

## **Testimony of Joe McCafferty in Misskelley trial Feb 1994**

FOGLEMEN: Call Joe McCafferty.

THE COURT: I don't believe you've been sworn.

MCCAFFERTY: No, sir.

THE COURT: Raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth in the matter now pending before the Court, so help you God?

MCCAFFERTY: Yes, sir.

BY FOGLEMAN:

Q: Would you state your name and occupation for the jury?

A: My name's Joe McCafferty, I'm a corporal with Marion Police Department.

Q: How long have you been in law enforcement?

A: Twenty one years.

Q: Alright. Officer McCafferty, I want to direct your attention to May the fifth of 1993. Have you been shown a report of that?

A: Yes, sir.

Q: Alright. And do you recall going in response to a dispatch to that area?

A: Yes, sir.

Q: Alright. And looking at that report help refresh your memory?

A: Yes, sir.

Q: Alright. Where did you go, and who else went when you responded to Highland Park?

A: I went to Highland Trailer Park along with Officer Oliver with Marion Police Department and

Deputy Dollahite --

Q: Alright.

A: -- Crittenden County.

Q: And let me show you what's been introduced as State's Exhibit 2A, and if you could indicate on that map what entrance that you entered the park, and if you would use this red marker.

A: Okay, this is Highway 77 here?

Q: No, that's service road.

A: Oh, that's service road, okay. (MUMBLES) out what entrance it is here.

Q: North would be up this way.

A: Okay. That's what I'm trying to figure out on this thing here, which way we came in. Okay, this is service road coming alongside Highland?

Q: Um hmm.

A: Okay, I came in the very first entrance, which would be right along here. This would be the same way.

Q: Alright, same way as this one?

A: Right.

Q: Okay.

A: Exactly the same way here. This is the first entrance here --

Q: When you say exactly the same way the jury can't see what you're referring to. Are you referring to the same way as the pink mark?

A: Yes, sir. This is the very first entrance coming into uh, into the park. This is the last entrance which is by Heck's Wrecker Service.

Q: Okay. And if you could take the red marker and mark the route you followed.

A: Okay. (MARKING) That's about where I stopped, right where I...

Q: Okay, where you stopped, the darker marker?

A: Yes, sir, right there.

Q: Okay. Now, put that back down. Now, when you arrived there, approximately how many people were there?

A: Not counting the officers?

Q: Not counting the officers.

A: Would be around six that I seen.

Q: Alright. And do you remember any of the people that were there?

A: I recognized one of them, Mr. Dedman I believe was one of them that was there. And there were some young children, some young ladies standing there.

Q: Alright, when you say young children, what ages are you talking about?

A: Oh, I don't know, maybe around thirteen, some younger than that, some little kids uh, there might have been some young ladies there in their early teens.

Q: Okay. And are you acquainted with the defendant?

A: Yes, sir.

Q: Alright. Were you acquainted with the defendant prior to May the fifth?

A: Yes, sir.

Q: Alright. Did you ever see the defendant on that day?

A: No, sir, I don't recall seeing him there when I was there.

FOGLEMEN: Okay. I don't have any further questions, your Honor.

BY STIDHAM:

Q: Officer, you don't recall?

A: No, sir.

Q: That means you're not real sure (INAUDIBLE).

A: I just don't recall seeing him where I was at.

STIDHAM: Nothing further.

BY FOGLEMAN:

Q: I want to show you this radio log that's been introduced as Defendant's Exhibit 4. What time does it show that y'all checked off the scene or left that area?

A: Uh, you mean right here?

Q: And what time is that?

A: Eighteen fifty nine.

Q: And what does that mean?

A: That would be around 6:43, er, 6:59.

Q: 6:59?

A: Yes, sir.

Q: Okay, thank you. Did y'all ever go back after that?

A: Ah, no sir, that was the only time I went there.

FOGLEMAN: Okay. I don't have any further questions.

STIDHAM: Nothing further, your Honor.

THE COURT: Alright, you may stand down. Call your next witness.

(WITNESS EXCUSED)

FOGLEMAN: Call Jason Oliver.