the defense in this very judicial district. Didn't matter which side he's on, once he forms an opinion--it didn't matter who it favors, he's gonna testify accurately and according with his information.

Now, we've talked about all this circumstantial evidence--and that circumstantial evidence instruction is really important, and you need to consider that along with all the other instructions, but it is a very important instruction in this case. And, when you consider all those things, and if you'll remember--I believe it was in relation to some of this stuff, satanic stuff, and in questioning--think it was Robert Hicks, may have been Mr. Griffis too. The defense would say, in and of itself, would this motivate somebody to kill? In and of itself? No. Question after question. In and of itself, would this item of evidence cause somebody to kill? No. In and of itself, does the fibers mean that these are the killers? In and of itself? No. In and of itself, does the knife found behind Jason Baldwin's trailer, in and of itself, mean that he's the killer? No.

But you don't look at it like that. You don't look at each one individually and say, well, in that instruction that says something to the effect of has to exclude every reasonable hypothesis. You don't look at each one individually. You look at them as a whole. Talking about the bridge. I could say it doesn't matter how you get across, you could consider that a bridge. Those kids, that was a bridge. And if you pull one of those high beams out of there and held it up and said 'is this a bridge'--well no, don't look like a bridge to me--looks like a high beam, and you picked up the pipe and took it out of context and said, 'is that a bridge'--well no, that's not a bridge. Take the other one, say 'is that a bridge'--say 'no'. Well by the time you get through, wouldn't be anything left. And you say, see I told you it wasn't a bridge. It's the same thing in anything, any way you look at it. No matter what profession. If you look at one small part, you say--well that's not a house. The foundation? Is that a house? No. Is the door a house? No. You don't look at it that way. You look at it as a whole. And we submit when you look at all of the evidence as a whole,

that you'll find that this circumstantial evidence says that these defendants committed this murder. And proves beyond a reasonable doubt that these defendants committed this murder.

Now I wanna talk to you a minute about motive. This motive area, it's something that's inconceivable. And it's something that--it's not something that you anxiously look forward to putting on that kind of evidence relating to motive, in this particular case especially. And why is that? This satanic stuff--satanic picture in and of itself does that mean they're Satanists or anything like that? No. This mean in and of itself, Satanist? No. But, why present it? Why present this stuff? And by the way this doesn't have anything to do with Wicca, doesn't have anything to do with it. The reason to present it, is that to try to inflame you all and make you all so angry because it's something different--because it's something different and something we don't understand? Is that why we would present it? No, not at all.

When you looked at those pictures of what was done to those three little boys, could you understand it? Could you have any reason to understand why someone would do that to three eight-year-old boys? Well, you've got three eight-year-old boys done that way, and then you got the defendants looking like choirboys during the trial--during jury selection. In fact, think back to jury selection when the defense trying to say, well, as they sit here right now what do you think about them? And either you or your fellow juror--you heard a fellow juror say, I think they look like typical kids. Well, think how hard it would be for you to conceive of typical teens doing what was done to these three eight-year-old boys. And I think you'll understand why the need to put on this evidence. It's not something made up, it's not something dreamed up, it's not a figment of our imagination. And it doesn't matter whether I believe it, or the defense attorneys believe it, or you even believe in these concepts. The only thing that matters is what these defendants believe. That's the only thing that matters, in relation to motive. The testimony in this case was that these murders -- when you take the crime scene, the injuries to these kids, the testimony about sucking of blood--and do you remember there was testimony about that--in the satanic areas, that blood is a life force, there is a transference of power from drinking of blood -- when you take all of that together, the evidence was that this murder had the trappings of an occult murder. A satanic murder.

Now, Mr. Hicks from Virginia came in and he says that when you do that--his main complaint, let me back up a minute--his main complaint, if you really listen to what he said--was semantics. It wasn't that this--these were not satanic. What he said was, if you start off with the premise that it's an occult murder--start off with it in the investigation, not prosecution -- investigation, if you start off with that premise then you narrow your focus too much--you eliminate a bunch of people and suspects who should be suspects. You ought to look at the whole picture. There's no evidence that the police did anything or than look at the whole picture here. So what Mr. Hicks was saying is like--how can I explain this--ok, a man comes in finds his wife with another man, and in the heat of passion--in a heat of rage, he kills them both. Well, according to Mr. Hicks' concept, it would be improper to call that a crime of passion. Because it's a crime--a murder is a murder is a murder is a murder. Be improper to call that a crime of



passion. He said, don't look at the motivating factor when in assessing what kind of crime it is. He didn't say, in this case, that it was not an occult murder. He did not say that these defendants were not involved in satanic activity. He didn't say any of that. What he says was, he had a problem with calling something an occult murder--he is talking about from the investigating stage, not the prosecution stage.

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...I understood him to say that belief systems were not a motive for murder. Talked about somebody standing over saying "Hail Mary" ten times or something before they kill somebody saying was that a Christian murder? I don't care what the belief system is. Look at history. Look at hundreds of years of religious history. There have been hundreds of people killed in the name of religion. It is a motivating force. It gives people who want to do evil, want to commit murders, a reason to do what they're doing. For themselves, it gives them a reason--a justification for what they do.

Now let's look at Mr. Griffis. Now, the defense can laugh at his qualification all they want to. They can talk about his mail order degrees--a master in doctor degree, because it was correspondence. Well, think about the circumstances and what he told you, why he did that. Number one, he had twenty-five to twenty-eight years of experience in law enforcements, and at the time when he got these degrees, he was gonna work in full time as a police officer--at that time. And he wanted to further his education and the schools--the universities, Ohio State and some of those other schools didn't offer courses that were directed toward this particular area. The area that he became interested in through his law enforcement work. What did they want him to do? Quit his job to go to school full time somewhere--somewhere off that did offer these things. And actually the most important part of his qualifications was his link to services in law enforcements. And they can say what they want to, but think about this. And I thought about this, when he was testifying, about how fair he was to these defendants. He said, this symbol right here there's nothing evil about that. That's a Wiccan pentagram. Nothing evil about it at all. But he said, I'm confused. He said, there's nothing evil about that, but these upside down crosses they have nothing to do with Wicca--they're satanic. And that confuses me why they would both be in the same place. Of course, and if you look at the photograph--you saw an upside down cross on this pentagram and if you hold this right you can see the glue where it's still on there--in the form of an upside down cross. And you say, well, you know--does that book really say anything about it? And one thing I want to point out to you before I go further into this book. Remember when I read this silly poem in here? Remember that? I bet all of y'all were thinking, he's lost his mind standing up here reading us a poem written by Damien. In the middle. I wanna read it again to you. And when I do, think about what Dr. Griffis said about him being confused because you got Wiccan, which is the good, and upside down crosses which is satanic.

"In the middle. I want to be in the middle, in neither the black nor the white--in neither the wrong nor the right. To stand right on the line. To be able to go to either side with a moment's

notice. I've always been in the black, and in the wrong. I tried to get into the white, but I almost destroyed it because the black tried to follow me. This time I won't let it. I will be in the middle."

That right there tells you Damien Echols. He don't wanna be in the white. He don't wanna be good. He wants to be both, where he can go to the good side or the bad side, however it suits his purpose. If he wants to do bad, let's go to the satanic side. If he wants to be good, he goes to the Wiccan side. That poem right there tells you about Damien Echols. Now, wanna go back to these in and of itself things. Remember Mr. Price asking, probably Mr. Griffis--about is there anything that would motivate somebody to kill, about a spell about "improving the memory" or about a "love charm," to "stop bleeding," to "improve your chance of success", a "cure for worms"? Are those evil? Well, no. "A cure for cramps," evil? No. He left out one, for some reason. "Sacrifice addressed to Hecate." I don't know why he left that out. Says in here, I'm not gonna read the whole thing to you. It talks about "a friend and companion of darkness. You who rejoice to see the blood flow. Wandering among the tombs and hours of darkness thirsty for blood, and the terror of mortal men. Look favorably on my sacrifice." I don't know why he didn't read that to y'all.

No, ladies and gentleman, each item of this, in and of itself, doesn't mean somebody would be motivated to murder--not in and of itself. You look at it together and you get--you begin to see inside Damien Echols. You see inside that person. And you look inside there and there's not a soul in there. Not somebody that could commit this murder. And you see what is really there by his own writings --by his own hand.

Now what shows all this? Anything wrong with wearing black in and of itself? No. Anything wrong with the heavy-metal stuff in and of itself? No. The book of shadows anything wrong with that in and of itself? No. But when you take the all-black, sucking blood, the tattoos--interesting thing about the tattoos, he testified he used a razor blade dipped in ink and tattooed a pentagram on his chest, an Egyptian ankh on his chest, I believe it was a cross on his hand--upside down depending on how you hold your hand. I submit to you it takes a certain degree of skill, and something else, to be able to take a razor blade and dip it in ink and do that to yourself.

Said something interesting here in his testimony. The reason he wore all black, said two things. One, he's real self conscious in about how you looked, and he got a headache. Wore all black all the time didn't matter, he got a headache. Well, if that cause him a headache not to wear black he must have an infernal one right now, cause he hasn't worn black during this entire four weeks of trial. He says he wears it to keep people away. Yet, he wears that black in a big overcoat during the hot part of the summer. Does he keep people away? Or at softball fields, where all his little groupies getting up around him--these young people getting up around him, wanting to see what this guy is all about. Scary, that is what it is, scary.

And then you think about, why did he change his name to Damien? Why he studied to be a catholic priest. Remember when the testimony was that that occurred? About when he was

sixteen. When was that in relation to the murders? He's eighteen at the time he was arrested. About two years before the murders. When did they say he started dressing in black? About two years before the murders. When did he say--tell ya that he wrote all this stuff? '91--'92, about two years before the murders.

Now I wanna take a few minutes and I wanna go through some of the stuff that the defense has claimed in this case.

Number one, you got Damien claiming, I got an alibi. Says, I was at the Sanders about seven o'clock and then went home and I was home the rest of the night. Says that it's Michelle's room, but I sleep in it--she sleeps out on the couch. She was right there by the door--know whether I went out or night. They know I didn't go out that night. Well, where did that testimony come from? His momma, Stacy Sanders, and Jennifer Sanders. What did mom say? She said that she talked to the police on May the twelfth--May the twelfth, one week after the murders. And she told them at that time that on the day before the murders, May the fourth, she and her husband had separated. They'd separated. And that yes they'd been at the Sanders the day of the murders about five thirty or six. Well then, lo and behold, in September she remembers, why they didn't separate on the day before--well that way he wouldn't have been with me when I went to the Sanders. We separated May the ninth. Only three days before the police talked to her. And the reason she remembers cause her husband's birthday. Wonder why her husband didn't come up and testify. When Damien, when he's first talked to by the police, he says yes we were at Sanders from three to five. Just a hodge fodge.

Then you got Stacy Sanders. She says, yes they were there at the house--I was across the street at my cousin Merideth Mckay. Remember that the Sanders, Stacy and Jennifer and their family, they were like sisters to Damien. They had lived for about three years in the same household with Damien and his family. Says, yes they were there, it was May the fifth about seven o'clock--I just happened to look out the window, I was over at the Mckay's--I looked out the window and saw three people go in and Damien was one of them. And then I just happened to look out again when they were coming out. And they were coming out all together and they got in the car together and left. And all of them, there's mom, dad and Damien--all there. But then, when she's talked to by us and we say, all right when did this happen, you know--when did this happen in relation to the murders? Or what happened next? Well, two days after this, I saw them at the Sanders--two days after this Damien was arrested. Well, you know he wasn't arrested til June the third.

Then you got Jennifer Sanders. And her testimony may have been the most interesting and, I don't think she meant to--but maybe the most telling testimony of all. She says that, yes on May the fifth, Damien was there seven o'clock just like everyone else, you know--right down the line. Everybody was just alike. But what else did she say? How do you remember, do you remember the day before? No. Do you remember the day after? Yes. I remember positively the day after that 'cause my boyfriend band concert was there. My boyfriend Nick Garza. And he plays in the

band and the concert was up there by the hospital in West Memphis. Well, when was the band concert? Wasn't May the sixth. It was Monday, May the seventeenth. That puts it later when this would have happened about Damien being over at the Sanders, not May the fifth.

But the interesting thing was, all these people--Randy Sanders, the daughters, maybe Ms. Hutchison said it too. All of them said, why this was the first time--the night that Damien and his family went over to the Sanders, this was the first time that they'd been to Splash Casino. They tied it to Splash casino. Well Mr. Davis, in talking to Jennifer Sanders on this witness stand says 'Well now, Jennifer had you parents been to Splash Casino before that--didn't you tell officers they'd been before?' Yes. They had been before this incident where Damien and his family came over. And what happened that night? Sometime after dark Damien, Jason and a third boy come over to the house. All dressed in black. Was Jennifer Sanders telling you about May the fifth when Damien and his family came over or May the fifth when Damien and Jason and the third boy came over?

A lot of the defense has been what I call smoke. Mr. Ford in his opening statement alluded to putting together, this is a trial, like putting together the pieces of a puzzle. I'm not very good putting together those jigsaw puzzles. But when you got a puzzle, you got the pieces laying out on the floor. And you're putting it together and you're following that completed picture, and then along somebody comes with three or four other puzzles and dumps all their pieces out there too. Makes it kind of hard to put yours together, doesn't it? Well that's what the defense has tried to do in this case. They've tried to dump pieces from somebody else puzzle all in this case.

Mark Byers. They want to accuse one of the victims' fathers of having committed this murder. They bring in a knife that he gave as a gift to somebody--not trying to hide it or throw it away--gave it as a gift one of the cameramen in this HBO deal. You heard him testify. They didn't even have the guts to ask him directly whether he killed his son. They're gonna do it by innuendo. And everything else. But it's just like, when Mr. Davis asked Damien about blowing a kiss to the families--that's Damien's way of blowing a kiss to Mark Byers. I'm gonna accuse you publicly and in this courtroom of killing your own son.

The defense says that the police had Damien tunnel vision. Well, the testimony's been that Damien, at the beginning, was one of many suspects. Not the suspect, but one of many suspects. Just so happened that every way, every lead, every turn kept leading back to Damien.

Another sack of puzzles. You remember that hours of stuff we went through on the sacks? They'd go through each sack, "now Detective Ridge, what did you do with the clothes you got?" "I put it in the sack, set to the side". And then after I would ask him about one sack, the defense would have to get up and ask him all kinds of questions--about, well now did you change it out of the sack, did you do this, did you hold it up, did you set it on the ground. All that stuff. Where did you get the sacks. All that nonsense. Well were they trying to show that somehow the police uh--changed sacks. Or somehow something else happened. Well all the proof has been that those

are the same sacks, they even tried to suggest--oh there's no mud on here. And then we pulled the clothes out, remember the testimony about looking at the sack and there's mud on the bottom--some dried mud on the bottom of the sack. All that is, that hours of stuff going through the sacks is to try to confuse the issues.

Police ineptitude. Were there mistakes made? Sure. There's never been anything done--an investigation or a uh--a lawyer's product or anything else--there's never been anything done in this world that there hasn't been some mistakes made. There's always mistakes made. The question that you have to ask yourself is, are the mistakes material? Are they material, do they matter? You've got thousands of pages of paper, you've got hundreds of people who were questioned and what they came up with was, when Damien was talked to, there was no recording. Well until--as Detective Ridge testified, until he answered the questions the way he did, he was not a suspect. But because of the way he answered those questions--saying two drowned and one cut up more than the others, he certainly became a suspect. Would it have been nice to have recording? Sure. And, believe it or not--despite paying eight-thousand dollars for whatever it was, the man from North Carolina about the DNA, who basically--remember the negative evidence I talked to you about in opening statement? That there would be stuff, kind of said, well we tried this but we didn't get it, and why would we do that. The fingerprints, no fingerprints, why would we do that? Why do we waste your time putting on that evidence? Well if we don't, the defense gets up and say, well they didn't even test for fingerprints. Oh if they had only done DNA on that skin fragment we would know for sure. We would know. Well the reason for that--that evidence, is to show you the efforts made to procure evidence.

They complain about the line up procedure. Well I could understand, if there'd been a witness get up here and say, "yes I identify these guys--I identify them, and I saw them in a line up and I identified them". Then that line up procedure would have been important. But you didn't hear any witnesses like that. They wanna ask you about people that didn't even testify in the case. Who for all we know had nothing to do with anything. One of them was a woman who had seen the kids on the other--or had seen somebody, on the other side of the interstate. She say, I can't say whether it was them or not. Then they got the Blue Beacon employees who worked from eight to four who were shown a line up. And they said they didn't see anybody. So what difference does it make?

Then they complain about the audio surveillance, why they didn't transcribe that tape. Well, obviously they've had access to everything we had. If there was something on there don't you think they would have--if it could have been transcribed, don't you think they would have done it? Wasn't anything on there, you couldn't hear anything. That was what the testimony was. And what efforts did the police make? Keep in mind that these experts--the fingerprint man, the serologist and Lisa Sakevicius, the fiber expert, all testified that the most destructive thing--or one of the most destructive things there were to finding evidence, was water. And where was all of the evidence? In water. The boys bodies, their clothes, their bicycles, even these sticks--all of it in the water. The knife, this knife right here--in the water. The officers not only sent things for

DNA, they did this grid search where they walked shoulder-to-shoulder through that entire place--nothing. Nothing. They used a magnet on the big bayou. They used--they drained the creek itself, used metal detector, and coffeehouse they had divers who did the dives. These officers worked hundred of hours, and for the defense to come in here and try to confuse you and throw all this stuff out here about police ineptitude and they did this--they did that--in the overall scheme of things, it doesn't amount to a hill of beans.

The defense also wants to suggest, somehow this was a serial killer. Well, number one, I submit to you the proof shows that one person not only did not commit this crime--but could not. One person--to believe that one person did this, you'd have to believe that one person controlled three active eight-year-olds. Number one. Number two, you've got evidence that there were multiple weapons used. It doesn't take a brain surgeon to know that the weapons used on the left side of the head and the weapon on the right side of Michael Moore's head were not the same. Use your common knowledge and common sense. Uh--you can look and see that by looking at it. You had those two, you've got a knife--you got at least--at least three different weapons.

And then you got the knots. Remember us going--spending all that time talking about the knots and the different knots? Well, on one of the kids--Christopher Byers, you got double half hitches--right wrist right ankle. Same thing--left wrist left ankle. Tied identically. Then you move to Michael Moore. You've got on the left--he's got square knots on his wrist and square knots on his ankle. Identical on that left side. On the right side, he's got half hitches both places. And then you've got Stevie Branch. On the left side, he's got half hitches. And on the right side, it looks like the village idiot tied it--you've got on one, half hitch with a loop and on the other--one of them, three half hitches and you've got this figure eight all wrapped around there.

And once you conclude that it was more than one, what type of groups--do serial killers run in packs? They run in groups? I submit not. What kind of people would be motivated or have the motivation to do this? Well, if you go back to the, this--the motive issue, and you look at these defendants, it makes perfect sense. Somebody that would take the beliefs, that--the satanic beliefs, even if he does it just part time, is a perfect motivation. Not that it was some kind of a ritual and you have an altar and all that, although, remember them asking about the candles? And lo and behold there was candle wax on the black and white dotted shirt. Remember Lisa Sakevicius testifying about the candle wax? But it doesn't matter whether it was a ritual or simply those beliefs motivated these defendants to commit this crime.

And if you'll think--think back, remember when Mr. Davis was cross examining Damien Echols? And he said, on the sheet of paper that you wrote in jail whose names are on there? Damien Echols, obviously somebody close to him. Jason Baldwin, his best friend. Damian Seth Azariah Echols, this defendant's son. And who was the last one? On this sheet of paper that only contained these names of people close to him, Aleister Crowley. And who was Aleister Crowley? He was the guy, if you'll remember when Damien told the police--they asked him was there any significance to the fact that they were young, an Damien said, "the younger the victim,

the more innocent--the more innocent the victim, the more power the killer gets from the killing". And when I asked Dale Griffis had he heard a statement like that, what did he say? He said, that's Aleister Crowley. Aleister Crowley, the proponent of human sacrifice who says that the younger the victim, the better. Now whether it was a sacrifice or ritualistic sacrifice or simply those beliefs motivating this defendant, don't matter. He's the one with the beliefs and if you think about that piece of paper with only names of people close to him on there. And then the name Aleister Crowley.

Now also, they've tried to suggest that somehow this happened somewhere else. Well, as the testimony indicated--first you got interstate, this Blue Beacon truck wash, wheat field over here, and then this bayou here--the only way across the bayou is that pipe. Now, imagine if you will, this happening somewhere else. And somebody carrying three eight-year-old boys across this pipe, and then taking them in here and leaving them. Or imagine--even still, this well-lit Blue Beacon truck wash, them bringing these boys in here--who disappeared, were last seen between six and six-thirty--bringing them in here, through here. Or, coming from the wheat field. But officers walked that, remember they walked that field. They didn't go the whole field, but over on the edge of the woods, they did their arms length thing, where they walked from the ditch to the interstate. No tracks, no vehicle tracks. Are they saying that somebody walked from the interstate carrying three eight-year-old boys? How are they gonna get them in there? And if it happened over here, well how did the people--how did the murderers know about the kids' bicycles? And if they abducted them over here on the south side of the ditch, and they put the bicycles into the pipe then--do you really believe that somebody's gonna abduct three eight-year-old boys, do what they did to them and then bring them right back to the same area where people are searching? Use your common sense. And you have the answer to that.

Then you've got evidence, the clothes were cramped down in the mud--they're trying to hide this, there's that area--remember the testimony about the area--the bank, where the mud was smeared around, there weren't leaves. And it was clean looking, and shiny, and had these swirls and scuffs. You can look at these pictures and you can see exactly what those officers were testifying about and talking about. Where it looks like the area has been cleaned, whether the water's been splashed up there and they swirl it around, or what. In this picture--and these pictures aren't--I know you don't wanna look at them--look at these pictures ever again. But for this you have to. I'm sorry. When you look at it, it's obvious that this area is not natural. It has been cleaned. And when I say cleaned, I'm not talking about brooms and all that, I'm talking about splashing water there and scuffing the feet around and with the hands. And in this picture, the one that's so dark they say it's meaningless, right here, it's almost like there's a line, where over here it's shiny, and over here it's just dark. And that's the area, right there where Michael Moore's little body was found--is where this area is.

And another piece of evidence that shows this cleaning process--Detective Allen pointing to the area where Michael Moore's body was found, and in the picture you notice there's a little bit of debris floating here, but in general, the water--the surface of the water, besides being muddy,

is pretty clear. You don't have a lot of leaves or bark pieces or anything like that floating on the surface. But as you move downstream, remember this slowly moving water and Michael Moore is the northern most. This one, you can't see it well, but you can see all sorts of debris in the water downstream from where Michael Moore is. When you get down to Stevie Branch there's even more debris in the water. Where did all that debris come from when up by where Michael Moore found the water is clear. And Chris Byers, even more debris. That came from the water being splashed up there on that bank and all of that stuff washing into the water. You say, well, why didn't it just stay up there where Michael Moore was? Remember the water moving slowly? It's moving very slowly. And it gradually moved downstream.

Now, we had testimony about time of death. And really, the way the testimony came down, it really didn't seem like when they were killed mattered all that much. But, fact is Dr. Peretti, for some reason, gave you an opinion that time of death was between one and five a.m. in the morning. But when you look at what he really said, it sound like a real big deal when he said it, Mr. Ford even had me fooled. But when you look at what he really said--talked about how it was an art and not a science and it's very subjective and he's just going by one fact that was put in the report. That one fact--now what one fact was he talking about? The one fact was lividity. But for some reason--and this is the thing that's so inconceivable, as Mr. Davis asked him, "Did you in fact not tell us at that time, that you could not an accurate estimation as to the time of death based on one factor". And what was his answer? "That's right." He tells us he can't do it. And then on the witness stand up here all of a sudden--boom--why if I got to base it on that one factor, it would be one to five a.m. A shocking development. When he tells us he can't do it. He couldn't do it. Why did he do that? Why? I don't know. Got me. And then he says, again, that that one factor was lividity. And then you look further and when he's talking about the information that he had on lividity, and about basing his opinion on lividity--one that one factor, what does he say? Now, I'm talking about right down here. "We are building a house starting with the roof and not with the foundation." He himself tells you that this is not the way to do it. But if he had to give an opinion based on that one factor, that was his opinion. You also heard Dr. Jennings testify that lividity was the worst of the worst to base an opinion on.

The proof shows, ladies and gentlemen, that--and I submit that the proof shows that these boys died sometime between six and eight o'clock. You don't have to set aside your common knowledge. If something--somebody labeled as an expert says doesn't make sense, look at it and say, well, you know--what way would that happen. Is he saying they held the little boys out in the woods. Didn't have any mosquito bites. Didn't have any of those. And then if you say, well it happened somewhere else, then you get into all that scenario about well, how in the world did they get them back and why in the world would they bring them back to the place where they abducted them. Or even the general area, where people are looking for them. And if they were gonna bring them across the pipe and the bicycles were there in the water, what's the best place. You got that deep, running water. The best place to dump them if you're gonna do that would be



right there in the ten mile bayou. They would have been downstream, nobody would have even known where it happened.

Now, I wanna talk a minute about these knives.

MR. FORD: Your Honor, may we approach the bench?

(THE FOLLOWING DISCUSSION WAS HELD AT THE BENCH OUT OF THE HEARING OF THE JURY.)

MR. FORD: Your Honor, this grapefruit demonstration is not evidence. That grapefruit is not in evidence. This demonstration is not in evidence. It's not scientific. It's not reliable.

THE COURT: I don't know what he's going to do.

MR. FOGLEMAN: Well, I'm going to show the jury, your Honor, the marks that this knife makes when it strikes something.

MR. DAVIDSON: That's improper, your Honor.

MR. FORD: That's improper, your Honor. That is improper.

MR. FOGLEMAN: This is for demonstrative purposes and --

MR. FORD: It is not either. He's trying to make a demonstration---

MR. DAVIDSON: ---expert---

MR. FORD: --That is improper, your Honor.

THE COURT: I'm not sure as. What is your reason for it being improper? I think you can use a demonstrative evidence.

MR. FORD: You can make demonstrations and experiments in front of the jury. Those have to be under Rule Seven Hundred series -- experiments. That's what he's doing. He's conducting an experiment.

MR. FOGLEMAN: It's not an experiment. It's not even evidence.

MR. FORD: Your Honor, this is improper. We ask that he be restricted from doing it.

MR. FOGLEMAN: It's argument.

THE COURT: I'm going to take a ten minute recess at this time. Do you want to take it back there? Do you want to continue on?

MR. FOGLEMAN: I want to continue, Your Honor. I'm almost finished.

THE COURT: Alright. I'm going -- tell me again what you're going to do so I'll know.

MR. FORD: Your Honor, don't do it -- just go ahead and make your point where the jury hears you before the Judge tells you it's improper.

MR. FOGLEMAN: I'm just going to show the types of marks that this knife makes and that knife makes. That's all, your Honor.

MR. FORD: That's a demonstration and experiment.

THE COURT: Well, overruled. I'm going to allow it.

(RETURN TO OPEN COURT)

MR. FOGLEMAN: I told you we would be getting back to this knife. And this is one of those deals where y'all are gonna have to look at some of those pictures. And you may even have to study some of them back in the jury room.

THE COURT: Refer to it by exhibit number.

FOGLEMAN: Exhibit 77.

THE COURT: Alright.

FOGLEMAN: There are--if you'll look at those photographs, there are marks on Christopher Byers where you've got like a dash--where it's a cut--a cut and open space, a cut and an open space. And if you take this knife (INDICATING) and do that (INDICATING) then you look closely you can see it leaves a cut and an open space, a cut and an open space. Now if you take this knife (INDICATING)---

THE COURT: Exhibit number.

MR. FOGLEMAN: ---Defense Exhibit 6, and even with the slightest pressure, it makes a straight line. If you just press enough to break the skin of the grapefruit it makes a straight line, a curvy straight line. If you take it and just barely move it, it makes something like that but the spaces in between are very short. You look--use your common sense. Look at these two knives. Are you gonna expect to find similar markings from those two knives. You don't have to be an expert to see that--that this knife is gonna make markedly different marks than this knife. This is the picture, the area circled--dash, dash, dash, dash. Now keep in mind one thing, when you go back in the jury room, get your--this is not to scale right here. (INDICATING) Now I'm gonna be fair. If I lay this up here, boy you'll think--boy, that's sharp. And just matches, just practically perfectly.

But now listen, now. This is not one-to-one. Keep in mind this is a rounded leg. So there's a little bit of distortion. But if you take this, and take a piece of paper--get your ruler back there

and measure the spaces on here, you're gonna find that in between each of these blade is a quarter inch and the blade itself is three-sixteenths. Take a little piece of paper, and on this scale right here--not on your ruler, but on this scale--go three-sixteenths and a quarter, and three-sixteenths and a quarter and where your three-sixteenths are, make a straight line--just like this would be. (INDICATING.) And then, on the flat part right here (INDICATING) these two that are larger, if you do it--think about, it's rounded. This strikes a rounded surface. The ones on the end are only gonna have part of the blade. Take that, and you lay it on the two larger cuts and you're gonna find that they match. They fit. That is one example of how this knife matches--not just a little bit, but so much more than that knife or any other serrated knife.

Now, I'm saying that that shows, that this exact knife caused it--now I submit the proof that shows this knife caused this--but true, it could be another knife like this, but I submit to you the proof--the circumstantial evidence shows that this knife--State's Exhibit 77, caused those injuries right there. (INDICATING.) Now, if you look at those, there are similar injuries right here. (INDICATING.) And look at the gap between that cut and that cut. (INDICATING.) Now, you're gonna have a harder time on this particular one because see in the picture how the ruler is bent. (INDICATING.) They've got it pushed down so you're gonna have distortion in the measurements. But look at this one--and then there's another one on here that is almost as telling as these and those on that picture. (INDICATING.) This is State's Exhibit 71C. See this wound right here? (INDICATING.) See how wide and jagged and gouged that wound is? See that? (INDICATING.) Well, you take this knife and drag it across with a serrated edge and boy you've got a straight line. Take this knife and drag it and it rips and tears just like in the picture.

Ladies and gentlemen, you go back there and look at those pictures, and as Mr. Davis asked you in jury selection--look at those pictures closely. Now there's another way that these knives can make markings and that's scrapes. And you'll see that--that this knife has a vastly different pattern if it's scraped against the skin than this knife. (INDICATING.) And it's obvious just by looking at it. You got a larger gap and then you've got two narrow gaps--two narrow gaps, a large gap, two narrow gaps, a large gap. For this one you've got--it's pretty uniform, and you've got a quarter inch, three sixteenths, quarter inch--it's uniform all the way down. Where this one you would have a large gap, then you've got the blade which is smaller, and then the larger gap. This one you've got a number of different blade patterns and it's going to make a completely different scrape than this knife. (INDICATING.)

Finally, ladies and gentlemen, in conclusion, when you go back there, ladies and gentlemen, look at all of this evidence. It's been a long trial and I know we're all ready to -- for it to be over for all of us. Take the time to go through the evidence and look at it and ask yourself, "Is it a coincidence that this knife is found behind -- in the lake hidden -- behind Jason Baldwin's house?" And the same person that this knife is found behind is the person that told Michael Carson that he did it and he sucked the blood out of the kid's penis. Is that a coincidence?

And is it also a coincidence that this little red rayon fiber -- little red rayon fiber -- is that a coincidence that that is consistent with having come from a robe from his house? Are all of those coincidences?

Is it a coincidence that Damien Echols was seen with a knife just like this a year or so before? Is it a coincidence that Damien Echols was heard saying that he did it and he meant to do two more? Is it a coincidence that you find fibers in Damien's house that are consistent with having come from that shirt right there? (INDICATING.) Is it a coincidence that Narlene Hollingsworth saw Damien and another person with long hair walking there on the service road that night? Are all of those coincidences? All of them, are they all coincidences?

And you think about that little red rayon fiber. There's an old story about Paul Revere and his ride and all of that, riding through the area there to save us and -- because the British were coming -- the redcoats were coming. There's an old story that goes -- and on that ride instead of it happening like it did, a little nail -- a little nail came out of his horseshoe -- came out of a horseshoe and as a result of that nail coming out that horse threw a shoe and then the horse threw Paul Revere -- threw the rider that was going through warning people, "The redcoats are coming. The redcoats are coming." And as a result of the rider being thrown, this country's not here. It's not this country. All because of that little nail.

I submit to you, ladies and gentlemen, that little red rayon fiber is like that nail. And I ask you, ladies and gentlemen, after all of this is over is that you go in there and you deliberate and you look at that evidence carefully from both sides, not just in favor of us. Look at it hard and ask yourself those hard questions.

And I submit to you, ladies and gentlemen, that you will come back convinced beyond a reasonable doubt that this two defendants, Damien Echols and Jason Baldwin, caused the deaths of Michael Moore, and Stevie Branch, and Christopher Byers and they did it with premeditation and deliberation. Thank you.

**THE COURT:** Alright, ladies and gentlemen, let's take a ten minute recess at this time.

(RECESS)