

**Witness for the Defense**

**March 9, 1994**

**Q:** Please state your name for the court.

**A:** Damien Wayne Echols.

**Q:** Damien, where were you born?

**A:** West Memphis, Arkansas.

**Q:** Did you live in West Memphis for a certain period of time?

**A:** I've moved all around the United States, but I've generally moved back to West Memphis after each time.

**Q:** Do you recall approximately when the first move that you made was?

**A:** I was too young to remember.

**Q:** How about - Was there a certain period of time when you moved to Oregon?

**A:** Mm-hmm [yes]

**Q:** Do you recall approximately when that was?

**A:** I think that was, um, in '92.

**Q:** Do you know about what month?

**A:** No idea.

**Q:** And then did you come back from Oregon?

**A:** Yes, sir.

**Q:** Do you know approximately when you came back?

**A:** Sometime in September or October.

**Q:** Were you in school about this period of time?

**A:** No, after I moved to Oregon, I never went to school and then when I came back to Arkansas, I just never started back.

**Q:** When you came back to Arkansas, do you recall how old you were?

**A:** Uh, 17, I think.

**Q:** OK and when is your birth date?

**A:** December 11th, 1974.

**Q:** What name were you born with?

**A:** Michael Wayne Hutchison

**Q:** Who were your natural mother and father?

**A:** Pamela Joyce Hutchison and Edward Joe Hutchison

**Q:** And was there a certain period of time that your father left and then your mom married Jack Echols?

**A:** Yes.

**Q:** And then, was there a time after that that you changed your name?

**A:** Yes.

**Q:** Alright. Why did you change your name.

**A:** Because I was adopted by Jack Echols.

**Q:** OK. So that's why your last name changed. How about your first name?

**A:** First name - at the time of the adoption, I was very involved in the Catholic church, and we were going over different names of the saints. St. Michael's was where I went to church at. And we heard about this guy from the Hawaiian Islands, Father Damian, that took care of lepers until he finally caught the disease his-self and died.

**Q:** Was that the reason you chose "Damien" as your first name?

**A:** Yes, it is.

**Q:** Did the choosing of the name "Damien" have anything to do with any type of horror movies, Satanism, cultism, anything of that nature?

**A:** Nothing whatsoever.

**Q:** OK. Tell the ladies and gentlemen of the jury a little bit about what type of things you enjoy doing as far as your interests and hobbies and things of that nature.

**A:** For a few years, I really enjoyed skateboarding. It was like it was all I lived for, for awhile. Um, I like movies about any types of books, um, talking on the phone, watching TV

**Q:** Did you like to read a great deal?

**A:** Yes.

**Q:** What types of books do you like to read?

**A:** I will read about anything, but my favorites were Stephen King and Dean Koontz and Anne Rice.

**Q:** During the time period in your latter teenage years, did you develop an interest in different types of religious or what beliefs were you studying at this time period?

**A:** I've read about all different types of religions because I've always wondered, like, how do we know we've got the right one, how do we know we're not messing up?

**Q:** Was there - after the - before you were studying about the Catholic religion, was there another religion that you were really concentrating and focusing on?

**A:** No more than the Catholic.

**Q:** After the time period that you were really into the Catholic religion, did you start focusing on another particular religion?

**A:** Wicca.

**Q:** Wicca? Alright. Could you explain to the ladies and gentlemen of the jury what are some principles about the Wicca religion?

**A:** It acknowledges a goddess in a higher regard as a god, because people have always said we're all God's children and men cannot have children. It's basically a close involvement with nature.

**Q:** Did you do a lot of reading about the Wicca religion?

**A:** Yes.

**Q:** What - whose books or - what - whose writings did you read to learn about that?

**A:** The main one, I guess, was Buckland.

**Q:** Do you know what the name of his book is, offhand?

**A:** Uh, I can't remember right now.

**Q:** Approximately what period of time, or if you want to go back from May the Fifth of 1993, what period of time is it that you were really studying about the Wicca religion?

**A:** Probably a year, two years ago, before the murder I started reading about it.

**Q:** OK. I need to ask you about several things that have been introduced as exhibits. Let me gather them up here. OK. There was this exhibit number 123 was introduced today by the State. Take a look at this. Are you familiar with the contents of this notebook?

**A:** Yes, I am.

**Q:** What period of time was it or when was it that you wrote some of the things that are in there?

**A:** Probably from early '91 to early '92.

**Q:** Was there a particular reason why you kept your writings in a book such as that?

**A:** I wrote a lot before and just never saved it, and people started telling me that it was good so I should keep it. So I just started keeping it.

**Q:** Was there a time in school that you had some type of writing project or were supposed to keep a journal?

**A:** mm-hmm [yes]

**Q:** Was this part of the journal or was this separate from that?

**A:** This right here is like my home journal - I had one for school and one for home.

**Q:** I notice on the inside of the front cover there appears to be a couple quotes there. Could you read each of those to the jury and tell them where they came from?

**A:** "Life is but a walking shadow. It is a tale told by an idiot, full of sound and fury, signifying nothing." That's from "A Midsummer Night's Dream" by William Shakespeare. "Pure black looking clear my work is soon done here. Try getting back from me that which used to be." That is off a Metallica Tape called "...And Justice For All" - talks about how warped the court systems are, stuff like that. The other one is from "The Twilight Zone" - "I've kicked open a lot of doors in my time, and I am willing to wait for this one to open, and when it does, I'll be waiting."

**Q:** On the back of it - on the back in the inside portion - the rest of the writings are in here - did you write all the items in here?

**A:** No, this one right here is lyrics to a tape. Me and Jason, every time one of us would get a tape that the other one didn't have, we would make copies of it for each other and copy the lyrics down, too.

**Q:** Alright

**A:** And that's what this was from.

**Q:** What's the name of that particular song?

**A:** "Fade to Black"

**Q:** And what rock group does that song?

**A:** Metallica

**Q:** Did you like Metallica music?

**A:** Yes.

**Q:** And did you listen to that quite a bit?

**A:** Yes.

**Q:** Were there other times that you would take - listen to other music and write down the lyrics to those music?

**A:** Yes.

**Q:** OK. So as far as the - so the other writings in there, they appear to be - are most in poem type form?

**A:** Yes, sir.

**Q:** Earlier I think there was one of them, and I don't remember which one, that Mr. Fogleman read to the jury. Was that something you wrote?

**A:** That one was mine.

**Q:** Do you remember what - when it was you wrote that in particular or particularly why it was you wrote that?

**A:** Most of these I wrote around the same time period. Most of them were when I was going through one of my manic depressive phases.

**Q:** Now each of the things that were in there are poems - you've written every one of those? Now, did the writings of those poems have anything to do whatsoever with the murders that took place on May the Fifth, 1993?

**A:** No. These were wrote a year or two before any of that ever happened.

**Q:** In addition, the State has introduced some pictures, um, State's Exhibit 114 appears to be a poster of some kind.

**A:** This was from the tape cover of Metallica "Master of Puppets" and we used to make copies of them on copy machines and get them enlarged bigger and just have them for decorations in our rooms.

**Q:** And was that a poster that you had in your room?

**A:** Yes.

**Q:** In addition, there was a, the State has introduced Exhibit 112. This picture right here. Are you familiar with that particular picture?

**A:** Yes, I am.

**Q:** And is that something you had in your room?

**A:** Yes, a couple years ago.

**Q:** Alright.

**A:** I haven't seen it since then.

**Q:** And what is the significance of that particular picture?

**A:** That was gave to me by a girlfriend that I was very fond of at the time.

**Q:** Did it have any particular significance?

**A:** Just as it being from her.

**Q:** As far as - do you know who drew that picture or the meaning or the background or anything of that nature?

**A:** I don't know who drew it or anything, no.

**Q:** Did that ever have anything to do with you being any type of a Satanist?

**A:** No.

**Q:** In addition, the State has introduced another photograph - it looks like a poster - 113. Take a look at that.

**A:** This was the cover to a bootleg Metallica tape that most people didn't even know existed called "Garage Days Revisited" and this was from it.

**Q:** In addition, there was a skull of some kind - it looks like an animal skull - State's Exhibit 116. Are you familiar with this?

**A:** Yes, I am.

**Q:** What is that?

**A:** It was a skull me and my step-dad, Jack Echols, had found and I just thought it was kind of cool. And before he gave it to me, he bleached it out and everything to make sure there wasn't any germs or anything on it. It was a decoration for my room.

**Q:** Did that skull have any type of Satanic meaning?

**A:** No, it did not.

**Q:** Or did it have any type of cult meaning?

**A:** No, it did not.

**Q:** Did it have any type of occult meaning?

**A:** No, and we did not kill this - it was like that when we found it.

**Q:** In addition, the State has introduced State's Exhibit number 111. A photograph - it looks like a - tell the jury what that is.

**A:** It's a picture by an artist called Pusshead, it's by the name he goes by and this was published in "Thrasher" magazine. It's a skateboarding magazine that I used to buy all the time when I used to skateboard.

**Q:** Did that, other than that being a picture, did that have any type of religious significance or cult significance or anything of that nature?

**A:** No.

**Q:** OK. Now I'd like to show you this document here that has been introduced as State's Exhibit 110. Wanna take a look at that. And are you familiar with that booklet?

**A:** Yes, I am.

**Q:** And tell the ladies and gentlemen of the jury what that booklet is.

**A:** This book is, um, is different parts from books that were published all in different books, and I took little parts from each one and copied them down into this one.

**Q:** I notice one of the things - it looks like - it appears to be some kind of cure for worms?

**A:** mm-hmm [yes]

**Q:** Was that - do you recall what book you got that out of or where that came from?

**A:** I think it was on something during the Salem persecution era.

**Q:** OK. And I notice there appears to be several different, um, do some of them appear to be like spells of some kind or potions or [?] something of that nature?

**A:** Yes.

**Q:** Besides the writing of those things down in your booklet there, did you ever practice any of those spells?

**A:** Not that I know of.

**Q:** Did you ever use any of that material there to conjure up any evil or anything of that nature?

**A:** No.

**Q:** The State has introduced a picture of that same book with looks like some kind of pin with - looks like - What is the symbol there on the front of that booklet?

**A:** It's a gold skull with wings. It was a Harley Davidson necklace that I had, but I broke the clasp that held the skull to the chain, so I just stuck it to the front of the book.

**Q:** Now what design is in black there on the cover of the book?

**A:** A pentagram pointing up.

**Q:** Is there a particular reason why you drew a pentagram on that book?

**A:** Not really, I don't guess.

**Q:** Did that have any type of Satanic meaning?

**A:** No.

**Q:** In some of the items that you've read, is there a difference between a pentagram with the point up and a pentagram with the point down?

**A:** The one that points up is from the Wicca religion. The one that points down is from Satanism. The one that points up symbolizes a man or a woman with arms and legs outstretched. Uh, Satanism, pointing down, would be a goat's head.

**Q:** In addition the State has introduced, um - can't seem to find it right now - but the book *Never On A Broomstick*. Are you familiar with that particular book?

**A:** Yes, I am.

**Q:** Where did you get that book, Damien?



**A:** At the library in Crittendon County, Marion.

**Q:** Did they have any type of a book sale?

**A:** Yeah, they - all the books that they were getting tired of, or had for a long time, I guess, they all had them sitting on a rack out front that they were selling them for ten cents each, so I got it.

**Q:** What was the reason you bought that particular book?

**A:** I just thought it was interesting.

**Q:** And did you read that book?

**A:** Yes.

**Q:** There is some - there's a couple of pages in there in particular that have been underlined in red - references to the devil. Did you underline any of those portions in the book?

**A:** No. That was done when I got it. I think it was because somebody had a report to do or something 'cause all during the book there's like little notes, um, certain dates and stuff like from the 1600's in the outside margin.

**Q:** Now was that book - describe what that book was about.

**A:** It was about several different things. It started out, um, different phases that witchcraft, and not just witchcraft - other religions - went through. Also, um, back from the beginning, like in the 1600's when people were put to death, uh, they were tortured until they confessed to be witches and then they were killed. Then, uh, it had different religions like the druids, things like that. It had a chapter or two on Satanism, the different branches that it was in, um, then part of it, um, I think the last part, was on modern-day witches.

**Q:** So the book...

**[TAPE FLIPPED]**

**A:** Wicca is also called witchcraft. The word "Wicca" was bastardized. It originally meant "wise one."

**Q:** OK. In addition there has been some testimony about some tattoos. There was one testimony about that you had some kind of tattoo that has a circle with a stick man.

**A:** Yes, sir, I do.

**Q:** Do you have it - what is it and do you have that?

**A:** It's an Egyptian ankh, and I do have it on my chest.

**Q:** And why did you - what is an ankh - what's it stand for?

**A:** It symbolizes eternal life.

**Q:** Why did you have that tattoo put on?

**A:** I just thought it was cool at the time.

**Q:** Did you have another tattoo on your chest?

**A:** Yes, I did.

**Q:** And what was that tattoo?

**A:** A pentagram.

**Q:** Alright. Why did you have a pentagram tattooed on your chest?

**A:** I just thought it was cool.

**Q:** Was the fact that you had a pentagram tattooed on your chest, did that mean at any time you were a Satanist?

**A:** No, it was not a Satanist pentagram. It was pointing up.

**Q:** OK.

**A:** It's faded out now. I don't even have it anymore.

**Q:** In addition, there was a reference about some type of tattoo on - between - I guess the web part of your finger - your hand.

**A:** Yes.

**Q:** Is there, um, did you have some type of tattoo there?

**A:** Yeah, it's still there. It's a cross.

**Q:** And what was the significance of that tattoo?

**A:** There was a lot of people at school who were getting them that year, so...

**Q:** That was - so that was the reason that you got that one. OK. There was also some testimony that you have the word "evil" tattooed on your fingers.

**A:** I used to. It's not there anymore.

**Q:** What was the reason that you had "evil" tattooed on your hand?

**A:** I had this t-shirt, it had a hand holding a hammer. It was for the "...And Justice For All" tape. And across the hand some of the groups of Metallica they have things like, um, "hate," "fear," "evil," things like that, and that was on one of my shirts. And I just kinda thought it was cool, so I did that.

**Q:** OK. One moment, your Honor. Besides - or on - back on June the 3rd, the date that you were arrested and the police executed a search warrant and got the book Never On A Broomstick, did you have other books at your house?

**A:** Yes, I did.

**Q:** What type - were some of those other books other religious type books?

**A:** I'm not sure what they were. I remember different things like Stephen King books, Dean Koontz books,...

**Q:** Did you enjoy Stephen King books?

**A:** Yes, he's my favorite author.

**Q:** Did you read, have you read most of his works?

**A:** I've read all of them.

**Q:** What other types of books did you have there on that occasion?

**A:** Dean Koontz, Anne Rice. Some were just different books that I bought, picked up from different places.

**Q:** Were there some periods of time when you would go through periods where you'd really want to read a book on a certain subject and maybe move on to something else?

**A:** Really, if I would get interested in it, then I would read it and, from what I've read, either get more interest or I would just - I don't like that, and throw it away.

**Q:** Go on to something else, OK. The items that I showed you a few moments ago - this book with the different spells in there, and the couple of pictures, and those items there - Did the Crittenden County - the juvenile's office take those items about a year before the murders took place?

**A:** Yes, they did.

**Q:** Did any of these items - this book - this book right here - any of these pictures - any of this material right here have anything to do whatsoever with the murders that took place on May the 5th, 1993?

**A:** No, they do not.

**Q:** Another fact that's been brought up several times today - or I think the entire trial - has been that you like to wear black. Did you have a preference of what type of color clothing you liked to wear?

**A:** Black.

**Q:** And why was this?

**A:** I was told that I look good in black. And I'm real self-conscious, uh, the way I dress. If I'm not dressed the way I like it will give me headaches because I worry about it all the time. And when I was dressed in black, I didn't really have to worry about it, because I looked the same everyday.

**Q:** Did - how did other people at school look at you because of the way you dressed in black all the time?

**A:** They thought it was kind of weird at first - stayed away. But then, after awhile, a few of them started doing it too, so...

**Q:** OK. Now a lot of them didn't start wearing black all the time. Right?

**A:** Right.

**Q:** OK. As far as, like, when you were in school, were you a very popular type of person?

**A:** Not really.

**Q:** Did the fact that you liked to wear black all the time and - where you different in other ways as well?

**A:** Yes. I've never had a lot of the same interests that other people have like sports, things like that - I've never been into anything like that.

**Q:** Did it - did it help you deal with other people to have people kind of stand-offish and sort of back away from you?

**A:** Yeah, it would make - it was like a defense mechanism - it would make people think like, well, he's weird, I'm not gonna go around him. So it kept people away.

**Q:** Now, did you have, um, was Metallica - was that - did you have a lot of Metallica and other rock and roll type t-shirts?

**A:** I used to.

**Q:** OK. Also there's the - as part of the investigation the West Memphis Police Department did a search warrant on the Crittenden County Library and they had - the search warrant indicates that there was a book on witchcraft by Cotton Mather, On Witchcraft. Is that a book that you had checked out.

**A:** Yeah, I checked that out.

**Q:** And what was the reason that you checked that book out?

**A:** Just to read it. Most people who were looking at the cover, they would think that it was a witchcraft book, but it was really a anti-witchcraft book. That was wrote by a Puritan minister. It was on different ways that, during the Salem persecution era, they used to find ways to torture people or just keep them locked up until they finally would say, Yeah, I'm a witch and all this, and then they would kill them.

**Q:** Alright. In addition, they - they also, uh, the West Memphis Police Department seized a book on magic. Do you remember checking out a book on magic in the past?

**A:** If it's the one I'm thinking about, yes.

**Q:** What type of magic was that about or do you recall that?

**A:** That was about everything in the history of magic, from like all religions really like Hinduism and Buddhism. Some things from Christianity like exorcisms, things like that.

**Q:** And did you find that an interesting book to read?

**A:** Yes.

**Q:** Now I'd like to kind of go forward some, right about the time in the early part of May. As far as the date May the 5th, 1993, do you recall exactly what happened on that day?

**A:** Not really. I know some of the things I did, but I can't remember any of the times or anything. It's too long ago.

**Q:** As far as - sort of backing up - the general type things you did during that time period. How - what was the typical day like?

**A:** I would get up anywhere between ten 'til one, get dressed, sometimes go to Domini's, sometimes she would come over. After school, I usually went over Jason's house, when he was there.

**Q:** You and Jason Baldwin were best of friends?

**A:** Yes.

**Q:** You recall what other types of things you used to do during that time period?

**A:** We like to walk around a lot just with no place particular in mind. Just start out walking and walk around all day.

**Q:** Did you have a driver's license?

**A:** No.

**Q:** Did you drive - did you ever drive a car.

**A:** No, I did not.

**Q:** Did you walk quite a bit around West Memphis, then?

**A:** Yes, I did.

**Q:** And the different trailer parks there. There's also been some testimony about a black trench coat.

**A:** Yes.

**Q:** Did you have a black trench coat?

**A:** Yes, I've had three of them.

**Q:** And did you wear that quite a bit?

**A:** Yes.

**Q:** There's been some testimony about black boots. The boots that you're wearing today, those have been purchased - had those been purchased after, uh...

**A:** After I was arrested.

**Q:** After you were arrested. OK. Did you have a pair just like that before?

**A:** Exactly like this.

**Q:** OK. Was that the pair that the police department seized during the search warrant?

**A:** Yes.

**Q:** Focusing in now on May the 5th. Do you recall the events that took place say in the morning on that day - that Wednesday?

**A:** I remember going up to the doctor's office because an ex stepsister was there.

**Q:** An ex stepsister?

**A:** mm-hmm [yes]

**Q:** Who, how was - who would that be?

**A:** Carol Ashmore. She's Jack Echols' daughter.

**Q:** OK. Jack Echols. Alright. So she was up there also?

**A:** mm-hmm [yes]

**Q:** Do you know approximately what time that appointment was?

**A:** No.

**Q:** Some time mid-morning?

**A:** I think it was kind of late morning.

**Q:** Late morning? And you did - did you go to that appointment?

**A:** Yes.

**Q:** Do you recall after the appointment where you went?

**A:** Not really.

**Q:** Do you recall, um, your mom testified about being picked up at the laundromat.

**A:** mm-hmm [yes]

**Q:** Around 4 to 4:30 - somewhere in that period of time. Do you recall being with Domini and being picked up by your family?

**A:** Yes.

**Q:** OK. And do you recall the Sanders, there's been some testimony about the Sanders, are they pretty close friends with your parents?

**A:** Yes.

**Q:** Did you all, in fact, live with the Sanders in the past?

**A:** mm-hmm [yes]

**Q:** Do you - were there many times that you all would go over and see the Sanders?

**A:** Sometimes three or four times a week.

**Q:** Do you recall specifically right now of your own knowledge if on May the 5th that evening you went over to the Sanders'?

**A:** I remember going over there, but I don't know what time it was or anything.

**Q:** OK. Do you recall talking with Officer... Detective Bryn Ridge sometime in the middle part of May and do you remember telling him that you were over at the Sanders' between 3 to 5 PM?

**A:** I might have told him 3 to 5, but I don't remember.

**Q:** When you went over to the Sanders', do you recall who was over there? Or who wasn't over there?

**A:** I remember the only person there was Jennifer.

**Q:** And is she the eleven-year-old daughter?

**A:** mm-hmm [yes]

**Q:** Do you recall what she was doing?

**A:** I think she was just laying there, watching TV.

**Q:** Do you remember what show she was watching?

**A:** Not really.

**Q:** And who all went over to the Sanders' at that time?

**A:** Me and my sister and my parents.

**Q:** Do you recall approximately how long you stayed there?

**A:** Just a few minutes. Not long.

**Q:** Did you talk to anybody else there at the Sanders' house?

**A:** Not that I remember.

**Q:** Does anybody live across the street from the Sanders?

**A:** mm-hmm [yes]

**Q:** Who lives over there?

**A:** I think their last name is McKay, but I'm not sure.

**Q:** OK. Are the McKay's - is Miss McKay Susan Sanders' sister?



**A:** I think so.

**Q:** Is there some kind of relation there?

**A:** I think so.

**Q:** When you all left the Sanders' house, wait, let me just back up a little. Do you recall at some point during the day going and dropping off a prescription at the pharmacy?

**A:** Yes.

**Q:** Do you recall specifically what time you went over to the pharmacy?

**A:** No.

**Q:** Do you recall what time you all - if you picked up the prescription on the 5th or on the 6th?

**A:** I don't remember.

**Q:** Now, after you all left the Sanders, who all was together at that time?

**A:** Just my family - my immediate family.

**Q:** So that would be your mom and Joe and Michelle and yourself?

**A:** Right.

**Q:** And the four of you all left at that time?

**A:** Right.

**Q:** Do you recall where you all went?

**A:** I think we went home.

**Q:** Do you recall going anyplace else besides going home?

**A:** I'm not sure if that's the day we picked up the medicine or not. So I think we just went home.

**Q:** OK. Once you went home do you recall what you did the rest of the night?

**A:** Most of the night I was on the phone.

**Q:** Do you recall who all you talked to that night?

**A:** I think so.

**Q:** Who was that?

**A:** Holly George, Jennifer Bearden, um, Domini Teer, uh, Heather Cliett, I think that's it.

**Q:** Did you and Domini have some kind of an argument?

**A:** I think so.

**Q:** Were you all - were you all dating quite a bit during this time period?

**A:** Yes.

**Q:** How long had you all been dating?

**A:** I think about a year or a year and a half.

**Q:** Prior to dating Domini, did you date Deanna Holcomb?

**A:** Yes, I did.

**Q:** Do you recall what - during how long a time period or when you all broke up?  
Approximately.

**A:** I think we were together about nine months. I don't know when that...

**Q:** Was that the time period before you all moved and went to Oregon?

**A:** Yes.

**Q:** And besides talking on the telephone on May the 5th, do you remember leaving the house any more times that evening?

**A:** No, I did not.

**Q:** You did not?

**A:** No.

**Q:** OK. On May the 5th, did you kill Michael Moore?

**A:** No, I did not.

**Q:** On May the 5th, did you kill Stevie Branch?

**A:** No, I did not.

**Q:** On May the 5th, did you kill Chris Byers?

**A:** No, I did not.

**Q:** Did you have anything to do with their death whatsoever?

**A:** I'd never even heard of them before 'til I saw it on the news.

**Q:** Did you have any knowledge of who may have killed them?

**A:** No, I do not.

**Q:** Had you ever been to the Robin Hood Woods area?

**A:** No, I have not.

**Q:** When is the first time that you were aware about the missing boys being found?

**A:** I think it was on the 6th. Either the 6th or 7th.

**Q:** Would that have been a TV report or something of that nature?

**A:** mm-hmm [yes]

**Q:** As far as the rest of your activities - whatever you did on May the 6th, was that basically what you'd done the other days?

**A:** Pretty much.

**Q:** Do you recall the first time that the West Memphis Police Department came and talked to you about these murders?

**A:** I don't remember the date it was on, but I remember when they came.

**Q:** Was that approximately a day or two days after the bodies were found?

**A:** mm-hmm [yes] I think it was the same day I saw it on the news.

**Q:** You recall - you recall what officer it was or which officers it was that came to see you on that occasion?

**A:** Officer Steve Jones and Officer Sudbury.

**Q:** Was Jones, was he a - formerly - well, was he a juvenile officer?

**A:** Yes.

**Q:** So he knew of you from the past?

**A mm-hmm [yes]**

**Q:** And had you ever met Lieutenant Sudbury?

**A:** Not before that day.

**Q:** When they were there, did they come to your house or your all's trailer?

**A:** Yes.

**Q:** What did they want to talk about?

**A:** Um, the murders. They just asked me did I know who did it, why did I think they did it, things like that.

**Q:** Did either of those two officers tell you any of the details about the murders on that occasion?

**A:** They weren't real specific or anything, but they said a couple things.

**Q:** Do you recall what they told you on that occasion?

**A:** I remember Steve Jones asked me why would they be in the water. I said, I don't know, I guess they tried to hide them or something. And he said was it possible that they were pushed into the water to flush urine out of their system. Yeah, I guess.

**Q:** Did they tell you any other details about what happened to the bodies or how they died or the condition the bodies were in?

**A:** They asked me how I thought and I heard mutilated, but when I thought of mutilated, I thought it was like all chopped up or something. I figured there wouldn't be like a whole body or anything.

**Q:** Had there been rumors started already about what happened to the boys?

**A:** Yes.

**Q:** Was this something that a lot of people in West Memphis were talking about?

**A:** Everybody was talking about it.

**Q:** Everybody was talking about it. OK. Do you recall if those officers took a picture of you on that day that they came to see you?

**A:** Yes. Yes, they did.

**Q:** Do you recall what you were wearing?

**A:** I was wearing a pair of blue jeans and a tie-died t-shirt.

**Q:** There was a photograph that was introduced earlier about a, with a Portland Trailblazers basketball. Do you recall if you were wearing that?

**A:** No, that was the second time they took a picture.

**Q:** Did they come back on May the 9th and want to talk to you?

**A:** I'm not sure about any of the dates.

**Q:** Alright. Did they come back and talk to you on two other days back to back?

**A:** I think so.

**Q:** Was one of the days about a two-hour time period and another day about an eight-hour time period?

**A:** The eight-hour time period was when they took me to the station. And that was it.

**Q:** So was the two-hour time period, was that like the day before?

**A:** mm-hmm [yes]

**Q:** Do you recall what officers talked to you on that occasion?

**A:** Only one I remember is Ridge and I think Sudbury, but I'm not sure.

**Q:** Do you recall a set of 32 questions that you were asked on May the 9th?

**A:** They asked me those twice. Once when they came to my house and then once when I went in.

**Q:** OK. And that was on two different days?

**A:** mm-hmm [yes]

**Q:** So they pretty much asked you the same set of questions two days apart.

**A:** mm-hmm [yes]

**Q:** And were some of those questions having to do with how do you think the boys were killed?

**A:** Yes.

**Q:** Were some of those questions, "Who do you think might have done this?"

**A:** Yes.

**Q.** Did they also ask you some questions, "Where were you between 5:00 and 10:00 P.M. on May the 5th?"

**A.** Yes.

**Q.** On the tenth, do you recall -- I think that was the longer period of time. Were you at the police station about eight hours?

**A.** Yes.

**Q.** Do you recall talking to Officer Bryn Ridge and another officer that first two hour time period?

**A.** Yes.

**Q.** Did you hear Officer Ridge testify earlier about conversations that you had with him on that date?

**A.** Yes.

**Q.** During the conversation with Detective Ridge, did you deny any participation in these murders?

**A.** Yes, I did.

**Q.** Did he ask you about some Wiccan beliefs?

**A.** Yes.

**Q.** During the time that Ridge talked to you for that -- well, during the entire time that the West Memphis Police Department talked to you on May 10th, did they ever have a tape recorder running?

**A.** They had one in the office, but they didn't turn it on.

**Q.** Did they ever have you at the conclusion of the interviews look at their notes and have you sign saying, yes, I agree, this is everything I said?

**A.** I don't think so.

**Q.** Do you recall a part of a conversation with Detective Ridge about the significance of water?

**A.** I cannot really remember all of the questions, but I think they did ask that.

**Q.** Did you hear the response that Detective Ridge testified about in court the other day?

**A.** He said water was some kind of demonic force or something like that.

**Q.** Did you tell Officer Ridge that water was a demonic force?

**A.** Most of the questions he asked me were like yes or no questions. When I would say no, he would start, do you suppose, something like that. Yeah, I guess so.

**Q.** Did he ask you a lot of leading questions?

**A.** He asked me "Do you think one of the kids was hurt worse than the rest of them?" "Yeah, I guess."

**Q.** Did you ever have any independent knowledge of any of the details of what happened to the boys?

**A.** Just what was public knowledge on TV.

**Q.** Was there also by this time -- the newspaper articles -- were there articles in the West Memphis paper and the Commercial Appeal every day about the murders?

**A.** Yes.

**Q.** Was this a topic that everybody was talking about?

**A.** Um-hum.

**Q.** After talking with Ridge, do you recall talking to Detective Durham?

**A.** Yes.

**Q.** During the conversation with Detective Durham, did you deny your involvement or any -- let me correct that. Did you deny any involvement with the murders --

**DAVIS:** Your Honor, at this time, we've let this go on for a while with leading question after leading question. This is his witness. This witness can testify. Mr. Price is leading. We object.

**PRICE:** Judge, I'm entitled to ask this witness about questions --

**THE COURT:** - Avoid leading. Let him supply the answer.

**BY PRICE:**

**Q.** Do you recall what type of questions that Durham asked you during your interview?

**A.** I think so.

**Q.** What were some of the questions dealing with the murder that he asked you about?

**A.** Mostly they were just variations of the 32 questions. They would just change a couple of words or something.

**Q.** Do you recall what your answers were during the time you talked with him?

**A.** Not my exact wording, but I know pretty much what I said.

**Q.** There was -- do you recall Detective Ridge testifying that you made some comment to him about, "I will tell you everything I know if you let me talk to my mother."

**A.** Yes.

**Q.** Did you tell him that?

**A.** Yes.

**Q.** Did you talk to your mother?

**A.** Yes, I did.

**Q.** Why did you give that response to him?

**A.** Because that's the only way he would let me talk to my mother. They kept asking me, saying, "Even if you did not do it, we know that you know something about it." So I said, "I will tell you everything I know after you let me talk to my mom." After I talked to my mom, he said, "All right, now tell us everything you know." I said, "I don't know nothing," and they got mad.

**Q.** Did he get mad at you based on that response?

**A.** Yes.

**Q.** Did he ask you, what were you afraid of?

**A.** Yes.

**Q.** Do you recall what your answer was?

**A.** No.

**Q.** Do you recall looking at the one page sheet summarizing the two hour conversation that says he asked you what were you afraid of and you said, "The electric chair"?

**A.** I said that?

**Q.** That's on the sheet that he has. Did you ever tell him you were afraid of the electric chair?

**A.** I don't remember saying that.



**Q.** Did Officer Durham let you look at any notes he was taking to write down your name and confirm, yes, this is what I told you on this date?

**A.** No, he did not.

**Q.** After talking with Durham, did they have any other officers that wanted to talk with you?

**A.** About the whole police department came in one at a time.

**Q.** Do you recall what answers you were giving during the last part of your interrogation?

**A.** I don't know the exact words, but I know pretty much what I said.

**Q.** Pretty much tell the jury what you said in this part.

**A.** They asked me if I had anything to do with the murders and I told them, no, I did not. They asked me did I know anybody that had anything to do with the murders. I told them, no, I did not. They didn't like that so they kept asking it over again and again.

**Q.** Between that date which would have been May the 10th and the date you were arrested was June the third, did the police ever come back and talk to you any other times?

**A.** No, I think that was the last time before they arrested me.

**Q.** There's been some testimony today about -- did you ever during this time period go to a girl's club softball game?

**A.** Yes, I did.

**Q.** Do you recall during this time period between May the 5th and June the third how many times you went there?

**A.** Once.

**Q.** Do you recall -- there was some testimony about a conversation that you had with a bunch of people. Do you recall that conversation?

**A.** I was there with a bunch of people, but we never discussed the murders.

**Q.** Is it your testimony you never discussed the murders?

**A.** Not with anybody at a softball game.

**Q.** Did you discuss the murders with anybody else?

**A.** Yeah, me and Jason talked about it.

**Q.** How did y'all talk about it?

**A.** We just wondered why they were wanting us so bad, why they kept questioning us over and over again.

**Q.** During this investigation, has the police department gotten blood samples from you?

**A.** Yes. Twice.

**Q.** Have they gotten hair samples?

**A.** Twice.

**Q.** Have they taken your fingerprints?

**A.** Five or six times.

**Q.** Have they taken -- you testified earlier they took your boots into possession. Did they take your barefoot print impressions?

**A.** Yes, they did.

**Q:** Another question going back to a topic we talked about earlier, you did have a black trench coat?

**A.** Yes.

**Q.** Do you recall where the black trench coat is now?

**A.** I think my parents have it now.

**Q.** When is the last time you saw it?

**A.** The night I was arrested.

**Q.** Do you recall where it was?

**A.** It was laying in the floor whenever the police came.

**Q.** Were you there when the police seized items from your house?

**A.** Just the first few minutes.

**Q.** Do you recall what type items the police were taking from your house?

**A.** I never saw any specific items they took.

**Q.** Did you have a chance yesterday -- you heard Dale Griffis testify?

**A.** Yes.

**Q.** As far as the ideas he was talking about, as far as the things he was testifying to about yesterday, what did you think about the way he was trying to explain that material?

**A.** Some of it was okay, but he didn't stop to differentiate between different groups. He just lumped them all together into one big group that he called cults.

**Q.** Were there some of the things that he was talking about, I think he testified about water having some type of significance?

**A.** (NODS HEAD)

**Q.** In some of the things you have read does water have some type of significance?

**A.** I have never heard of it like a demonic force like Ridge did. I heard about it as a giver of life because all things need water to survive. Nothing can live without water.

**Q.** Did you ever tell Ridge that water was a demonic force?

**A.** When he was asking me, I probably said yeah.

**Q.** Was that the time he was asking you leading questions?

**A.** When they was asking me the 32.

**Q.** The 32 questions?

**A.** Um-hum.

**Q.** Several of those questions were religious questions, weren't they?

**A.** Um-hum.

**Q.** As far as several things that Griffis was talking about yesterday about satanism beliefs, are there any of those things that he was talking about that are your personal beliefs?

**A.** Not really my personal beliefs. Some things I might have in common.

**Q.** For example.

**A.** Some satanists may be arrogant, conceited, self-important. I might be that, but I'm not a satanist. I don't believe in human sacrifices or anything like that.

**Q.** Have you ever participated in any type of human sacrifice?

**A.** No, I have not.

**Q.** There's been a great deal of testimony about certain types of knives. Did you ever have a knife collection?

A. Yes.

Q. When and where did you have a knife collection?

A. I've been buying knives for a long time. I had one in Arkansas, but it wasn't anything important, two or three knives. And then when I went to Oregon, I started buying them a lot when I was working up there. They had this knife shop, and I used to go up there all the time. Then when I moved back to Arkansas, they were still there with my parents. I didn't bring them back with me.

Q. There's been a great deal of testimony about State's Exhibit 77. Have you ever seen this particular knife until it was introduced into evidence at this trial?

A. Not that knife, no.

Q. Have you seen a knife similar to this knife?

A. I had one sort of like that, but mine didn't have a black handle. The handle on mine was camouflaged, and it had the camouflage case and everything. The blade on mine was black. It wasn't silver like that.

Q. Do you know what happened to that knife that you had?

A. I had a bunch of those. I don't know whatever happened to them. They were like real cheap. I used to buy them all the time.

Q. Were they -- knives similar to these -- were they called Rambo knives?

A. Um-hum.

Q. Was that a Rambo type knife, the one that you had?

A. Um-hum.

Q. Specifically, did you ever see Jason Baldwin with that knife that I just showed you?

A. Not that one, no.

Q. Did he have something similar?

A. Sort of, but it didn't have a jagged edge like that. It was straight and in the middle of the handle there was a little purple -- I don't know what you call it -- it was sort of like a diamond or ruby or something in the handle of it.

Q. You have been in jail almost nine, ten months now?

A. (NODS HEAD)

**Q.** Obviously you're aware that you have been charged with these three murders?

**A.** (NODS HEAD)

**Q.** How have you felt being charged with these three murders?

**DAVIS:** Your Honor, at this point in time -- this is totally irrelevant. How he feels about being charged with murder doesn't have anything to do with whether he's guilty or innocent. Mr. Price knows that.

**PRICE:** Your Honor, the feelings of the defendant are certainly relevant. The State has made motive an issue in this case. I'm certainly entitled to ask my client his feelings. Feelings certainly go to motive, and this is a question I'm entitled to ask my client.

**DAVIS:** Your Honor --

**PRICE:** -- if Mr. Davis wants to ask him --

**THE COURT:** -- Wait a minute. Go ahead.

**DAVIS:** Excuse me. His feelings at this point in time don't have a thing to do with the motive for his conduct at the time that these murders were committed. His feelings at this point in time are totally irrelevant to the issues in this case which are whether or not he committed a premeditated murder on three eight-year-old boys.

**DAVIDSON:** Your Honor, his feelings two years ahead of time -- those were relevant, they thought. Two years ahead of time is when he wrote that stuff.

**THE COURT:** Go ahead and ask him. Overruled.

**BY PRICE:**

**Q.** Damien, how have you felt the past year being charged with these three murders?

**A.** Different ways on different days, I guess.

**Q.** Tell the jury the different ways.

**A.** Sometimes angry when I see stuff on TV. Sometimes sad. Um, sometimes scared.

**Q.** There has been a reference made at one time that you licked your lips after a earlier proceeding in this case.

**A.** That is when I went to court in one of the other places. I can't remember which place it was. I do stuff like that sometimes. I guess I just lost my temper because it was like when I went outside, everybody was out there, standing there calling me names, screaming at me, things like that. And I guess it just made me upset when I did that.

**Q.** Did you kill any of these three boys?

**A.** No, I did not.

**CROSS EXAMINATION**

**BY MR. DAVIS:**

**Q.** Mr. Echols, I'm going to ask you questions and like I have told other witnesses, if you don't understand, you ask me to rephrase them and I'll be glad to do so.

**A.** (NODS HEAD)

**Q.** First of all, let me ask you, are you taking any medication at this time?

**A.** Yes, sir.

**Q.** What type of medication are you taking?

**A.** I'm on Imipramine. It's for manic depression.

**Q.** Does it have a calming effect? Does it sedate you to some extent?

**A.** Makes you sleepy.

**Q.** You're on that medication today, is that right?

**A.** Yes.

**Q.** Your girlfriend's name is what?

**A.** Domini Teer.

**Q.** She is related to the Hollingsworths who testified here in court?

**A.** Yes, by marriage.

**Q.** In fact those people, Narlene and Anthony, are familiar with Domini. They are related. You would acknowledge that?

**A.** Yes, sir.

**Q.** And you would agree that her description -- she's very thin and red headed, correct?

**A.** Yes, sir.

**Q.** And you have, as you describe, a very distinctive look about you, true?

**A.** True.

**Q.** We have heard witness after witness say, when I see him, I know who I'm looking at.

**A.** Yes, sir.

**Q.** And you would not deny that?

**A.** Not at all.

**Q.** Have you seen to your knowledge Narlene Hollingsworth before?

**A.** Yes, I have.

**Q.** And she's seen you before, right?

**A.** Yes.

**Q.** And she knew that you dated and saw Domini, correct?

**A.** Yes.

**Q.** And you have heard her testify in this court under her oath that on that night she came off that service road, she flashed her bright lights and there was you and Domini Teer right there on the service road down from the Blue Beacon. You heard that testimony?

**A.** Yes, sir.

**Q.** Do you know any reason why she would make up that story?

**A.** Maybe she thought she did.

**Q.** Her son that was there -- he is also -- Anthony is also related to Domini, right?

**A.** Yes.

**Q.** And he is also -- have you seen him? Are you familiar with him?

**A.** Yes.

**Q.** And he was also in the car and he was absolutely certain -- you heard him testify -- that he saw you there that night?

**A.** (NODS HEAD)

**Q.** Correct?

**A.** Yes, sir.

**Q.** Do you recall what you did the night before the 5th?

**A.** I was either at my parents' house or Domini's house. I think it was my parents because I had a doctor's appointment.

**Q.** You have indicated that you have a problem with your memory as far as specific times?

**A.** Uh-hum.

**Q.** Your mother testified that when you were down at the police station, one of the things she told you was, we've got some alibis, correct?

**A.** Yes.

**Q.** She's testified that the same day the police talked to you, or maybe it was your sister, that that is when you first started discussing among the family about the details of those alibis, correct?

**A.** Yes, sir.

**Q.** When the police talk with you on the tenth, at that point in time you tell them from 3:00 to 5:00 is when you think you were at the Sanders', is that right?

**A.** I probably told him that then.

**Q.** That was about five days after the boys had turned up missing that you told him it was around 3:00 to 5:00?

**A.** I probably told him that if it's in the report.

**Q.** When your mom tells him something, it is about five to six or five to six-thirty, okay?

**A.** (NODS HEAD)

**Q.** As time moves on and the time period that is in question becomes later that evening, the visit to the Sanders' becomes later that evening, correct?

**A.** Yes, sir.

**Q.** So the story kind of changes to fit the facts we need to cover, right?

**A.** Yes, sir.

**Q.** You have talked about -- Mr. Price went on and on about this book with the upside down crosses, all this insignia and the trappings of satanic beliefs and this photograph with the person up on the altar with the goat's head -- is that white magic type stuff?

**A.** No, sir.



**Q.** And you had this framed and hanging in your room, right?

**A.** Right.

**Q.** You're pretty knowledgeable about this stuff. You would not accidentally put some black magic picture on the wall, would you?

**A.** No. The reason I had it on the wall was because it was a present.

**Q.** Who gave you that?

**A.** Deanna Holcomb.

**Q.** After that, you studied and looked into the satanic side of the occult, correct?

**A.** Um-hum.

**Q.** And you were familiar with it, right?

**A.** I'm familiar with about every aspect of it.

**Q.** You're familiar with a fellow named Alister Crowley?

**A.** I know who he is.

**Q.** He is a guy who kindly professes -- he is a noted author in the field of satanic worship, right?

**A.** I know who he is, but I have never saw any of his books personally.

**Q.** Not much of a follower of his?

**A.** I would have read them if I had saw them.

**Q.** But Alister Crowley is a guy that based on his writings believes in human sacrifice, doesn't he?

**A.** He also believed he was God so --

**Q.** He also had writings that indicated that children were the best type of human sacrifice, right?

**A.** Yes, sir.

**Q.** But Alister Crowley doesn't have any particular significance to you?

**A.** I know who he is. I have read a little bit about him, but I have never read anything by him.

**Q.** Let me show you a copy of some documents. Do you recognize that?

A. Yes.

Q. What is that?

A. It was this paper I had on different alphabets or like translations where you could write things that nobody could read. This was one of the forms.

Q. Where did you have that at? When did you do that?

A. Sometime before I was arrested I guess.

Q. Are you sure you have not done those since you were arrested while you've been staying in the jail?

A. I don't know. I might have.

Q. What kind of -- is that alphabet up there -- is that some sort of Wiccan alphabet?

A. I don't remember in particular what this one is.

Q. Whose names are written on that document?

A. Mine, Jason's, my son's, one that says Alister Crowley --

Q. Who?

A. Alister Crowley.

Q. This is a document that you have written while you have been waiting in jail for trial, right?

A. If you say so.

Q. Well, you wrote it. That's your writing, correct?

A. Um-hum.

Q. Do you recall when you wrote it?

A. Not really. There's five more that I don't know what is there.

Q. What you were doing is writing out various names in different type alphabets, correct?

A. From the way it looks here, I was practicing trying to memorize them.

Q. One of the names that you picked out to write about was this fellow named Alister Crowley?

A. Um-hum.

**Q.** Is that just a total coincidence? You just pulled his name out of the air?

**A.** It is the same book that I had with the different alphabets and it also had stuff about him.

**Q.** Did you have the book out there at the time you were doing this?

**A.** This is from what I remembered myself. I was practicing, trying to memorize, getting it all in my head.

**Q.** So you were going over it working on it in your head and at that point in time you write all this down from memory?

**A.** Um-hum.

**Q.** Had you studied Alister's book pretty carefully?

**A.** Never any book by him in particular. I have never saw any of his.

**Q.** Now, the two little girls that got up here and testified this morning said that they saw you out at the softball park, right?

**A.** (NODS HEAD)

**Q.** How many times have you been there?

**A.** Once.

**Q.** Were you there the next night?

**A.** No, I was not.

**Q.** So you're saying that they weren't honest about that?

**A.** Yes, I am.

**Q.** Admittedly you have indicated that you kind of stand out in a crowd?

**A.** Yes.

**Q.** You're saying that those girls, the girl that testified that she saw you the next night, too, was she not telling the truth about that?

**A.** No, she's not.

**Q.** And this other defendant Jason Baldwin was out there with you?

**A.** The one night I was there, yes.

**Q.** When you were there, was there a group of people standing around?

**A.** Some people that I knew.

**Q.** You know any reason why that girl would come into court and under her oath swear that you --

**PRICE:** Judge, that is an objectionable question. That is a totally improper question. the defendant is not required to disprove anything. The State has to prove the elements of the crime and the defendant has to prove nothing.

**DAVIS:** Your Honor, once he takes the witness stand, I have the right to cross examine him and if he's up here giving testimony that indicates that witnesses that the State put on are lying, I have a right to ask him if he knows any motivation for our witnesses to lie.

**PRICE:** That's an improper question, Judge. The defendant is not required to disprove the State's case. The state has to prove their case, and we object.

**THE COURT:** I'm going to allow you to ask him -- maybe not in the form that you asked him -- but I'm going to allow you to ask him if he knows of any reason why they would have some prejudice or bias toward him.

**BY DAVIS:**

**Q.** Do you know why the VanVickle girl would get up here and have any reason to fabricate a story under oath about you?

**A.** There have been Damien sightings since I can remember. People were calling the police department saying they saw me marching around through Marion carrying black candles while I was all the way on the other side of the country.

**Q.** We aren't talking about a fake sighting.

**A.** It is the same principle. It was a fake sighting.

**Q.** You were there, right?

**A.** The second night I was not.

**Q.** But the first night is when she said you made the statement. You were there that night, right?

**A.** Yes.

**Q.** And your group was standing around you?

**A.** Um-hum.

**Q.** You had on the big black coat and long black hair?

A. Um-hum.

Q. And Jason was there?

A. Um-hum.

Q. She's right about all those things, correct?

A. Yes.

Q. You don't know why in the world she would get up here and under oath testify that you said those things?

A. Little kids say that kind of stuff all the time to get attention.

Q. Do you know any reason why the one who was a little older, the Medford girl, would say that?

A. Probably because she mentioned something like that to her mom or something, and her mom carried it too far so she had no other choice than to get up here and talk about it.

Q. I guess Ms. Medford -- do you have any reason to know why she would get up here and give that testimony under oath?

A. Because her daughters probably did tell her that.

Q. Mr. Price asked you a lot of questions about May 5th and you indicated that you cannot remember times, is that correct?

A. Right.

Q. And you aren't sure even where you spent the night or on the fourth or the fifth -- or the sixth, I mean.

A. No.

Q. Do you know where you spent the night on the third?

A. Either at Domini's or at my parents'.

Q. But the truth of the matter is y'all didn't sit down and try to discuss the details and try to discuss these alibis about those other dates, did you?

A. They never really discussed it with me. They just said, well, we know you were here so we know they can't prove anything because we know you didn't do it.

Q. Have you talked with them about the specifics of their testimony?

**A.** Not since I've been arrested.

**Q.** You have not discussed it at all?

**A.** (SHAKES HEAD)

**Q.** Have you discussed it with Mr. Lax, the private investigator they hired? Has he provided you any details about what witnesses were saying?

**A.** Not really theirs. Mostly mine.

**Q.** He came in to tell you about what you were going to say?

**A.** No. He was asking me what did I tell the police, what times, things like that. I can't remember now. That was a year ago.

**Q.** You are testifying under oath that Mr. Lax has not sat down and discussed with you testimony of other witnesses?

**A.** Not what they were going to say, but like who was going to testify, things like that.

**Q.** You're saying that he has not gone over with you the details and facts of what witnesses were going to say?

**A.** No. Not what they were going to say.

**Q.** What about the attorneys? Have they sat down and discussed with you details and facts about what was going to be said?

**A.** Not of what nobody was going to say.

**Q.** So nobody prior to this trial has discussed with you the details of the facts that they expected to hear in testimony from other witnesses?

**A.** Just that they were going to get up and testify, not what they were going to say.

**Q.** So all they told you is Joe Blow is going to testify but never discussed any of the details of his testimony?

**A.** Not really, just what they knew about that.

**Q.** And that statement is as true and correct as everything else you have testified to under oath here today?

**A.** I have not lied about a single thing --

**Q.** -- Is that statement that you just gave me that you haven't discussed this -- is that as true and correct as everything else you have testified to here today?

**A.** Yes, it is.

**Q.** You said that you used to walk around West Memphis all the time?

**A.** Um-hum.

**Q.** Did you and Jason walk around West Memphis?

**A.** Um-hum.

**Q.** Did you walk in the area where the boys were found?

**A.** Mostly where we walked was around Wal-Mart, Krogers.

**Q.** Had you been in the neighborhood near where Robin Hood Hills was in that residential area -- had you and Jason walked in that neighborhood on a frequent basis?

**A.** No.

**Q.** Had you ever been in that neighborhood walking with Jason?

**A.** Not walking with Jason, but I used to live over there when I was young.

**Q.** How long ago would that have been?

**A.** When I was in kindergarten.

**Q.** In the year prior to your arrest had you and Jason or you and anyone else on more than one occasion walked around in that neighborhood near Robin Hood Hills?

**A.** No.

**Q.** That's also as true as everything else you have told us?

**A.** Yes.

**Q.** These tattoos that Mr. Price asked you about, the pentagram up here on your chest -- did a tattoo artist do that?

**A.** No, I did it myself.

**Q.** How did you do it?

**A.** With India ink.

**Q.** And what?

A. I think part of them with a razorblade, part of them with a needle.

Q. Describe how you do that.

A. You dip it in the ink and you cut the top layer of skin.

Q. Is that how you did the "Evil" that you tattooed on your knuckles?

A. That's why they don't stay. They're never deep enough.

Q. When you tattooed the "Evil" on the knuckles, is that significant in Wiccan religion?

A. No.

Q. Is evil kind of a primary premise of the satanic beliefs, the belief in evil and that evil brings you power?

A. From what I have read, most of their beliefs involve around self-indulgence.

Q. So evil -- what did you do it for?

A. Just because I thought it looked cool.

Q. Same way with the pentagram?

A. Um-hum.

Q. You had another tattoo up on the shoulder?

A. Um-hum.

Q. Did you carve it in, too?

A. Um-hum.

Q. Did you carve in the one on your hand?

A. Um-hum.

Q. Did I understand you to testify that you said this knife wasn't like any knife you ever had?

A. Not the colors or anything.

Q. But didn't I understand you -- and I may have missed the flow -- that you had a bunch of knives similar to that three or four years ago?

A. Um-hum.

Q. Did you always carry a knife?



A. Not always. A lot of times.

Q. What would you do with all these knives?

A. Most of them I just kept in my house. Some of them we traded off.

Q. Were some of them daggers?

A. Um-hum.

Q. Did you have boot knives that you hide in your boots?

A. I didn't hide them in my boots, but I had some that that's what they were for.

Q. Would it be a fair statement to say that most of the time you had a knife on you in your possession when you were out on one of these walks?

A. Before I got arrested, yes.

Q. You talked a lot about officers putting words in your mouth?

A. Um-hum.

Q. Isn't it true that you are the one who told the officers that the children were mutilated?

A. Yes, I said that.

Q. That was on May 10th of '93. The autopsy was done on May 7th so we are talking about four days after the bodies were recovered?

A. Um-hum.

Q. Said, "They were probably cut up, one more than the others"? Those are your words, aren't they?

A. He asked me was one cut up more than the other. I said yes, they were, probably.

Q. You indicated that you heard they were drowned?

A. No. I indicated I heard they were mutilated.

Q. So when he put down in his response to that question, "Heard that they drowned," he made that up, too? That just isn't true?

A. They made up a lot of stuff so far --

Q. -- Answer my question --

A. -- No, it is not true.

**Q.** You never said that. The officer just put that in on his own?

**A.** Yes, he did.

**Q.** When he put in there, regarding whoever committed these crimes, "Probably thinks it is funny and that he won't get caught and won't care one way or the other if he did." Did you say that?

**A.** Yes.

**Q.** The officer didn't make that up, did he?

**A.** No, I said that.

**Q.** You told the officer -- was that -- you told him you thought the person who did it would think it was funny?

**A.** Yes.

**Q.** And would not care one way or the other if he got caught?

**A.** Probably not.

**Q.** Mr. Price has asked you about your feelings about being arrested. You said you had good days and bad days. Was it a bad day the day after you were arrested when you blew a kiss to the victims' families? Was that a bad day when you did that?

**A.** That was one of the times I lost my temper.

**Q.** You lost your temper is why you blew a kiss to the victims' families?

**A.** Yes.

**Q.** And you did make the statement to the officer that, "I will tell you all about it if you let me talk to my mother"?

**A.** I said, "I will tell you everything I know."

**Q.** If he says in his report that you said, "I will tell you all about it if you let me talk to my mother," that's inaccurate, too?

**A.** That's another of his lies.

**Q.** And it is your testimony that you are just interested in Wiccan religion and nothing involving the black witchcraft or satanic practices?

**A.** I'm interested in it. I read it, but I don't practice it.

**Q.** These books where you have handwritten things and certain symbols on the books and your reference that you made to Alister Crowley, the person that is a supporter of human sacrifice, that writing that you made while in the jail out here, that is all just as a result of your interest in black magic, not that you practice it?

**A.** That and being bored.

**Q.** Do you do any satanic incantations out there while you are bored?

**A.** No, I do not.

**Q.** And LaVey, the person that you indicated to the officers that was one of the persons you read a lot, that is not Wiccan or white magic, is it?

**A.** No.

**Q.** So as I understand it, you cannot tell us specifics as to times. You don't know what happened the day before or the day after. Is that right?

**A.** Yes.

**Q.** You don't have any reason or any -- can't give us any possible idea why Ms. Hollingsworth, Anthony and those two girls would come in here and make up stories that aren't true under oath to get you in trouble?

**A.** I have been in several arguments with the Hollingsworths and that's it.

**Q.** They are familiar with you, right?

**A.** Yes.

**Q.** And they know you?

**A.** (NODS HEAD)

**Q.** How many times reckon Ms. Hollingsworth has seen you?

**A.** A lot.

**Q.** How frequently?

**A.** Um, maybe like two or three times a week she would drive by me or something, drive by my house, and we would be out in the front yard or something.

**Q.** And Anthony has seen you a lot, too?

**A.** Um-hum.

**Q.** Just one more thing. This sheet that I handed you – are you willing to admit that you wrote this while you have been in jail?

**A.** I wrote it, but I don't know when I wrote it.

**Q.** That's another part where your memory is just kind of gone bad?

**A.** (No verbal response)

**Q.** Ok. The people that are listed on here – you got your name on here, right?

**A.** Um Hmm.

**Q.** And then Jason Baldwin, which is your best friend, right? And then you've got Damien Seth Azariah Echols, that's your son?

**A.** Yes it is.

**Q.** Ok. And then the only other name on this document, besides yourself, your best friend and your son is Aleister Crowley?

**A.** The only names in English.

**Q.** Are there other names here that are in—

**A.** I don't know what those are. I don't know what those say.

**Q.** You have -- since the date of your arrest, you haven't been released, have you?

**A.** No.

**PRICE:** Judge, we object to that question. That's improper.

**Q.** Well, what I'm gonna ask you is, this Damien Seth Azariah Echols, your son, he wasn't born until after you were placed in jail, correct?

**A.** Yes.

**Q.** So if you've got his name listed on this document, then this document had to be generated after her was born, right?

**A.** Yes.

**Q.** Ok. So this is something you've written since here in jail, waiting for trial?

**A.** Yes.

**DAVIS:** You're Honor, at this time we'd ask to move to the introduction of these documents—

**PRICE:** Judge, can we approach the bench?

**THE COURT:** All right. Ladies and gentlemen, you can take a ten-minute recess at this time with the usual admonition not to discuss the case.

**(Unintelligible)**

**PRICE & DAVIDSON:** We've never seen these before.

**(Unintelligible)**

**DAVIS:** It's cross-examination, your Honor.

**FORD:** Well, it's also an exhibit. Isn't there an order about exhibits?

**(Unintelligible)**

**DAVIS:** I didn't have any anticipation of what I was going to use as an exhibit until he got up there and took the stand.

**DAVIDSON:** Well, when did you obtain that? Oh wait, she can't hear yet. I'm sorry.

**FOGLEMAN:** It was after the trial started.

**THE COURT:** All right, you're going to have to be quiet in the audience; I'm trying to hear up here. Either sit down or go on. All right, this is a hearing outside the presence of the jury.

**FORD:** (Objecting, unintelligible.)

**PRICE:** Judge, we'd like to know the source of this document.

**DAVIS:** Apparently it came from the jail.

**PRICE:** We'd like to know how they got it from the jail—

**DAVIDSON:** How did you get it?

**DAVIS:** We got a copy of it.

**PRICE:** We'd like to know who in the jail has been going through my client's personal items?

**THE COURT:** I don't know.

**DAVIDSON:** Well, you gotta know who you received it from? It didn't just appear—

**PRICE:** There's gotta be a chain of evidence, then. Actually, this appears to be a photocopy.

**UNKNOWN:** I think it is.

**PRICE:** Does the State have the original?

**DAVIS:** No.

**PRICE:** Then we object on best evidence, your Honor—

**DAVIS:** It's my understanding that the original is not obtainable unless Mr. Echols wants to provide us with it—

**PRICE:** Wha—Whoa—

**FORD:** How'd you get it on the copy machine? Did it just fly in there?

**DAVIS:** No, I think it got copied. (audience laughter)

**DAVIDSON:** It got copied?

**THE COURT:** Be quiet now, audience. I don't need any giggling.

**PRICE:** So, has the State been going through my client's personal possessions in the jail? I'd like to know where this document has come from, Judge.

**DAVIS:** I'm not sure where—

**THE COURT:** Are you asking me the question?

**PRICE:** Yes sir, I'm asking you the question.

**THE COURT:** I couldn't tell you.

**DAVIDSON:** We're asking you to enquire of the Prosecutor.

**THE COURT:** How did you get it?

**DAVIS:** I'm not sure where it came from.

**DAVIDSON:** Well, it didn't just fly in and on the table, let's—

**DAVIS:** I think we got it from some jail personnel.

**THE COURT:** I'm gonna sustain the objection to the tender of the document into evidence.

**DAVIDSON:** We ask for a mistrial, too.

**THE COURT:** Denied.

**PRICE:** We move to strike the testimony, your Honor.

**THE COURT:** Denied. The witness identified it as being his, he identified the time and place of the authorship and that testimony is before the Jury and it was basically without objection. The only objection that's been made was to the tender of the documents themselves, which I'm sustaining.

**PRICE:** All right, Judge, we'd also like to know what other document's the State has gone through on behalf of my client.

**THE COURT:** Well—

**PRICE:** If his rights have been—if somebody from the jail has been going through his—the material; he's also had documents as part of our defense—my client has had out at the jail. I'd like to know whether those documents the State's gotten a hold of.

**FOGLEMAN:** That's the only document.

**FORD:** That's the only one y'all copied, not the only one you've seen.

**DAVIS/FOGLEMAN:** That's the only one that we've seen.

**PRICE:** Judge, I'd like to know what jail personnel has gone through my client's personal possessions? Ask that to the Prosecutor.

**DAVIS:** Frankly, Judge, I don't know where it came from as far as I know it came from somebody out at the jail.

**DAVIDSON:** Well, could you—

**(Unintelligible)**

**THE COURT:** I'm gonna sustain the objection to the admission.

**PRICE:** Judge, we'd like to go one further. What person gave this to Mr. Davis?

**THE COURT:** Do you know who gave it to you?

**PRICE:** And we'd like to call this person up here. We'd like to have a hearing.

**THE COURT:** For what purpose? I sustained your objection.

**PRICE:** Yes sir, but I want to know what else this person has done—going through my client's personal possessions in jail, your Honor.

**THE COURT:** Well, I couldn't tell you.

**PRICE:** I know, that's why we want to have a hearing, Judge. And that's why I want to know who the person was.

**FOGLEMAN:** Well, I'm not so sure the jail people don't have the right to go through possessions of an inmate in the jail.

**PRICE:** Judge—

**THE COURT:** They probably do.

**PRICE:** They have a right to go through any possessions that he's got? We have had—we've had documents, we've had items that we've used in the defense of our case that my client has had out at the jail.

**FOGLEMAN:** He's told you that's the only item that we have seen.

**PRICE:** That's the only item that they've copied. I want to know who has gone through my client's items, your Honor.

**THE COURT:** Well, I—

**PRICE:** That's why I'm asking—please ask who the person is.

**THE COURT:** Ask him.

**DAVIS:** I don't know where it came from, Judge. I know it came from the Sheriff's office. I don't know who, individually.

**PRICE:** There are several—do any Sheriff's deputies that are here right now, Judge, know what—

**THE COURT:** Well, I guess you'll have to investigate it. I can't answer it; I don't have any idea. You all come up with something new every five minutes.

**PRICE:** All right then, Judge, I would like you to approve Ron Lax to investigate the Sheriff's office to find out—

**THE COURT:** I'm not approving Ron Lax to investigate anything.

**PRICE:** All right, do you want the Sheriff's office to investigate the Sheriff's office, your Honor?

**THE COURT:** I don't know.

**PRICE:** You want Bobby's staff (phonetic) from the State Police? We certainly object to anybody going through my client's possessions—



**THE COURT:** As far as I'm concerned, that's a totally separate matter. I sustained your objection to the offer of that evidence.

**FORD:** Your Honor, it goes to the area of Prosecutorial—

**PRICE:** Misconduct.

**THE COURT:** Well—

**FORD:** If they're out there violating an individual's rights—an individual has the right to privacy in jail. And if they're violating his rights, that's all relevant to this Court and this Court ought to be concerned if that is going on because that piece of paper did not get on that photocopy machine (unintelligible) by accident. It happened on purpose. Somebody in law enforcement went through that man's personal belongings and this Court should be concerned and as a co-representative of Jason Baldwin, I'm interested if they've been doing the same thing to his records and when we put on our defense they're going to do the same thing.

**THE COURT:** Well, the Court is of course interested in all the evidence and how it's all been procured or obtained and I simply can't answer your questions. You're asking the Court to answer questions I can't. I've asked the Prosecutor to describe how he came by it, how'd you come by it? (Pause) I don't need anything out of the audience. I don't want to hear a mumble.

**FORD:** Your Honor, while they're formulating our answer, we'd like to move to strike the testimony as it refers to Jason Baldwin, as it is a statement by a co-defendant (unintelligible), that it is inadmissible. It's a document, it's hearsay and we ask that the Court strike that and conform to its previous rulings that you have made regarding statements of Mr. Echols.

**THE COURT:** Well, it doesn't have anything to do with any rule of law that I know of. It's not a cross-implicating statement, it's not a—it doesn't fall under the Bruton Rule, it's merely his name written on a piece of paper and at the time the witness identified it, he said he recognized it, he said—as I recall his original testimony, he didn't know at what time frame it was written.

**FORD:** Judge—

**THE COURT:** Wait a minute, I'm not through. He indicated he didn't know at what time it was written, but he acknowledged that it was his work and it had something to do with a code coming from somebody named Cowley. And there was absolutely not one peep from either side objecting to the offer of that testimony; it went through and then at a afterthought, I thought he was getting ready to quit with the witness, they offered the physical document. After it had been established that it must have been written at a time while he was incarcerated. You failed to object, and I deny your motion. I'm sustaining your motion as to the physical offer of that document. But the oral testimony will stand as being unobjected to at the time.

**FORD:** Are you saying because the Prosecutor said one more sentence, we waived our objection?

**THE COURT:** No, I didn't say that. You heard what I said.

**FORD:** But we don't—he said—as soon as he identified it as being written in jail, he offered it into evidence and immediately we objected.

**THE COURT:** You objected to the document. I sustained the objection.

**FORD:** When the jury went out, we objected to the statement itself.

**THE COURT:** Are you able to tell how you came by it?

**DAVIS:** Your Honor, I know that it was some time during Jury selection process we received this from—I think John actually received it, but it was from somebody that was jail personnel out there.

**THE COURT:** Well, in the first place gentlemen, I don't know that the jailers don't have a right to go through the belongings of a person in a penitentiary or a jail. They don't have a right to interfere with their US mail. Now, if they're censoring their mail, if they're going through their legal documents that are sent through the mail, then that's a different matter but as far as their writings, their belongings, they can search them every day as far as I know.

**DAVIDSON:** Your Honor, don't we have the right—

**THE COURT:** If you can show me some law where—

**DAVIDSON:** --before they tried to introduce this testimony, to know what it is?

**THE COURT:** Yes, that's why I'm sustaining the offer of the document because it wasn't exposed to you and given to you prior to this time. If you had wanted to object to the information, you should have done it at the time it was offered.

**DAVIDSON:** Your Honor, it was such an utter surprise.

**UNKNOWN:** He should have shown us the document before he asked the question. He never—we never knew any question he was going to ask until it was too late. If we had known what he was gonna do, and what he was gonna ask from that document, then we could have properly objected. But that didn't happen because they never provided that to us.

**THE COURT:** Well I guess your objection is that it is some kind of privileged communication that was—you're suggesting that it was lawyer's work product and there's absolutely no basis for any of your suggestions at all.

**PRICE:** Judge, we have had documents concerning the defense of my client that he has had in jail, and if any body from the Sheriff's office has been going through those items like they've apparently been going through the other items, we strenuously object and that's why I'd like to know at this time who from the jail has gone through my client's possessions.

**THE COURT:** I don't know. Ask the Sheriff. Investigate it.

**FORD:** Your Honor, I'd also like you to enquire of the Prosecutor whether they have obtained any documents from Jason Baldwin, from his private cell, whether they intend to use those in evidence in our time—if they acquired them, we'd like to know. Now.

**THE COURT:** Do you have any other documents of this type that came through the hands of the sheriff or the jail?

**DAVIS:** No, sir, your Honor.

**THE COURT:** It will be my ruling that I'm not going to allow it because you didn't disclose it and, secondly, the oral testimony will stand. He identified it as his and I don't find that there's any cross-implicating statement involved in it at all, simply a name. Court will be in recess until in the morning at 9:30.

**March 10, 1994**

**JONESBORO, ARKANSAS, MARCH 10, 1994 at 9:30 A.M.**

**THE COURT:** All right. Are you all ready to proceed?

**DAVIS:** Yes, your Honor. May we approach the bench?

**THE COURT:** All right.

**(The following conference was held at the bench.)**

**DAVIS:** Your Honor, it's the State's position, we want to advise the Court that after having reviewed Rule 17.1 that we acknowledge the failure to give those documents to the defendant yesterday was a violation of that particular rule. The State at this time, having acknowledged that, it is the State's position that there are a number of options available to the Court in the way of sanctions for that. Number 1 to keep that evidence out, I mean, not allow the introduction of the particular documents, and also, I think Mr. Ford has requested an admonishment to the jury that that's only to be in regard to Mr. Echols which I think is more appropriate.

**THE COURT:** I have already given that and will give that again.

**DAVIS:** Which I think is appropriate.

**FORD:** That satisfies us, your Honor.

**DAVIS:** And we can assure the Court that there are no other documents or anything like that. In fact, we went back through everything to make sure that anything we might have that we provided copies this morning. It was an inadvertent oversight on our part as far as not providing those to the defense, and it's - we request that the Court make a determination as to whether there has been any prejudice caused by that. It is the State's position that, in fact, there, number 1, it went to the sole issue of motive. And number 2, that in going to the issue of motive, it is for cross-examination. And had we provided a copy of that to defense counsel, we would still have been able to use it in cross-examination and might have even been able to introduce it at that point. And the Court's action can remedy that by keeping that particular document out.

**PRICE:** Judge, it is our position that anything that my client might have written down after the murder would not have anything to do with the motive that he may have had prior to the murders. The fact that he has a piece of paper with his name written, Mr. Baldwin's name written, Alister Crowley's name written, and his son's name written has certainly no value, no relevance as to issue of motive.

**THE COURT:** It is going to be my finding that the failure to deliver the document prior to cross-examination technically violated the Rule 17, although the State probably would have been allowed to utilize that had they informed you. I am going to find that there is no prejudice, and then I am going to continue to sustain your objection and not allow the introduction of the document itself. All right.

**FORD:** Your Honor, when the jury returns, will you give a precautionary instruction?

**THE COURT:** I will give a -- well, I mean, the State has acknowledged that the testimony of Mr. Echols should be considered only as to Mr. Echols, and I can't really say that either because -  
-

**FORD:** No, because the State is asking him questions in an effort to make some link between the two.

**THE COURT:** There are similar links that probably could be drawn, but at what point I --

**FORD:** I agree that there are some links that they could -- I think are proper cross-examination once Mr. Echols is up there.

**THE COURT:** I am going to say with regard to the document, the jail-house documents, that they do not relate to Mr. Baldwin and give the admonition.

**FORD:** This is the instruction we are agreeable to.

**FOGLEMAN:** Your Honor, I would like to add for the record, as Mr. Price indicated, the document in question, it probably ought to be made a part of the record.

**DAVIS:** Yes.

**THE COURT:** All right. We will make it a proffer -- or proffer of proof and not for the benefit of the jury. I did sustain the objection. (State's Exhibit No. 300 was marked for identification and proffered into evidence)

**FOGLEMAN:** Right, I understand that. But I just wanted to add for the record that because since it was just a series of names, at the time, I certainly didn't realize the significance. At first when I saw the code down at the bottom, I thought it might be really something like a confession in code or something. But I think it is just alphabet down at the bottom. And I didn't see the significance, and I don't think Mr. Davis did until the Crowley name came into it.

**FORD:** Your Honor, at this time, since we are taking up arguments, we would again renew our motion for severance now that Mr. Echols has taken the stand. It was our position the entire time that Mr. Baldwin would not take the stand, and now that Mr. Echols has taken the stand, his failure to take the stand can be viewed in a different manner. And there has been case law that indicates where one codefendant takes a stand, it in essence forces -- it can be seen as forcing the other defendant to take the stand because of the prejudice that can be drawn from his failure to take the stand when one does. As a result of that, your Honor, with the other factors that have previously been raised when that one now becomes an additional factor which was unbeknownst to the Court until it actually occurs, we would renew our motion for severance.

**THE COURT:** I am going to deny the motion for severance again.

**FOGLEMAN:** Your Honor, there are -- we are offering two sheets, but the record should show that only the front sheet was referred to.

**THE COURT:** That is correct. The record will so reflect.

**DAVIS:** Number 1 and 2.

**THE COURT:** Make sure it shows a proffer of proof for the State and the Court sustained the objection to the document being submitted to the jury. No objection was made by either side as to the question referred to, and the record will reflect that the testimony will stand, but the document will not be received.

**PRICE:** Thank you, your Honor.

**(RETURN TO OPEN COURT)**

**DAVIS:** Judge, there is a document, and I am not sure as to the date of this document, but it was from the juvenile file of Damien Echols regarding --

**THE COURT:** Is this the order?

**DAVIS:** No, sir, this is -- and I was wanting to cross-examine him regarding some of the information contained in there. And I want to be sure before I do it so that we don't delay things any longer. I think that was obtained through a court order just in general.

**FOGLEMAN:** Your Honor, the record should reflect that it does involve medical records.

**THE COURT:** Do you have something to add?

**DAVIDSON:** Yes, your Honor, we certainly object to the prosecutor's question regarding this document. For one reason, we say that it is too old of an incident in that it happened over a year ago and no connection with Damien Echols anytime near the murders. Also, we would say that this is under 404-B, that other crimes, wrongs or acts, evidence of other crimes, wrongs or acts is not admissible to prove the character of the person in order to show that he acted in conformity therewith. All they are trying to do is to bring this in in order to prejudice the jury. There has been no testimony that he has done anything alleged in there in connection with this case. Maybe if it had been Jason Baldwin, it would be a different situation. But there certainly has not been anything with regard to Damien Echols in that regard. We also say that this does not prove motive because there has been no testimony to say that he was been involved in that sort of activity, does not prove motive, opportunity, attempt, preparation, plan, knowledge, identity, are absent. So, therefore, your Honor, we would say that it would be under just regular 403 -- it would be more prejudicial than probative -- and say that they should not be able to question him regarding this.

**DAVIS:** Judge, where we think the relevance lies is that the defendant took the stand yesterday and presented a calm, very placid demeanor on the witness stand. He indicated that he was on medication at the time he testified. This particular incident allegedly occurred where he sucked the blood out of an injury of a fellow inmate, and it occurred when he was allegedly off his medication. My intended line of questioning is going to be his reaction to, how he reacts when he is on medication versus when he is off.

**THE COURT:** I will allow that.

**DAVIS:** And this is an example of how he acts.

**DAVIDSON:** I don't think you can bring that in as a prior bad act to show that he acted in conformity therewith.

**THE COURT:** No, I will give a cautionary instruction that it is offered -- it might go to something other than to motive.

**PRICE:** Judge, the State has no evidence that my client was off any kind of medication. They have no evidence that medication was taken, on whatever date this is, is the same medication he was taking on May 5.

**FORD:** It's hearsay. The statement says he was on medication is hearsay.

**THE COURT:** Sure. It is hearsay. The statement itself obviously is hearsay. But yeah, I think he can be permitted to inquire of the defendant since he has taken the stand about his -- I am assuming that was while he has been in jail?

**PRICE:** No, sir. This was a year before the murder, Judge.

**DAVIS:** Prior incident.

**DAVIDSON:** Prior act, prior bad act.

**PRICE:** This is not even since he has been in -- the past year since he has been in jail. This is a year prior to that, at least to the date itself is long before it.

**DAVIDSON:** Again, we would also renew the fact that this came out of his juvenile record.

**DAVIS:** Your Honor, I think it is important that the jury realize that the demeanor of the person they see on the witness stand is the demeanor of a person that is under medication and that his demeanor while not on that medication can change. Whether or not he was on medication on May the 5th is a fact issue for the jury to determine.

**THE COURT:** I am going to allow you to inquire into the medication, how his conduct may alter when he is not on it.

**PRICE:** Even though we are not arguing -- we have not argued any type of insanity in this case, your Honor. It is the State that doesn't want it.

**THE COURT:** You interjected that he was a manic depressive.

**PRICE:** No sir, the State did that by their question.

**THE COURT:** I think he volunteered it under cross-examination that he was taking some type of medication. I am going to allow you to inquire into his mood swings. I think you probably need to stay away from something that happened a year ago, though.

**PRICE:** What was the last comment, your Honor?

**THE COURT:** I am going to allow the State to inquire into mood swings.

**PRICE:** But you said to stay away something that happened a year ago. Then that means they can't use this, Judge. This happened a year prior to the murders.

**DAVIS:** The question I have is if he gets on the witness stand and says, "I am no different when I am off my medication than when I am on it."

**THE COURT:** Then perhaps you might be able to impeach him with that. So, I mean, it just depends on how it develops whether I will allow that. Right now, I am not going to allow it.

**PRICE:** Judge, this report would be extrinsic evidence and you can't impeach anybody on collateral --

**THE COURT:** I am not going to allow the report to be introduced under any circumstances. Whatever his answers are, they will be bound by them.

**PRICE:** Will the court be limiting the State to the time on this incident because this report doesn't even have a time to it? It could be '92, could be '91, Judge.

**THE COURT:** The time certainly is a factor that I consider. I am not sure that a year is that remote. However, I have given my thoughts on it that that issue stay away from that inquiry at this time. Okay?

**MR. PRICE:** All right.

**THE COURT:** All right, call the jury back in.

**(jury in the box.)**

**THE COURT:** Mr. Echols, you will need to go back to the witness stand. All right, ladies and gentlemen, just before we adjourned for the evening yesterday, you had received some evidence relative to some writings that had come from the jail. You are to consider that evidence only in relation to the defendant Damien Echols and not as to Jason Baldwin. All right, you may proceed.

**CROSS EXAMINATION (resumed)**

**BY DAVIS:**

**Q.** Mr. Echols, the same rules as yesterday. I ask a question. If you don't understand it, please ask me to repeat it.

**A.** Okay.

**Q.** Now, yesterday I asked you some general questions about, you had indicated that you and Jason quite frequently walked around areas of West Memphis?

**A.** Yes, sir.

**Q.** Okay. I want to direct your attention on this diagram -- in fact, let me circle it. This area right in here which would be, I believe, east of -- is that 14th?

**A.** Yes, sir.



**Q.** It is east of 14th Street and south of the service road and the interstate. In that particular neighborhood, Market Street, Goodwin, in there, did you and Jason frequently walk and roam in that area, the same neighborhood where the three victims lived?

**A.** I think by looking at the map I would have had to.

**Q.** How often?

**A.** Probably in that area maybe twice a week.

**Q.** For how long a period?

**A.** A few years.

**Q.** How many?

**A.** Probably at least two years.

**Q.** All right. And that, when you told us yesterday that you hadn't been over in that area, the residential area near Robin Hood Hills, were you just not thinking of that particular area?

**A.** No, when you said "neighborhood," I just didn't know what you are talking about, what that neighborhood is.

**Q.** But when I specified that particular area, the neighborhood that I circled, you were there two or three times a week?

**A.** Probably an average of two to three times a week.

**Q.** And what would the purpose be over there? Would you all just being walking around the neighborhood?

**A.** I had to walk through there to get from my house to Jason's house. I would have to walk through there to get from my house to Domini's house or anywhere in Marion.

**Q.** Okay. Where were you living at the time?

**A.** At the time I was arrested, Broadway Trailer Park.

**Q.** Okay. Well, when you were walking over here -- this is the interstate, didn't you -- where, if you could, show me where you lived?

**A.** Right here (indicating), somewhere along in there.

**Q.** So you lived south of Broadway?

**A.** Uh-huh.

**Q.** And what time period was that? When did you quit living south of Broadway?

**A.** When I was arrested.

**Q.** Okay. And your only reason to walk through here would be to go to and from Jason's residence?

**A.** Uh-huh.

**Q.** And that's the path you would take, you and Jason would take a path through here and over there?

**A.** Yes, sir.

**Q.** And that would be two or three times a week?

**A.** On an average.

**Q.** Did you have anybody else in that neighborhood that you visited or that you went over and were at their house or anything of that nature?

**A.** Probably, there is several people in Lakeshore.

**Q.** Not in Lakeshore, in the neighborhood we circled.

**A.** No, but I had to go through there to get to Lakeshore.

**Q.** Now, let me refer you back to your statement that you gave Officer Ridge. Did you tell him in that statement that you had been a member of a white witch group for five years?

**A.** No.

**Q.** Okay. So, if that is contained in his report that you told him that you had been a wiccan or white witch for five years, that would be inaccurate?

**A.** I told him that. I did not say I was a member of a group.

**Q.** But you had been -- he says, "He has been a member of this group for about five years."

**A.** I have never been a member of any group.

**Q.** And so, if he put that in his report, you are saying that's inaccurate?

**A.** Yes, I am.

**Q.** He made that up?

**A.** Yes, I am.

**Q.** Now, you told us yesterday what medication -- are you on that today?

**A.** I take it -- last night.

**Q.** Okay. And it is an antidepressant?

**A.** Uh-huh.

**Q.** Okay. And how long have you been on that medication?

**A.** A couple of years, guess.

**Q.** And what is the name of it?

**A.** Imipramine.

**Q.** And it has a calming or relaxing affect on you, correct?

**A.** It makes me sleepy.

**Q.** Okay. And it keeps you calm, true?

**A.** I can't tell that I am any calmer whenever I take it. I just go to sleep real easy.

**Q.** What do you take that for?

**A.** Depression.

**Q.** Okay. Are you a manic depressive?

**A.** Yes, I am.

**Q.** Okay. Describe for us what happens when you don't take your medication and you go into a manic state?

**A.** I cry.

**Q.** This is in a manic state?

**A.** Uh-huh. I stay by myself most of the time closed up. If I don't take the medicine, I get headaches. I get nauseous, just generally depressed.

**Q.** Well, that's the depressive state of a manic depressive, correct?

**A.** Yes.

**Q.** What is the manic state like?

**A.** What do you mean?

**Q.** When you are in a manic phase. A manic depressive is somebody who has big highs and big lows, right?

**A.** Yeah.

**Q.** Tell us about the big highs. Is that where you feel nearly invincible?

**A.** Yeah.

**Q.** When you are on one of those highs?

**A.** Yes.

**Q.** And that's what you get when your medication gets out of level, right?

**A.** Right.

**Q.** And you get that feeling that you are invincible, that there's nothing you can't accomplish, correct?

**A.** Right.

**Q.** Now, has that condition, did that lead to the incident when you were in school where you attacked the the boy and tried to claw his eyes out?

**PRICE:** Objection, your Honor, to the relevancy of this incident. 404-B. This is certainly not relevant. That certainly can't go to motive which the State has been alleging. This is not, even if they are claiming this is a bad act, we object to this, your Honor. It's completely irrelevant.

**DAVIS:** Your honor, your honor, he has indicated that he has different, he presents a demeanor here of someone that's calm and quiet and passive. But he has indicated that when that medication -- he is on his medication now -- when that medication is out of whack, what I am asking is a question, when his medication is like that, there has been instances where he has committed violent acts and is it connected to this medication and is it connected to his swings as a result of what he says is an illness that he suffers from. Because that's important, his condition and his actions are important in this trial to determine what his conduct was on the night in question.

**DAVIDSON:** Your Honor, that's a medical question. If Mr. Davis wanted to bring a medical doctor in here, he certainly could have. It's a medical question. This incident that happened so many years ago, it's not relevant.

**PRICE:** This incident happened two or three years prior to the murders, your Honor. This certainly cannot go to any kind of motivation which is the only way it would fit under 404-B.

**DAVIS:** Your Honor, they put on testimony yesterday in direct about what a quiet, passive, peace-loving wiccan this defendant is. And I want to be able to go into evidence, and as far as his conduct is concerned, that that rebuts that, to show that that isn't the true character of the witness.

**PRICE:** Judge, may we approach?

**THE COURT:** All right.

**(THE FOLLOWING CONFERENCE WAS HELD AT THE BENCH)**

**DAVIDSON:** Your Honor, this is the same incident as the other. He is trying to bring up these bad acts that are so far removed from the

**PRICE:** Judge, we are not arguing self-defense. We are not putting our client's peacefulness into evidence. We have not -- if we argue self-defense, perhaps it might be relevant, but otherwise, it's not.

**DAVIS:** they went on ad nauseam about this yesterday telling us what a peaceful individual he was, how he was motivated only by good intentions and his character and things of that nature.

**PRICE:** We haven't put his character into evidence. Just because a defendant testifies does not put his character into evidence, your Honor.

**THE COURT:** And you are just saying that it is being offered to rebut the peaceable character of the defendant?

**DAVIS:** Nice guy that the defendant said he was yesterday, the nonviolent, the peace-lover that wouldn't engage in anything that was violent, would never be involved in any --

**DAVIDSON:** that testimony didn't come out, your Honor.

**DAVIS:** It sure did. He said, "Gosh, I wouldn't be involved. In fact, I think, I saw it on TV last night. I wouldn't be involved in a human sacrifice. I am a wiccan. I am a white witch. I don't do anything, not in violence."

**THE COURT:** I am going to allow you limited opportunity to question him about any violent outbursts that he might have had.

**PRICE:** Three years prior to the murder?

**THE COURT:** I am not saying at any time. I am going to allow him to ask in general, does he have those mood swings where he becomes violent and uncontrollably violent without going into specific acts of conduct and then pass on, pass on.

**PRICE:** There is no evidence that this is a result of medication, your Honor.

**THE COURT:** I am going to allow you to ask that particularly when he has testified that he is on the mood altering course of medication. I am going to allow him to ask if you don't take medication, do you have mood swings where you feel like you are God or whatever and where you get angry and violent.

**PRICE:** I am going to object to that.

**THE COURT:** I am going to allow him to ask that. Maybe not use the term "God," but invincible, I think is what you used or something. But I am going to ask you to avoid specific incidents of conduct unless they are in close proximity to the, you know, to the time of the trial -- incident.

**PRICE:** Judge, three years is not close proximity. This was three years ago.

**FORD:** When was it?

**FOGLEMAN:** It was after Damien and Deanna broke up.

**THE COURT:** It was after?

**FOGLEMAN:** After Damien and Deanna broke up.

**DAVIS:** They would have probably been broke up, it should be early '92.

**PRICE:** Year and half prior to the murder, Judge. That is still not close proximity.

**DAVIS:** About a year. I don't think time, I mean, a person's conduct and tendency towards violent activity, and that doesn't, that's not something that changes on a month-to-month basis, particularly if it is as a result of, you know -- we need to know if those incidents weren't the result of medication, then that's not -- then we need to -- the jury needs to know that.

**DAVIDSON:** Your Honor, we will have to bring a doctor in then to testify as to medications.

**THE COURT:** You may have to. Rule 404 seems to allow you to go into a trait of character of the accused if you are trying to rebut the peaceful nature of him.

**PRICE:** But, Judge, if you read on, that is only if, if it is offered in a homicide case to rebut evidence that we were the first aggressor. It only applies if it is brought in self-defense. We have never argued self-defense; so, it is not admissible under 404.2.

**THE COURT:** It's a victim, that of the victim.

**MR. DAVIS:** This is cross-examination, I mean.

**THE COURT:** I am going to allow you to cross-examine him as to his mood swing and his violence, if he has any. But I want you to avoid specific incidents of conduct unless it is in close proximity of the date of the crime.

**PRICE:** This is not within -- it's over a year old, Judge, is not close proximity.

**THE COURT:** I am suggesting that maybe you don't go into the specific incidents of conduct

**(RETURN TO OPEN COURT)**

**BY MR. DAVIS:**

**Q.** Mr. Echols, when you have these mood swings and your medication is out of balance, do you have, do you get violent sometimes?

**A.** Only toward myself.

**Q.** So you are telling us that these mood swings that occur, you don't get violent toward other people?

**A.** It just makes me suicidal.

**Q.** So your acts of violence toward other people have been the result not of any medication but just, just out of anger?

**A.** My medication doesn't affect how I deal with other people.

**Q.** The incident in Oregon, you had an altercation with your father out there is why you came back before they did, right?

**PRICE:** Your Honor, again we object. The Court just ruled within close proximity. This is not within close proximity. We object, and we want you to admonish the prosecutor he cannot get into this line of questioning. You just ruled within close proximity. This is not within close proximity, and we object.

**DAVIS:** As I understand it, your Honor, it was in the fall of '92 which we are getting closer in proximity. I don't know exactly where the cutoff mark is.

**THE COURT:** Well, approach the bench again.

**(THE FOLLOWING CONFERENCE WAS HELD AT THE BENCH)**

**THE COURT:** The problem I have got now is I think the question he asked was generic enough and was proper about mood swings, and I think that is appropriate under the circumstances here. He has testified that he doesn't get violent toward other people only toward himself and only gets suicidal. And I think it's proper to rebut that he get suicidal by showing an

act of violence toward another person that occurred within a year of the crime. I am going to allow that.

**PRICE:** The State raised the same question yesterday about these acts. We objected and your Honor sustained the objection. We object to your Honor reversing your rulings at this point.

**THE COURT:** I am going to allow that. That is within eight, nine months of the crime.

**DAVIS:** And I think the question yesterday was directed to someone other than, I mean, was directed to his mother. This is him.

**THE COURT:** This is him. I am going to allow it. Overruled.

**(RETURN TO OPEN COURT)**

**BY MR. DAVIS:**

**Q.** It's true that you came back from Oregon before your parents did, correct?

**A.** Yes.

**Q.** And you basically were sent back here because you had had a disagreement, an altercation with your father, correct?

**A.** The reason I came back was because I was homesick.

**Q.** You had an altercation with your father right before you came back, correct?

**A.** Yes.

**Q.** And that altercation resulted in the police being called, didn't it?

**A.** Yes.

**Q.** And in that altercation, was that one of those instances where you got angry as a result of your medication being off?

**A.** They called the police because I was locking myself in my room and was about to commit suicide.

**Q.** And you had some knives in there with you, too, didn't you?

**A.** Yes.

**Q.** And when your father came in, you told him you would eat him alive, didn't you?

**A.** No, that happened at the hospital.



**Q.** Oh, you told him that at the hospital?

**A.** Uh-huh.

**Q.** Okay. And it was during this time period, was this a time period when your medication was out of balance?

**A.** No.

**Q.** Okay. So you did these things when your medication was normal?

**A.** I had been drinking that night.

**Q.** Now, as a result of that, you were hospitalized, correct?

**A.** Right.

**Q.** And as soon as you got out of the hospital, you got shipped back to Arkansas?

**A.** Right.

**Q.** And they took those knives away from you? One of them was a boot knife, correct, something that you hide down in your boot?

**A.** Yes.

**Q.** Okay. And you had a couple of others, I believe?

**A.** Uh-huh.

**Q.** Okay. And they had to take those away from you, correct?

**A.** They asked me for them, and I gave it to them.

**Q.** When the police arrived?

**A.** No.

**Q.** Did the police have to take you into custody?

**A.** No.

**Q.** Now, you testified yesterday about the questions that were asked to you on the questionnaire. Do you remember who asked you those questions?

**A.** I think it was Detective Ridge.

**Q.** Okay. And he asked to you on question 3, "Why would someone do this?" Do you remember him asking you that?

A. Uh-huh.

Q. Okay. And your response was that the person was sick or a satanist, is that correct?

A. He asked me was it possible if they could be a satanist, and I said, "Yeah, I guess."

Q. Okay. So it's your testimony that you didn't say that the person was sick or a satanist, that Mr. Ridge, the officer, is the one who made those statements and you just agreed?

A. That's correct.

Q. Okay. So, those weren't your words? Officer Ridge was talking about a satanist, not you?

A. Right.

Q. Okay. Now, on question number 9 when he asked you how you think they died and the answer is, "Mutilation, cut up all three, heard they were in the water drowning, cut up one more than the others." Is that again what Officer Ridge said and you just agreed?

A. No, I had saw that on TV, newspapers, people talking.

Q. And you knew about the drowning, correct?

A. I knew they were in the water. I didn't know that they drowned.

Q. You knew that one was cut up more than the others?

A. Whenever they were asking me about mutilation, I thought different from mutilation. What I call mutilation was different from what I seen up here.

Q. I was asking about one being cut up more than the others.

A. He asked me was it possible. He said, "Do you think one was hurt worse than the others?" I said, "Yeah, I guess."

Q. Oh, so again that particular area was one of those things where Officer Ridge told you and that wasn't your response? You just responded about the drowning and mutilation?

A. If he didn't get the answer he liked, he would go back and try to get me to say something else.

Q. And it is your testimony specifically that you weren't the one who said one was cut up more than the other?

A. No, I did not.

Q. That was Officer Ridge that said that?

**A.** I agreed with him when he said that.

**Q.** Okay. But the other parts of that answer were your words, not Mr. Ridge's?

**A.** (Indicating)

**Q.** Question number 11, "How do you think the person feels that did this?" The answer was, "Probably makes them feel good, gives them power." Now, I guess Officer Ridge said that, too?

**A.** No, I used common sense on that. If someone was doing it, then they must have wanted to. And if they were doing something they wanted to, it must have made them happy. I don't think they were doing it because someone forced them to or because they didn't want to.

**Q.** So in your mind the person that killed these three kids, it is common sense that killing three eight-year-olds would make you feel good?

**A.** Whoever did it, it must have.

**Q.** Okay. And it gives them power. That's also another common sense perspective from you?

**A.** Pretty much.

**Q.** Now, when you say, "gives them power," is that based on what you have read in these books?

**A.** No, it had nothing to do with that, just the crime itself.

**Q.** Killing three eight-year-olds gives you power. I don't understand that. Explain that to me.

**A.** They probably thought, well, that they were like overcoming other humans or something.

**Q.** Now, on question number 19, he asked you, "Had you ever wondered what it would be like to kill someone even if you didn't go through with it?" And your response, did you respond by saying, "Gosh, I never thought about killing anybody?"

**A.** I don't remember what I said.

**Q.** Did you tell him you never thought about killing people?

**A.** I don't remember.

**Q.** The response was -- let's see if I can read your writing --

**PRICE:** Judge, we object, your Honor. That is not my client's writing.

**DAVIS:** Okay. Your Honor, I can't read Officer Sudbury's writing.

**Q.** You responded to him that whatever you do can come back to you three times over?

A. Three times as bad or as good.

Q. And where did you get that statement? That was your remark, right?

A. Right.

Q. Is that something that you learned when you were practicing to be a Catholic?

A. No.

Q. Where did you pick that up?

A. I don't remember. I guess I've just heard it all my life.

Q. Now, Officer Ridge has that when you were asked these questions that you say, "It was a thrill kill." Is that your words?

A. He asked me what did I think could be the possible motivation.

Q. Okay. And you indicated a thrill kill, is that right?

A. Right.

Q. Or a satanic act?

A. Right.

Q. And also it says in here that there was a number of three victims, and it was symbolic because three is a special number in some of these religions. Is that your response?

A. No.

Q. Is that your words?

A. I wondered what three had to do with it because he made a big deal out of me wearing three earrings. And anything with the number 3, he was making a big deal out of it. I didn't understand that.

Q. So, that wasn't your response? You are saying that Officer Ridge made that up and you just went along with it?

A. I agreed with him so he would leave me alone.

Q. But the significance of the three victims and that sort of thing, Mr. Ridge back on May 10th was the one who made that connection?

A. Right.

**Q.** And that -- did you also tell him that each person had a demonic side to them?

**A.** I believe every person has a good side and a bad side, yes.

**Q.** Were those your words when you referred, when you've got written down here, you stated there was no control of the demonic portion of people?

**A.** He asked me did I think there were some people that could not control that side. And I said, "Yes, I guess there is."

**Q.** That was your -- who used the word "demonic"?

**A.** I don't know if it was me or him.

**Q.** Is that something you have read about in some of your books and things and literature you studied?

**A.** Not really. It's common sense.

**Q.** It also states that Damien stated that the younger of the victims would be more innocent and in turn more power would be given the person doing the killing.

**A.** Right.

**Q.** Did you say that?

**A.** Yes.

**Q.** Those are your words?

**A.** Uh-huh.

**Q.** Kind of sounds like that guy we talked about yesterday, right?

**A.** Uh-huh.

**Q.** Mr. Crowley?

**A.** Yes.

**Q.** Is that where you got that idea?

**A.** I saw it on several movies, books.

**Q.** Did you pick that up when you studying to be a Catholic?

**A.** No.

**Q.** You also said and told Officer Ridge, is it not correct that you told him that the killer knew the kids went out there, knew the kids and asked the kids to meet them out there? Is that what you told him?

**A.** He asked me was that possible, and I said, "Yes."

**Q.** So once again, are you saying that you didn't say this, that he just threw out the idea there and you just agreed to it?

**A.** Right.

**Q.** And if he says something different, that would be, he would be lying about it, right? You are the one telling the truth?

**A.** I wouldn't put it past him.

**Q.** Did you also tell him that they would be not big -- speaking of the three eight-year-olds that were murdered -- they would be not big, not smart, and easy to control?

**A.** Right.

**Q.** And you told him that?

**A.** He asked me why did I think they chose those victims.

**Q.** Did you tell him about the killer not being worried about the victims screaming because it was located near an interstate where the noise level was high?

**A.** No, I told him it was because they were in the woods.

**Q.** Oh, in the woods? And you indicated those were your words to the officer that the killer wouldn't worry about the screams because the woods would be such that people couldn't hear them?

**A.** He asked me did I think that they were worried about the screams or if they tried to stop them from screaming. And I said, "No," and he asked me, "Why not?" And I said "Well, they were out in the woods; so, I don't guess there would be anybody there to hear them scream; so, why would he be worried about it."

**Q.** And did you also tell him that the killer would probably want to hear the kids screaming?

**A.** If he got off on killing people, he probably would like to hear them scream.

**Q.** Those were your words, though, right?

**A.** Right.

**Q.** And is that also part of the common sense that whoever kills eight-year-olds can feel good and whoever kills eight-year-olds would like to hear them scream, is that part of your common-sense philosophy?

**A.** I figured they must have if they did it.

**Q.** And you told him that the person was probably someone local, didn't you?

**A.** Uh-huh.

**Q.** And that they probably wouldn't try to leave town, correct?

**A.** Correct.

**Q.** Now he also asked you about what books you liked to read, didn't he?

**A.** Uh-huh.

**Q.** And you told him one. You told him Steven King, right?

**A.** Uh-huh.

**Q.** And he wrote that down?

**A.** Uh-huh.

**Q.** And you told him Anton LaVey, correct?

**A.** He asked. I haven't read anything by him, but I know who he is.

**Q.** How did he get Steven King?

**A.** Because he was looking through my books in my room.

**Q.** But I mean, how did he write that name down? Who told him Steven King was one of your favorite authors?

**A.** He asked me did I like him. I said, yes, I did.

**Q.** Did he ask you about Anton LaVey?

**A.** Yes, he did.

**Q.** And what did you tell him?

**A.** I said I haven't read anything by him, but I am familiar with him.

**Q.** And he is the head of the church, the satanist church?

**A.** Yes, he is.

**Q.** Now, did he also ask you about what type of things you would expect to find at the scene where these three boys were murdered?

**A.** If it was a satanic killing.

**Q.** If it was a satanic killing?

**A.** Yes.

**Q.** And was one of those things -- did you tell him what those things were you would expect to find?

**A.** Yes.

**Q.** And one of those things you told him, one of those things you told him were candles, right?

**A.** Right.

**Q.** Did you hear the testimony from Lisa Sakevicius from the state crime lab that there was candle wax on the shirt of one of the victims? Did you hear that, Mr. Echols?

**A.** Yes, I did.

**Q.** That's consistent with what you told the officer, isn't it?

**A.** Yes, it is.

**Q.** You have just told us that that is consistent with a satanic murder, didn't you?

**A.** Yes.

**Q.** Would it be a fair statement to say that you wore that trench coat that you talked about just about everywhere you went?

**A.** Pretty much.

**Q.** Even on up first of May, middle of May, out there at the softball park in the middle of May as hot as it is, you still had this full-length, black trench coat on, correct?

**A.** I don't think I wore it that night, but I wore it around in that area, yes. I wear it pretty much all the time.

**Q.** Even when it was hot?

**A.** Correct.



**Q.** Is that part of your liking to wear black?

**A.** Yes, that and I just liked the coat, period.

**Q.** Even -- and it's your testimony that that coat was at your house the night that you were arrested?

**A.** Yes, it was.

**Q.** And where was it?

**A.** Laying on the floor.

**Q.** Where?

**A.** In my sister's bedroom.

**Q.** Was it near the closet?

**A.** I think it was by the bed.

**Q.** Now, that closet in your sister's bedroom is where you kept your clothes, correct?

**A.** Yes.

**Q.** And so the clothes you would wear come out of that closet?

**A.** Yes.

**Q.** Why do you think there was candle was on that little victim's shirt?

**A.** It could have been whoever killed him did it. He could have got it before he left home. I don't know.

**DAVIS:** Pass the witness, your Honor.

**REDIRECT EXAMINATION**

**BY PRICE:**

**Q.** Damien, you were asked earlier when Mr. Davis was questioning you about the question that Officer Ridge asked you about how do you think the murders took place.

**A.** Uh-huh.

**Q.** And you answered, "Mutilation, all three were probably cut up, one more than the other, heard they drowned. Probably just one person did it."

**A.** Uh-huh.

**Q.** And he asked you why did you know that. And you said because you heard it on TV and read it in the newspaper --

**A.** (Indicating.)

**Q.** -- and other people were talking about it. Do you recall him asking that question?

**A.** Right

**Q.** And your giving that answer?

**A.** Yes, sir.

**Q.** All right. Do you recall the Commercial Appeal newspaper article on May the 7th, 1993. Read the headline right there, please.

**A.** "Mutilated bodies of three boys found in bayou."

**Q.** And I have got another part that is also marked here in, yeah, I guess, purple or whatever color that is, pink, I guess the color. Please read that to the jury.

**FOGLEMEN:** Why don't we just offer the whole thing there?

**THE COURT:** (Indicating.)

**PRICE:** We may want to do that, Judge. All right, that's fine, Judge.

**THE COURT:** All right, it may be received without objection.

**FORD:** Your Honor, I haven't looked at it. I don't know what it is.

**PRICE:** Commercial Appeal article. I have one other one, Judge, that I would like to go ahead and introduce. Let me ask my client to read it first. This is a Commercial Appeal --

**FOGLEMEN:** Let us see it before you have him start reading this stuff.

**PRICE:** Sure.

**THE COURT:** Do you have any other newspapers?

**PRICE:** Those are the only two, Judge. Well, I have every newspaper article, but I wasn't planning on introducing all the rest of them.

**THE COURT:** Does anybody have the clip file that has got the originals in it?

**DAVIS:** I tell you what, Judge, these need to be enlarged because somebody is going to go blind.

**THE COURT:** That is what I am saying. Does anybody have a clip file?

**PRICE:** The ones that we have of these three articles, Judge, are photocopies. I don't know.

**THE COURT:** Somebody will have a clip file, I am sure. If anybody objects to them, they don't go it. So just tell me, and let's move it along.

**DAVIDSON:** Judge, I haven't seen the second one.

**THE COURT:** We went to a lot of trouble to make sure that the newspapers weren't involved in it, and now you all want to offer them.

**PRICE:** The only reason, Judge, is the question the State asked of how my client knew knowledge of some of the details of the murder. And he could have read it in the newspaper straight off the headlines.

**DAVIS:** Your Honor, I think they can ask that question. I think we would object if nothing else just because everybody is going to get a headache trying to read these.

**DAVIDSON:** We will go downstairs and enlarge them.

**DAVIS:** And newspaper articles aren't really appropriate evidence for a jury to consider.

**PRICE:** That's fine, Judge, as long my client can read what the, the portion that I want him to read, that's fine.

**DAVIS:** Well, your Honor, he can say whether he has read something in the newspaper, but for him to read articles out of the newspaper is not appropriate. I mean that's --

**PRICE:** Judge, the State asked my client what he told Ridge. He told him what he told Ridge. The State asked, "Why did you know that?" He said, "Because I read it out of the newspaper and saw it on TV." We have the newspapers. Judge, these two particular papers that have the specific details that he told Officer Ridge are certainly relevant. The State can't come back now and object because they are the ones that opened the door and asked the question in the first place.

**THE COURT:** I am going to let you ask him if he read it and paraphrase from it, but that's whether or not the articles themselves are admissible. If anybody objects, then I sustain the objection. If you don't object, then you put in the kitchen sink.

**FORD:** We object.

**THE COURT:** Is that an objection?

**FORD:** Yes.

**THE COURT:** Sustained. Let's move along.

**BY PRICE:**

**Q.** Mr. Echols, I asked you about the one on May the 7th. it is the one about mutilated bodies in the bayou. And now I want to ask you about, this would have been the next Commercial Appeal May 8th, 1993. You can read the headline and that first portion of the page to the ladies and gentlemen of the jury.

**A.** "Autopsy showed three boys died of multiple blows to the head.. The West Memphis boys found dead Thursday in a slow-moving creek were killed by multiple head blows, police's lead investigator said Friday."

**Q.** Okay. The State asked you earlier about an incident with some kind of a fight or something that you got into with a gentleman trying to claw his eyes out or something. Do you remember that particular incident?

**A.** Yes, I do.

**Q.** Do you remember when that occurred?

**A.** I am not sure what year or month or anything it was, but I think it was when I was in ninth grade.

**Q.** Okay. Tell the jury who was involved in that and the background of that.

**DAVIS:** Your Honor, I don't understand this. I asked questions about it, and he objected and wouldn't let me go into it. Then he stand up on redirect and starts asking about an incident he said I couldn't go into. If he is going to ask questions, then I --

**THE COURT:** I think I sustained your objection, Mr. Price.

**PRICE:** That's fine, Judge.

**THE COURT:** If you want --

**PRICE:** That would be fine.

**THE COURT:** -- to go into it. Then I am going let him develop it further.

**PRICE:** That's fine.

**DAVIS:** He has already opened this door.

**THE COURT:** I had sustained the objection to it.

**PRICE:** That's fine, your Honor. No further questions. Judge, I did not open the door, and I object to Mr. Davis asking these questions.

**DAVIS:** He asked him a question about somebody that he tried to claw his eyes out.

**THE COURT:** Let's move on.

**DAVIS:** Okay.

**RECROSS-EXAMINATION**

**BY DAVIS:**

**Q.** There was an incident where you jumped on somebody at school and tried to claw his eyes out.

**PRICE:** Your Honor, I object. I just tried to ask the question. The State objected, and so I sat down. And now they are trying to ask about the question. You just said you--

**THE COURT:** I think we have talked about it enough.

**PRICE:** -- so I sat down.

**THE COURT:** I think we have talked about it enough.

**PRICE:** Thank you, your Honor.

**THE COURT:** Let's move along. However, you did open it up; so --

**PRICE:** Well, all right --

**THE COURT:** -- and I had sustained your objection to it originally.

**PRICE:** All right. So are you saying that it is open or it's closed now, your Honor?

**THE COURT:** No, it's closed.

**PRICE:** Thank you.

**THE COURT:** Let's move on.

**PRICE:** Thank you.

**BY DAVIS:**

**Q.** You told us -- are you telling us that you read the Commercial Appeal every morning?

**A.** Not every morning, no.

**Q.** Are you saying that you read those articles in the Commercial Appeal?

**A.** I am not sure if it was that specific one, but I have read several of them.

**Q.** Well, those articles said something about mutilated bodies, didn't they?

**A.** Uh-huh.

**Q.** Those articles didn't say a single thing about one person being cut up worse than the other, did they?

**A.** No, they did not.

**Q.** Didn't get that out of the newspaper?

**A.** Uh-uh.

**THE COURT:** Anything else.

**PRICE:** Nothing further, your Honor.

**FORD:** No questions.

**THE COURT:** All right. You may stand down. Call your next witness. Is there time for a recess?

**(Witness excused.)**

**PRICE:** That is fine, Judge.

**THE COURT:** Well, it is almost impossible to take a 10-minute recess because it just takes longer to get things done with the facilities that we have; so, we can take a 15- to 20-minute recess with the usual admonition not to discuss the case.

**(A brief recess was had.)**