

Testimony of Dennis Carter in Misskelley trial Feb 1994

DIRECT EXAMINATION

BY CROW:

Q: State your name, sir.

A: Dennis Ray Carter, Jr.

Q: And how old are you, Dennis?

A: Fifteen.

Q: Do you go to school?

A: Yes, sir.

Q: What grade are you in?

A: Ninth.

Q: Where do you go to school?

A: Marion Junior High

Q: Where do you live?

A: Highland Trailer Park.

Q: Highland Trailer Park? In relation to Jessie Misskelley's house, where do you live?

A: The one (?) across the street.

Q: Right across the road?

A: mm-hmm [yes]

Q: Okay. I want you to think back to May the 5th of last year. Do you remember seeing Jessie Misskelley that afternoon?

A: Yes, sir.

Q: What do you remember about seeing him?

A: Right after school me and him walked down the road about, I'd say (?) a mile or two, you know.

Q: Okay, so you weren't with him all afternoon?

A: No, sir.

Q: Were you with him off and on, or what?

A: Just off and on.

Q: Do you remember a conversation with Jim McNeese?

A: Yes, sir.

Q: Okay. Can you tell me about that conversation?

A: He said that

FOGLEMEN: Your Honor, I'm objecting. He's asking him to respond in terms of hearsay.

CROW: Mr. McNeese has already testified about the conversation, your Honor.

FOGLEMEN: Your Honor, it doesn't matter if Mr. McNeese testified or not. He can't get up here and testify what someone else may have or may not have said. That's hearsay.

THE COURT: I'm going to sustain the objection to hearsay. He may state he was present, that he heard a conversation, period.

BY CROW:

Q: Alright. Do you remember a conversation with Jim McNeese?

A: Yes, sir.

Q: Okay. Do you remember Jim McNeese talking to you?

A: mm-hmm [yes]

Q: Who else was present when Jim talked?

A: Jessie.

Q: Was there - what was the nature of the conversation about?

A: About wrestling.

Q: Okay. Did you have any intentions, at that point, about what you were going to do that night?

A: We was gonna go to the wrestling.

Q: Did you relate that to Mr. McNeese?

A: Yes, sir.

Q: Do you remember if you went wrestling that night?

A: Yes, sir. I did.

Q: Do you remember who went?

A: Jessie, Freddy, Johnny, and me.

Q: Is that all that went?

A: Yes, sir.

Q: You sure that's all that went, or what?

A: I think - there could be missing more people.

Q: Okay. Did you all go wrestling several different times?

A: Yes, sir.

Q: Why do you remember this night that you went wrestling?

A: Cause I remember - I did say in my statement that I didn't remember going that day, and then I started thinking about Jim McNeese and that brought my - you know

Q: So it was the conversation with Jim McNeese that really ties this down for you?

A: Yes

Q: That's your point of reference?

A: Yes, sir.

Q: Now, do you remember giving a statement to the police on, um, looks like it was June 22nd? Maybe - no - there was two different - on June 9th. Sorry. One statement - it looks like the police interviewed you twice. Do you remember that?

A: Yes, sir.

Q: Do you remember telling - do you remember talking to the police?

A: Yes, sir.

Q: Have you thought since then about what you told them?

A: Yes, sir.

Q: What's your opinion as to whether you were correct?

A: I wasn't correct.

Q: Are you sure?

A: Yes, sir.

Q: You understand you're under oath now?

A: Yes, sir.

Q: Has what happened on May 5th become an important day to think about or remember?

A: Yes, sir.

Q: Are you positive that what you're testifying today under oath is correct?

A: Yes, sir.

Q: Now I want to ask you, do you know Vickie, Vickie Hutcheson?

A: Yes, sir.

Q: She ever bought you any alcoholic beverages?

A: Yes, sir, a lot of times.

DAVIS: Your Honor. Your Honor, I object. This question's totally improper. I ask the jury be admonished to even disregard he asked it. That's totally improper.

CROW: Your Honor, it goes to the credibility of Mrs. Hutcheson.

DAVIS: Your Honor, if he wants to open the door as to alcohol, drugs, things of that nature, we'll be glad to jump in there with him.

THE COURT: You want to open that door?

CROW: I'll withdraw the question, your Honor.

CROSS EXAMINATION

BY DAVIS:

Q: Mr. Carter, do I understand - let me make sure that I've got this right - your birthday's February 6th of '78?

A: mm hmm [yes]

Q: Okay, and you're the same Dennis Carter, let's see, that talked with Officer Diane Hester of the West Memphis Police Department back on June 9th of '93?

A: Yes, sir.

Q: And that would have been about six days after Jessie Misskelley's arrest. Is that correct?

A: Yes, sir.

Q: Would have only been approximately thirty-one days, or thirty days, since the murders themselves? Correct?

[CROW: That's not correct, your Honor.]

Q: Well, if the murders occurred on May 5th...

A: Yes, sir.

Q: And you talked to the police as early as June 9th, is that correct?

A: Yeah, I talked to them. Yeah.

Q: Okay.

A: I don't remember which day it was, but I talked to them.

Q: Okay. Well - you don't remember what day that was?

A: Yeah, I know it was in June.

Q: Okay. And that was the first time you talked to them, right?

A: Yes, sir.

Q: Your Honor, may I approach the witness?

THE COURT: Yes.

Q: Have you had a chance to look at this statement that you gave to the police back on June 9th?

A: This ain't my handwriting.

Q: Look at the last page and see if that's your signature.

A: Yes, sir.

Q: You remember talking with a female police officer with the West Memphis Police Department, Diane Hester?

A: Yes, sir.

Q: And you gave her a statement on June 9th about what you knew about this incident, correct?

A: Yes, sir.

Q: Okay. Now point to me where in that statement you mention that you were with Jessie Misskelley on the day of these murders.

CROW: I'll object, your Honor. That's already been - he's already responded to that.

DAVIS: Your Honor, this is cross examination.

THE COURT: Overruled.

BY CROW:

Q: Point to me where on that statement you told Officer Hester just six days after the arrest and a little over a month after the murders that you were with Jessie on the day these murders occurred.

A: I was mistaken then.

Q: Well, is that in there anywhere in that statement?

A: No, sir.

Q: Okay.

A: I don't think so.

Q: Okay. Now you did tell Officer Hester that Jessie states that about a month ago Jessie told him that Damien was a devil worshipper. Didn't you tell that to Officer Hester?

A: No, sir.

Q: You're saying...

A: I didn't say nothing about no Damien.

Q: Okay.

A: I don't even know that boy.

Q: Can you read this part that's highlighted in orange right there? If you would read that aloud for me, please.

A: "States that about a month ago Jessie told him that Damien was a devil worshipper and that he ate the right leg off dogs. Jessie said this happened in the woods located behind _____" (?)

Q: Okay and your testimony is that when Officer Hester wrote this down and you signed that statement that she just made that up, that you never told her that?

A: No, sir, I didn't say that.

Q: So Officer Hester just flat lied and put something in here that wasn't accurate?

A: No, I didn't say that.

Q: Let me show you, by the way - is this your signature on the side of that statement, that very page of that statement?

A: Yes, sir. But I didn't read everything on this paper.

Q: Did you read part of it?

A: I just read - just skimmed through it.

Q: Oh, okay. Now, this is Office Hester's handwriting? It's your signature, but her handwriting? Correct?

A: Yes, sir.

Q: Okay. And then you're up there again to give a statement on the 22nd of June. Correct?

A: I don't really know what day it was.

Q: Okay. Well, I'd like to show you a statement dated the 22nd of June, 3:27 PM. Now whose handwriting is that on that statement?

A: This is mine.

Q: Oh, that's your's, well good. Show me on that statement where you told the officers that you were with Jessie Misskelley on the afternoon of Friday the 5th. Now you've had a whole week to think about it since you talked to her before, correct - a little over a week, right, at this point?

A: I wasn't really thinking about it, when I talked to her.

Q: So you hadn't thought about the fact that Jessie Misskelley is in jail for these murders?

A: Oh, I know he didn't do it.

Q: Now tell me where on that statement you mention to the officers that you're with Jessie Misskelley on Wednesday afternoon, May 5th.

A: I don't see it on there.

Q: In fact, read to us what that statement does say in regard to being with Jessie Misskelley wrestling.

A: Read this where it says orange lines?

Q: Read the statement - it's one paragraph. Just read us what you told the officers that day.

A: This right here?

Q: Just start - read us the entire paragraph and let us know what you said.

A: Okay. "I went to Dyess on or two times, but it was after the three little boys was murdered. I have never" -

Q: Let me stop you there. You told them that you hadn't, that the times you went to Dyess were on three occasions, but it was after the three little boys had been murdered. Correct?

A: I told you awhile ago I was mistaken.

Q: Alright. Is that what you told the officer on June 23rd and wrote in your own handwriting?

A: Yes, sir.

Q: Okay. Now read the next sentence.

A: "I have never went with Jessie to Dyess." Should I read some more?

Q: Okay. What did you put down next?

A: "The time I went to Dyess was with Kevin and Johnny and Freddy and Bo and with Johnny's girlfriend." You want me to read it all?

Q: Yeah.

A: "It was on Friday night, but Jessie did not go with us. Kevin lived out in Highland Trailer Park with Johnny. Freddy lives out in Lakeshore. So does Bo. Freddy and Bo are brothers. Johnny's girlfriend lives in Highland also. I don't know Kevin and Johnny. I don't know their last names. And I don't know Freddy or Bo's either." Read on?

Q: What does the last sentence say?

A: Okay it says he usually, usually he goes on Mondays or Fridays.

Q: When you say "he" who are you talking about?

A: I was talking about Jessie then, but I wasn't thinking.

Q: Okay.

A: I was nervous.

Q: And when you said he usually goes on Mondays and Fridays, you were referring to going wrestling, right?

A: Yes, sir.

Q: And you've got one of those yellow ribbons on. What does that stand for?

A: That I love little Jessie. I want him to get out.

Q: Was anyone down at the police department coercing you or threatening you or doing anything to make you write out this handwritten statement on June 22nd?

A: No, sir.

Q: Have you talked with Jessie Misskelley, Sr. about May the 5th and about what happened on that date, talking about what you recall about that date?

A: No, sir.

Q: You never talked to him at all?

A: No, sir.

Q: Talked to anybody about your recollection about May 5th and what occurred and where you were and what went on that day?

A: No, sir.

Q: And that's as true as everything else you told us?

A: That's the truth.

Q: No further questions.

REDIRECT EXAMINATION

BY CROW:

Q: You understand you're under oath today?

A: Yes, sir.

DAVIS: Your Honor, I object. That's an improper question. He's asking every witness. I assume every witness who has taken the stand understands they're under oath.

CROW: Your Honor, I think after the attack he's just made, that's a proper question.

DAVIS: Your Honor, that's not a proper way to rehabilitate a witness.

THE COURT: The witness can be reminded that he's under oath and whether or not he's telling the truth.

BY CROW:

Q: Are you telling the truth today, sir?

A: Yes, sir.

Q: Alright. That's all.

THE COURT: Anything else? Alright, you're free to go.