

Witness for the Prosecution

March 2, 1994

(RETURN TO OPEN COURT)

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

MR. DAVIDSON: We'd again at this time ask for a severance in that the testimony of the witness that we anticipate being called, Michael Carson, would be prejudicial to our client. And it is our opinion the instruction of the Court to disregard it as against Mr. Echols would not be sufficient to -- in order to take care of any taint -- and again would renew our motion for severance.

THE COURT: Denied.

(RETURN TO OPEN COURT)

THE COURT: Ladies and gentlemen, you've already been told that the evidence in this case should be taken -- let me start over. That the evidence against both defendants should be taken by you in and separated as it relates to each defendant.

This witness' testimony will relate only to Mr. Baldwin and you should give no consideration whatsoever of this testimony to Mr. Echols.

MICHAEL CARSON having been first duly sworn to speak the truth, the whole truth and nothing but the truth, then testified as follows:

DIRECT EXAMINATION BY MR. DAVIS:

Q: Will you please state your name?

A: Michael Carson.

Q: How old are you?

A: Sixteen.

Q: And do you attend school?

A: Yes, sir.

Q: Where do you attend school?

A: Alternative school.

Q: What grade are you in?

A: Ninth grade.

Q: Do you live here or around the Jonesboro area?

A: Yes, I do.

Q: I want to draw your attention back to August of last year. Were you in the Craighead County Juvenile Detention Facility?

A: Yes, sir, I was.

Q: What were you in there for at the time?

A: Burglary.

Q: And when you were there, was there a Jason Baldwin in the Juvenile Detention Facility at the same time?

A: Yes.

Q: Do you see him in the courtroom?

A: Yes, I do.

Q: Would you point him out, please?

A: (POINTING) Sitting right there.

MR. DAVIS: Your Honor, if the record would reflect that the witness has identified Jason Baldwin?

THE COURT: It may so reflect.

BY MR. DAVIS:

Q: Mr. Carson, did you while in the detention facility with Mr. Baldwin, did you get to know him?

A: Yes, I did.

Q: If you would, when you were first placed in the detention facility, was Mr. Baldwin already there?

A: Yes, he was.

Q: Were you allowed or did you have any direct contact with him for the first few days you were there?

A: No.

Q: Could you explain to the jury why that is?

A: When you first get to the jail, you have 48 hour lock down.

Q: When you say, "lock down," what does that mean?

A: You cannot leave your cell for any reason.

Q: Do you remember some of the other people that were in the detention facility with you at the same time?

A: Yeah.

Q: Okay, who were they?

A: Another guy named Jason and he had burns all up and down his arm, and there's this guy named Beddle -- I mean it was his nickname -- and a couple of black people in there, Leonar, Xavier and some other little kid. I don't know his name.

Q: How long were you in the detention facility?

A: About a week.

Q: For the first two days you're in lock down, right?

A: That's right.

Q: After the first two days, what changes? What privileges do you get?

A: You were allowed to leave your cell and associate with the other people in there.

Q: During that time, did you have occasion to associate with Jason Baldwin?

A: Yes, I did.

Q: What would y'all do while you were in there?

A: I would usually watch TV but one evening they needed somebody to play spades with, and I told them I didn't know how to play, and they said they would teach me.

Q: Who all was involved in that?

A: Me and Jason, Beddle and another Jason.

Q: Did you change cells once you got out of lock down? Did they put you in a different --

A: No. I didn't change cells for a couple of days and then the day before I left they changed cells with me.

Q: You said it was you and the fellow nicknamed Beddle and then this Jason Baldwin and the Jason that had the burns on his arms were playing cards?

A: Right.

Q: During the course of while you were playing cards or in contact with this Jason Baldwin, was there anything mentioned about his involvement in the murders of the three eight-year-olds?

A: Yes. The first time I asked him if he did it, he denied it in front of Jason and Beddle.

Q: What were the circumstances? Where were you and what was going on when you first asked him about it?

A: We were sitting there playing spades. I wanted to get to know everybody else in there. I just wanted to get to know them, and I just straight out asked him if he did it, and he denied it the first time.

Q: Were the other fellows around at that time when you asked him?

A: Yes, they were.

Q: Did you have occasion again while you were in the detention facility to ask him was he involved in the murders of the three eight-year-olds?

A: Yes. I think it was like the next day. I believe it was the next day.

Q: Can you tell me what was going on, what was happening at the time that occurred?

A: Me and Jason Baldwin were scraping up the cards to go into our cells for lunch because they make us go into our cells for lunch. We was scraping up the cards. I said, just between me and you, did you do it. I won't say a word. He said yes and he went into detail about it.

Q: Were there other people at the table picking cards up at that point?

A: No, it was just me and Jason.

Q: You said he went into more detail. What did he tell you?

A: He told me how he dismembered the kids, or I don't exactly how many kids. He just said he dismembered them. He sucked the blood from the penis and scrotum and put the balls in his mouth.

Q: What was his demeanor when he made that statement? Was he laughing? Was he crying? Describe it for us.

A: He acted pretty serious about it.

Q: What did you do?

A: I put my hands on the table and I just pushed back and I left him there with the cards and I went to my cell.

Q: Besides what he told you on that occasion, did you get to know him well enough to know some of his interest, some of the things he was interested in?

A: He was interested in playing Nintendo. That was pretty much what he talked about, was playing Nintendo.

Q: Did he give you some information that you still have or have used regarding Nintendo?

A: Yeah. He gave me the code to Street Fire Two and you punch that code in and it sets up where you use three or four more different guys. And he gave me that code and I have still got the code.

Q: You testified under oath that Jason Baldwin told you this while you were in the detention facility?

A: Yes.

Q: You know the seriousness of what we are here for?

A: Yes, sir.

Q: Did he tell you that while you were there at the detention facility?

A: Yes.

Q: When was it that you came forward with this information?

A: I'm not really sure. I believe it was a couple months later. I was walking from my room into the living room -- I was in my room listening to the radio -- I was walking into the living room. My dad was watching something on the case on TV. They showed Jason's face and I told him that was who I was in there with, and I told him about it, about the stuff I knew. He goes, you need to tell somebody.

MR. FORD: Your Honor, I object to the father's words.

THE COURT: Sustained. What you dad told you would be hearsay. You can tell what you did.

BY MR. DAVIS:

Q: So you told your father what you had heard while you were in the detention facility?

A: Yes, sir.

Q: And did you then communicate that to anybody besides your father?

A: At that point right then?

Q: Yes.

A: No.

Q: Why didn't you tell somebody when you first got out of the detention facility or when you first saw him on TV and recognized and recalled what happened?

A: Because I didn't want to get involved with it. I mean, I had just got out of jail. I didn't want no more to do with the court system.

Q: And it was in -- at the beginning of the previous trial that you first made contact with law enforcement officers, right?

A: Yes, sir.

Q: And in fact the first night of the last trial you called me, did you?

A: Yes, sir.

Q: What caused you to come forward at that point in time? Why did Michael Carson no longer want to stay uninvolved? Why did you come forward and testify?

A: Because I saw the family on TV and saw how broken hearted they were about their children being missing. And I have got a soft heart. I couldn't take it.

Q: When you say, "the family," whose family?

A: The three boys' family.

Q: And after you came forward and talked with me, did you then talk with and give a statement to Officer Charlie Beall?

A: Yes, sir.

Q: Michael, I forgot to ask you this earlier, were you when you came forward and told me and then told Officer Beall, gave a statement to him -- were you offered anything as far as a reward or anything of that nature?

CARSON: No, sir, and if I was I would deny it.

DAVIS: Ok, did you ever request or inquire or ask for special treatment or anything of that nature in order for you to give this statement and provide this information?

CARSON: No, sir.

DAVIS: That's all I have.

CROSS EXAMINATION

FORD: Mr. Carson, do you know who I am?

CARSON: No sir.

FORD: Ok. Do you know my name?

CARSON: No sir.

FORD: Do you know his man's name?

CARSON: I just met him out in the hall, but I forgot his name.

FORD: Have you ever visited with him before?

CARSON: No, sir, just right out here in the hall.

FORD: Outside in the hall you talked with him?

CARSON: Just for a brief second.

FORD: The man who was just asking you questions, do you know his name?

CARSON: Yes sir.

FORD: What is his name?

CARSON: Uh--Davis.

FORD: You know his first name?

CARSON: Uh--Sir, I'm really nervous right now--

FORD: You're nervous--

CARSON: Yes, sir.

FORD: --oh, all right. You know his name?

CARSON: Bill.

FORD: Ok. Has he, how many times have you visited him?

CARSON: I believe, at least twice at his home.

FORD: At least twice at his home, ok. And um--

DAVIS: Your Honor, this is for clarification purposes. My office is a renovated house and I wanted to be certain that was clarified.

FORD: When you visited with this man here, did he tell you his name?

CARSON: Yes, sir, he did.

FORD: But you don't remember it?

CARSON: No, sir, I remember his last name.

FORD: Ok. But he did tell you both his names?

CARSON: Yes, sir, he did.

FORD: Ok. And how long ago was that?

CARSON: Uh--Probably about ten minutes--

FORD: Alright. And, when you visited with this other gentleman here, did he tell you his names?

CARSON: Yes, sir, he did.

FORD: And did he tell you both his names? First and last name?

CARSON: Yes, sir.

FORD: Ok. You're having trouble remembering those two, aren't you?

CARSON: No, sir, not now. I'm really nervous.

FORD: Ok. Do you know what his name is?

CARSON: Yes, sir.

FORD: What is it?

CARSON: Bill Davis.

FORD: Bill Davis, ok. Now, this happened in August of 93, is that what you're saying?

CARSON: I believe so, yes, sir.

FORD: August of 93, ok. And uh--what were you in jail for?

CARSON: Breaking and entering.

FORD: Was it breaking and entering or burglary?

CARSON: Burglary.

FORD: Burglary. Whose house did you burglarize?

CARSON: Uh, I do not remember his name.

FORD: You don't remember his name?

CARSON: No, sir.

FORD: Ok. What did you do when you got inside the house--why did you break in the house?

CARSON: To steal guns.

FORD: To steal guns, ok. Now, how many days were you in jail?

CARSON: I believe up to a week.

FORD: You believe up to a week? I'm trying to be a little more exact than "I believe up to a week." How many days were you in jail?

CARSON: At least five.

FORD: At least five. What's the most days you were in jail?

CARSON: Five.

FORD: Five day is when you were in jail -- five days?

CARSON: Yes, sir.

FORD: Ok. This jury can believe you when you said you were in jail for five days?

CARSON: Yes, sir.

FORD: No more, no less?

CARSON: I'm not sure about that sir.

FORD: You're not sure? Can you remember how many days you were in jail? Think carefully for us. How many days were you in jail? I would remember that. How many days were you in jail?

DAVIS: Your Honor, we object to - whether Mr. Ford would remember it or not -

THE COURT: Sustained as to the personal reference.

FORD: All right. How many days were you in jail?

CARSON: Five.

FORD: Five. Ok. What day of the week did you get there?

CARSON: I'm not sure on that.

FORD: What day of the week did you leave?

CARSON: I'm not sure on that.

FORD: Ok. Now, five days. So the first two days you're locked in your cell and you can't visit, right?

CARSON: That's right.

FORD: Ok. Now, on day number three, on day number three you meet Jason?

CARSON: Yes, sir.

FORD: And y'all played cards?

CARSON: Yes, sir.

FORD: And you never seen him before?

CARSON: No sir, when I first got--the night I got in there is that night -- the second day I was in there I saw him. When you get in the jail, it seems like everybody comes up to the front door to see who's off in there--who the new guy is. I did see his face then.

FORD: Ok.

CARSON: The first night I was in there, I had--I knew he was in there because of the person I was in jail with.

FORD: Ok. Now, but for 48 hours you're locked down and you have no conversations, right?

CARSON: Yes, sir, besides with Jason.

FORD: Ok. Uh--Then the third day you're there, you ask him and he tells you no, right?

CARSON: Yes, sir.

FORD: Ok. Fourth day you're there you ask him and he says yes?

CARSON: Yes, sir.

FORD: Ok. What day did he tell you all these other details?

CARSON: The same day--

FORD: What day?

CARSON: --same day, same time when I asked him the second time.

FORD: Fourth day, ok. He had known you for about 24 hours?

CARSON: That's about right.

FORD: And he told you this?

CARSON: Yes, sir.

FORD: Ok. Are you certain, are you certain that the day he told you he did it was when he gave you the details?

CARSON: Yes, sir.

FORD: Absolutely positive?

CARSON: Absolutely certain.

FORD: Ok. (Pause) Michael, I'm reading from a statement that you gave to Charlie Beall who works with the Arkansas State Police. You know who he is?

CARSON: Yes, sir.

FORD: Ok. On page three. (mumbling) I'm gonna show you the, they typed what you said, ok. I want you to look at that. You can read, can't you?

CARSON: Yes, sir.

FORD: Ok. Down at the last, Mr. Beall asked you, very last line, you see that, it says "Okay, are you saying he didn't get into any gory details or did he" -- and flip the page and read what your answer was.

CARSON: "He did."

FORD: "Okay and this is the next day?"

CARSON: "Yeah."

DAVIS: Your Honor--

CARSON: No, this is wrong.

FORD: That's wrong?

DAVIS: Your Honor --

FORD: Wait a minute --

DAVIS: I can make an objection.

FORD: Okay, if you're going to make an objection.

DAVIS: He didn't complete the question when he read it. I think if he's going to be reading from the statement, he needs to read it in its entirety.

FORD: I did, your Honor. "Okay, are you saying he didn't get into any gory details or did he," and your answer was--top of page four, what did you say?

CARSON: "He did."

FORD: Next question, "Okay, and this is the next day," and your answer is?

CARSON: "Yeah." Ok, this is what I was thinking, ok this --

FORD: Wait a minute. Mr. Carson --

DAVIS: Your Honor, he has an opportunity to explain his answer.

FORD: I haven't asked a question, Brent.

DAVIS: You did, too. Your Honor, the witness --

THE COURT: -- I'm going to allow him to explain his answer.

FORD: Are you telling us that this statement is written down wrong?

CARSON: No, it's not.

FORD: It's written down correctly?

CARSON: Yes, sir.

FORD: Did I read, did I read this statement inaccurately? Or was I reading it the way it was typed?

CARSON: You are probably reading it the way it was typed but when he asked me the question if uh--he asked me the next day, I thought at that time he was asking the next day after the first time he denied it. The next day after he denied it was the day he told me that he did it and the day he admitted everything.

FORD: Ok, all right. Now, so you misunderstood his question that day?

CARSON: Most likely, yes, sir.

FORD: Most likely, ok.

FOGLEMEN: Your Honor, I've got to enter an objection. If the entire statement is taken into context -- and we would be glad for the jury to have the entire statement -- but, your Honor, the questions he's asking -- what the witness said in his statement is exactly what he testified to here today when the entire statement is taken into context.

THE COURT: I will allow you to go back on redirect and since he brought it up, you can bring out anything or all of it.

FOGLEMEN: Thank you, your Honor.

FORD: Now, Mr. Carson, what is the alternative school?

CARSON: Uh. It's a school for kids who have problems keeping up or trouble makers.

FORD: Are you a trouble maker?

CARSON: No sir, I'm not.

FORD: That's where you go to school?

CARSON: Yes, sir.

FORD: Ok. You're a good kid, aren't you?

CARSON: I can't say that, no. I'm not the best kid in the world I admit that.

FORD: Ok, you've been in some trouble, haven't you?

CARSON: Yes sir, I have.

FORD: And you've been convicted of some crimes, haven't you?

CARSON: Yes sir.

FORD: And how old are you?

CARSON: Sixteen.

FORD: Ok. Now, the time you were in jail, you were in jail for burglary, is that right?

CARSON: Yes, sir.

FORD: Ok. And you don't remember whose home that was that you burglarized?

CARSON: I can tell you exactly where it's at but, no, I do not remember the name.

FORD: Ok. And you said that was to steal guns?

CARSON: Yes sir, it was.

FORD: Ok. Have you ever burglarized anyone else's home?

CARSON: Yes sir, I have.

FORD: Whose home was that?

FOGLEMEN: Your Honor, that's not the proper question.

THE COURT: Sustained.

FORD: Have you ever been convicted of burglary?

CARSON: Yes, sir.

FORD: At another residence?

CARSON: Yes, sir.

FORD: Do you know whose --

FOGLEMEN: Your Honor, I object --

FORD: I can't ask him that?

FOGLEMEN: -- to the form of the question. He's asked him if he's been convicted. Actually, he's been adjudicated a delinquent and it is not the same thing.

THE COURT: Well, I'm going to allow you to ask him if he's been convicted in Juvenile Court of crimes. The circumstances are not appropriate.

FORD: So I can't ask him whose home he burglarized?

THE COURT: No, sir.

FORD: Ok.

THE COURT: You can ask him if he's guilty of burglarizing the home of Joe Doe or whatever, or been adjudicated guilty. In that sense I guess you can ask him about the home if you want to preface your question as to were you guilty of burglarizing the home of whoever. But the circumstances I'm not going to allow you to go into.

FORD: Did you break into the lake cabin--a cabin on Lake Charles belonging to Kenneth and Juanita Chrisman?

CARSON: Yes sir, I did.

FORD: Who are Kenneth and Juanita Chrisman?

DAVIS: Your Honor, the whole reason and so doesn't -- the objection is that this can be brought up for impeachment purposes only or to attack credibility. The details have absolutely nothing to do with it.

THE COURT: I just told you you can't ask the details about it. You can ask if he was adjudicated guilty of committing a crime for which an adult would have been guilty of.

FORD: I don't mean to be--I thought you said I could ask who they were.

THE COURT: Well, you asked--No, that's not what I said. I said you can ask if he's guilty of burglarizing the home of, uh--Jones.

FORD: Are you guilty of burglarizing the home of Kenneth and Juanita Chrisman?

CARSON: Yes, sir.

FORD: And are you guilty of destroying their property inside?

CARSON: Yes, sir.

FORD: And that's in Lawrence County?

CARSON: Yes, sir.

FORD: And you're also guilty of burglary in Craighead County?

CARSON: Yes, sir.

FORD: Either one of these two burglaries the reason why you were in jail for burglary?

CARSON: Sir?

FORD: Are these two, which one of these burglaries is the reason you were in jail?

CARSON: Craighead County.

FORD: Ok. And this was in August?

CARSON: Yes, sir.

FORD: Ok. And you were there for five days, right?

CARSON: Yes, sir.

FORD: Ok. And two months later, so that would have been September, October, is when you told your daddy.

CARSON: Yes, sir.

FORD: Ok. And then you, and then the day that you first met with Mr. Davis and gave a statement was, remember when?

CARSON: No, sir, I don't.

FORD: February the 2nd, 1994. So you went from October to February of '94 without telling anyone other than your father, is that right?

CARSON: Yes, sir.

FORD: Ok. And then in February, your soft heart got to you?

CARSON: Yes, sir.

FORD: Ok. Have you ever had a conversation about this matter with Danny Williams?

CARSON: No, sir.

FORD: Never?

CARSON: Oh yes, sir, I have had one with him.

FORD: You have had a conversation with Danny Williams about, what you know about this?

CARSON: Yes, sir.

FORD: When was that conversation?

CARSON: After I talked to Brent Davis.

FORD: After you talked to Brent Davis?

CARSON: Yes, sir.

FORD: So you talk to Danny Williams about this in February, for the first time. First time you ever talked and discussed Jason Baldwin with Danny Williams was in February of this year? Think about it, be careful with your answer.

CARSON: I'm not sure.

FORD: Are you sure, did you have a conversation with Danny Williams before you went and told the prosecuting attorney what you claimed to know?

CARSON: No, sir, I wanted to call Danny Williams before I called Mr. Brent.

FORD: Ok. You did have a conversation with Danny Williams about this before you told Mr. Davis?

CARSON: No, sir.

FORD: You had it before or after?

CARSON: After.

FORD: Ok. And if he were to testify differently, he would be lying?

CARSON: Yes sir, he would.

DAVIS: Your Honor, that's an inappropriate question. We would object and ask that the jury be admonished to disregard -

THE COURT: -- Sustained. The jury will be admonished to disregard the question and answer if one was given.

FORD: Just a minute your Honor. When you went to jail in August of '93, did you know anything about this matter?

CARSON: No, sir.

FORD: You didn't know anything about it?

CARSON: No, sir.

FORD: Not one word?

CARSON: All I knew is that they were supposed to have killed these three boys. That's all I knew.

FORD: So you did know something about it?

CARSON: That was it.

FORD: That was it. And the first time you saw him in jail, you knew that he, that's why he was there?

CARSON: Yes, sir.

FORD: You knew that immediately?

CARSON: That he was there because he supposedly killed them three boys.

FORD: Now, I'm gonna show you--ask you to read that paragraph--

DAVIS: What page?

FORD: On page two, right there, read that paragraph.

CARSON: "Actually it wasn't until two or three days later that Baldwin told me the gory details about the balls and the penis. Baldwin told me I'm going to walk straight out of here. They don't have the evidence on me. My parents are going to throw a party for me. Baldwin sounded like they only cut one dick off."

FORD: There, Michael, there it says two or three days later that you made - that he gave you the details.

DAVIS: Your Honor, for clarification purposes -- well, I guess I'm going to make an objection. Because what he is, I guess it's appropriate --

THE COURT: Yeah, that's the way to start.

DAVIS: Objection, your Honor. He is cross-examining on a report generated by Officer Beall, Officer Beall took. And he has a transcript of the recorded statement given by Michael and he also has a paraphrased report and that report is not proper cross examination for this witness. He can cross-examine him based on the statement, the transcript of the statement --

THE COURT: Was the paragraph that was just read a part of Mr. Beall's report?

FORD: Yes, sir. I can ask him if Mr. Beall was mistaken when he wrote that down. Did you tell him that. Because that, I'm asking him if that statement of Mr. Beall is correct. Cause that statement says --

THE COURT: Mr. Beall is not the witness. You can ask the witness -- you can cross-examine him and impeach him from his prior statements.

FORD: This is his statement, your Honor.

THE COURT: If you are using his statement, then that's a different matter. If the question you asked him to read was question and answer in narrative, that's fine. If it's from a paraphrased report by the officer, then that's not appropriate to impeach him by.

FORD: Did you tell Charlie Beall that it was two or three days later when he gave you the details? Did you tell him that?

CARSON: Yes, sir, cause it was two or three days later before I got to talk to him from after I first showed up in jail.

FORD: Ok. So, Wednesday you first ask him and he says no. Thursday he asks you and he says yes and two or three days later he tells you the details. Is that right?

CARSON: No, sir.

FORD: So this is wrong?

CARSON: The day he told me he did it is the day he told me the details, at that exact moment.

FORD: And this is when y'all were cleaning up the cards ready to go in for lunch?

CARSON: That's right.

FORD: Ok. And, how long was this conversation?

CARSON: I'm not certain. Probably about two or three minutes.

FORD: Two or three minutes. And he had known you for one day?

CARSON: Yes, sir.

FORD: And then, you remained silent from August til February?

CARSON: That's right, cause I did not wanna get involved.

FORD: Pass the witness.

THE COURT: You wanna ask any questions, or -

Price: (Mumbling)

DAVIS: Your Honor, may I approach the witness.

THE COURT: Yes, sir.

DAVIS: Michael I want you to glance through that. Does that appear to be a copy of the question and answers that were asked by Officer Beall when he took a statement from you regarding your knowledge of this incident?

CARSON: Yes, sir.

DAVIS: Ok. And, your Honor, at this time we would ask that that be marked as a State's Exhibit and we would offer the entire transcript as an exhibit and ask to exhibit it to the jury.

FORD: Your Honor, I'm entitled to cross-examine him about it, but that is a statement that is hearsay because it is out of court. This is a criminal case, it was not given under oath. I think it is hearsay.

THE COURT: Sustained. You can ask specifics from it, but I'm not going to receive the report itself.

(Mumbling)

DAVIS: Michael I'm going to, in referring to this -- what I would like to do is ask you the questions that Officer Beall asked you and if you would, read the response to those questions so the jury can understand it in its entirety exactly what was asked and answered in regard to this statement.

FORD: Your Honor, If he's just going to read the statement one line at a time, that's just like introducing the statement. And you just said he can't introduce the statement. He can ask him specific questions about the statement. But that's improper rehabilitation to just read it into the record.

THE COURT: I'm going to allow him to -- particularly in those areas where you cross-examined him from -- to go back and reread that area in order to make his responses concise. If that's what he wants to do, I'm going to let him do it. Go ahead.

(brief mumbles)

THE COURT: You're not gonna start on page 1 and read the whole thing, were you?

DAVIS: No, sir.

THE COURT: Alright.

DAVIS: I'm going to start on page two and it's the third question that Officer Beall asks. His question: "Okay, you stayed in your cell for what a couple of days before you were allowed to come out and mix with the other inmates, is that right?" and what was your response?

CARSON: "Yeah. When you first get there, you have a 48 hour lock in."

DAVIS: And then Officer Beall asked you, "Okay, so about 48 hours later you get out of your cell and you go down to where? Where do you go to when you get out of your cell?"

CARSON: "It's like a little break room or day room or something like that."

DAVIS: And Officer Beall ask, "Okay, you go down there and what are you doing down there at the break room?"

CARSON: "We sit there and play Monopoly, spades or watch TV."

DAVIS: He asks, "When you got down there was Jason Baldwin already down there or did he come in the room after you were down there a while?"

CARSON: "He was already in the room."

DAVIS: Officer Beall, "Tell me what happened next."

CARSON: "Well, I was sitting there watching TV and Jason" - I don't know how that got in there. I must have been confused --

DAVIS: Go ahead and just read your statement.

FORD: Your Honor, if he's -- is he -- are we reading the statement or is he asking him about certain things?

FOGLEMEN: He's putting into context what Mr. Ford asked earlier trying to suggest that somehow he said it was the next day when it was some other time.

DAVIS: Judge, I don't know how to put it in context without going over it.

THE COURT: I don't want you reading the whole thing. If you're going to -- go ahead.

DAVIS: Officer Beall said, "Okay. Tell me happened next." Just read that paragraph.

CARSON: "Well, I was sitting there watching TV and, uh, Jason, and I forgot--a couple of black people, they started--they needed another partner cause nobody else wanted --

DAVIS: you skipped where it says "they started to"--

CARSON: "They started to play spades and I was sitting there watching TV and they needed another partner cause nobody else wanted to play and they asked me if I wanted to play and I told them that I did not know how so they said they would teach"

DAVIS: Ok and this is Officer Beall, "Okay, so you started, you sat down at the table with them?"

CARSON: "Yeah."

DAVIS: And then Officer Beall asked, "Okay, at the table, yourself and the other Jason that you don't his last name and Jason Baldwin and some guy you know by the name of Beddle, is that right?"

CARSON: "Beddle or Beetle."

DAVIS: Officer Beall asked, "Beetle. Okay, tell me what happened next?"

CARSON: "Well, we was all sitting there. They was teaching me how. I was getting confused and stuff so they all laughed that night and I sat there -- we sat there and talked and they were talking about Jason and his trial and everybody's talking about the time they were gonna get out, when they were going to get to go to court. I turned to Jason and said, 'Did you really do it?' Straight out just like that in front of Jason and Beddle and he denied it the very first time I asked him."

DAVIS: Then Beall asked you, "Okay, so he denied it the first time."

CARSON: "The first time."

DAVIS: Then Beall asked you, "All right, okay. When did you -- how long was it before you had another conversation with Jason Baldwin after that first day that y'all played spades together?"

CARSON: "The next day."

DAVIS: Ok. Beall said, "The next day. Tell me what happened."

CARSON: "Well, we was sitting there, we just fixing, we's after"

DAVIS: Beall says, "That's okay." And then what did you tell him?

CARSON: "Well, we was just sitting there playing spades and then the officer comes over the intercom and tells us to get in our cells because she's fixing to bring lunch in and so me and Jason was sitting there scraping up some cards and I turned to him and said, 'Between me and you did you really do it?' And he said, 'Yes, I did do it, I and he started giving me the gory details."

DAVIS: And then Officer Beall asked you, "Okay, are you saying he didn't get into any gory details or he did?"

CARSON: "He did."

DAVIS: And Officer Beall's next question was, "Okay, and this is the next day?" (TR 1973)

CARSON: "Yeah."

DAVIS: Now Michael, when you, when he said "Okay, and this is the next day" did you think he was referring to the next day --

FORD: Your Honor that's--I object to the leading question

THE COURT: I'll sustain the objection.

DAVIS: Ok. Michael, when he asked you, "Okay, and this is the next day" what did you think he was referring to?

CARSON: I thought he was talking about the next day after I asked him the very first time when he denied it.

DAVIS: Now, let me--ok--at any time, did Jason Baldwin mention anything about Jessie Misskelley?

CARSON: Yes.

DAVIS: Ok, and what did he tell you about Jessie Misskelley?

CARSON: He said he was going to kick his ass.

DAVIS: What for?

CARSON: He said he messed everything up.

DAVIS: Why did Jason say Jessie messed everything up?

FORD: Your Honor, that calls for speculation.

DAVIS: I'm asking him what his client said.

FORD: It calls for speculation.

THE COURT: Na, na--if you're asking--let me make sure I understand the question, are you asking this witness to relate what Jason Baldwin said?

DAVIS: Yes, sir.

THE COURT: All right, then he'll be permitted to do that.

FORD: But why did he do that.

THE COURT: .Well I'll sustain as to why he said it, this witness wouldn't know, but what he said I'm gonna allow. If he said anything.

DAVIS: As I understand it, Michael, you said that Jason made the statement that Jessie Misskelley messed everything up?

CARSON: Yes, sir.

DAVIS: Ok, did he say, did Jason tell you how Jessie Misskelley messed everything up?

CARSON: No, sir.

DAVIS: What did he say he was gonna do to him?

CARSON: He was gonna kick his ass.

DAVIS: Ok, did he, did Jason Baldwin tell you anything about whether he was gonna get out of jail or get out of-

CARSON: Yeah, he said he was going to walk scot-free. Nothing was going to happen to him.

DAVIS: Ok. Michael, are you telling us the truth here?

CARSON: Yes sir, I am.

DAVIS: No further questions, your honor.

FORD: And Michael, the truth is that you meet Jason Baldwin for the first time on Wednesday, correct?

CARSON: I believe so, yes sir.

FORD: Have a conversation with him while playing spades. Correct?

CARSON: Yes, sir.

FORD: And then the statement that you just read there with Mr. Davis. "After you played spades and he told you no, you didn't have a conversation at all until the next day." Correct?

CARSON: Yes, sir.

FORD: And in the second conversation you've ever had with this young man in his entire life, he tells you all this stuff?

CARSON: Yes, sir.

FORD: After he's had one conversation with you?

CARSON: Aww, we talked plenty of times before I asked him that the first time.

FORD: You talked plenty of times now? The first two days you're locked down, and the third day he says no, and then the next time you have a conversation is day four. So where are all these plenty of other times that you're talking to him?

CARSON: Every time we was sitting at the table we was talking about something.

FORD: Well you just told, you just read this question where you said the next time I had a conversation with him it was the next day, is that what you said?

CARSON: Yes sir, I did say that.

FORD: That's what you said, ok. Now, and then you, in the second conversation y'all have ever had he tells you this and then you're silent from August until February, is that right?

CARSON: Yes, sir.

FORD: Ok. Now, let me ask you just a little bit about the jail procedure. Tell me, how long did this conversation between you and Jason where he relates all these things to you, how long did that last?

DAVIS: Your Honor, I object. That's been asked and answered.

FORD: I don't remember his answer, your Honor.

THE COURT: It's been asked and answered. So avoid repetition. I'm going to allow him to answer one more time.

FORD: Ok I don't remember your Honor. How long did it take?

CARSON: Pretty close to five minutes.

FORD: Pretty close to five minutes. And this conversation happened after the jailer announces over the intercom, go to your cells. It's time for lunch --

CARSON: Yeah--

FORD: Is that right?

CARSON: --she said go to your cells it's time, yes, sir, it is right.

FORD: Ok. And, so what you're saying is for a period of five minutes after you were directed to go to your cells for lunch, you and Jason Baldwin sit at a table and have this conversation?

CARSON: No, sir.

FORD: Well--

CARSON: We did have the conversation.

FORD: And it took five minutes--

CARSON: When she tells you, she didn't say those exact words, pretty much like, "get ready" or something like that, I know it says that in there

FORD: But your statements here are wrong?

FOGLEMEN: What page are you on?

CARSON: No, sir, they're not wrong.

FORD: On page three.

CARSON: I just misworded it.

FORD: You misworded it?

CARSON: I misworded it--if you can look at this, I misworded a lot of words off in here.

DAVIS: Your Honor, I got to enter an objection. Mr. Ford keeps holding up a document and saying your statements in here are wrong, and that's not proper cross-examination, if he wants to refer to specific statements --

THE COURT: Sustained

DAVIS: --and notify the witness --

FORD: Turn to page three. We've already read this just once. You said, "Well, we were sitting there playing cards and then the officer comes over the intercom and tells us to get into our cells because she's fixing to bring lunch in so me and Jason was just sitting there scraping up some cards, and I turned to him and said, 'Just between you and me did you really do it?' And he said, 'Yes, I did,' and he started giving me the gory details." And that's the five minute conversation that took place after the jailer says go to your cells, is that right?

CARSON: I said it was pretty close to five minutes.

FORD: Pretty close to five minutes. And so for five, you're allowed in jail that much leeway when they say go to your cell, you can sit there and continue your conversation for five minutes?

CARSON: Everybody's out of their cell during that time.

FORD: That's not my question. Can you sit there for five minutes and have a conversation or when they tell you to go to your cell, do you have to go to your cell?

CARSON: Yes, sir, you do have to.

FORD: Ok. But if that period, when you're supposed to go to your cell you just sit there for another five minutes and have this conversation, right?--

CARSON: Yes, sir.

FORD: --is that what you want these people to believe.

CARSON: Yes, sir.

FORD: Ok. Pass the witness.

THE COURT: Anything else? All right, you may stand down, you're free to go.

FORD: Your Honor, we'd like him to be subject to recall.

THE COURT: All right, I'm gonna allow you to go--

DAVIS: He needs to go back to school

THE COURT: I'm gonna let him to go back to school, but he'll need to be subject to recall.