

Testimony of Debra O'Tinger in Misskelley trial Feb 1994

DEBRA O'TINGER

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 address?

A: Debra O'Tinger. 1309 Goodwin Avenue, West Memphis.

Q: I want to direct your attention to May 5th, 1993, the day that the three boys disappeared.

A: Um-hum.

Q: Were you at home that day?

A: Yes, sir.

Q: Did you see the boys?

A: Yes, sir.

Q: About what time was it when you first saw them?

A: Around six, close to six.

Q: What were they doing?

A: They were in my yard.

Q: Were they walking?

A: One was walking and one was on a bike.

Q: How many boys were there?

A: Two at the time.

Q: When they were doing whatever they were doing, did you see them later?

A: No, sir.

Q: Do you know the boys? Did you know them?

A: No, sir.

Q: What exactly did you see the boys doing?

A: One rode the bike through my yard, and I had just planted a tree, and he had rode right by it and that was it. They were just going through my yard. That was it.

Q: How many boys did you say you saw?

A: Two at the time. We were leaving to go to my mother's.

Q: I may just be confused. Let me show you this and ask is that yours?

A: (EXAMINING) Yes.

Q: Would you mind reading over that for a minute?

A: Yes, sir. (EXAMINING)

Q: Was that your statement?

A: Yes, sir.

Q: I'm a little confused. In the statement you mentioned three boys.

A: Right. One had come around the side of the street where Goodwin Avenue and Goodwin Circle - -

Q: Okay, so there were - -

A: Three.

Q: I want to show you State's Exhibit 101 - -

MR. FOGLEMAN: Mr. Stidham, do you have any objection to this?

MR. STIDHAM: I have no objection to that.

THE COURT: Are you offering 101?

MR. FOGLEMAN: Yes.

THE COURT: It may be received without objection.

(STATE'S EXHIBIT 101 IS RECEIVED IN EVIDENCE)

BY MR. FOGLEMAN:

Q: Okay, if you would, step down. See if you can recognize the area.

A: (EXAMINING)

Q: Do you recognize this area - - with this being North 14th?

A: This is 14th?

Q: Um-hum. And this is Goodwin Circle.

A: Right. I'm right here.

Q: Would you circle that and put your initials?

A: Um-hum. (MARKING)

Q: If you could - - and let me get this pointer - - if you could show the jury where you saw the boys, the two together and then the one.

A: The two were right here going through - - here's a sidewalk. They cut through my yard over here, and then one was right here. (INDICATING)

Q: Were you later able to identify who the boys were?

A: Yeah, I actually knew one of them because one of them's brothers had asked to mow my lawn earlier in the beginning, almost the summertime.

Q: Do you know which of the boys that was?

A: Byers, the little Byers boy.

Q: I want to show you State's Exhibit One and ask if you can recognize him?

A: Yes, sir.

Q: Is that the Byers boy?

A: Yes, it is.

Q: Is this one of the boys that you saw?

A: Yes, sir.

Q: And about what time was this?

A: Close to six. We were supposed to be at my mother's at six for dinner.

Q: Where were they when you last saw them?

A: That was it. We were getting into the vehicle to leave.

Q: Do you know what this area, the kids call this area?

A: Robin Hood.

(WITNESS EXCUSED)