

Testimony of Kevin Johnson in Misskelley trial Feb 1994

DIRECT EXAMINATION

By Dan Stidham:

Q: Would you state your name for the court?

A: Sir?

Q: Would you state your name for the court, please?

A: Kevin Johnson.

Q: And where do you reside, Mr. Johnson?

A: Sir?

Q: Where do you reside?

A: What?

Q: Where do you live?

A: In Highland Traylor Park, in Marion.

Q: What do you do for a living?

A: I'm an iron worker.

Q: Okay. Do you know the defendant, Mr. Misskelley?

A: Yes, sir.

Q: How do you know him?

A: He lives right next door.

Q: Okay. And when you say "right next door," does that mean behind you or beside you?

A: Beside.

Q: Okay. Did he live beside you back in May of 1993?

A: Yes, sir.

Q: His parents still live there, is that correct?

A: Yes, sir.

Q: Okay. Do you remember May the 5th 1993?

A: Yes, sir.

Q: And how do you remember that?

A: I was at a Search and Rescue meeting.

Q: You're a member of the Crittenden County Search and Rescue Squad?

A: Yes, sir.

Q: Okay. Do you remember anything else about that night?

A: Well, I--I was supposed to went to the wrestling [unintelligible] and I didn't make it to the wrestling that night 'cause I went to the meeting.

Q: Did you talk to your brother that day?

A: I believe it was that day.

Q: Okay. Do you remember, Mr. Johnson, having a discussion with Mr. Misskelley shortly after the murders took place?

A: Yes, sir.

Q: What did you tell him?

A: I was...

Fogleman: [interrupting] Your Honor, I'm going to object to the hearsay.

Stidham: Your Honor, I'm asking this witness what he told...

Fogleman: [interrupting] Still hearsay, your Honor.

Stidham: No, it's not, your Honor. If the witness is testifying what he told the defendant, it's not hearsay.

Fogleman: Your Honor, it is still an out-of-court statement made by a declarant.

Crow: [unintelligible] can testify about what he told someone else.

The Court: Well, state the question again and let's see what you're trying to get him to do.

By Stidham:

Q: Did you have a discussion with Mr. Misskelley, the defendant, shortly after the murders?

The Court: All right, you can answer yes or no to that.

A: Yes, sir.

Q: Could you tell the jury what the nature of that conversation was, what you told Mr. Misskelley.

Fogleman: Your Honor, our objection is to hearsay.

Stidham: Your Honor, I don't believe that it's hearsay.

The Court: Now, wait a minute, I'm going to allow him to state what he said to Mr. Misskelley.

Stidham: Thank you, your Honor.

By Stidham:

Q: You tell the jury what you told Mr. Misskelley?

A: Yes, I told him that--that one of the boys were beaten and caserated.

Q: You told him that one of the boys had been castrated?

A: Yes, sir.

Q: What else did you tell him?

A: Uh...

Q: Did you tell him anything else?

A: Yes, that they, that--that they was tied with the shoestrings.

Q: Where did you get this information, Mr. Johnson?

A: From the--heard it from the members of the Search and Rescue.

Q: Did you tell Mr. Misskelley anything else?

A: I can't recall.

Stidham: May I have a moment, your Honor?

Pause

Stidham: Pass the witness, your Honor.

CROSS EXAMINATION

By Davis:

Q: Now, as I understand it, on May 5th, you were at a Search and Rescue meeting?

A: Yes, sir.

Q: You don't know where Jessie Misskelley was on May 5th, do you?

A: No, sir.

Q: And you don't know who may have gone wrestling and who didn't, correct?

A: Sir?

Q: You don't know who went wrestling and who didn't...

A: [interrupting] No, sir.

Q: ...to your knowlege?

A: No, sir.

Q: Now, you indicated that you gave some information regarding the injuries to the children, to who?

A: Sir?

Q: You gave some information regarding the injuries to the children to who?

A: Jessie.

Q: Who else did you tell about this?

A: Nobody, I mean...

The Court: By "Jessie," you talking about Jessie Senior or Jessie Junior?

A: No response.

Q: Junior or senior?

A: What--what are you asking?

Q: Okay. You indicated that you gave some information to Jessie Misskelley. Is that Jessie Misskelley Jr. or Senior?

A: Junior.

Q: Okay. And did you tell anybody else that information?

A: Well, we was--I mean talking about it--I mean ev--who was around.

Q: Did you talk about it other places, to other people?

A: Oh, no, sir. I mean...

Q: Nobod--You wouldn't have told anybody else about that, right?

A: I mean, ev--whoever who was standing there. I mean...

Q: Did you talk about it on other occasions?

A: No, sir. I can't recall. I mean it was in the papers and everything. I mean...

Q: Okay. So, you basically told him what was in the papers?

A: And what I heard at the Search and Rescue because I wasn't at the scene.

Q: Okay. So, you weren't at the scene and you didn't have any first-hand knowledge, is that correct?

A: No, sir.

Q: Okay. And so, basically what you were relating to him was the same stuff you had been reading in the paper.

A: Right and what I was told, I mean, what I had heard.

Q: And you didn't know which one or if all of the boys had had their genitals removed, right?

A: Right.

Q: Okay. And you certainly didn't know which one had, correct?

A: Right.

Q: You certainly didn't tell Jessie that, did you?

A: No, sir.

Q: Okay. So, if Jessie knew which one had had that occurred to him, he wouldn't have gotten that information from you, true?

A: Right.

Q: I'd like to show you what is a Crittenden County Search and Rescue attendance record. Is

that--see your brother's name, there?

A: My brother's?

Q: Or your name? I'm sorry.

A: Yes, sir.

Q: Okay. And how many times a week does that reflect that you attend those meetings?

A: The first--the first and third Wednesday of every month.

Q: Okay. So, you've been attending those meetings two times a month, for how long?

A: I was--January the 20th wa--was a year.

Q: Okay.

The Court: I'm sorry, did you say the first and the third Wednesday?

Johnson: Yes, sir.

By Davis:

Q: Do you recall--Mr. Johnson, do you recall, you told Jessie about some of this general information that you learned in the paper, did you...

Stidham: [interrupting] Your Honor, that's not what the witness testified to.

Q: You told him some general information about the injury. Remember anything else you told him about any injuries?

A: No, sir.

Q: Okay. So, the extent of what you would have said would have been something to do with some--with castration-type injuries, is that correct?

A: Yes, sir.

Q: Anything else that you would told him?

A: No, sir.

Q: Okay. Didn't mention to him about injuries to the ears, anything like that?

A: No, sir.

Q: Didn't mention to him anything about signs or injuries or indications of sexual abuse?

A: No, sir. I can't recall.

Q: No further questions, your Honor.

Stidham: Nothing further, your Honor.

The Court: All right, you're free to go. Thank you.

Johnson: Thank you, sir.