

**Statement of John Mark Byers – January 26, 1994**

GITCHELL: Okay today's date is Wednesday January the 26th, the time is 9:45 A.M. We are in the Sheriff's department of the Clay County, Arkansas, and with me is Mark Byers, and at this time I'm getting ready to fill out a rights for,, see it's John Mark Byers?

BYERS: Yes sir.

GITCHELL: By

BYERS: Byers

GITCHELL: And your date of birth?

BYERS: 03-08-57

GITCHELL: And how far did you get in education?

BYERS: Uh, high school and 2 years of college That's rain something else.

GITCHELL: Okay, John, this is or Mark whether, I'm used to calling you Mark, Mark this is a rights form anything that we talk with one, someone, we have to advise them of their rights, and that's all this is, okay?

BYERS: Yes sir

GITCHELL: It's got your name John Mark Byers, the day, your date of birth, which is March 8th, 1957, your education you said is 12 years of high school and then 2 years of college, we are at the Clay County Sheriff's office that what this room is, Today's date is January 26th, 1994 and the time is 9:45 A.M. I'm informing you that I'm Inspector Gary Gitchell of the West Memphis Police Department, and we are conducting a investigation of the offense of capital murder, which this is the case of the three young boys that we been working on all these months. Which was committed on or around May the 5th, 1993, before we ask you any questions you must know and understand you legal rights, therefore I warn you and advise you have the right to remain silent do you understand that?

BYERS: Yes sir.

GITCHELL: Okay, I need you to put your initials there, anything you say could be used against

you in court, do you understand that?

BYERS: Yes sir.

GITCHELL: Okay, you have the right to talk to a lawyer or advise before we ask you any questions and to have him with you during questioning, do you understand that?

BYERS: Yes sir

GITCHELL: If you can not afford a lawyer one will be appointed for you before any questioning if you wish, and at no cost to you, do you understand that?

BYERS: Yes sir

GITCHELL: Okay, the paper kinda slides a little bit, if you decide to answer questions now without a lawyer present you still have the right to stop answering anytime, you understand that?

BYERS: Yes sir

GITCHELL: Okay, this bottom portion is a waiver of rights, basically what this does is allows us to talk to you, this says I have read this statement of my rights and I understand what my rights are, that's what this is, I am willing to make a statement and answers questions, I don not what a lawyer at this time, I understand and know what I an doing, no premises or threatens have been made to me, no pressure force have been used against me, is that true?

BYERS: Yes sir

GITCHELL: Okay I need your signature right there, and then I'll witness it right here, okay, Mark what I need to talk to you about is um, do you have any knives?

BYERS: Yes sir

GITCHELL: What kind of knives do you have?

BYERS: Uh, it's uh, Case double edge and it's a hunting knife, it's got a narrow blade about a 1/2 inch wide on it, my brother bought it for me with I was 8 years old, for my birthday.

GITCHELL: Okay

BYERS: I had one other knife, I called a Kershaw you know it's got like a serrated edge like a

Ginso knife

GITCHELL: Right,

BYERS: And uh, one of the man on the film crew from New York City, I think his name is Kook, the one that had the camera I don't know if he's here are not, but day when he was here we were talking about knife and he was real friendly to me and I (inaudible) as a Christmas gift I gave it to him, you know that all there was to it. If you ever want to see it or anything he's in possession of it. I gave it to him as a Christmas gift.

GITCHELL: Alright when did you uh gave him that knife?

BYERS: It was the last time they were down here which was uh, seem like they were down here in November

GITCHELL: Okay

Byers: Um, other than just kitchen knives

GITCHELL: Had you ever taken that hunting or use it recently just prior to giving it to um, what did you say his name was Kook?

BYERS: I think Kook, no that knife had not been used at all, it just been kept up, put in my dresser and I didn't use it and the reason why was is because of those serrated edges

GITCHELL: Uh-huh

BYERS: You couldn't keep it sharp, and he thought it was near because it had a Velcro case that you could carry it on your belt with, and it kinda had a grip on it that felt like pachmayr's on a gun, and he just really like it and admired it and I really didn't like it so I gave it to him.

GITCHELL: Okay

BYERS: But no it had not been out in the woods or anything

GITCHELL: Do you know if any member of your family was so ever has ever injured themselves or cut themselves on that knife?

BYERS: Which knife?

GITCHELL: Oh, this Karshaw knife here, mentioned?

BYERS: No sir

GITCHELL: Um, did, did any of yours sons ever play with the knife?

BYERS: Uh, Christopher never played with knives that I knew about or saw, one time when Ryan was about I think 11 his grandpa bought him a pocket knife at flea market (inaudible) one of those little (inaudible) pocket knives (inaudible) it had a metal blade on it, and he was playing with it upstairs and he cut his self on the arm (inaudible) I want to say left arm, just scratched it (inaudible)

GITCHELL: Who did?

BYERS: Ryan did, we just cleaned it off and put a band-aid on it

GITCHELL: But he cut himself with that knife?

BYERS: Yes sir, Ryan did, and then that taught him a lesson there (inaudible)

GITCHELL: Now when, when did this okay, the time is 9:51 A.M. and Detective Ridge has just walked to the room where John Mark Byers and myself are talking about this knife. Now Ryan cut himself with the knife about how long?

BYERS: It's been over two years ago, maybe even 3, seems like it was back in the summer time, because his grandpa had taken him to the flea market

GITCHELL: Okay, did you actually buy that knife or...?

BYERS: No sir, his grandpa bought it for him, I you know came home, look what grandpa got me

GITCHELL: So, so his grandpa actually bought this Kershaw knife?

BYERS: No sir, that Kershaw, this knife that he's got he was

GITCHELL: Oh, oh, I follow you he, Ryan did not cut his self with the Kershaw.

BYERS: Correct no ones been cut with the Kershaw

GITCHELL: Alright

BYERS: I thought you said had anybody ever been cut and I thought yes Ryan cut his arm once playing with his knife but no sir on ones ever been cut that Kershaw was given to me as a Christmas present and I didn't want to hurt the guy's feelings so I told him how nice it was and put it up and after I used it a time or two you couldn't keep the you couldn't get any body to sharpen it cause of the serrated edge, this thing is worthless

RIDGE: Did you use the knife?

BYERS: I never used it, I would have used it hopefully, I was going to use it for deer hunting that's all I do is deer hunt but I never had an opportunity to use it on a deer.

GITCHELL: Mark, do you have, do you have your hunting license?

BYERS: Yes sir

GITCHELL: Can I see them?

BYERS: Yes sir

RIDGE: In your house where would you keep them?

BYERS: Uh, the double case knife would be on a belt, which stays around my hunting britches rolled up in the bottom of sack with my hunting clothes, and that Karshaw stayed put up in a top of my chiffarrobe in the top drawer we got a big chiffarrobe you know and it stayed put up in the top drawer of it

GITCHELL: Did, um, any of your kids, Ryan or Chris know where that knife may have been at, I mean could they have gotten it out?

BYERS: No sir, I don't think they could have, because they just didn't come in our room that much you know (inaudible)

RIDGE: Is there a period of time that this knife may have been kept in the den by your chair?

B; It seems like when I first got it I trimmed on my finger nails some with it right there under the lamp

RIDGE: Now, you say when you first got it, is that just that particular day it may have been there

or could it have been there for a period of time?

BYERS: Possibly a day or two, because it was given to me on around Christmas time

RIDGE: So, the time period of time it wasn't put up in your room and it was in the den, or would that have been where it would have been in the den by your chair

BYERS: Yes

RIDGE: Were you there with that knife that entire time was there ever a time that anybody or a youngster could have gotten to that knife without your knowing about it

BYERS: Well I guess that I could have been to the bathroom or something and I wasn't in the room its possible but I never saw any evidence or signs that they had and there was never any signs that they cut their self with it, it was pretty sharp so there was never any evidence that they had cut or it ever being moved you know

GITCHELL: Alright let, let me, to get you to look at this for identification purposed, do you realize this knife I just handed to you?

BYERS: Yes sir, that's the one I gave to the fellow in from New York City

GITCHELL: Okay

RIDGE: That's the knife your saying is real sharp and...

BYERS: That felted pretty sharp to me, yes sir I think it's pretty sharp knife

RIDGE: Is that the same knife talking about may of been in the chair by your den (inaudible)

BYERS: It's possibly, I mean that's the knife I got for Christmas yes

RIDGE: Okay which Christmas?

BYERS: About two Christmas's back , not it would have been a Christmas like of 90, and the man she brought it from is a guy named Billy Lawrence there in West Memphis, which was good friends with the Mapco man that sells Mapco tools and Mapco sell these knives and he brought it from him for him from my wife for me for a Christmas present

RIDGE: So your wife is the one that gave it to you as a Christmas present?

BYERS: That's right

RIDGE: Okay, who purchased it for her?

BYERS: Billy Lawrence

RIDGE: Billy Lawrence

GITCHELL: Alright, this is a Kershaw knife uh, I reading off the blade and then also off the rubber tape as you described a pachmayr grip, uh it has a inscription of Cannon City, underneath the Karshaw that spelled Kershaw on the other side of the knife blade itself it has a number 1066 and Japan underneath it. Uh, it's a knife approximately 9 inches long and it does have a serrated edge it that correct?

BYERS: Yes sir

GITCHELL: Okay, let me explain a problem we had

BYERS: Okay

GITCHELL: And you need to answer this for me, we have found blood on this knife

BYERS: I can tell you where I might assume it might have come from

GITCHELL: Alright

BYERS: Uh, I got a deer this year

GITCHELL: Uh-huh

BYERS: And I was cutting up to make some beef jerky and I had a filleting knife, a Ginsu filleting knife and I thought of that knife and I tried to cut some of the deer as thin as possibly and when I found out that it wouldn't cut as thin as the skinning knife was, I put it up. But that would be the only time it's been around anything bloody it was would I was cutting some deer meat at home

GITCHELL: Alright, when was that?

BYERS: That would have been like, I killed a deer the first October so it would have been in

October first of November

RIDGE: That would have been October 1st or 1st November

BYERS: First part of October or in November, I don't remember when we were eating on it there for two or three weeks I was making jerky everyday

GITCHELL: Okay, Alright, let me, let me go on a little bit further and say there's a problem with that, I mean I'm not saying that's not true, the problem is we have sent this knife of and had it examined and it has the blood type of Chris on it

BYERS: Well Gary I don't have any idea how it could be on there

GITCHELL: That's our problem

BYERS: I have no idea how it's on there

GITCHELL: Why, why would this knife have his blood on it?

BYERS: I have no idea Gary

GITCHELL: That's what scares me

BYERS: I have no idea, I have no idea, how it could have any human's blood type on it at all

GITCHELL: (inaudible)

BYERS: I don't even remember nicking myself with it cutting the deer meat or anything

GITCHELL: We've had it checked and it's not animal's blood, it's what is called a higher ape, and in other words of the ape family or category

BYERS: Gary, I have no idea how he could have got a hold of it, I have no idea when he could ever even touched it, matter of fact I don't remember him even touching it and I have no idea how it got on there

GITCHELL: That's why I was asking you about...

BYERS: Gary, I don't, I have no idea, I don't, I mean I would be more than willing to take a polygraph test or anything, I have no idea how that got on there, done, and the last time I ever

remember using it was when I was trying to cut that deer meat into Jerky. That's the last time my wife probably even seen me with it

RIDGE: When was the last time you saw the knife?

BYERS: The day I gave it to that fellow from New York

RIDGE: Do you remember the circumstances when you gave him the knife?

BYERS: Yes, he was there at the house and we had eaten and he was lying on the couch and um, he had made a comment uh, how he liked knives you know and things like that and I had made a comment about the one that I had, and I went in the bedroom and got it and I said I would like to gave you this, just as a Christmas gift it's getting close to Christmas, during all this filming you've been very nice to me and you've been very polite, you know we've became just friends, and I said I just you know, give it to you as a gift, and that's all there was to it, oh, and he said thank you very much, you know and he put it in his pocket.

RIDGE: Did you say anything about the knife what it might be used for or...?

BYERS: No

RIDGE: Are anything like that (inaudible)

BYERS: No

GITCHELL: Now are you on medication?

BYERS: Yes

GITCHELL: What kind of medication are you on?

BYERS: Zanax, Zorinal

GITCHELL: Zorinal

BYERS: Zorinal

GITCHELL: What is what does that do, I'm not...

BYERS: Anti-depressed

GITCHELL: Okay and Zanax is that for the same?

BYERS: Yes, it's 1MG

GITCHELL: How may do you take a day?

BYERS: Uh, 1 to 2

GITCHELL: For a whole day

BYERS: Yes sir, generally , usually one on the morning , one in the evening before I go to bed

GITCHELL: Alright, what about Zorinal?

BYERS: One in the morning that's all

GITCHELL: Okay, um, you mentioned you would take a polygraph?

BYERS: Yes sir, be glad to

GITCHELL: Um, I need to account for this blood do you see what...

BYERS: I'll be glad to try

GITCHELL: I got to, I got to ask you point blank, I've got to ask you point blank Mark, I got to ask you point blank, were you around are participated in these deaths of these boys?

BYERS: No, not in any shape form or fashion, close as to them that I must have got, was when officer Moore and I was yelling in the woods, which they were across the ditch you know and down from us, that's as close as I must have ever got to them that night, absolutely not, positively not, unequivocally not. No not at all

GITCHELL: Well there other test being run on this knife and we should, may have the results right now, where we've been waiting on them the last several days

BYERS: Gary, I don't have anything to do with this, and how his blood got on that knife any way at all, I have no idea

GITCHELL: You know we had blood taken from Melissa?

BYERS: Right

GITCHELL: We had blood taken from um...

BYERS: Right

GITCHELL: Ryan

BYERS: Ryan, he had mine

GITCHELL: We already had yours, so that's what we've trying to do is see if could have been, if you have similar blood, we don't know, we don't know if there is a similarity blood, we don't know

BYERS: I don't know what Christopher's blood type was I don't even remember what mine is, Ryan has got like a odd a B- (neg) or something like that. And I don't remember what Melissa's was, and I don't remember seeing Ryan playing with knife anytime I gave it to Kook, it's possible that he could have and I just didn't see it. But way back to May I don't remember Christopher, if he played with it I didn't know anything about it, or if he saw it out and you know he was looking out it I didn't know anything about it. And if he cut his self with it much have been a small cut because I never noticed him putting a band-aid, you know how they put 4 or 5 band-aids on a little bitty cut

GITCHELL: Uh

BYERS: I never noticed anything like that

GITCHELL: Okay

RIDGE: did he have a knife of his own?

BYERS: Well usually what would happen his grandpa would give Ryan knives, you know he got so thing a grandpa would do, will Ryan would get 4 or 5 and then he would have 1 or 2 that he would break the handle on or a blade would break on it, and he would gave it to little bother, well eventually as I would find them playing with them I would through them in the garbage, you know I would get rid of them cause I was afraid that he would get hurt with one of them.

RIDGE: So if he did get hurt with a knife or if he did play knife, the last person he would have told would have been you because you would have throw the knife away or got on to him is that

correct?

BYERS: Yes sir

GITCHELL: Um, how is your condition he have mention to me before about a tumor, that you've got?

BYERS: I have a brain tumor that's right here in the front, uh, they don't want to operate on it if it grows if doesn't grow any, then they leave it alone because of the paralysis that it's caused it's already caused, and there's a real good choice that by removing it because of where it's at that it could make the paralysis alot worse than they are which is like slurred speech, left side of my face draw, I've also lost some of the hearing in my left ear, and part of the feeling in may left leg and hand, sometimes I, I, walk crooked and stand up and black out

GITCHELL: When you black out do you know what occurs?

BYERS: Well, I've never felt anything, It would be just like if I stood up out of this chair, you know when you've been sitting and you stand up real quick how your head well fell light headed for a minute

GITCHELL: Right

BYERS: I'm sure it's happened to you all, well that's the way it feel but it maybe's goes on for 30 seconds

GITCHELL: Okay

BYERS: I mean once I was walking in the post office it happened and I just held on to the brick wall there for a moment you know

GITCHELL: Okay, there was um, um, Mark you can look at me straight forwarded and you did not, you were not around the boys you had nothing to do with this, is this true?

BYERS: This is true

GITCHELL: Okay

BYERS: This is true, I just as close as I got to them that night , I'm sure was with officer Moore, cause I never ever went down to the pipe, I didn't even know that pipe what there until Thursday morning, we were back more looking down that ditch that had the rope where you could swing

out, you know there's a little ditch that goes this way, that runs into the main, you've got the main bayou, a little ditch here and then you go on down here and you've got the pipe

GITCHELL: Uh-huh

BYERS: Alright, that branch that came in there had a rope that you could swing on, and he walked down there to look and see if anybody had tried to cross hanging on that rope, we looked mostly in that in officer Moore and I did

GITCHELL: So the closes you got is where the rope is at?

BYERS: Well we walked , no sir, the closes I got was away from the rope walking back to the pipes where that first little gulleywash was

GITCHELL: Uh-huh

BYERS: Alright right there was where I stopped, he turned up to the top of the hill and howled back in that way and I howled back behind me, then he came back down the hill because it was real muddy, and I was helping hold the tree branches and helping hold of him so he wouldn't fall

GITCHELL: Okay

BYERS: Well Gary there's, there's no way

GITCHELL: Okay

BYERS: There no way, (inaudible) There's no way I have no idea how any part of Christopher's blood got on that knife, but I there's not way, there's no way I would have anything to do with it at all, and I've told exactly where that's knife has been to the must of I can remember it was not missing, it hasn't been missing, I have no alternative reason for giving it to him other than he was a friend he had admired it and I gave it to him as just a gift of kindness and that was all

GITCHELL: Okay is there anything you want to mention while I've go the tape on , because I'm going to conclude unless you have anything else?

BYERS: Other than no shape, form or fashion was I involved in the murder of my son or his friends, or had anything to do with it, or knew anything about it, or participated in anyway, or had any type of piece of knife, tool, equipment, murder weapon to harm any of those children

GITCHELL: Okay okay the time is approximately 10:10A.M. on Wednesday, January the 26th, 1994