

Testimony of Marty King in Misskelley trial Feb 1994

The Court: Have you been sworn?

King: No, sir.

The Court: Okay. 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?

King: Yes, sir.

The Court: How long have you been in the courtroom, sir? I saw you get up in the back, was it just for the last witness?

King: Yes, sir.

The Court: Just been here since noon?

King: Mm-hm.

The Court: All right, you may proceed. Come on around.

DIRECT EXAMINATION

By Stidham:

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

A: Marty L. King.

Q: And where do you live, Mr. King?

A: I live in Forest City, Arkansas.

Q: Where did you live on May 5th of 1993?

A: In Crawfordsville, Arkansas.

Q: And where is that located at?

A: Eight miles this side of West Memphis and Marion.

Q: Where were you employed on May the 5th of 1993?

A: I was employed for Bojangles restaurant on Missouri Street.

Q: Okay. Were you on duty on the night of May 5th 1993?

A: Yes, sir. I was.

Q: And did anything unusual happen on that night?

A: Yes, sir. There was something unusual that happened that night.

Q: This was the night of the homicides? Is that correct?

A: Well, I remember reading about it in the evening paper, that the boys were missing.

Q: Tell the jury what happened on the evening of May 5th in Bonjangles.

A: Well, about 9-9:30 that night, a customer came into the restaurant. It was a lady and her daughter and they had ordered some food and being it thirty minutes before closing, I told them that it would take a few moments to get their order prepared. The lady went--said that she would be right back, she was going to take her daughter to the restroom and she came back within a minute around the corner. I thought something was wrong so I asked her and at that time, she said there was a black gentleman in the women's restroom and I thought that was kind of strange so I said "well, I'll go check on it" and he was there, in the restroom, with his head in his lap.

Q: Describe what you seen when you entered the women's restroom.

A: Well, above the commode, on the wall, there was a forearm print--imprint of blood along with blood that was around the toilet where the gentleman was sitting.

Q: Did you see anything else in the--besides blood?

A: Well, I spoke to the gentleman and he raised his head and was kind of disarrayed. He also had a--muddy feet, wet up to his knees and he spoke but I--I just was checking to see if he was all right and asking him to leave the building

Q: Did he comply with your request?

A: Well, he said that he was all right but he did not get up.

Q: Okay. Did he, subsequently, leave?

A: He left, approximately, fifteen to twenty minutes later.

Q: What did you do after you asked him to leave?

A: I went and called the police department to maybe have this gentleman checked out and ask him to leave with--you know with an officer there, someone would leave more freely than just someone asking him to.

Q: Did the West Memphis Police Department respond to your call?

A: Yes, they did. The officer never got out of the car, just came around to the drive-thru window and asked me what the problem was and, at this time, the gentleman had already left and was walking.

Q: Okay. Did the officer ever come in the building?

A: No, sir.

Q: What did you do with the mess?

A: Well, we couldn't leave it so we had to clean it up. We drug a water hose around, that's as big of a mess as it was in the floor and proceeded to wash and clean up the restroom.

Q: Did-did you find anything in the restroom that this gentleman left behind?

A: Well, in the toilet, he had tried to pl--flush a pair of sunglasses down the...

Fogleman: [interrupting] Your Honor, unless he knows that he actually tried to flush the sunglasses, now, it's one thing if the sunglasses were just there, unless he actually knows that he tried to flush it

The Court: Where did you find the sunglasses?

King: They were in the toilet.

The Court: All right.

By Stidham

Q: Do you have reason to believe that they belonged to this gentleman?

A: Well, they were not in the restroom before he entered and with the bowel movement that he had all over him, the seat, the floor and everywhere, there was nothing in the toilet except the glasses when I went in there to clean up the mess so it leads me to believe that he tried flushing it.

Q: Was there anything else that-that he got blood all over besides the wall and the stall?

A: Well, he had some blood on a toilet tissue roll where he had tried grabbing for it and it was discarded in the wastecan.

Q: Okay. Did you make an attempt to try to preserve the roll of toilet paper for the police?

A: No, sir. I did not.

Q: Okay. Did you ever hear from the police again?

A: After that night? No, sir. Now, an off-duty police officer came into the restaurant the next morning and--that I'm acquainted with and was getting breakfast and I told him about it and we looked at it and he said "Well, just leave it alone" and he left, that he was gonna go to tell somebody about it.

Q: Did anybody else show up from the West Memphis Police department to investigate this?

A: Yes, sir. Later afternoon--well, that night.

Q: Now, was this on May the 6th, the day the bodies were discovered?

A: Mm-hm. It was around dark because one of the gentlemen was using a flashlight to look around the outside of the building.

Q: Did any of the officers come in and inspect the--any of the blood or anything?

A: Yes, sir. They took some samples and scraped them off the door and off the wall in the hallway. Now, what they did with it from there, I don't know.

Q: What happened to the sunglasses and the roll of toilet paper?

A: The toilet tissue was, like I said, put in the wastepaper basket, it wasn't used but the sunglasses were taken by the officers.

Q: Did you tell the officers about the toilet paper roll?

A: Yes, sir.

Stidham: May I have a moment, your Honor?

The Court: Yes.

Stidham: Pass the witness.

CROSS EXAMINATION

By Fogleman

Q: Mr. King, now I believe that you said that the first information that you had that this person was present was somebody came and told you this person was in the women's restroom, is that right?

A: Yes, sir--yes, sir.

Q: All right. And this person had blood on the wall?

A: Where he had leaned up against the wall.

Q: Right. There was blood arou--on the floor, wasn't there?

A: Mm-hm.

Q: Okay. And didn't you say something about some blood down the hall?

A: Well, what it was, is where he staggered out of the restroom, had grabbed the doorknob--the men's restroom door had some on it and then the hallway directly right across from the women's restroom.

Q: Okay. And--and was he bleeding himself?

A: I could not tell, sir.

Q: Couldn't tell? Okay, so he had blood on the wall, right? Blood on the floor...

A: [interrupting] Yes, sir.

Q: ...blood in the hall, right?

A: Yes, sir.

Q: So, I mean, there was just blood all over the place?

A: Yes, sir.

Q: Wasn't there something about he had a cast or something on his arm?

A: Yes, sir. From, from thinking about it when I saw him sitting in there--he had a velcro cast, you can buy them at Wal-Mart, [unintelligible] wherever but it was on his left arm.

Q: Is that the arm where the blood was?

A: No, sir.

Q: Okay, go ahead.

A: It was blue in color with the white velcro strips that--that would fasten it on his arm.

Q: Okay. And where was the blood, which...?

A: As he was kneeling in the--with his head in his lap, it would be on his right arm that it was coming off 'cause it was on that side of the toilet.

Q: Okay. And, let's see, was there blood anywhere else besides on the wall of the bathroom, on the floor of the bathroom, on the door and down the hall?

A: No, sir, not that I saw.

Q: Okay. And then you cleaned that up?

A: Yes, sir.

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

REDIRECT

By Dan Stidham:

Q: Are you familiar with where the crime scene is, where the boys--the bodies were recovered?

A: Yes, sir. I used to live in Mayfair Apartments.

Q: Okay. Can you describe for the jury the terrain between Missouri street where the restaurant is and where the crime scene is?

A: In due east of the restaurant, there is a railroad track leading into the open field which will come up onto 7th street there.

Q: Did this gentleman look like he had been walking on the street or look like he had been walking in the field?

A: Look like he had been walking in a field that night because there was mud on the bathroom floor along with the blood, also.

Q: How long would it take someone to walk from the crime scene to Bojangles?

A: I do not know that, sir. Because the gentleman seemed disarrayed, it could have took him a while or any length of time.

Q: Did the officer who came and a---on the 6th, that was about 9pm, as well, did he have mud on him from being at the crimescene that day?

A: Yes, sir.

Q: Did they look similar?

Fogleman: Oh, your Honor, I object to that.

Stidham: Your Honor, the officer told him that he was at the crime scene all day and on a previous statement, the witness said that there was a similarity between the mud and the

dampness on the clothing.

The Court: Approach the bench.

---Bench Conference---

The Court: You trying to qualify him as a [unintelligible] expert?

Stidham: No, your Honor [unintelligible]...

The Court: Well, mud looks like mud to me. Well, I mean what, I mean...

Stidham: I'll withdraw the question.

The Court: Okay.

---Return to Open Court---

Fogleman: Actually, Mr. Stidham [unintelligible].

Stidham: Your Honor, I have another question.

The Court: All right.

By Stidham:

Q: Could you walk down from the witness stand and take a look at the map [unintelligible]?

Q: Do you recognize that as being a map of--of West Memphis?

A: Yes, sir. I notice some of the streets that are on there.

Q: Okay. Can you point to--the crimescene and then point to Bojangles restaurant on Missouri Street? You can use this if you like.

Q: Do you recognize this as being Missouri Street?

A: Well, now that you pointed it out, yes, sir.

Q: Okay.

[Courtroom laughter]

A: Bojangles is right about in here, best I can see.

Q: Okay. Where would the crime scene be?

A: It's right back over in here, off of Goodwin. Because we lived on Mcauley and that's where the apartments are facing.

Q: You see where it says crimescene, there? Does that help you?

A: Well, this right here, like I said, is Goodwin and we lived on Mcauley which our apartment faced that ditch so I know that they were in there, some--in that vicinity, yes, sir.

Stidham: Pass the witness

RE-CROSS

By Fogleman:

Q: Mr. King, I didn't--I didn't see where you were pointing to Bojangles. Would you take this orange pen and mark on there?

A: Well, I'm not for sure exactly where it is, to tell you the truth.

Q: Well, just the general area so I can kind of get an idea of where you're...?

A: Right over in there, somewhere.

Q: Okay, let me see here.

A: That's the right direction.

Q: Okay, now there's--you see this ditch right here?

A: Mm-hm.

Q: Here's Balfour and here's Dover, right here? There's Dover, right there?

A: The restaurant comes out at the corner--the red light is at Dover and Balfour, which is right across the road from the restaurant, kind of angled in behind it [unintelligible].

Q: Okay. So, this general--general area here is Bojangles, right? Now, between where you've indicated is the--is Bojangles and the area of the crimescene, which is right here, what do you have in between there?

A: Well, like I said, right behind the restaurant, there's a open field that lead up to 7th street.

Q: All right. This is 7th street, right here?

A: Yes, sir.

Q: And does that--right here?

A: Yes, sir.

Q: All right. And does--that's a major thoroughfare isn't it, through West Memphis?

A: Well, yes, sir. That's where Union 76 Trucks Stop's at.

Q: And that would be right here, is that right?

A: That's pretty close to where it is.

Q: Okay. Or maybe right up in here, rather. All right, there's a big overpass over the interstate, right?

A: Yes, sir.

Q: And, then, between 7th street--Bojangles being back here, between 7th street and the crimescene, what do you have?

A: On the interstate side of the ditch, like I said, you have the Union 76 Truck Stop...

Q: [interrupting] Right.

A: ...Scott's or Love's Truck Stop and then a truck wash which is Blue Beacon.

Q: Okay. So you've got Blue Beacon, you got a truck stop area, right?

A: Yes, sir.

Q: And those aren't fields, right?

A: No, sir.

Q: All right. And then you've got another truck stop over in here, right?

A: Well, actually, that's Catfish Island.

Q: All right, Catfish Island, but there is another truck stop in this area, right? There are two truck stops in the 7th street area, right?

A: Yes, sir.

Q: All right. And then from after you get past Catfish Island, between Catfish Island and this railroad, what do you have?

A: Open field.

Q: Open field? So, you've got muddy fields in there, right?

A: Yes, sir.

Q: And then on the other side of the interstate, you've got fields here, right?

A: Yes, sir.

Q: And you've got fields in here?

A: Is that down where Wal-Mart is at?

Q: No, Wal-Mart's way down here. This is, at the corner--here's the liquor store, right there.

A: Okay, yes, sir.

Q: So, you've got fields over here, right?

A: Yes, sir.

Q: And then you've got fields back in here, right?

A: Yes, sir.

Q: And you've got fields over in here, right?

A: Yes, sir, on the other side of the interstate.

Q: Right. And back in here, you've got fields, right?

A: Behind the [unintelligible]? Yes, sir.

Q: Right. Now, in--behind Bojangles, you've got a railroad track, right?

A: Yes, sir.

Q: And there's a little wooded area with a ditch back there, isn't there?

A: Yes, sir and the ditch is probably five foot deep.

Q: Okay. All right and of course, where you've got a ditch, you've got mud, don't you?

A: Yes, sir.

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