

Testimony of Dana Moore in Misskelley trial Feb 1994

DANA MOORE 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. FOGLEMAN:

Q: Will you please state your name and where you live?

A: Dana Moore, 1398 East Barton.

Q: What city?

A: West Memphis, Arkansas.

Q: Who do you live there with?

A: With my husband and my daughter.

Q: Your husbands name?

A: Todd Moore.

Q: And your daughters?

A: Dawn Moore.

Q: How old is Dawn?

A: Ten.

Q: What was your relationship to Michael Moore?

A: Im his mother.

Q: At the time of Michaels death, how old was he?

A: Eight.

Q: Did he go to school?

A: Yes, sir.

Q: Where did he go to school?

A: Weaver Elementary in West Memphis.

Q: What grade was he in?

A: Second grade.

Q: Whose room was he in?

A: Miss Millers.

Q: I want to direct your attention to May 5th, 1993. At the time that Michael got out of school, were you home at that time?

A: I arrived at about ten minutes after.

Q: After you got home after he had gotten out of school, did you see Michael?

A: Yes, sir.

Q: When was the first time you saw him after he got out of school?

A: Right after I got home.

Q: Where was he?

A: He was down on 14th street riding his bike.

Q: Was anybody with him?

A: Steve Branch.

Q: Anybody else at that time?

A: No, sir.

Q: Did you later see him with somebody? First of all, what were they doing?

A: They were riding around on their bikes.

Q: I want to show you what is marked for identification as States Exhibit Six and ask if you can identify this?

A: Yes, sir, it is Michaels bike.

Q: Is this the bike that he was riding that day?

A: Yes, sir.

MR. FOGLEMAN: Your Honor, we would offer States Exhibit Six.

MR. STIDHAM: No objection.

THE COURT: It may be received without objection.

(STATES EXHIBIT SIX IS RECEIVED IN EVIDENCE)

BY MR. FOGLEMAN:

Q: Later did you see him with somebody else besides Steve Branch?

A: Yes, sir. Chris Byers.

Q: Where did you see them at that time?

A: Going north on 14th Street.

Q: Were they walking or - -

A: They were riding their bikes.

Q: How many bikes were there?

A: There was two bikes.

Q: Who was on what bike?

A: Michael was on his. Chris was on Steves, and Steve was on his.

Q: So Chris and Steve were on the same bicycle?

A: Yes, sir.

Q: How far down were they from where you were?

A: Approximately six houses.

Q: What time of the day was it?

A: Six oclock.

Q: Did you see him any after that?

A: No, sir.

Q: When you saw him going that way, did you tell your daughter to do anything?

A: I asked her to go get him and tell him to come home.

Q: For what reason?

A: To eat supper.

Q: Is there a particular time that Michael was supposed to be home?

A: Yes, sir. Before the street light comes on.

Q: Now I want you to look at what I have got marked for identification as States Exhibit Two.

MR. FOGLEMAN: Mr. Stidham, youve seen this. Do you have any objection to this?

MR. STIDHAM: I have no objection.

MR. FOGLEMAN: Your Honor, by agreement may it be admitted?

THE COURT: It may be received without objection.

(STATES EXHIBIT TWO IS RECEIVED IN EVIDENCE)

BY MR. FOGLEMAN:

Q: Do you recognize what that depicts?

A: Yes, sir.

Q: What does that depict?

A: It is the aerial photograph of West Memphis.

Q: You said photograph?

A: Well, map of West Memphis.

Q: If you could, could you take this highlighter and show the jury where you lived or do live?

A: (MARKING) Right there.

Q: What you highlighted - - is that the address?

A: Yes, sir, it is.

Q: Does it point to the house?

A: Yes, sir.

Q: What is your address?

A: 1398 East Barton.

Q: Which side of the street, which corner is that? You told me you had a problem with directions.

A: It is the right side.

Q: Is that the - - as you are facing it?

A: It is the left side if Im facing it.

Q: Is that when you are facing north?

A: Ah, yes, sir.

Q: It would be the northwest corner?

A: Yes, sir.

Q: You mentioned that you had seen the boys riding on - - what street was that?

A: North 14th.

Q: Could you step down and show the jury where that is in relation to your house?

A: (INDICATING) It is down this street.

Q: So you live on the corner of 14th and Barton?

A: Yes, sir.

Q: I want to show you what I have marked for identification as States Exhibit Five and ask if you can identify that?

A: Thats Michael.

MR. FOGLEMAN: We would offer States Exhibit Five.

MR. STIDHAM: No objection.

THE COURT: It may be received without objection.

(STATES EXHIBIT FIVE IS RECEIVED IN EVIDENCE)

BY MR. FOGLEMAN:

Q: On the day that Michael disappeared, what was he wearing?

A: A Boy Scout shirt, a pair of blue pants, his scout hat, a little badge that had his name on it.

Q: When you say, a little badge?

A: A police badge.

Q: Like a star?

A: Yes, sir.

Q: After you sent your daughter to get him for supper, how long after that was it when you started looking for him?

A: Right after I went around the neighborhood and I thought he just - - you know. I missed him.

Q: What did you do then?

A: I went back home and waited for him to see if he would come back.

Q: What happened?

A: He didnt come back.

Q: Did you later have some contact with a police officer?

A: Yes, sir.

Q: When was that the first time?

A: About eight, eight-ten.

Q: Where did you have contact with that officer?

A: At Mark Byers house.

Q: Was the officer there?

A: Yes, sir.

Q: And you went over there?

A: Yes, sir.

Q: Did you report to the officer that Michael was missing?

A: Yes, sir.

Q: Did you subsequently do an official report?

A: Yes, sir.

Q: Was that later?

A: Yes, sir.

Q: Why was it later?

A: The officer told me that she knew what Michael looked like and she knew - - I had stated that they all three were together so she knew that they were together and she would probably come back and give me a police report if they haven't found them yet.

Q: After you reported it to this officer, what did you do?

A: I went riding around the neighborhood looking.

Q: Were other people looking, too?

A: Yes, sir.

CROSS EXAMINATION

BY MR. STIDHAM:

Q: What time did your son get home from school?

A: Three.

Q: In the afternoon?

A: Yes, sir.

Q: Did he skip school that day?

A: No, sir.

Q: He went the entire day?

A: Yes, sir.

(WITNESS EXCUSED)