

EXHIBIT 2

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

TERRY HOBBS,
Plaintiff,

v.

NATALIE PASDAR, et al.,
Defendants.

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CV NO.: 4-09-CV-0008BSM

DECLARATION OF NATALIE PASDAR

I, Natalie Pasdar, declare as follows:

1. "My name is Natalie Pasdar. I am over the age of 21 and competent to give this declaration.
2. All of the information set forth herein is within my personal knowledge and is in all things true and correct.
3. I first became aware of the West Memphis 3 (the "WM3"), the Robin Hood Hills Murders ("Murders") and Terry Hobbs ("Hobbs") in approximately May 2007, when I watched the two *Paradise Lost* documentaries. The *Paradise Lost* films contain actual footage of the trials, interviews with the WM3 and interviews with parents of the victims.
4. It appeared to me that since 1994 there has been a very public controversy regarding whether the WM3 were wrongfully convicted. Specifically, movies, press reports, blogs and private citizens have spoken out on the issues. Many believed (and believe) there is insufficient evidence linking the WM3 to the Murders. Some believe the WM3 are guilty. This controversy, whatever side is argued, is very much a public concern. It involves American citizens' rights to fair trials, police and prosecutors' obligations to uphold the law, and the "justness" of our court systems.
5. After watching the *Paradise Lost* films, I donated money to the Damien Echols Trust Account to assist with his legal fees.
6. Lorri Davis ("Davis"), the wife of Damien Echols and a leader among the WM3 activists, subsequently reached out and contacted me to thank me for my donation. This began a correspondence and telephone communication relationship regarding the WM3 case. Davis has acquired extensive knowledge about the Murders, the trials of the WM3, the publicity about the WM3 and the

efforts of the WM3 to obtain post-conviction relief. I discussed with Davis the trials, the post-conviction relief efforts and the evidence.

7. From that time to present, Davis and I have communicated through email and phone calls, with Davis educating me about the investigation of the Murders, the evidence, the information being publicized in the press and the WM3 attempts to be released.
8. Davis was my primary source of information regarding the WM3, and I relied upon her wealth of knowledge about the WM3 to keep me informed about the ongoing proceedings. Also, I believe at different times I saw various news reports about the WM3 case on television, in newspapers, and/or on the internet. In early November 2007, Davis sent me a link from the www.wm3.org website to a video of a press conference held by the Echols defense team ("Press Conference"). I watched the Press Conference, and the defense team spoke specifically about new evidence in Echols' case, including the evidence which potentially implicates Hobbs. The attorneys also discussed evidence related to a knife found behind Jason Baldwin's house, which the prosecution alleged was used in the Murders, and the experts discussed their opinion that the victims had no knife wounds but rather the alleged knife wounds were caused by animals. The attorneys and experts also explained that a foreign allele was found on the penis of Steven Branch, which could not be linked to any victim or defendant.
9. On or about November 7, 2007, I also watched an *Anderson Cooper 360* show on CNN, which profiled the WM3 case and discussed the same new evidence in the case that the Echols attorneys had discussed in the Press Conference. The show also interviewed Terry Hobbs about the new evidence, which potentially implicated him.
10. On November 12, 2007, I emailed Lorri Davis about the *Anderson Cooper 360* show and told Davis that I was thinking of ideas for raising money for the Echols defense team.
11. Soon thereafter, I began trying, with the help of my managers at Strategic Artist Management ("SAM"), to organize a screening of the *Paradise Lost* films in Los Angeles to raise awareness of and money for the WM3.
12. On November 16, 2007, I informed Davis that I was taking further action by "putting a letter together . . . with a link to find out more information and donate." At that time, I again donated to the defense fund. I subsequently began writing a letter in support of the WM3 to encourage donations to Damien Echols' defense fund. This letter would become both the Website Letter and the MySpace Letter (the "Letters").
13. On November 17, 2007, Davis emailed me a document titled "Summary of New Evidence in Damien Echols (and the "West Memphis 3") Case" ("Summary"). I could see that this Summary contained the same information Lorri Davis and I

had discussed and which had been publicly reported by the Echols attorneys in the Press Conference, by CNN on *Anderson Cooper 360* and in other news reports. Specifically, the Summary contained the same evidentiary points regarding the DNA, the knife, the foreign allele, etc, which Lorri and I discussed and which was reported on by the Echols' defense team in the Press Conference. A true and correct copy of this Summary is attached to the First Appendix of Summary Judgment Evidence to Pasdar's Motion for Summary Judgment as **Exhibit 34** ("Davis Summary Email"). Davis offered the Summary to me as a list of possible "talking points" for the fundraising letter I was putting together. I have since learned that the Summary (**Exhibit 34**) is also the Press Release released by the Echols defense team around the same time ("Press Release"), **Exhibit 12** to the First Appendix of Summary Judgment Evidence to Pasdar's Motion for Summary Judgment

14. I understood and believed the Summary (**Exhibit 34**) had been prepared and approved by Echols' attorneys and was a truthful and accurate reflection of the new evidence the defense team was prepared to present to the federal court.
15. I relied heavily on the Summary (**Exhibit 34**), in addition to my conversations with Lorri Davis, the Press Conference, and the *Anderson Cooper 360* show, in drafting the Letters to seek donations, particularly in the postscript, which is nearly identical to the language regarding forensic evidence in the Press Release (**Exhibit 12**) and the Summary (**Exhibit 34**).
16. On November 20, 2007, I forwarded a draft of the letter to my management team for review and posting on the Dixie Chicks website and the Dixie Chicks MySpace blog. I am the custodian of records for the work that I do from my at home office as a musician and in my activist projects. Attached to Pasdar's Appendix of Summary Judgment Evidence at **Exhibit 35** ("Pasdar Editing Emails") (PASDAR 022-028), **Exhibit 3** ("Website Letter"), and **Exhibit 4** ("My Space Letter") are true and correct copies of eleven (11) pages of memorandum, reports, records, or data compilations, of acts, events, conditions or opinions, made at or near the time of those acts, events, conditions or opinions, by, or from information transmitted by, a person with knowledge of those acts, events conditions or opinions. These records have been kept in the course of my regularly conducted business activities, and it is the regular practice of my at home work as a musician and my activist projects to make the memorandum, report, record or data compilation.
17. As can be seen in **Exhibit 35**, the Pasdar Editing Emails, on November 20, 2007, I also emailed Davis a draft of the letter and asked for feedback, as I wanted to make sure the letter was factually correct. Davis enthusiastically approved the letter.
18. As can also be seen in **Exhibit 35**, on November 21, 2007, Simon Renshaw ("Renshaw"), my manager, emailed me suggested changes to the letter.

19. **Exhibit 35**, however, also shows that on November 22, 2007, I responded to Renshaw and rejected his suggestions:

“Overall, I don’t mind grammar corrections or wording that states things more clearly, but all of the legal stuff is copied directly from the court filing and legal papers that were written by the defense team. I don’t want to put any of that in my own words. The DNA evidence is not ‘what I think’, but what has been proven in the testing and id (sic) just being presented in the federal court hearing.”

20. Finally, as can be seen in **Exhibit 35**, a few minutes later, on November 22, 2007, to ensure no substantive changes were made to the Website Letter, I also sent a similar email to Morgan Zeuhlke, an employee at SAM responsible for posting of the Website Letter on the website:

“Morgan, Please know that other than grammatical corrections, I don’t want any of Simon’s changes to be made to the letter. He doesn’t realize that I took all of the legal talk directly from the documents written by the defense team. I am talking to him in the AM to go over all of it, but I just wanted to save you some work if I could.”

21. No substantive changes were made to the Letters prior to posting on the Dixie Chicks website or MySpace blog.
22. The letter was posted on the Dixiechicks.com website (“Website Letter”). I believed then, as I believe now, the Website Letter is factually accurate and true.
23. The letter was also posted on the Dixie Chicks MySpace blog (“the “MySpace Letter”) (**Exhibit 4**). I believed then, as I believe now, that the MySpace Letter is factually accurate and correct.
24. The MySpace Letter, **Exhibit 4**, is identical to the Website Letter, **Exhibit 3**, except that when linking to sample letters for a letter writing campaign, the Website Letter (**Exhibit 3**) says, “Click here to download the sample letter” whereas the MySpace Letter (**Exhibit 4**) says, “By clicking on this link, you can download the sample letter.”
25. In the Letters, I do not accuse Hobbs of committing the Murders. In fact, the Letters do just the opposite: they argue my opinion that the WM3 are not the murderers and that the “killer(s) is still out there, and justice has yet to be served.”
26. I state my purpose in making these communications in the first sentence of the Letters: “I’m writing this letter because I believe that three men have spent the last 13 years in prison for crimes they didn’t commit and it is my hope that they are released from prison or granted a new trial.” I encourage the readers to view the evidence and documentaries for themselves. I note that the “real killer(s)” are still out there. I do not claim to know the identity or number of people actually responsible for the Murders.

27. The body of the Letters – from the date at the top, down to my name near the bottom of the first page – details and supports the ongoing post-conviction legal struggle of the WM3 and specifically requests donations to help the WM3 pay legal costs. I do not mention Hobbs in the body of the Letters. In fact, in the body of the Letters, I do not refer to Hobbs in any way, directly or indirectly. Instead, I encourage the readers to see the documentaries, look at the WM3.org website, donate money and look at the evidence for themselves. While I encourage the reader to review the forensic evidence available, I do not detail or characterize the evidence or link the evidence to Hobbs. I am giving my opinion that the WM3 are not guilty, that justice has not been served, and that the “killer(s)” are still out there.
28. Even a brief review of the body of the Letters reveals that my theme, far from “Terry Hobbs is the murderer” is “Please give money to help the WM3, because they did not commit the Murders.” Simply put, I do not claim to know who or how many people committed the Murders.
29. The post-script of the Letters (**Exhibits 3, 4**), the portion from “The following is just some of the DNA and forensic evidence ...” through the end of the Letters, is identical in both the Website Letter and the MySpace Letter.
30. This postscript language, however, did not come from me. Instead, the postscript contains the bullet points found in the Summary I received from Lorri Davis (**Exhibit 34** (which is the same document as the Press Release (**Exhibit 12**)) and which had been widely reported by the media and the defense team long before my Letters were drafted. To the extent any changes made to the Letters, it was to make the language more “layscale friendly” for someone unfamiliar with the case. In fact, of the eight bullet points in the postscript, four bullet points “cut and paste” identical language from the Summary of Evidence (**Exhibit 34**) and the remainder of the bullet points have been minimally altered. I did, however, know from my conversations with Lorri Davis as well as my review of the Press Conference, the *Anderson Cooper 360* program and other news reports, that the bulk of the evidence included in the Summary of Evidence (**Exhibit 34**) was evidence that was true, accurate and had been widely reported, particularly the DNA evidence, the knife evidence, the investigation of Hobbs by the West Memphis Police Department and his statements that members of Stevie’s family believed he was involved in the Murders.
31. Even a brief comparison of the Summary of the Evidence (**Exhibit 34**), which was also the Press Release (**Exhibit 12**), to the Letters reflects that I have “parroted” the Press Release (**Exhibit 12**) and Summary (**Exhibit 34**), which have summarized the Habeas evidence and the prior national news reports previously issued about Hobbs and the new evidence. Moreover, the Press Release and Summary (**Exhibits 12, 34**) are each a summary of the evidence made public by the WM3 defense team at the major Press Conference almost one month before I posted my Letters. Though the postscript mentions Hobbs by name and lists the evidence which pertains to Hobbs, it does not accuse Hobbs of the Murders, but

rather concludes that the credible evidence, some of which has nothing to do with Hobbs, demonstrates that the WM3 did not commit the Murders.

32. In the most fundamental way, the postscript is literally true: each piece of evidence I cite is, in fact just as I said, "evidence that will be presented in the federal court hearing."
33. I was careful when I wrote the Letters. At the time I prepared the Letters, which did not mention Hobbs in the body, I relied on my knowledge of the case, the specific language from the Summary (**Exhibit 34**), information from Lorri Davis, and information that been approved by the lawyers for Damien Echols. I had also watched the documentaries, the Press Conference by Echols' attorneys, the *Anderson Cooper 360* feature on the WM3, and I had seen different news reports about the WM3.
34. More importantly, because I had stayed informed about the case by talking to Lorri Davis and relying upon her knowledge about the case, I acted to remain faithful to the language in the Summary (**Exhibit 34**) that she had sent me, and which I understood she had obtained from the Echols defense team. I was entitled to my opinion, and it was a well-informed one.
35. In early December, 2007, Lorri Davis asked me to make remarks at a WM3 Rally ("Rally").
36. To help me prepare her remarks, publicist Alice Leeds ("Leeds") prepared a "Summary Message Points for Little Rock Rally." Attached to Pasdars' Appendix of Summary Judgment Evidence as **Exhibit 39** is a true and correct copy of the Summary Message Points which Alice Leeds sent to my management company for my use, and the accompanying email. Hobbs is not referred to in the Summary of Message Points.
37. I did rely on the "Summary Message Points" (**Exhibit 39**) when making my remarks and I did not mention Hobbs during my brief statements at the Rally.
38. I am aware that only one fairly complete video of my remarks at the Rally is available. To the best of my recollection, I believe that attached to Pasdars' Appendix of Summary Judgment Evidence as **Exhibit 5** ("Rally Transcript") is a true and accurate representation of some of my words at the Rally.
39. As can be seen in **Exhibit 5**, I do not mention or in any way refer to Terry Hobbs in my remarks. I do not even refer specifically to the forensic evidence. In my remarks, I make the following statement:

"It's not about debate. It's about science and I've tried to find negative comments and it's hard to find – it's hard for people to open their mouths or debate something that has now been scientifically proven."

40. Nowhere in my comments at the Rally do I link what was scientifically proven to Hobbs. In fact, I was stating that it had been scientifically proven that there was no forensic evidence tying the WM3 to the crime scene and therefore it was hard to debate that they were wrongfully convicted. My point was that it has been scientifically proven the WM3 did not commit the Murders through the absence of evidence, and in my opinion, they are not the murderers. My comments do not state that it has been scientifically proven that Hobbs did commit the murders.
41. All of my statements, in both the Letters and at the Rally, are comments upon the same issues of public concern or controversy that the press and public had been speaking since 1994: whether the WM3 were wrongfully convicted.
42. This question of whether the WM3 actually committed the murders (and all of the issues attendant to that question: Who else could have murdered Chris Byers, Steve Branch and Michael Moore? Did law enforcement thoroughly investigate? Did law enforcement and prosecutors pin the murders on three innocents to avoid public outcry? Has the Arkansas legal system for the last 16 years turned a blind eye to errors in the trials? Are the interested government representatives protecting their current power through a defense of wrongful convictions? Have the authorities done all they can do to assure they convicted the actual murderers? Were the WM3 adequately represented at trial? Does Damien Echols deserve to be put to death? Why do prosecutors and law enforcement appear to refuse to consider Hobbs as a suspect with the evidence mounting against him?) go directly to the heart of public concern and controversy.
43. Free and open debate on the workings and efficacy of law enforcement and the criminal justice system is vital to a decision-making electorate interested in the credibility and reliability of its government.
44. Whether "the system" works in general, and whether it worked in this specific instance is of fundamental concern to U.S. citizens who rely on government to "get it right" and do so in a fair and just manner.
45. Such questions go to the heart of the people's interests in their government, particularly, the issues of safety, fairness and abuse of power. While the events come out of Arkansas, they are nationwide issues because each American has a constitutional right to a fair trial, and each American citizen has an interest in making sure the system works and government is not abusing its power.
46. The language in the Letters demonstrates the "public-ness" of the topics: I request that readers and listeners across the country become involved in righting the alleged wrong by donating money and educating themselves. I mention that many of the people working on the case have worked *pro bono* for 13 years, and that the costs associated with freeing those wrongfully convicted are high. And at the end of the Letters I articulate the very evidence that demonstrates that the WM3 convictions were wrongful, the publically known forensic and other evidence included in the Echols Habeas filing. Because much of that evidence --

that Hobbs' DNA was linked to the crime site, that Hobbs' friend's DNA was at the crime site, that Hobbs is in possession of a knife that belonged to a victim, that Hobbs did laundry at an unusual time, that members of Stevie's family thinks he was involved in the Murders – involves Hobbs, to prohibit me from citing the Hobbs evidence would be to gag me from disclosing the very evidence that might suggest wrongdoing of very public concern – wrongful convictions of the WM3.

47. I am a citizen of the State of California and a resident of Los Angeles County.
48. I delivered my remarks at the Rally on December 19, 2007, more than six months before Hobbs filed this lawsuit on November 25, 2008.
49. I believe then, as I believe now, that my comments at the Rally were truthful and factually accurate."

I declare under penalty that the foregoing is true and correct and that this declaration was executed in Los Angeles County, California.

Dated: 8-20-09

By: 
Natalie Pasdar

EXHIBIT 3

EXHIBIT

A

November 26, 2007

Letter from Natalie Maines: WM3 Call to Action

I'm writing this letter today because I believe that three men have spent the past 13 years in prison for crimes they didn't commit.

On May 5th, 1993 in West Memphis, Arkansas three 8 eight-year-old boys, Steve Branch, Christopher Byers, and Michael Moore were murdered.

Three teenage boys, Damien Echols, Jesse Misskelley, and Jason Baldwin were convicted of the murders in 1994. Jason Baldwin and Jesse Misskelley received life sentences without parole, and Damien Echols sits on death row.

I encourage everyone to see the HBO documentaries, Paradise Lost and Paradise Lost 2 for the whole history of the case.

I only discovered the films about 6 months ago, and when I finished Paradise Lost 2 I immediately got online to make sure that these three wrongly convicted boys had been set free since the films were released. My heart sank when I learned that the boys were now men and were still in prison. I couldn't believe it.

I searched for answers as to what had been done and what was being done to correct this injustice. I donated to the defense fund and received a letter from Damien Echols wife, Lorri. She is a lovely woman who has dedicated her time and heart to her husband. I was glad to hear that after so many years of fighting for justice it looked like things were finally happening. Below, I have written what the DNA and forensics evidence shows. I hope after reading it and looking at the WM3.org website, you will know that the wrong guys are sitting in jail right now, and feel compelled to help.

Inspired and determined to see the justice system work, many people have worked on this case pro bono for the past 13 years. However, there are still costs that go along with the struggle to freeing these three men.

There has been a wonderful resurgence of interest by the media for this case, but nobody mentions the need for funds. Donations to the defense fund are desperately needed. DNA and forensics tests are expensive. They are also what will finally set these men free. Due to so many people's passion and generosity, what would normally be a case that costs millions is costing a fraction of that. I know around the holidays we all get inundated with deserving causes and charities that are in need of donations, but this can't wait!

With all of the new evidence things are finally moving, and fast!

Any money that you can donate is desperately needed to pay for the experts and the federal court hearing that is just weeks away. There is also a letter campaign that has been started by a new and energized group of people in Arkansas. [Click here](#) to download the sample letter. Signing and sending this letter makes it very difficult for this case to be ignored. Please mail the letters to the following address:

Arkansas Take Action
Capi Peck, Coordinator
P.O. Box 17788
Little Rock, AR 72222-7788

After so many years it literally all comes down to this hearing.

The evidence is so strong that at the very least the judge will grant a new trial, but hopefully he will overturn the verdict and these guys will finally be sent home to their lives and families. I know that this is a hard thing to just take my word on, so please look at the case and the evidence for yourself. I am confident that you will see the DNA evidence is irrefutable and that these three men did not get the kind of trial that is promised to us - as Americans.

The system hasn't only failed Damien, Jesse, and Jason, but it has failed the three little boys that were murdered. Their killer(s) is still out there, and justice has yet to be served. Please know that your generosity will make a difference.

Please know that your generosity will make a difference.

Sincerely,
Natalie Maines Pasdar

The following is just some of the DNA and forensic evidence that will be presented in the federal court hearing.

In late October, legal papers were filed in federal court in Arkansas showing that Damien Echols was wrongfully convicted. The 200-page court filing includes DNA evidence that fail to link any of the three boys

to the crime scene. This is very important because the prosecution claimed that Echols had sodomized the victims.

-DNA tests also show that a hair belonging to Terry Hobbs, the step-father of one of the victims, was found in the ligature of one of the victims.

-DNA tests also match a hair at the crime scene to a friend of Hobbs that was with him that day.

-DNA test results show foreign DNA-from someone other than Echols, Misskelly, or Baldwin-on the penises of two of the victims.

-Scientific analysis from some of the nation's leading forensics experts, stating that wounds on the victims' bodies were caused by animals at the crime scene-not by knives used by the perpetrators, as the prosecution claimed. These wounds were the centerpiece of the prosecution's case, and evidence was presented that a knife recovered from a lake near one defendant's home caused the wounds.

-Sworn affidavits outlining new evidence uncovered by Pam Hobbs (the ex-wife of Terry Hobbs) who found a knife in Terry Hobbs' drawer that her son (one of the victims) had carried with him at all times. After her son was killed, the knife was not among his personal effects that police gave to the Hobbs family, and Pam Hobbs always assumed that her son's murderer had taken it during the crime.

-New information implicating Terry Hobbs-including his own statements made to police in recent interviews where he acknowledged that several of his relatives suspect him in the crime. The filing also includes a chronology of Hobbs' activities on the night of the crimes, when he washed his clothes and sheets at odd hours for no reason other than to hide evidence from the crimes.

- A sworn affidavit that refutes hearsay evidence from Echols' trial. The mother of one of two girls who testified that they overheard Echols admit to the crime at a softball game now says that Echols' statement was not serious and that neither she nor her daughter believes he committed the crime.

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Website Design and Programming by Bill Young Productions, Inc.

EXHIBIT 4

WM3 CALL TO ACTION
2:01pm on November 21, 2007



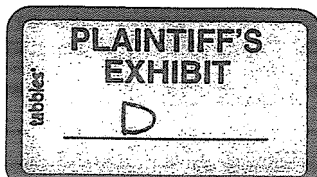
I'm writing this letter today because three men have spent the past 13 years in prison for crimes they didn't commit. On May 5th, 1993 in West Memphis, Arkansas three 8 eight-year-old boys, Steve Branch, Christopher Byers, and Michael Moore were murdered. Three teenage boys, Damien Echols, Jesse Misskelley, and Jason Baldwin were convicted of the murders in 1994. Jason Baldwin and Jesse Misskelley received life sentences without parole, and Damien Echols sits on death row. I encourage everyone to see the HBO documentaries, Paradise Lost and Paradise Lost 2 for the whole history of the case. I only discovered the films about 6 months ago, and when I finished Paradise Lost 2 I immediately got online to make sure that these three wrongly convicted boys had been set free since the films were released. My heart sank when I learned that the boys were now men and were still in prison. I couldn't believe it. I searched for answers as to what had been done and what was being done to correct this injustice. I donated to the defense fund and received a letter from Damien Echols wife, Lorri. She is a lovely woman who has dedicated her time and heart to her husband. I was glad to hear that after so many years of fighting for justice it looked like things were finally happening. Below, I have written what the DNA and forensics evidence shows. I hope after reading it and looking at the WM3.org website, you will know that the wrong guys are sitting in jail right now, and feel compelled to help. Inspired and determined to see the justice system work, many people have worked on this case pro bono for the past 13 years. However, there are still costs that go along with the process of freeing these three men. There has been a wonderful resurgence of interest by the media for this case, but nobody mentions the need for funds. Donations to the defense fund are desperately needed. DNA and forensics tests are expensive. They are also what will finally set these men free. Due to so many people's passion and generosity, what would normally be a case that costs millions is costing a fraction of that. I know around the holidays we all get inundated with deserving causes and charities that are in need of donations, but this can't wait! With all of the new evidence things are finally moving, and fast! Any money that you can donate is desperately needed to pay for the experts and the federal court hearing that is just weeks away. There is also a letter campaign that has been started by a new and energized group of people in Arkansas. By clicking on this link, you can download the sample letter. Signing and sending this letter makes it very difficult for this case to be ignored. Please mail the letters to the following address:

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Sincerely,
Natalie Maines Pasdar



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-DNA tests also show that a hair belonging to Terry Hobbs, the step-father of one of the victims, was found in the ligature of one of the victims.

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EXHIBIT 5

NashvilleGab Video:

Thank you. I have papers will help better. I just wanted to say thanks for being here today and I think every face and person does make a difference and I think these letters will matter. I think it's important for our elected officials don't know about but all elected officials to know that we are watching them and we care about the decisions that they make and what they pay attention to so I think it does matter that each one of you is here today and that people sign these petitions. You know people ask me all the time why I am interested in this and why I'm involved and I think looking around at these postcards and letters is exactly why I'm here. When you see the films and when you go to the website and you learn about the case and all the evidence that is there now you just feel like what can I do? Any little thing and everyone you know these people from around the world wrote a postcard and I went on the website and learned more and donated to the defense fund and got a response from Laurie and started a dialog and relationship with her and I'm here because she asked me to be here and you just want to do anything you can to right this wrong and I remember just feeling - I'm just amazed that these guys are still in prison and that they turn into men in prison. It's not about opinion any more. It's not about debate. It's about science and I've tried to find negative comments and it's hard to find - it's hard for people to open their mouths or debate something that has now been scientifically proven, something I knew in my gut after I watched the films that these three guys did not do these crimes. So I just wanted to say I'm honored to be here. Laurie is a wonderful wonderful person and she's what has kept this going for 14 years and made people not to forget about the West Memphis Three so I'm just happy to be here and I urge you all to go WM3.org and donate to the defense fund. The donations is what has paid for the forensic tests and the DNA testing that's going to set these men free so thank you very much.

EXHIBIT 6

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

TERRY HOBBS,
Plaintiff,

v.

NATALIE PASDAR, et al.,
Defendants.

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CV NO.: 4-09-CV-0008BSM

DECLARATION OF LORRI DAVIS

I, Lorri Davis, declare as follows:

1. "My name is Lorri Davis. I am over the age of 21 and competent to give this declaration.
2. All of the information set forth herein is within my personal knowledge and is in all things true and correct.
3. I am the wife of Damien Echols. I am a lead activist in the fight to free Damien Echols ("Echols"), Jason Baldwin ("Baldwin") and Misskelley ("Misskelley"), who are known as the West Memphis 3 (collectively, the "WM3"). I
4. The publishing and recording industries have seized on the Murders, the trials, the victims, the victims' families, the WM3, whether or not the WM3 were actually the killers and whether the WM3 were wrongfully convicted (collectively, the "Events"). The Events have been a topic of great national and international interest for many years, particularly whether the WM3 were wrongfully convicted. In fact, the issue of whether the WM3 were wrongfully convicted has resulted in nationwide press coverage of the Events. Several nonfiction books about the Robin Hood Hills Murders, the WM3, the victims and their families have been written and nationally distributed, including the 1995 book *Blood of Innocents: The True Story of Multiple Murder in West Memphis, Arkansas*, the October 2002, book, *The Devil's Knot: The True Story of the West Memphis 3*, and Echols' own June 3, 2003 book, *Almost Home: My Life Story Vol 1*. These books are currently available for purchase at local bookstores and on websites such as Amazon.com. Additionally, a collection of essays and fiction writings, *The Last Pentacle of the Sun: Writings in Support of the West Memphis 3*, was published as a fundraiser for the Damien Echols Defense Fund in October, 2004. In 1996, the film *Paradise Lost* was released and the Hobbs interview was broadcast across the country on cable channel HBO. The film has been available for viewing ever since, through DVD and VHS rentals and purchases. Both *Paradise Lost* documentaries have been critically acclaimed: the first

documentary won multiple awards, including a Peabody Award and an Emmy Award for Outstanding Achievement in Informational Programming, and it was nominated for several other awards.

5. The nationwide publicity surrounding the WM3 case has created a large network of active WM3 supporters.
6. Echols receives over 2000 letters and cards each year. The WM3.org website, which is devoted to freeing the WM3, receives an average of 70,000 "hits" per month. I estimate that I have fielded more than 10,000 emails and letters regarding the case since 1996.
7. Numerous celebrities including: comedienne Margaret Cho, rock group Pearl Jam lead singer Eddie Vedder, actor Will Ferrell, actress Winona Ryder, singer Henry Rollins, members of the rock group Metallica and many others have all made pleas for funds and donated their music, their images and their time, to the WM3 cause. Even a musical album entitled "Free the West Memphis 3" has been nationally released with songs by Eddie Vedder, Tom Waits, Steve Earle, and L7.
8. Since the convictions of the WM3, new evidence has come to light, including DNA test results as discussed in recent federal court filings. The DNA testing was performed by the Bode Lab in Virginia, which has been approved by the State of Arkansas for use in criminal proceedings. As the head of the Damien Echols Defense Fund, I have been intimately involved in hiring investigators and publicists to assist in information gathering and public relations in Echols' case. In so doing, I have made a point to stay apprised of the investigation and new evidence and provide input as to how information regarding that evidence is disseminated to the public. Specifically, I was involved funding DNA testing in the Echols case, and the investigators and defense team kept me informed of any new DNA test results or other new evidence as soon as such information was available. In May 2007, the DNA test results and analysis came back, and Dennis Riordan informed me of the possible link between Hobbs and a hair found at the crime scene in the ligature binding Michael Moore. At that time, it was not the strategy of the Damien Echols Defense Fund, or to the best of my knowledge, anyone else affiliated with the WM3, to make public the DNA test results. Based on conversations with the publicists and investigators working for the WM3, it is also my understanding that no one affiliated with the WM3 leaked the news of the Hobbs DNA evidence to the press. It is my understanding that during the course of their investigation, Ron Lax and the WM3 investigators alerted Hobbs to the fact that the DNA tests had revealed a hair matching his in the ligature of Michael Moore.
9. On October 29, 2007, Echols filed a Second Amended Petition for Writ of Habeas Corpus by a Person in State Custody ("Habeas Petition.") and a Memorandum of Points and Authorities in Support of Second Amended Petition for Writ of Habeas Corpus ("Habeas Memo"), with new evidence in support, requesting this Court set aside his conviction and sentence.

10. The Habeas Petition filing was over 200 pages and included the DNA evidence made the subject of Hobbs' lawsuit against Ms. Pasdar.
11. Echols has been represented throughout the Habeas proceeding by, among others, San Francisco attorney Dennis Riordan.
12. Near the time of the filing of the Habeas Petition, the Echols defense team put out a press release (originally drafted by Echols' publicist Alice Leeds) summarizing the new evidence in the Echols case (the "Press Release"). A true and correct copy of the Press Release is attached to Pasdar's Appendix of Summary Judgment Evidence as **Exhibit 12**. A draft of the Press Release was circulated by three of Echols' lawyers, Dennis Riordan, Donald Horgan, Gerald Skahan and to me for approval. We all approved the draft of the Press Release. A true and correct copy of the email from Ms. Leeds to the lawyers and me forwarding the draft of the Press Release is attached to Pasdar's Appendix of Summary Judgment Evidence as **Exhibit 32**. The bullet points summarizing the evidence contained in the Press Release (**Exhibit 12**) are identical to those same points listed in the draft of the Press Release circulated and approved by the attorneys and me (**Exhibit 32**). The Habeas Petition and all other aspects of the WM3 cases have been public: the trials were held publically, the post-conviction filings have been filed publically, and the Habeas hearing will be a public hearing.
13. The Press Release set forth the following bullet points which listed the new forensic evidence discussed in the Habeas Petition or otherwise in the possession of the defense team:
 - DNA test results showing that a hair found in the ligature of one of the victims matches Terry Hobbs, the step-father of another one of the victims.
 - DNA test results showing foreign DNA - on the penises of two of the victims - from someone other than Echols or the other two men who were convicted.
 - DNA test results matching a hair at the crime scene to a man who was with Terry Hobbs on the day of the crimes. This places Hobbs at the scene of the crime, since it refutes any theory that the Hobbs' hair (found in the ligature of one of the victims) was there before the crime.
 - Scientific analysis from some of the nation's leading forensics experts, stating that wounds on the victims' bodies were caused by animals at the crime scene - not knives used by the perpetrators, as the prosecution claimed at the time of the trials. These wounds were the centerpiece of the prosecution's case, and evidence was presented that a knife recovered from a lake near one defendant's home caused the wounds. The conclusive expert analysis showing that animals caused the wounds after the victims died also undercuts the testimony of a jailhouse informant (who testified about Echols using a knife to cause the wounds) and a discredited "expert" who testified that the knife wounds were part of a satanic ritual.

- Sworn affidavits outlining new evidence uncovered by (Pam Hobbs) (the ex-wife of Terry Hobbs) who found a knife in Terry Hobbs' drawer that her son (one of the victims) had carried with him at all times. After her son was killed, the knife was not among his personal effects that police gave to the Hobbs family, and Pam Hobbs always assumed that her son's murderer had taken it during the crime.
 - New information implicating Terry Hobbs – including his own statements made to police in recent interviews where he acknowledged that several of his relatives suspect him in the crime. The filing also includes a chronology of Hobbs' activities on the night of the crimes, when he washed his clothes and sheets at odd hours for no reason other than to hide evidence from the crimes.
 - A sworn affidavit that refutes hearsay evidence from Echols' trial. The mother of one of two girls who testified that they overheard Echols admit to the crime at a softball game now says that Echols' statement was not serious and that neither she nor her daughter believes he committed the crime.
14. The following bullet point in the Press Release is also exculpatory evidence as it pertains to suspicion of Terry Hobbs: "DNA test results show foreign DNA from someone other than Echols, Misskelley, or Baldwin on the penises of two of the victims."
15. On November 2, 2007, Echols' attorneys held a press conference to discuss the Habeas Petition and the new evidence ("Press Conference"). I am the custodian of records for the Damien Echols Defense Fund. Attached to Pasdar's Appendix of Summary Judgment Evidence as **Exhibit 12** ("Press Release"), **Exhibit 13** ("Press Conference Transcript"), **Exhibit 33** ("Pasdar WM3 Emails"), **Exhibit 34** ("Davis Summary Email", **Exhibit 37** ("Pasdar Donation Email"), **Exhibit 36** ("Pasdar Letter Emails") and **Exhibit 38** ("Davis Rally Emails") are true and correct copies of thirty-four (34) pages of memorandum, reports, records, or data compilation, of acts, events, conditions or opinions, made at or near the time of those acts, events, conditions or opinions by, or from information transmitted by, a person with knowledge of those acts, events conditions or opinions. These records have been kept in the course of the Damien Echols Defense Fund's regularly conducted business activities, and it is the regular practice of the Damien Echols Defense Fund to make such memorandum, reports, records or data compilations.
16. At the Press Conference, in addition to discussing the Echols Petition generally and the arguments made therein, the Echols lawyers and experts specifically discussed Terry Hobbs and his relationship to the evidence, including his whereabouts and actions on the night of the Murders, Pam Hobbs' discovery Stevie's pocketknife in Terry Hobbs' possessions, and Pam Hobbs' family's suspicions that Hobbs was involved in the Murders.

17. At the Press Conference, the experts and attorneys also discussed evidence related to the lake knife and lack of knife wounds on the victims, postmortem animal injuries, and foreign DNA on the penis of Steven Branch which could not be linked to any victim or defendant.
18. Former FBI criminal profiler John Douglas at the Press Conference expressed his opinion that the killer's profile was consistent with Terry Hobbs.
19. A video of the Press Conference was immediately posted on the WM3.org website where it has remained available for public viewing ever since.
20. The video of the Press Conference is also available on YouTube or through a simple Google search of "West Memphis 3 Press Conference."
21. The Press Conference, the Press Release, and Terry Hobbs, received substantial national attention.
22. Natalie Pasdar contacted me to discuss the trials, the appeals and the evidence related to the WM3.
23. From May 2007 to present, Pasdar and I communicated informally through email and phone calls, and I educated Pasdar about the Murders, the wrongful convictions of the WM3, the evidence and the WM3 attempts to be released from Prison.
24. On June 28, 2007, Pasdar donated money to the Damien Echols Trust Account to assist with his legal fees, as reflected in **Exhibit 37**.
25. Pasdar also actively sought updates and information about the case from those familiar with the WM3 and involved in the effort to prove their innocence.
26. On November 12, 2007, Pasdar emailed me about the ANDERSON COOPER 360 SHOW, and **Exhibit 33** is a true and correct of that email exchange.
27. As noted in **Exhibit 33**, Pasdar told me in early November 2007 that she was thinking of ideas for raising money for the Echols defense team.
28. As noted in **Exhibit 33**, soon thereafter, Pasdar, with the help of her managers at Strategic Artist Management, began trying to organize a screening of the *Paradise Lost* films in Los Angeles to raise awareness of and money for the WM3.
29. As noted in **Exhibit 33**, on November 16, 2007, Pasdar informed me that she was taking further action; she was "putting a letter together . . . with a link to find out more information and donate."
30. At that time, Pasdar again donated to the defense fund.

31. On November 17, 2007, I emailed Pasdar a document titled "Summary of New Evidence in Damien Echols (and the "West Memphis 3") Case" ("Summary"), and **Exhibit 34** is a true and correct copy of that Summary and email exchange.
32. This Summary (**Exhibit 34**) is the final version of the draft of the Press Release prepared by publicist Alice Leeds and circulated to Echols' defense attorneys Riordan, Donald Horgan and Gerald Skahan and to me. I approved the Press Release, and it is my understanding that the lawyers approved it as well. **Exhibit 12** is a true and correct copy of that final Press Release.
33. The Press Release (**Exhibit 12**)/Summary (**Exhibit 34**) contained information which had been public since July 2007.
34. I offered the Summary to Pasdar as a list of possible "talking points" for the fundraising letter Pasdar was putting together.
35. The following are bullet points of evidence contained in the Summary I sent to Pasdar (they are identical to the bullet points in the Press Release released to the Press).
 - DNA test results showing that a hair found in the ligature of one of the victims matches Terry Hobbs, the step-father of another one of the victims.
 - DNA test results showing foreign DNA - on the penises of two of the victims - from someone other than Echols or the other two men who were convicted.
 - DNA test results matching a hair at the crime scene to a man who was with Terry Hobbs on the day of the crimes. This places Hobbs at the scene of the crime, since it refutes any theory that the Hobbs' hair (found in the ligature of one of the victims) was there before the crime.
 - Scientific analysis from some of the nation's leading forensics experts, stating that wounds on the victims' bodies were caused by animals at the crime scene - not knives used by the perpetrators, as the prosecution claimed. These wounds were the centerpiece of the prosecution's case, and evidence was presented that a knife recovered from a lake near one defendant's home caused the wounds. The conclusive expert analysis showing that animals caused the wounds after the victims died also completely undercuts the testimony of a jailhouse informant (who testified about Echols using a knife to cause the wounds) and a discredited "expert" who testified that the knife wounds were part of a satanic ritual.
 - Sworn affidavits outlining new evidence uncovered by Pam Hobbs (the ex-wife of Terry Hobbs) who found a knife in Terry Hobbs' drawer that her son (one of the victims) had carried with him at all times. After her son was killed, the knife was not among his personal effects that police gave to the

Hobbs family, and Pam Hobbs always assumed that her son's murderer had taken it during the crime.

- New information implicating Terry Hobbs – including his own statements made to police in recent interviews where he acknowledged that several of his relatives suspect him in the crime. The filing also includes a chronology of Hobbs' activities on the night of the crimes, when he washed his clothes and sheets at odd hours for no reason other than to hide evidence from the crimes.
- A sworn affidavit that refutes hearsay evidence from Echols' trial. The mother of one of two girls who testified that they overheard Echols admit to the crime at a softball game now says that Echols' statement was not serious and that neither she nor her daughter believes he committed the crime.

36. On November 20, 2007, Pasdar emailed me a draft of her letter and asked for feedback. I enthusiastically approved of the letter and believed that the words stated therein were true and correct. Attached to Pasdar's Appendix of Summary Judgment Evidence at **Exhibit 36** ("Pasdar Letter Emails") (DAVIS 024-026) is a true and correct copy of that email exchange between me and Pasdar.
37. It was obvious from Pasdar's letter that she "parroted" the Press Release/Summary in the postscript portion of her letter.
38. The Summary (**Exhibit 34**) is a summary of the evidence made public by the WM3 defense team at a major Press Conference almost one month before Pasdar posted her Letters
39. I have reviewed the Habeas Petition, Memo and Evidence. The Habeas Petition, Memo and Evidence, correctly reflect and summarize what evidence "will be presented in the federal court hearing." The evidence relied on by Pasdar in the Letters is in fact included in the Habeas papers
40. In early December, 2007, I asked Pasdar to make remarks at a WM3 Rally. **Exhibit 38** is a true and correct copy of that email exchange.
41. To help Pasdar prepare her remarks, publicist Alice Leeds prepared a "Summary Message Points for Little Rock Rally."
42. Pasdar delivered her remarks at the Rally on December 19, 2007. At no time during the rally did Pasdar mention or refer to Hobbs. All of Pasdar's statements at the rally were true and correct.
43. All of Pasdar's statements, in both the Letters and at the Rally, are comments upon the same issues of public concern or controversy that the press and public had been speaking since 1994: whether the WM3 were wrongfully convicted.
44. This question of whether the WM3 committed the murders and other related questions like Did law enforcement thoroughly investigate? Were the WM3

adequately represented at trial? Why is Hobbs not a suspect? go directly to the heart of public concern and controversy.

45. Free and open debate on the workings and efficacy of law enforcement and the criminal justice system is necessary to a free and just democratic society. Citizens are interested in these issues.
46. Citizens of this country care about whether "the system" works. They care about whether it worked in this specific instance because citizens want the government to "get it right" and do so in a fair and just manner.
47. All Americans' interests in their government safety, fairness and abuse of power are fundamental. Though Murders occurred in Arkansas, the nationwide and worldwide support for the WM3 exemplifies the commonality of this intense global interest in ensuring that governments do not abuse power at the expense of individual rights."

I declare under penalty that the foregoing is true and correct and that this declaration was executed in Pulaski County, Arkansas.

Dated: 8.18.09.

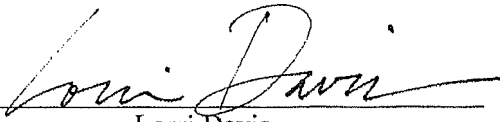
By: 
Lorri Davis

EXHIBIT 7

1 IN THE UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF ARKANSAS
WESTERN DISTRICT

3 TERRY HOBBS,

4 Plaintiff,

5 VS.

CV NO.: 4-09-CV-0008BSM

6 NATALIE PASDAR, Individually,
7 and NATALIE PASDAR, EMILY
8 ROBISON, and MARTHA SIEDEL,
9 d/b/a DIXIE CHICKS,
DEFENDANTS.

10
11
12
13 DEPOSITION
14 OF
15 ROSS A. SAMPSON
16 July 23, 2009
17 MEMPHIS, TENNESSEE
18
19
20

21 ATKINSON-BAKER, INC.
22 COURT REPORTERS
500 North Brand Boulevard, Third Floor
23 Glendale, California 91203
(818) 551-7300
www.depo.com
24 REPORTED BY: DANETTE CROUCH, CSR
FILE NO.: A306814

1 The deposition of ROSS A. SAMPSON is
2 taken on behalf of the Defendants, on this the
3 23rd day of July, 2009, pursuant to notice and
4 consent of counsel, beginning at approximately
5 9:08 a.m. in the offices of Ross A. Sampson, 605
6 Poplar Avenue, Memphis, Tennessee, 38105, (901)
7 575-9922.

8 This deposition is taken pursuant to
9 the terms and provisions of the Federal Rules of
10 Civil Procedure.

11 All forms and formalities, including
12 the signature of the witness, are waived and
13 objections alone as to matters of competency,
14 relevancy and materiality of the testimony are
15 reserved, to be presented and disposed of at or
16 before the hearing. Objections as to the form
17 of the question must be made at the taking of
18 the deposition.

19

20

21

22

23

24

A P P E A R A N C E S

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VIDEOGRAPHER: GENE CHAMBERS, CCVS

1 A Oh, yeah.

2 Q And when I refer to "those events,"
3 I'm talking about a sequence of events. And let
4 me define my term "events" for you. There's
5 been substantial national press coverage of the
6 murders themselves.

7 A Uh-huh.

8 Q I need you to say "yes" or "no" for
9 the court reporter.

10 A Oh, I'm sorry. Yes.

11 Q There's been substantial national
12 press coverage of the arrest, trial and
13 conviction of the West Memphis 3.

14 A Correct.

15 Q There's been expansive national press
16 regarding the appeals filed by the West Memphis
17 3.

18 A True.

19 Q And there's been significant and
20 expansive national press coverage and attention
21 given to whether the West Memphis 3 were
22 actually the murderers that committed the
23 murders on May 5th of 1993.

24 A Correct.

1 Q And there's been expansive national
2 press attention regarding the families of the
3 victims themselves.

4 A I would -- the families, not really.
5 More so the event. Yeah, I would agree with
6 that, on the event itself; but the families,
7 they're kind of -- not really.

8 Q You would certainly agree that there's
9 been expansive national attention given to
10 Mr. Hobbs?

11 A Yes and no. Sure. Because he's the
12 stepfather.

13 Q Because he's the stepfather, exactly.
14 There has -- there have been interview requests
15 made from press outlets across the country
16 seeking to interview Mr. Hobbs; correct?

17 A Correct.

18 Q And that's gone on literally since the
19 time of the murders.

20 A Yeah, yeah, sure.

21 Q And certainly by early 2007, when this
22 DNA evidence was released, the press coverage of
23 Mr. Hobbs in particular became much more heavy.

24 A Oh, after the release of the -- of

1 course, sure.

2 Q And I understand you don't have the
3 full chronology in front of you right this
4 second, and we'll go through a few of these news
5 articles; but if I represent to you that in May,
6 June and July of 2007 it was made public that
7 Mr. Hobbs' DNA was a match for a hair found at
8 the crime scene, if that was made public,
9 then ---

10 A Uh-huh.

11 Q --- it's fair to say that the press
12 coverage of Mr. Hobbs has been particularly
13 intense nationally since that time.

14 A Since that -- well, during that time
15 period it did, but it ebbs and -- it ebbs and
16 flows with whatever new -- new thing happens
17 with this case.

18 Q Certainly from May, June, July of 2007
19 through the remainder of 2007 there was heavy
20 national press attention on Mr. Hobbs.

21 A I don't -- I guess the answer to that
22 would be -- was that the time period I was
23 involved in this?

24 (Whereupon, Exhibit No. 9

1 was marked to the testimony
2 of the witness.)

3 Q (By Ms. Davis) Yeah, and let me ---

4 A Okay.

5 Q And I will show you some news
6 articles.

7 A Uh-huh.

8 Q The DNA evidence comes out certainly
9 by July of 2007.

10 A Okay.

11 Q The press conference by the West
12 Memphis 3 and Damien Echols' lawyers is on
13 November 1st of 2007.

14 A Okay.

15 Q And you and Mr. Hobbs appear on the
16 national cable television show, Anderson Cooper
17 360 ---

18 A Right.

19 Q --- on I believe November 7th of 2007.

20 A That sounds about right.

21 Q So, if we look at that as the
22 chronology -- and I'll prove that to you here in
23 a second.

24 A Right.

1 scene ---

2 A Uh-huh.

3 Q --- occurred and was made public in
4 July of 2007 ---

5 A Uh-huh.

6 Q --- then -- just press coverage, not
7 that you were involved in it.

8 A Right.

9 Q But just press coverage of Mr. Hobbs
10 was intense ---

11 A Uh-huh.

12 Q --- from July of 2007 through the end
13 of 2007.

14 A Okay.

15 Q Is that a fair statement or do you
16 just not know?

17 A Well, like I said, I'm pretty sure
18 that my involvement with this was maybe a
19 three -- two-, three-week period, end of
20 October, November. And that's just what I'm
21 recalling, but I just don't remember the summer
22 of '07.

23 Q Fair enough. And that will narrow the
24 time period that we ---

1 A Yeah.

2 Q --- that we can focus on. In one of
3 the articles -- and I'll show you all these in
4 just a moment. But in one of the articles it
5 appears that there is a statement that Mr. Hobbs
6 hired you on Monday, October 29th, 2007; and I
7 don't know that hire is the right word. Maybe
8 it's retained. But that you began to represent
9 Mr. Hobbs as his spokesperson with the media
10 around October 29th of 2007. Does that sound
11 right to you?

12 A I can run with that, yes.

13 Q And where then would you draw the line
14 and say that you were no longer representing
15 Mr. Hobbs as spokesperson to the media, if there
16 has been an end to that?

17 A Right. Well, I guess to that end, I
18 can't give you a definitive date; but, like I
19 said, that time period, it was, you know, maybe
20 a two- to three-week time period of dealing with
21 the various media requests, the various denials
22 of whatever people were implying with
23 everything; and I think the apex of it all was
24 the Anderson Cooper, and that was pretty much

1 it. Maybe locally -- a couple of things
2 locally, but ---

3 Q Okay. And if -- if we then were
4 thinking about October 29th as being the start,
5 November 7th of 2007 as being Anderson Cooper,
6 and you're saying two or three weeks, it would
7 certainly ---

8 A Yeah.

9 Q --- be fair by the end of November
10 2007 you were no longer Mr. Hobbs' spokesperson.

11 A That would be fair to say as far as
12 any other appearances or things like that. I'm
13 sure I've had, you know, several phonecalls from
14 him over time. It hasn't been cut off like
15 that, but as far as anything publicly done, yes.

16 Q If I represent to you that after
17 November of 2007 Mr. Hobbs has given a number of
18 interviews to the press in which he's discussed
19 the DNA, whether he was involved in the murders,
20 his book deal, the state of his marriage, the
21 state of his family, a number of topics ---

22 A Right.

23 Q --- would that sound correct to you?
24 Have you seen those articles?

1 Q Do you -- do you recall whether you
2 received any fees for your work as Mr. Hobbs'
3 spokesman to the media?

4 A During that time period?

5 Q Yes.

6 A No.

7 Q And let me ask you this: Was there
8 any other time period, besides late October,
9 early November of 2007, where you acted as a
10 spokesperson or an intermediary between
11 Mr. Hobbs and the press?

12 A Not -- no.

13 (Whereupon, Exhibit No. 10
14 was marked to the testimony
15 of the witness.)

16 Q (By Ms. Davis) Let me show you
17 Deposition Exhibit No. 10, which is, for the
18 record, Stipulation 1, Exhibit 24. It's a My
19 Fox Memphis news article in which -- the title
20 is, "Hobbs attorney unconcerned by new West
21 Memphis 3 evidence." And I direct your
22 attention to the paragraph that says, "Hobbs
23 would only speak through his attorney."

24 A Uh-huh.

1 Q "Hobbs hired him Monday after learning
2 his name was involved in the latest effort to
3 free the West Memphis 3," and you can see the
4 date of this article is October the 31st. I
5 just wanted to point out, that's where I'm
6 getting the October 29th, 2007 date.

7 A Understood.

8 Q So, does that sound right?

9 A Uh-huh, sure.

10 Q Your comments are that, "This doesn't
11 really affect us at all," and that, "The
12 perception is that this is somehow an accusation
13 against Mr. Hobbs, and we don't perceive that as
14 such." What did you mean by those comments?

15 A That was my interpretation of what --
16 of the process that's going on in Arkansas
17 regarding the pending appeal.

18 Q The date of this Deposition Exhibit
19 No. 10 is October 31st of 2007.

20 A Uh-huh.

21 Q And that happens to be the date that
22 Damien Echols was filing his habeas corpus
23 petition appealing essentially the judgment that
24 had been entered against him.

1 A Uh-huh.

2 Q Is that one of the reasons that you
3 chose to give the interview on October 31st,
4 2007, that is to say, because Mr. Echols was
5 filing his habeas corpus petition?

6 A No. No, no, no. That's to say
7 because the evidence that was I guess -- I don't
8 even want to call it evidence. The information
9 that was -- that was being I guess distributed
10 to the media, it was being interpreted
11 incorrectly.

12 Q And when you mention the information
13 that was being distributed to the media ---

14 A Uh-huh.

15 Q --- you were talking about the fact
16 that the West Memphis 3 attorneys and defense
17 team and investigators ---

18 A Uh-huh.

19 Q --- were distributing information to
20 the media regarding several things: the DNA ---

21 A Uh-huh.

22 Q --- evidence, the filing of the habeas
23 corpus, and other forensic evidence ---

24 A Right.

1 Q --- that they were going to raise to
2 get Damien Echols out of jail?

3 A Right, but primarily it was the DNA --
4 DNA evidence.

5 Q And that is the DNA evidence that I
6 believe you recognize had been in the public
7 purview for several months prior to
8 October 31st of 2007.

9 A Sure.

10 Q But there was a new heat being raised
11 about that evidence as a result of Mr. Echols'
12 habeas filing and the subsequent or
13 contemporaneous information being given to the
14 press by that defense team.

15 A Yes.

16 Q In fact, you will recall that around
17 October 31st -- I believe it was
18 November 1st of 2007 ---

19 A Uh-huh.

20 Q --- the Damien Echols defense team and
21 investigators gave a press conference setting
22 forth all of this evidence that they had,
23 including the evidence that they claimed
24 implicated Mr. Hobbs.

1 A Correct.

2 Q Including the DNA evidence.

3 A Correct.

4 Q And there was also about that same
5 time, meaning November 1st of 2007, a press
6 release that the West Memphis 3 lawyers and
7 publicists and investigators had issued to the
8 media regarding the filing, the forensic
9 evidence, the DNA and whatnot; correct?

10 A If I remember right, yes.

11 Q And as a direct result of the press
12 attention focused on Mr. Hobbs through the
13 actions of the West Memphis 3 defense team and
14 investigators, you stepped in to try to make
15 some clarification.

16 A Sure.

17 Q Is it fair to say that you were trying
18 to get Mr. Hobbs' version of events out there?

19 A No. No, I was trying to just get him
20 some relief. A version of events that kind of
21 implicate or says, "We've got a story." It was
22 more so to defend Mr. Hobbs. He's -- at that
23 time, he was going through a lot.

24 Q And what do you mean by that?

1 A Just with all the press coverage and
2 all of the other things that being connected
3 with such a -- I guess a horrific event, he
4 was -- you know, he was just -- he's just a
5 regular dude.

6 Q And, of course, with regard to the
7 horrific event, you're talking about the murder
8 of the stepson?

9 A Right, right, right.

10 Q And it's fair to say that from 1993
11 through to the end of 2007, there was continuous
12 press coverage on these events; although, as
13 you've testified ---

14 A Right.

15 Q --- it ebbed and flowed in intensity?

16 A Right, right. And you have to
17 understand, like I -- I believe I met Mr. Hobbs
18 in 2006. I didn't know, you know, what the West
19 Memphis 3 was until I met these people. Then I
20 actually read the -- you know, read up on it to
21 figure out what -- you know, what they were
22 talking about.

23 Q And there has been -- in addition to
24 the newspaper articles and TV coverage about the

1 you also have given an interview. Is that
2 correct?

3 A Looks like it, yes.

4 Q And your -- your comment is, "The
5 allegation itself is ridiculous." And what did
6 you mean by that statement?

7 A Let me look at it. (Witness reading:
8 allegation, DNA evidence, allegation) -- I'm --
9 I have to think back, but I'm sure I was -- the
10 allegation that Mr. Hobbs had something to do
11 with the murder of the stepson is ridiculous.

12 Q And so -- you need to take a break?

13 A Excuse me. Huh-uh.

14 Q And so, in giving this interview, one
15 of your goals was to get out -- in response to
16 the media request, get out the position of Terry
17 Hobbs that he was not involved in the murders?

18 A Of course.

19 Q And there's a statement that says,
20 "Hobbs is not talking now after defense
21 attorneys filed a 700-page document in federal
22 court detailing new evidence." I won't walk you
23 through that same list of questions; but in
24 short, this interview was given much like the

1 last one, as a response to the intense media
2 coverage brought on by the actions of the West
3 Memphis 3' defense and investigators.

4 A Okay. Say that again, please.

5 Q Sure. This interview was given much
6 like the last one, in response -- the date of
7 this is November 1st.

8 A Okay.

9 Q --- in response to the filing of the
10 habeas corpus, the new evidence that was out
11 there, and the media efforts made by the West
12 Memphis 3 investigators and defense.

13 A Okay. It may have been -- if I
14 remember, it may have all been the same thing.
15 Because this was on Channel 5. This one -- and
16 this was on Fox. So I want to say they all did
17 this at the same time ---

18 Q Let me ask you about this.

19 A --- but I don't know.

20 Q That's a great question.

21 A Yeah.

22 Q Do you have any independent
23 recollection as to whether you gave some sort of
24 press conference at which other -- you know,

1 multiple news outlets were invited?

2 A I think they were here. Because all
3 of that was -- it was just a -- like I said,
4 we're talking about a very short period of time.
5 I want to say the locals did everything in one
6 field swoop. I'm -- but I can't really recall.
7 It might have been two or three of them and then
8 one on the side or something like that.

9 Q Meaning likely that two or three came
10 at once to your office ---

11 A Correct.

12 Q --- you gave some comments, they each
13 wrote their individual articles ---

14 A Right.

15 Q --- and then you may have given two or
16 three separate interviews?

17 A Something like that.

18 Q Fair enough.

19 A Maybe.

20 Q Certainly ---

21 A I'm fidgeting now.

22 Q Certainly -- I think the videographer
23 can keep up with you. Are we okay?

24 A Yeah. I'm sorry. I'm sorry.

1 Q Certainly you felt that Mr. Hobbs had
2 authorized you to give these interviews that
3 appears in these news articles?

4 A I believe so, yes.

5 Q And he never complained to you about
6 your speaking to the press?

7 A No.

8 Q And you certainly spoke to him about
9 your speaking to the press before you did so?

10 A Right.

11 Q Are there any other interviews that
12 you can recall, other than the two that we've
13 walked through, which may have just been one ---

14 A Uh-huh.

15 Q --- with regard to those deposition
16 exhibits, the two or three that may have
17 occurred by phone, and the one we're going to
18 talk about here in just a moment, which is the
19 Anderson Cooper 360 interview?

20 A Uh-huh. Are there any others?

21 Q Right.

22 A I don't -- not that I can recall.

23 Q And if Mr. Hobbs spoke to the press
24 after let's say the end of November 2007, after

1 A I want to say it was in 2006. It
2 might have been -- might have been cold. So it
3 may have been, like, late winter, early spring
4 2006.

5 Q And walk me through how you came to be
6 involved with Mr. Hobbs.

7 A I received a phonecall. I don't know
8 if it was a referral or not, but it -- it was
9 kind of a strange thing because somebody was
10 telling me -- I want to say I received a
11 referral about these people that needed some
12 help with some movie. And you get cold calls
13 like that. So I called them back and it ended
14 up being Mr. and Mrs. Hobbs.

15 Q And when you say "Mrs. Hobbs," you're
16 referring to Pam Hobbs?

17 A Yes.

18 Q And is it fair to say that you
19 represented both Mr. Hobbs and Mrs. Hobbs in
20 this sale of rights to a film company?

21 A Correct.

22 Q And what is your understanding of the
23 parameters of that work that you did for Mr. and
24 Mrs. Hobbs?

1 A If I remember right, it was for a sum
2 certain. They would get a cash payment in
3 exchange for access by the people that were
4 filming the -- the movie; and if I remember
5 right, there was a time frame in which they --
6 they have access.

7 Q And certainly in doing your due
8 diligence with the Hobbses, you advised them
9 that if they entered a deal like this that their
10 life was going to be made public.

11 A Well, I didn't advise them as far as
12 their lives being made public. I more so
13 advised them as far as what the contractual
14 restrictions would be, what they could not --
15 what they could and could not do individually.

16 Q Did you tell them to expect that if
17 they sold these rights, that the detail -- these
18 life rights ---

19 A Uh-huh.

20 Q --- that the details of their lives
21 could be portrayed in a movie?

22 A Of their own lives?

23 Q Yes.

24 A I told them that that was a

1 possibility, yes. But I didn't really see that
2 as being -- I don't -- the story is not the
3 parents. The parents of these children wouldn't
4 be the stars.

5 Q Wouldn't be the stars, but
6 certainly ---

7 MS. DAVIS: And let me mark this
8 as Deposition Exhibit No. 14.

9 (Whereupon, Exhibit No. 14
10 was marked to the testimony
11 of the witness.)

12 Q (By Ms. Davis) I will put the -- at
13 least a draft version of the contract --

14 A Right.

15 Q --- that was ultimately entered into.
16 This is an unsigned version.

17 A Uh-huh.

18 Q Let me just back up and ask you if
19 that looks like a true and correct copy of at
20 least one draft of this contract between Mr. and
21 Mrs. Hobbs and Dimension Films regarding the
22 rights to their story.

23 A Looks like it. I haven't seen it in a
24 while.

1 Q Right. And I will just direct your
2 attention, while you're looking, to one, two,
3 three, four, five -- the fifth line, end of
4 fourth line. Talks about, "with respect to the
5 purchase by company of all rights in and to the
6 stories -- to the life stories of owner and
7 Steven Branch, the deceased son of Pam Hobbs and
8 Terry Hobbs" ---

9 A Uh-huh.

10 Q --- "and any other family members in
11 connection with a motion picture project."

12 A Uh-huh.

13 Q And the reason I point that out is to
14 see if that refreshes your recollection that
15 this Deposition Exhibit No. 14 was a sale by Pam
16 Hobbs and Terry Hobbs of the rights to their
17 life story ---

18 A Sure.

19 Q --- as well as the rights to, of
20 course, the life story of their son who was
21 murdered, Steve Branch.

22 A Steve Branch. Right, right. Of
23 course. Of course. And I didn't want to -- I'm
24 sorry. I didn't mean to interrupt you.

1 Q No. I didn't mean to interrupt you.

2 A Yeah, I didn't want to, you know -- I
3 guess looking at it from -- I guess I was
4 looking at it from almost a -- I guess the --
5 what the end product will be. The -- this is a
6 sale of their life stories. That is absolutely
7 true; but, of course, the life story that has
8 value is the one -- Steven Branch.

9 Q Fair enough. As a -- you're an
10 entertainment lawyer ---

11 A Uh-huh.

12 Q --- in addition to being a criminal
13 lawyer and doing family ---

14 A Yes.

15 Q --- sorry -- personal injury; correct?

16 A Correct.

17 Q And so certainly, based on your
18 experience in the business, you understood that
19 at least the first prime point in a movie about
20 these events would be the murders themselves.

21 A Right. Of course. Of course.

22 Q And that, of course, would focus on
23 the three little boys that had been murdered.

24 A Right, right.

1 Q And so, based on your experience, you
2 know that Steve is a main player or star in the
3 movie.

4 A Of course. Nobody is going to come
5 make the Pam and Terry Hobbs story.

6 Q Correct. That would not be the name
7 of it.

8 A Right.

9 Q But to the extent that there are
10 events in Pam or Terry's lives that the film
11 makers want to use ---

12 A They can.

13 Q -- Deposition Exhibit No. 14 ---

14 A Uh-huh.

15 Q --- is Terry Hobbs and Pam Hobbs
16 giving that film company the right to use
17 those ---

18 A Absolutely.

19 Q --- events? And let me see if I can
20 find it in here, but I believe that there is
21 also in here the licensing or the transfer of
22 the right of Terry Hobbs to his journals, any
23 book that he writes, for the film makers to use
24 that. Do you recall any negotiations regarding

1 that?

2 A Some reason I do -- I do remember.

3 Yeah, I think that approximately 180-page

4 memorabil -- yeah, memoranda.

5 Q Right. That's Paragraph 7. "User of
6 owner documents." And I will put it into the
7 record real quick: "Owner acknowledges that it
8 is the author of an approximately 180-page
9 memoranda or letter and other documents and
10 memoranda, collectively the owner documents,
11 concerning the life stories and personal
12 experiences of artist. Owner hereby grants
13 company the right to use all or any part of the
14 owner documents in connection with the picture."

15 A Uh-huh.

16 Q Now, the artist and owner is Terry
17 Hobbs and Mr. and Mrs. Hobbs; correct?

18 A I believe so.

19 Q And then the owner documents is this
20 book that -- or writings that Terry Hobbs has;
21 correct?

22 A Uh-huh.

23 Q The memoranda or letter, other
24 documents.

1 A (Unintelligible).

2 Q And Paragraph 7 then is Terry Hobbs
3 granting the Dimention films the right to use
4 all or anything in his writings --

5 A Correct.

6 Q --- about his life, Steve's life or
7 Pam's life.

8 A I do remember the memoranda. I
9 don't -- only thing I don't recall is if it was
10 Terry's or Pam's.

11 Q Fair enough. Fair enough. If I
12 represent to you that Terry has turned over four
13 journals in this case and testified that those
14 are his writings in his book ---

15 A Uh-huh.

16 Q --- that he assigned to Dimention
17 Films, you would not have any reason to argue
18 with that?

19 A Correct.

20 Q And one more thing and I'm going to
21 turn you back and I will get off this document,
22 but do you see anything in the document
23 regarding a time period for which these rights
24 were granted to Dimention Films or does it

1 appear to you, based on looking through it, that
2 it's an absolute sale of the life story rights
3 of Pam Hobbs, Terry Hobbs and Steve Branch to
4 Dimention Films for use in a movie?

5 A Under -- looking at this document, I
6 don't see -- oh, hold on. (Witness reading:
7 "Motion picture, television, dah-dah-dah,
8 earlier than five years, first commercial
9 release. Should not transfer, exploit to any
10 other party.") Okay. I believe the only time
11 limitation, if I'm reading the -- under the
12 rights provision, Section B, was that if they
13 did not do -- if I remember right, I believe if
14 they didn't start production within five years
15 of signing this, then it was -- basically they
16 were out of it or something like that.

17 Q Okay. Is it possible that that
18 provision, which is B on here, indicates that
19 Mr. and Mrs. Hobbs may not transfer to anyone --
20 any other party besides Dimention Films the
21 rights to their life story anytime earlier than
22 five years after Dimention films does the movie?

23 A Or something -- yeah, something like
24 that.

1 Q But that sounds about right?

2 A Yeah. I would have to look back at
3 the file, but that sounds about right.

4 Q Let me ask you if you think that in
5 your files you have an executed copy of the
6 final version of this contract.

7 A Probably do.

8 Q By the way, Mr. Hobbs said that even
9 though the purchase price here was 15,000
10 dollars ---

11 A Uh-huh.

12 Q --- you got Dimention Films up to
13 25,000 dollars. Does that sound right?

14 A It probably was more than that. I
15 just don't ---

16 Q I think Mr. Hobbs did testify that
17 each -- that he got 12,500 and Pam Hobbs got
18 12,500, for a total of 25,000.

19 A Okay. That might be right.

20 Q Is that a fair, going rate back in
21 2006 for the type of life story rights that the
22 Hobbses transferred to Dimention Films?

23 A Under the circumstances, I would have
24 to say yeah.

1 A Not that -- not according to this
2 contract.

3 Q And have you undertaken any efforts on
4 behalf of Terry Hobbs to sell, license, assign,
5 exploit any other of his rights related to what
6 I've been calling the events? That's the
7 murders ---

8 A Right.

9 Q --- the trials, the convictions, the
10 DNA, all of that.

11 A No, no.

12 Q You haven't had any conversations with
13 book publishers or writers or ghost writers ---

14 A No.

15 Q --- or television production companies
16 about doing anything with his story?

17 A No. Maybe besides -- there may have
18 been some incidental contacts with Dimention
19 Films, but that was about it.

20 Q Fair enough. And so what I'm
21 understanding you to say is after you negotiated
22 this Dimention Films deal for Mr. Hobbs ---

23 A Uh-huh.

24 Q --- and Mrs. Hobbs, you were engaged

1 in no further conversations with other entities
2 about exploitation of any of Mr. Hobbs' rights
3 to his story. Is that right? Is that fair?

4 A That's fair.

5 Q You may have had some subsequent
6 conversations with Dimention Films that had
7 already bought the rights ---

8 A Uh-huh.

9 Q --- but you had not dealt with any
10 other third parties?

11 A Correct.

12 Q What about before Dimention Films?
13 Were there any conversations that you had with
14 other entities regarding the sale of any of
15 Mr. Hobbs' rights ---

16 A Remember ---

17 Q --- in the events?

18 A Remember, this -- this contract was
19 the beginning of my relationship with Mr. and
20 Mrs. Hobbs. So there wouldn't -- it would be
21 impossible to have additional contacts with
22 somebody else because I didn't know them before
23 that.

24 Q What you're saying is, too, that when

1 Q Do you recall if he told you that he
2 went over to David Jacobi's house and played
3 guitar?

4 A I would have to look back at the
5 notes. I don't remember.

6 Q Fair enough. You have notes of that
7 conversation with Mr. Hobbs?

8 A I think so. I think so. They should
9 be in storage somewhere.

10 Q Did you ever talk to Mr. Hobbs about
11 how his DNA got to the crime scene?

12 A How his DNA -- the shoestring thing --
13 the hair?

14 Q Right.

15 A I believe we discussed it.

16 Q And what did he tell you?

17 A Again, that's I want to say just what
18 anybody -- well, I'm not going to say anybody
19 with commonsense. But the child -- you know, he
20 lived with the child. So a hair tied up in a
21 shoestring is not -- not so outlandish, if you
22 will.

23 Q Your -- your point is that Mr. Hobbs
24 lived with Steve Branch.

1 A Uh-huh.

2 Q And if there was a discovery that one
3 hair of Mr. Hobbs' was in the shoestrings of
4 Steve Branch ---

5 A Uh-huh.

6 Q --- that would not be crazy?

7 A Well said.

8 Q Okay. Let me ask you real briefly
9 about the Anderson Cooper interview.

10 A Uh-huh.

11 Q How did that interview come about if
12 you can recall?

13 A I got a call from some -- one of the I
14 guess scoop people from -- from CNN, and they --
15 they made a request, and I conveyed that request
16 to Mr. Hobbs. And in discussion, he decided,
17 yes, we -- we probably need to do this because
18 of the reasons we came up with.

19 Q And the interview was on
20 November 7th of 2007. I'm going to show you
21 the transcript here in just a second.

22 A Uh-huh.

23 Q I'm showing you what's been marked as
24 Deposition Exhibit No. 9, and I will ask you if

1 just glancing through that that appears to be a
2 true and correct copy of a transcript of that
3 interview by the Anderson Cooper 360 show of you
4 and Mr. Hobbs.

5 A Okay. I'm seeing stuff about Sampson.

6 Q Yeah. You're in the back. Yeah, you
7 start seeing ---

8 A I'm in the back, huh?

9 Q No, no, no. Not that far in the back.
10 Let me see if I can find it for you real quick.

11 A Okay. There you go.

12 Q I apologize.

13 A (Unintelligible.)

14 Q I know. I know. Just for purposes of
15 the -- we'll use that version, but to speed
16 things up, I've highlighted on my -- my copy of
17 this ---

18 A There we go. Okay.

19 Q --- where you appeared. You make the
20 statement -- well, the question is: "Mr. Hobbs,
21 do you feel like that the attorneys are accusing
22 you of this crime?" And that reference I
23 believe is the West Memphis 3 attorneys that
24 have filed the habeas corpus.

1 A Uh-huh.

2 Q And you answer for Mr. Hobbs, you say,
3 "The answer to that would be no."

4 A Uh-huh.

5 Q What did you mean when you stated that
6 you and Mr. Hobbs did not feel like the West
7 Memphis 3 attorneys were accusing Mr. Hobbs of
8 the murders?

9 A Well, after -- I guess after
10 everything went down -- and as you've already
11 said, I'm -- I guess professionally I'm a
12 criminal defense attorney. Listening to the
13 interviews and actually knowing -- there we go.

14 Q Here's you right here (indicating).

15 A Okay. Appreciate it. Listening to
16 the interviews and listening to not only what
17 the attorneys said but what they didn't say, and
18 also knowing what the process that this case is
19 in right now, after discussing that with
20 Mr. Hobbs, what I meant by that statement was --
21 and it -- I guess the general public would not
22 appreciate that, but I guess in a nutshell,
23 knowing that this is a routine -- a routine
24 appeal, there was nothing special about this.

1 And knowing when cases get to this
2 point what the ultimate outcome is -- now, it
3 sounded like news. Everything sounded like news.
4 But ultimately, listening to the press
5 conferences and particularly listening to what
6 the attorneys not only said, but what they didn't
7 say, that's why I could say that when they said
8 there was absolutely no evidence that one of the
9 West Memphis 3 boys was there, they didn't say
10 that means Terry did it. And they said, "Oh, and
11 there's a hair from the stepfather."

12 Now, the implication there is that,
13 okay, stepfather must have had something to do
14 with that, but the lawyers couldn't say that.

15 Q And we're back to your point ---

16 A Right.

17 Q --- which is if a hair from Terry
18 Hobbs appears in the shoelaces of his son ---

19 A Uh-huh.

20 Q --- that's not a big surprise?

21 A You have to take it one -- one logical
22 step further.

23 Q Fair enough.

24 A It's his son. It makes sense.

1 Q Let me point you to this statement by
2 Terry Hobbs. "You live with this every day, and
3 then to have your friends and neighbors look at
4 you and this -- is there something else there
5 that -- that hurts." Was Terry Hobbs supposed
6 to make a statement on the Anderson Cooper 360
7 show or were you supposed to do all the talking?

8 A Actually, initially it was going to
9 be -- we were going -- well, we. There was an
10 additional attorney here. I was going to do the
11 talking for him, and then after I guess serious
12 prodding, he did finally I guess open up.

13 Q And Hobbs did agree at least to sit by
14 you and have his face on national TV for this
15 interview; correct?

16 A Right, right.

17 Q And you sort of gave answer regarding
18 the evidence that had been coming to light
19 regarding DNA ---

20 A Right.

21 Q --- and what the West Memphis 3
22 lawyers had said, but then when Terry Hobbs
23 spoke, he was sort of expressing the anguish
24 that he had been through and trying to let the

1 public know how it felt to be in his shoes.

2 A I -- that's a fair statement.

3 Q You were authorized by Mr. Hobbs to
4 make the statements that you made in the 360
5 interview?

6 A Yes. As far as authorization can go,
7 sure.

8 Q And it was your understanding that
9 Mr. Hobbs knew that the Anderson 360 interview
10 was on a national news network and would appear
11 nation wide; correct?

12 A Correct, correct.

13 Q And he didn't have any problems with
14 that, at least that he expressed to you?

15 A He had some hesitation, but
16 ultimately, no.

17 Q Let me ask you this: You've talked
18 about not being surprised by the fact that a
19 hair of Mr. Hobbs might show up somewhere on his
20 son, Steve Branch ---

21 A Uh-huh.

22 Q --- even though that would be at the
23 crime scene.

24 A Uh-huh.

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C E R T I F I C A T E

STATE OF TENNESSEE:
COUNTY OF SHELBY:


I, DANETTE CROUCH, Court Reporter and Notary Public for the State of Tennessee at Large, do hereby certify that I reported in machine shorthand the above-captioned proceedings.

I HEREBY CERTIFY that the foregoing pages contain a full, true and correct transcript of my said Stenotype notes then and there taken.

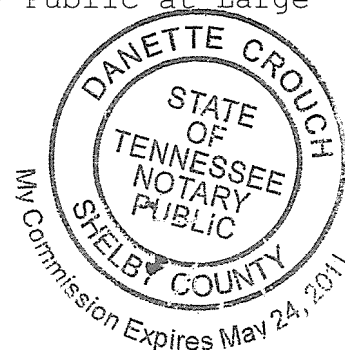
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THEREFORE, witness my hand and my official seal in the State of Tennessee on July 24, 2009.


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May 24, 2011

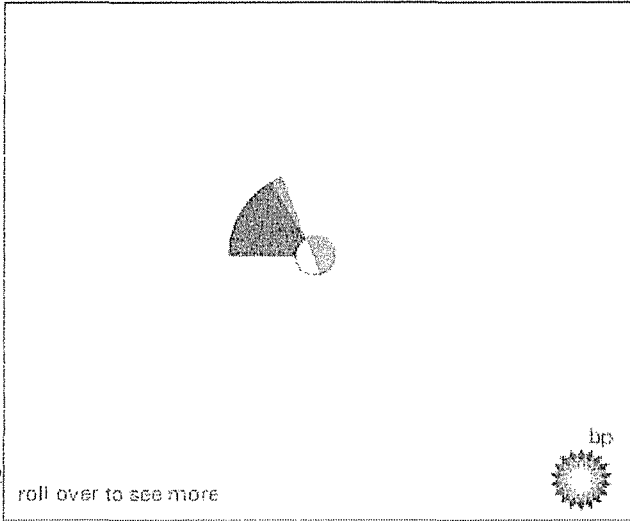




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ANDERSON COOPER 360 DEGREES

Pat Robertson Endorses Rudy Giuliani For President; Murder of

DEPOSITION
EXHIBIT
9
Sampson

Three Arkansas Boys Reexamined

Aired November 7, 2007 - 22:00 ET

THIS IS A RUSH TRANSCRIPT. THIS COPY MAY NOT BE IN ITS FINAL FORM AND MAY BE UPDATED.

ANDERSON COOPER, CNN ANCHOR: Tonight, a coveted political endorsement from an unlikely source, why televangelist Pat Robertson, the man who blamed 9/11 on gays and abortionists, is endorsing pro-choice Republican Rudy Giuliani. Will his backing actually translate into votes? Just ahead, the battle over Christian conservatives.

Plus, a stunning revelation from the polygamist leader Warren Jeffs. Thousands consider him a prophet. Tonight, they will hear them say he's no prophet. And you will find out why he tried to -- or what he tried to do to himself while locked behind bars.

Also ahead tonight, O.J. Simpson preparing for another day in court. We talked with the prosecution's star witness and investigated the heavy baggage he brings to the trial.

All of that in the hour ahead, but we bring the endorsement that has produced the latest pair of strange bedfellows, Pat Robertson and Rudy Giuliani, an unlikely couple, to say the least. One is the founder of the Christian Coalition, who literally put the religious right on the political map. The other is a pro-choice presidential front-runner who, in the past, has supported equal rights for gay Americans and is on his third marriage.

The common ground they have managed to find says a lot about where the race for the Republican nomination may be heading.

More on that right now from CNN's John King.

(BEGIN VIDEOTAPE)

PAT ROBERTSON, TELEVANGELIST: We're both prostate cancer survivors.

JOHN KING, CNN CHIEF NATIONAL CORRESPONDENT (voice over): Two men with a personal bond, and now a surprising political alliance.

ROBERTSON: Rudy Giuliani is without question an acceptable candidate.

KING: It is a striking statement from a legendary and controversial religious broadcaster who calls abortion evil and homosexuality an abomination. But Robertson says he is convinced Giuliani would appoint conservative judges and also convinced there is a bigger test for the next president. ROBERTSON: The overriding issue before the American people is the defense of our population from the bloodlust of Islamic terrorists.

KING: Giuliani backed taxpayer-funded abortions as mayor and also signed a sweeping civil unions policy. So, Robertson's blessing is a boost for a candidate whose biggest weakness is the Christian right.

RUDOLPH GIULIANI (R), PRESIDENTIAL CANDIDATE: I hope it sends the message that we have the same goals, all of us in the Republican Party.

KING: In Iowa, more evidence of the fierce competition. John McCain welcomed the endorsement of anti-abortion Senator Sam Brownback of Kansas, who dropped out of the Republican contest three weeks ago.

SEN. SAM BROWNBACK (R-KS), FORMER REPUBLICAN PRESIDENTIAL CANDIDATE: I'm here today to endorse the best pro-life candidate to beat Hillary Clinton.

KING: White Evangelicals are critical in two of the early nominating contests -- Iowa and South Carolina -- but have yet to coalesce around one candidate.

KING: Former Massachusetts governor Mitt Romney's appeals include this stop at a South Carolina Christian adoption agency.

MITT ROMNEY (R), PRESIDENTIAL CANDIDATE: In the Book of Psalms, what is it, 126th?

KING: Later, Romney predicted most evangelical voters won't follow Robertson's advice.

ROMNEY: I don't think the Republican Party will choose a pro-choice, pro-gay-civil-union candidate to lead our party.

KING: Robertson founded the Christian Coalition from the ashes of his 1988 presidential campaign bid. And it

was a powerhouse in Republican politics in the 1990s.

(BEGIN VIDEO CLIP)

ROBERTSON: The coalition is here for the long haul.

(END VIDEO CLIP)

KING: But others have eclipsed Robertson's political clout in recent years, some going as far as warning of a possible third-party effort if Giuliani wins the Republican nomination.

TONY PERKINS, PRESIDENT, FAMILY RESEARCH COUNCIL: To the degree that the party moves away from those principled issues, social conservatives, evangelicals will move away from the party.

KING: So, some saw this as a risky effort to reclaim the spotlight by making a different calculation, that Giuliani is electable and better than the alternative.

UNIDENTIFIED MALE: Same-sex marriage issues, abortion issues are being decided in the courts. So, what's most important is that Hillary Clinton is not picking our judges or Barack Obama is not picking our judges.

GIULIANI: I am very, very pleased to have Pat Robertson's endorsement.

(CHEERING AND APPLAUSE)

KING: In South Carolina, hours later, Giuliani saw only an upside.

(on camera): But with the benefits also could come some baggage. Asked here about one of many controversial Robertson remarks in recent years, that 9/11 was caused by God's wrath over abortion and pornography. Giuliani said, Robertson had long ago explained what he meant and that all leaders from time to time say things they later regret.

John King, CNN, Columbia, South Carolina.

(END VIDEOTAPE)

COOPER: Well, as John mentioned, Robertson's endorsement does not come without controversy. He can be a lightning rod, to say the least. Here's the "Raw Data," some of his more controversial comments.

In a 1992 fund-raising letter, Robertson said that feminists encourage women to kill their children and practice witchcraft. Last year, he called for the assassination of Venezuelan President Hugo Chavez. And he also suggested that Ariel Sharon's stroke was divine restoration for Israel's withdrawal of Gaza, which Robertson opposed. He later apologized.

The former Israeli prime minister is still hospitalized in a coma, by the way.

Pat Robertson's endorsement of Giuliani has a lot of people talking today, including our political roundtable, CNN senior political analyst Gloria Borger, Bill Bennett, CNN contributor and author of "America: The Last Best Hope," and CNN contributor Roland Martin, the author of "Listening to the Spirit Within."

We talked earlier today.

(BEGIN VIDEOTAPE)

COOPER: Bill, let's start with you.

Were you surprised, Pat Robertson endorsing Rudy Giuliani?

BILL BENNETT, CNN CONTRIBUTOR: I was a little. I was a little. It's a very big endorsement for Rudy Giuliani. As people have said in the last few years, you never know what Pat Robertson is going to say or going to do, but this was a surprise. And this is a big -- big help to Giuliani.

COOPER: Big because Robertson still has that big a following?

BENNETT: Yes. People have suggested over the last couple years that he's just kind of a crank. He's...

COOPER: Right. They say he's not as important.

BENNETT: But he's got a TV show that has 800,000 viewers a day, which, I think, stacks up pretty well with a lot of shows. There are a lot of people who listen to him. And he's a bona fide TV personality of the conservative Christian persuasion who has done an awful lot of work, whether people are happy with the things he said in the last few years or not, long track record of working in these vineyards. It's very good for Giuliani.

COOPER: Gloria, were you surprised by it?

GLORIA BORGER, CNN SENIOR POLITICAL ANALYST: I wasn't totally surprised, only because rumor was out that Giuliani had really been courting Pat Robertson, that he had appeared at Pat Robertson's university, that they are united in their fight against terror.

COOPER: But, I mean, Mitt Romney has also been really courting him.

BORGER: Yes, he really -- he really had.

And I think -- you know, in a way, Anderson, this might be more about Pat Robertson than it is about Giuliani.

COOPER: How so?

BORGER: Maybe Robertson thought -- well, maybe he thinks he wants to go along for a ride with the winner. Maybe he wants to be the preacher to a president. Maybe this is about Pat Robertson's own survival more than it is for Giuliani's candidacy in the long term.

COOPER: What, showing that he's still relevant?

BORGER: Yes, exactly, showing that he's still relevant. He will be out there. Now, when he speaks, people are going to listen.

And I think, in the end, Giuliani may end up having to apologize for a lot of things that Pat Robertson ends up saying.

COOPER: And, essentially, I mean, Roland, you have Robertson saying that the most important issue, above all, anything else, above social issues, is -- is Islamic terror.

ROLAND MARTIN, CNN CONTRIBUTOR: And that's why I'm not surprised.

Why I interviewed Reverend Jerry Falwell on the CNN special "What Would Jesus Really Do?" back in April, he said then -- and I said, is there a litmus test? Reverend Falwell said: I would rather have someone who can fight national security than someone who is a Sunday school teacher.

That signaled right then that that was going to be an issue there. And, so, I think what this also does, it also puts evangelicals on the spot, because for years they have been saying there's nothing more important than abortion and homosexuality.

And so now all of a sudden, you have a candidate who is pro-gay marriage, who is pro-choice. And, all of a sudden, evangelicals will say, wait a minute. What's really more important, party or principle? Is it God or Giuliani? That's what is going to happen here. And they are going to have to answer to that. All of these comments they have made over the years about this being most important; no chance at all, forget everything else, abortion, gay marriage, now they have to deal with that. And their own words are going to come back to haunt them.

COOPER: I do want to talk about the Democrats a little bit, because Bill Clinton, you have him weighing in on his wife's performance in the debate and going after those who, you know, dare to criticize or -- or question Hillary Clinton.

I want to play what former President Clinton said.

(BEGIN VIDEO CLIP)

BILL CLINTON, FORMER PRESIDENT OF THE UNITED STATES: We would listen to people make snide comments about whether Vice President Gore was too stiff, when they made dishonest claims about the things that he said that he had done in his life, when that scandalous Swift Boat ad was run against Senator Kerry.

Why am I saying this? Because I had the feeling, at the end of that last debate, we were about to get into cutesy land again.

(END VIDEO CLIP)

COOPER: Does it make her, though, look weaker, that Bill Clinton has to be the one stepping in to do this? Or is that just the -- the traditional -- is he playing the role that the vice president usually plays?

BENNETT: She needs to be very careful about -- about that.

But she's -- she's pretty good on it, it seems to me, Anderson. She says things like, well, if he were here, you know, he could -- he could say his own piece. For him to do it, I think -- I think is fine.

But what they have to, I think, be careful of is this piling-on thing, the complaining about the piling on, on the guys. The biggest trouble I think she has got is not any of this. I think the biggest trouble she's got is this immigration business. I think coming out and supporting Governor Spitzer has bought her a whole lot of trouble.
MARTIN: Anderson, I say, thank God. Four months ago, I said Democrats, why do you keep giving her a pass in the debates, allowing her to take credit for all of Bill Clinton's, you know, great success stories, but then slide on

some of the failures?

At some point, they had to say, wait a minute, Bill Clinton is no longer on the Democratic side. He's on her side. And, so, we are fighting him and her. And, so, you need to figure out, wait a minute, how can I take some of the failures and then sort of amplify that?

And, so, the criticism is on the money. But this notion that, all of the sudden, it's a Swift Boat deal, it's ridiculous, just like Geraldine Ferraro's comments on Monday all of a sudden injecting the race card, saying, well, they would never attack Barack Obama like this. It's OK to be sexist in America, but not to be racist.

That is ridiculous. She's running for president. She should be questioned, just like everybody else is.

COOPER: Gloria, doesn't it also raise the issue of this two-for-one issue of, are you -- you know, are you getting Bill Clinton and Hillary Clinton? Are they -- I mean, what exactly is -- how are they going to rule?

(LAUGHTER)

COOPER: Is this really some sort of partnership?

BORGER: Well, you know, I think it does raise the issue.

And I think, in the Democratic primary contest, it's a good thing to get two for one -- in a general election, not so much. So, I think, right now, when you heard Bill Clinton complaining about the cutesy stuff and getting swift-boated and all the rest, he was talking to the Democratic primary audience, the people who love him.

And there are two roads to take in a campaign. You know, you take the high road or you take the low road. The candidate doesn't take the low road. Her surrogates will take the low road. And Bill Clinton is the one who will feel free to be out there, attacking on behalf of his wife, particularly during this primary season.

COOPER: We are going to leave it there.

Gloria Borger, Bill Bennett, Roland Martin, thanks for being on.

(END VIDEOTAPE)

COOPER: Well, Christian conservatives are not the only hearts and minds the candidates are going to be trying to win. In the last presidential election, roughly one in four voters who turned out on Election Day were

independents. And they split their votes almost evenly between John Kerry and George Bush.

They are also the subject of a new book by CNN's Lou Dobbs. "Independents Day: Awakening the American Spirit," it's called. I talked to Lou earlier about why he thinks independents have an even more important role to play this year.

(BEGIN VIDEOTAPE)

COOPER: By registering as independent, is that to send a message to these parties?

LOU DOBBS, HOST, "LOU DOBBS TONIGHT": Absolutely, to say to...

(CROSSTALK)

DOBBS: Here's the message to the Republican and Democratic national committees: Go to hell. You have screwed this system up. You're nothing more than patsies to corporate America and multinationals. And you no longer hold American citizens in regard, whether the issue is border security, illegal immigration, public education, free trade, public investment. My God, the list goes on.

And then you have got these people lining up to say they want to be president of the United States? How dare they?

(END VIDEOTAPE)

COOPER: Well, now to a stunning admission by Warren Jeffs, the polygamist leader who is awaiting sentencing this month in Utah.

He was convicted this fall of being an accomplice to rape. You probably remember that. Now the judge has unsealed sensitive court documents, including a videotape that shows Jeffs as we have never seen him before.

Now, keep in mind, Jeffs has always told his sect that God speaks directly through him, and they have always believed him.

Here's CNN's Gary Tuchman.

(BEGIN VIDEOTAPE)

GARY TUCHMAN, CNN NATIONAL CORRESPONDENT (voice-over): To as many as 10,000 followers, this man, Warren Jeffs, is the undisputed prophet, his word sacred, even when a jury convicted the polygamist leader of being an accomplice to rape.

UNIDENTIFIED FEMALE: He is a perfect preacher man. He's a man of God. And we will always love him. And once a prophet, always a prophet.

TUCHMAN: But now a new image of the powerful man, like his followers have never seen before.

WARREN JEFFS, CONVICTED FELON: I ask for everyone's forgiveness.

TUCHMAN: This is video from a jail taping system. It recorded Jeffs and his brother, Nephi. Jeffs was depressed, and, as it turns out, suicidal. W. JEFFS: Farewell, all of you.

TUCHMAN: Three days later, the head of the largest polygamist sect in North America attempted to hang himself.

An unsealed psychological report indicates that, in the days following the suicide attempt, he threw himself against jail cell walls and banged his head against a wall.

W. JEFFS: I have been the most wicked man.

TUCHMAN: Jeffs' followers make major life decisions based on what he tells him. If they didn't believe unconditionally in him to be their prophet, it would cause huge upheaval. That's why what about you're about to see and hear is so significant.

W. JEFFS: I'm not the prophet. I never was the prophet.

TUCHMAN: Prosecutors wanted to use this dramatic jail video during Jeffs' trial. The judge would not allow it.

But after requests by the news media, it has now been released. It might be even more difficult for the faithful hear this. Other court documents indicate, in a recorded phone call, Jeffs cryptically said, "I was covered with immorality with a sister and a daughter when I was younger."

Again, Warren Jeffs with his brother:

NEPHI JEFFS, BROTHER OF WARREN JEFFS: You're perfect in every way.

W. JEFFS: If we were perfect, we would be doing better.

TUCHMAN: In the Utah-Arizona border community where Jeffs' FLDS Church is headquartered, most followers do not deal with the outside world. So, do they know about the suicide attempt?

(on camera): Can I just ask -- I just want to ask you. We learned yesterday that Warren Jeffs tried to kill himself. Do you have any comment?

UNIDENTIFIED MALE: No. I'm not (INAUDIBLE)

TUCHMAN (voice-over): This follower was more willing to talk, but not with a microphone. She told me Warren Jeffs was perfect and there is no way he wanted to kill himself. Those are all lies, she said.

(on camera): Warren Jeffs' attorney say he was in bad medical shape when he made the prophet comments, and retracted them a month later.

But it's reasonable for others to come to the conclusion that maybe it was a dose of honesty from a man who perhaps had some remorse. (voice-over): This couple also doesn't believe that Warren Jeffs has said these things.

(on camera): If he stays behind bars and doesn't get out for a long time, will you still consider him your prophet?

UNIDENTIFIED MALE: I will always consider him a prophet.

TUCHMAN (voice-over): Jeffs ended his visit with his brother by saying this.

W. JEFFS: Farewell.

N. JEFFS: We love you. We love you. We love you.

TUCHMAN: If his brother thought he was on the verge of a suicide attempt, authorities say they were never told.

(END VIDEOTAPE)

COOPER: Quite a family. Gary joins us now outside the courthouse in Saint George.

What is next for Warren Jeffs?

TUCHMAN: Anderson, Warren Jeffs is coming to this courthouse a week from Tuesday, where he will be sentenced on his two convictions, faces the possibility of five years to life on each count.

But, even if he gets five years, the state of Arizona will still try him on similar charges. So, Warren Jeffs, whether he's a prophet or not, will likely be in jail for a very long time.

COOPER: Fascinating.

Just ahead, we are going to hear from one of Warren Jeffs' former followers who managed to escape from the sect in the middle of the night, taking her eight kids with her. What does she think about these new revelations?

Find out next on 360.

(COMMERCIAL BREAK)

COOPER: The polygamist leader Warren Jeffs is awaiting sentencing in Utah later this month.

Before the break, we told you about the newly unsealed court documents, including a videotape in which Jeffs admits he's not a prophet after all. It is a stunning admission.

Earlier, I talked with John Llewellyn, a former polygamist who was not a member of Jeffs' sect, but has written about the lifestyle in "Polygamy's Rape of Rachael Strong." And Carolyn Jessop, who managed to break free from Jeffs' sect three years ago and describes her terrifying experience in the book "Escape." (BEGIN VIDEOTAPE)

COOPER: So, John, were you surprised to hear that -- that Warren Jeffs tried to kill himself?

JOHN LLEWELLYN, AUTHOR, "POLYGAMY RAPE OF RACHAEL STRONG": No, it wasn't any surprise at all, because here's a man that has been born and raised under the umbrella of the FLDS, somewhat secret society.

And when he was arrested, I believe it was probably the first time that he really was confronted with reality and the real world, what it was like. So, it had to be a very traumatic situation for him while he was incarcerated, away from all the support and the -- the literature that he had to -- to help him along. So, no, it was no surprise.

COOPER: Carolyn, the fact that he denied being the prophet, and then sort of later recanted that, what do you make of that?

CAROLYN JESSOP, FORMER MEMBER, FUNDAMENTALIST CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS: Oh, I wasn't surprised about that at all. I think..

COOPER: Really?

JESSOP: Well, I think that him denying that he was a prophet was, in his own way, trying to get out of going to jail. I think he felt like the authorities were after him because he was the leader of this cult, and, if he denied that he was the prophet, then they would let him go.

COOPER: But you don't think -- you think, in his mind, he always -- that he truly believes he's a prophet?

JESSOP: No, I think, in his mind, he knows full well he's not a prophet. I just think he has something going that's working well for him, and he's taking advantage of it.

COOPER: John, do you agree with that?

LLEWELLYN: He knows the difference between right and wrong, you bet.

And I -- what he does is, he indulges himself into the character, so that he can sound believable before his people. But, down deep, he knows that he is not a prophet and he's not received the revelation.

COOPER: Carolyn, he also confessed to -- to immorality with a sister and a daughter.

JESSOP: Yes, he did. And there's actually been reports around about the sister he hurt. So, there were many of us who were already somewhat aware that he had injured one of his sisters.

Nobody was aware of the daughter, though. That came out of the blue. However, he's -- there's a lot of people who claim they have been hurt by him sexually. So, that was not a surprise, that he would confess to some of...

COOPER: And, I guess, John, in a community like this, you know, with so many siblings, so many people in the families, I guess it's not that big a surprise?

LLEWELLYN: No, it isn't, you know, and I have studied just about all of the groups. And every single one of them have these horrible stories coming out of pedophilia, molesting of children.

And all of these kids, a lot of them are put together with very little supervision. And the boys have that testosterone running through their bodies. The white chromosome is as active in them as it is anybody else. And these things are bound to happen.

COOPER: It's fascinating, though, when, even now, we have had, you know, people from CNN talking to folks in the community, the few who would talk to us. And they say simply they don't believe Jeffs ever said these things.

LLEWELLYN: Well, they are going to believe what they want to hear.

And it's been my experience in other lawsuits against the polygamist subcultures, you know, they believe in the spirit. And they believe that the spirit speaks the truth, even when it conflicts with facts. So, they are -- you know, there's a symbiotic relationship between the prophet and the group. They are dependent upon each other.

And the group, without the prophet, is like a ship without a rudder. They need each other. So, they are going to manufacture and believe whatever they want to keep that prophet as a prophet.

COOPER: It's fascinating, that this goes on hiding in plain sight in the United States of America.

John Llewellyn, we appreciate your expertise.

LLEWELLYN: Thank you.

COOPER: And, Carolyn Jessop, it's always good to talk to you.

JESSOP: Thank you.

LLEWELLYN: Thank you.

(END VIDEOTAPE)

COOPER: In Arkansas tonight, new developments in a case that had captivated the country more than a decade ago. It was 1993. Three boys were murdered in the woods. Three teens were convicted of the unspeakable crime.

Now, right now, two of those, well, former teens are in prison for life. One is on death row. The question is, are they actually innocent? CNN's David Mattingly reports on some shocking new developments.

(BEGIN VIDEOTAPE)

DAVID MATTINGLY, CNN CORRESPONDENT (voice-over): What happened in these woods shook even hardened cops. It was a crime so terrible, families from miles around lived in fear. And, at the time juries had no doubt, three West Memphis, Arkansas, teenagers were guilty in the satanic ritual murders of three 8-year-old boys.

But, a decade-and-a-half later, many now believe it was a case of justice gone bad.

(on camera): The police, the prosecutor, the judge, the jury, all of them got it wrong?

UNIDENTIFIED MALE: In our opinion, yes.

MATTINGLY: Reexamining old evidence and using DNA testing not available at the time of the murders, defense attorneys say the belief in a satanic ritual of sexual assault and mutilation was a fantasy, a satanic panic that they say sent three innocent teenagers to prison.

UNIDENTIFIED MALE: What we are saying is that there's no credible evidence that links any of these defendants to the crime.

MATTINGLY: The bodies of Christopher Byers, Michael Moore and Steven Branch were discovered bound, naked and submerged in a muddy ditch.

In a petition filed in federal court, defense attorneys say their experts today find no evidence of sexual assault and no evidence of a satanic cult.

And the evidence that horrified juries, signs of ritualistic torture and mutilation, may have actually come from animals attacking the bodies after the boys were killed.

(on camera): When we asked for a comment about the old case, Arkansas prosecutors turned us down. But, in an earlier statement, a spokesman for the state attorney general said that Arkansas will look at the new findings objectively. But they stand behind the old convictions and do not believe that the courts will change anything.

(voice-over): The oldest defendant at the time, 18-year-old Damien Echols, was sent to death row. Sixteen-year-old Jason Baldwin and 17-year-old Jessie Misskelley got life in prison.

RON LAX, PRIVATE INVESTIGATOR: They were victims of poor representation, poor resources, and a community that was already on track to convict somebody.

MATTINGLY: I returned to the scene of the crime with Ron Lax, a private investigator for the defense in 1993. Back then, he made this video of the woods where the three boys went to play, never to be seen alive again. Today, defense attorneys say they can find no DNA traces on evidence taken from those woods to show the convicted teenagers were ever there at all.

(on camera): Is this a crime that three teenagers could pull off and leave no trace of their existence out here?

LAX: It sounds pretty remarkable if they did.

MATTINGLY (voice-over): The woods were recently cut down and cleared away. But plenty of questions remain. If it's true the teens were not in these woods to commit these murders, then who was?

(END VIDEOTAPE)

(COMMERCIAL BREAK)

COOPER: Faces of evil or of wrongly convicted young men? Those three young men were found guilty of a triple murder, the victims, three boys, each 8 years old.

Prosecutors called the killings part of a satanic ritual. As we told you before the break, the defense team is hoping new evidence is going to lead to those young men's freedom. We're going to let you be the judge tonight.

Once again, here's CNN's David Mattingly.

(BEGIN VIDEOTAPE)

MATTINGLY (voice-over): To many, they have become known as the West Memphis three. Damien Echols, Jason Baldwin, and Jessie Misskelley were all teenagers sent to prison for the gruesome satanic ritual murders of three 8-year-old boys.

And, 14 years after the crime, proving their innocence may depend on two human hairs recovered at the scene.

THOMAS FEDOR, FORENSIC EXPERT: None of the defendants could have been the source of that hair. None of the victims could have been the source of either hair. None of the DNA evidence from the crime scene

connects any of the defendants to the scene of the crime.

MATTINGLY: So, who could the hairs belong to? A defense petition in federal court says the DNA from one hair is consistent with that of Terry Hobbs. Hobbs is the former stepfather of victim Steve Branch.

(on camera): Mr. Hobbs, do you feel like that the attorneys are accusing you of this crime?

ROSS SAMPSON, HOBBS'S ATTORNEY: The answer to that would be no.

MATTINGLY (voice-over): Hobbs agreed to go in front of our cameras while his attorney did the talking. And through most of my questions, Hobbs remained silent. (on camera) Is it possible, Mr. Hobbs, that that was your hair?

SAMPSON: Sure. It was his son, Stephen Branch, who was murdered, and he's had to deal with this for the last 15 years.

MATTINGLY (voice-over): Defense attorneys say a second hair found at the scene is consistent with the DNA of Hobbs's friend, David Jacoby, and that the two were together in the hours before and after the victims disappeared.

Jacoby did not return our calls, but he did volunteer DNA samples to the defense. Authorities say they stand by the old convictions. West Memphis police have no plans to question anyone.

(on camera) Is there anything that you feel comfortable telling me?

TERRY HOBBS, FORMER STEPFATHER OF VICTIM: You live with this every day. And then, to have your friends and neighbors look at you and think, is there something else there? That's -- that hurts.

MATTINGLY (voice-over): After 14 years, the rampant fears of devil worshippers and murdered children have subsided, replaced by a new wave of emotion, demanding a reopening of the case of the West Memphis Three.

Now in their 30s, their entire adult lives spent behind bars, three grown men greet the DNA findings with hope, wondering if this latest twist will one day set them free.

David Mattingly, CNN, West Memphis, Arkansas.

(END VIDEOTAPE)

COOPER: We'll continue to follow up on what happens next.

Tomorrow on 360, we take our "Planet in Peril" investigation one step further. Last month more than 15 million people around the world watched our special report on our changing planet; sparked a lot of questions, a lot of controversy. Tomorrow we're going to answer some of your questions, like this one.

(BEGIN VIDEO CLIP)

UNIDENTIFIED MALE: How much impact would it have if each individual becomes an eco-friendly person?

UNIDENTIFIED FEMALE: If everybody behaved like this viewer, we would certainly be much, much better off. But, again, that is not going to be enough to solve the problem. We absolutely have to have policies, because consumers don't have enough choices to real solve this problem. We never solved any major voluntary issue just with voluntary consumer action.

UNIDENTIFIED MALE: I think the most important thing that citizens can do, we live in a democracy, and we should influence the decision makers. We should ask them, the candidates from office, are they really going to do anything? Not just set a goal for 2050, because they won't be in office in 2050. Will they really do the things that are needed?

(END VIDEO CLIP)

COOPER: An interesting discussion on climate change and other things, tomorrow on 360.

Let's get caught up on more of today's headlines. Erica Hill joins us with the "360 Bulletin" -- Erica.

(BEGIN VIDEOTAPE)

ERICA HILL, HEADLINE NEWS ANCHOR: Anderson, a development tonight in the crisis in Pakistan. President Bush has called President Pervez Musharraf, telling him he should hold planned elections soon and that he should step down as Pakistan's military leader.

Meantime, in the streets of Islamabad, police firing tear gas in support of former prime minister, Benazir Bhutto. She wants the people of Pakistan to join protests on the government's state of emergency that she says amounts to martial law.

In Finland, a high school student opened fire, killing eight people before turning the gun on himself. He later died in a hospital. Seven of the victims were students. The eighth was the school's headmistress.

Just hours before that shooting, a video posted on YouTube warned of a massacre at the school. One clip shows a young man firing a gun at fruit in the snowy woods. It is believed to be the gunman.

And the Space Shuttle Discovery back home tonight after a 15-day mission to the International Space Station. The crew had to fix a broken solar wing. NASA called the dangerous mission one of the top all-time space saves.

COOPER: That's cool.

HILL: Not bad at all.

COOPER: Not bad at all.

HILL: There you have it.

COOPER: Erica, thanks.

(END VIDEOTAPE)

COOPER: Up next, an eighth grade girl busted at school, sentenced -- sentenced to two days in detention. So what was her crime? Take a look.

(BEGIN VIDEO CLIP) MEGAN COULTER, SUSPENDED FOR HUGGING FRIEND: I went like this, and I went to Katie like this.

(END VIDEO CLIP)

COOPER: Yes, she hugged her friends. We couldn't believe it either, so we had Randi Kaye check out our story. She's "Keeping Them Honest" next.

Also ahead, television's bounty hunter in the doghouse. His racist comments and tearful apology to Larry King less than an hour ago. That's coming up on 360.

(COMMERCIAL BREAK)

COOPER: Well, the next story seems, frankly, pretty outrageous. An eighth grader in Illinois is being punished for violating a school policy banning public displays of affection.

So what exactly is this young girl guilty of? Turns out she hugged two of her friends. At a time when we hear so many stories about school violence, we have to wonder what could possibly be wrong with a simple hug?

Randi Kaye's "Keeping Them Honest."

(BEGIN VIDEOTAPE)

RANDI KAYE, CNN CORRESPONDENT (voice-over): At just 13, Megan Coulter is a bit of a celebrity. Her phone is ringing off the hook, people offering their support.

MEGAN COULTER: I love you, Mama.

KAYE: What's all the fuss? Her Mascoutah middle school put her in detention for two days for -- get this -- hugging. It was two hugs, in fact, given to two friends, one boy and one girl, after administrators say she had been warned.

MEGAN COULTER: I gave him a hug. It was just simple, across the shoulder, nothing. No bodies pressing up against each other or anything.

KAYE: Megan says it was the same squeeze she's given her parents and friends before, but this time the hugs landed her in hot water.

(on camera) Turns out there's a written policy against public displays of affection at Megan's school. A student handbook given to every family spells out policy and punishment. It's been in place for over a decade, approved by the board of administration.

Administrators tell us Megan was not the first to get detention this school year under this policy.

(voice-over) The policy reads, "Displays of affection should not occur on the school campus at any time. It is in poor taste, reflects poor judgment and brings discredit to the school and to the persons involved. First offenders will be warned. Second offenders will serve detention, and a parent conference will be held. Third offenders will serve in-school suspension."

Why was Megan considered a second offender? Because she gave two hugs.

"Keeping Them Honest," we ask the superintendent of schools, isn't this a bit extreme?

SAM MCGOWEN, SUPERINTENDENT: You know, hugs lead to other things. And when they get to the point where they're leading to other things, then they are in violation of our policy.

KAYE: Superintendent Sam McGowen went on to say he doesn't want the 600 or so students, quote, "distracted."

MELISSA COULTER, MOTHER: I think it's ridiculous. Most children are naturally affectionate creatures.

KAYE: Megan's mom, Melissa Coulter, agrees too much affection is not a good thing for impressionable kids, but she insists this rule goes too far. She and her husband plan to push the school board to reword the policy and be more specific about what constitutes a public display of affection.

MEGAN COULTER: It's very confusing to me, because I have always been taught, like, you know, when you see your friends, you hug. When someone is having a bad day, you hug.

Even in sixth grade at the same middle school that I go to now, we had a DARE program, and the motto was, "Hugs, Not Drugs." At one point they're telling us to hug each other, and at one point they're not.

KAYE: Randi Kaye, CNN, New York.

(END VIDEOTAPE)

COOPER: Man, so much for hugs, not drugs.

All right. O.J. Simpson has a big day tomorrow. He's due in a Las Vegas court, where evidence in the alleged armed robbery case is going to be presented. Simpson, you know, is accused of masterminding the hotel room holdup. I'm not sure masterminding is really all that accurate of a term.

Anyway, if he's convicted, he could spend years in prison.

But will the questionable credibility of the other players in the room that night give Simpson all the defense he needs?

CNN's Ted Rowlands joins us tonight live from Vegas -- Ted.

TED ROWLANDS, CNN CORRESPONDENT: Well, Anderson, tomorrow is the beginning of what is expected to be a two-day preliminary hearing. We'll hear from a number of witnesses we expect. We'll also, we expect, hear that infamous audiotape of the alleged incident inside that hotel casino, that audiotape that we've all heard before that was obtained by TMZ.com.

(BEGIN VIDEO CLIP)

O.J. SIMPSON, ACCUSED OF ARMED ROBBERY: Nobody leaves this room. (EXPLETIVE DELETED). Think you can steal my (EXPLETIVE DELETED) and sell it?

UNIDENTIFIED MALE: No.

SIMPSON: Don't let nobody out of here. (EXPLETIVE DELETED), you think you can steal my (EXPLETIVE DELETED).

(END VIDEO CLIP)

ROWLANDS: That audiotape could go a long way in holding Simpson over to trial.

We're also going to hear from Bruce Fromong. He's the guy that had a heart attack, the memorabilia dealer who was in that hotel room who says he got all of his stuff stolen. He is a key witness in this case.

Coming up after a short break, we have an exclusive interview with him. Stay with us. Coming up.

(COMMERCIAL BREAK)

(BEGIN VIDEO CLIP)

SIMPSON: Don't let nobody out of here, man.

And you, I trusted you, man.

UNIDENTIFIED MALE: I just...

UNIDENTIFIED MALE: Bag this (EXPLETIVE DELETED) up.

UNIDENTIFIED MALE: Bag this (EXPLETIVE DELETED).

SIMPSON: Where'd you get all my (EXPLETIVE DELETED) personal (EXPLETIVE DELETED)?

(END VIDEO CLIP)

COOPER: Were they trying to say the most curse words in the shortest amount of time? What do you think? They may have come close to breaking the record there.

That, of course, is the audiotape from the night O.J. Simpson allegedly committed armed robbery in a Las Vegas hotel room.

Tomorrow morning, Simpson faces a judge in a preliminary hearing, one that his defense team hopes put the case against him to rest. But the prosecution has its own game plan.

Once again, here's Ted Rowlands.

(BEGIN VIDEOTAPE)

ROWLANDS (voice-over): If the armed robbery and kidnapping case against O.J. Simpson goes to trial, prosecutors will be counting on this man to help them put Simpson in jail.

BRUCE FROMONG, ALLEGED ARMED ROBBERY VICTIM: I don't care if he was my friend or not; nobody is above the law.

ROWLANDS: Bruce Fromong was in the room at the Palace Station Hotel when the alleged crime happened. Simpson denies the charges.

Fromong says, even though Simpson is an old friend, he wants him to pay for what he says happened that night.

FROMONG: All of a sudden the door bursts open, and in come, you know, four people and then O.J. And, you know, they had guns drawn.

ROWLANDS: Fromong says an audio recording of what happened, obtained by TMZ.com, seems accurate. In it, a voice that appears to be Simpson's can be heard yelling and giving orders.

SIMPSON: Don't let anybody out of here.

ROWLANDS: Fromong claims Simpson and the other men took tens of thousands worth of memorabilia, carting it out in boxes and pillow cases.

FROMONG: They took everything. And the last item that was taken, because the last man out of the room, was O.J. Simpson. And he took my cell phone.

ROWLANDS: A few days later, Bruce Fromong suffered a heart attack, which he partially blames on stress from that night.

Fromong says he's known Simpson for years and even supported him after the former football star was accused of murdering his wife, Nicole, and Ron Goldman. In fact, Fromong testified on Simpson's behalf during the civil trial.

FROMONG: O.J. was a very good friend. I mean, I knew him for 17 years.

ROWLANDS (on camera): Do you want him to go to jail?

FROMONG: I think that jail may be -- may be the answer to O.J.'s problems.

ROWLANDS (voice-over): But Bruce Fromong as a witness may have some problems, as well. Listen closely to the TMZ.com audio recording after Simpson left the hotel room.

FROMONG: I helped him set up his (EXPLETIVE DELETED) offshore accounts. Don't (EXPLETIVE DELETED) with me.

ROWLANDS: Fromong seems to say he helped Simpson set up an offshore bank account, which could be used to help shield income from the Goldman and Brown families.

FROMONG: At the time I was extremely mad, you know, and I said a lot of things that night. But it -- it will be explained later on, and people will understand. I think even the -- you know, the Goldmans.

ROWLANDS: Fromong says, while he's still a little weak from his heart attack, he's ready to testify this week against his old friend.

FROMONG: This is the right thing to do. And that's the only reason. I mean, it saddens me that I have to -- you

know, I might be the one that puts O.J. in jail.

ROWLANDS: Ted Rowlands, CNN, Las Vegas.

(END VIDEOTAPE)

COOPER: We shall see.

Still ahead -- Dog the Bounty Hunter, in his own words. What he told Larry King tonight about the racist rant that cost him his job, so far. But first, Tom Foreman is in Washington with "Raw Politics" -- Tom.

(BEGIN VIDEO CLIP)

TOM FOREMAN, CNN CORRESPONDENT: You know, when everybody in Washington knows something, there's a good chance it's not true. For months everybody here has said it's about the war, the war, the war. That's the election. Turns out, they may be wrong. "Raw Politics" coming up.

(END VIDEO CLIP)

(COMMERCIAL BREAK)

COOPER: More fallout today from the so-called fake FEMA news conference. That's it right there. You might recall that, when it was staged during the recent wildfire crisis in California, there actually weren't any real reporters present. Now a second FEMA official has resigned, press secretary Aaron Walker.

On that note, let's go to Tom Foreman and tonight's "Raw Politics" -- Tom.

(BEGIN VIDEOTAPE)

FOREMAN: We have been saying it for months, and now the "Raw" numbers are backing us up. The war may very well not dominate this election. (voice-over) Economic worries have taken over as the number win issue for voters in our latest CNN poll. Housing, health care, gas prices. The "Raw" read: when the economy goes south, voters often lean left. So politically, the Dems are dancing.

But they can expect a firestorm over this. A new federal law is moving swiftly through Congress to outlaw discrimination in jobs or housing based on sexual orientation.

REP. BARNEY FRANK (D), MASSACHUSETTS: To tell millions of Americans who are gay and lesbian that they are not bad people.

FOREMAN: The conservative roar is already rising.

Spruce up the guest room. French President Nicholas Sarkozy spent the afternoon with President Bush at George Washington's maison in Virginia. Sarkozy says he wants to re-conquer the heart of America. Hint to Mr. Bush: don't bring up the ex-wife.

Some quick hits: Fred Thompson losing a lot of weight. Says his health is fine, just eating more salads.

MICHAEL MOORE, COMEDIAN: Get in my belly!

FOREMAN: Barack Obama going blue color, with new economic promises to make college more affordable, overhaul bankruptcy law, cut the income gap.

And Obamarama's charter plane swooped in to Iowa for a big rally in Cedar Rapids this week. The problem was, it landed more than 100 miles away in Des Moines.

(on camera) The mix-up made him about an hour late. Still, he says he can lead America in the right direction -- Anderson.

(END VIDEOTAPE)

COOPER: Des Moines, Cedar Rapids, honest mistake.

His racist comments cost him his popular TV show. We're talking about the Dog. That's right. Tonight, Dog is talking again. Is he sorry? You can hear for yourself in just a moment.

(BEGIN VIDEO CLIP)

UNIDENTIFIED MALE: He's got an 8-year-old daughter, looks like.

UNIDENTIFIED MALE: Listen to this.

(END VIDEO CLIP)

(COMMERCIAL BREAK)

COOPER: Erica Hill joins us again with the "360 News and Business Bulletin" -- Erica.

(BEGIN VIDEOTAPE)

HILL: Anderson, a manhunt ends in Florida with an arrest in a killing of a sheriff's deputy. Escaped prisoner Michael Mazza is accused of shooting the deputy on his way from jail to a court appearance. Mazza is already serving two life sentences for an earlier robbery conviction.

Developments tonight in the disappearance of Stacy Peterson. She, of course, is the wife of an Illinois police sergeant. Investigators now want to question the officer's children from earlier marriages. They're also taking a new look at the bathtub drowning of Sergeant Drew Peterson's third wife.

In business news, a dark day on the trading floor, the Dow plummeting 3609 points to close at 13,300. That is one of its steepest dives (ph) of the year. The NASDAQ lost 76. The S&P plunged 44 points.

And a fender-bender on the waters of San Francisco bay: a container ship clipping one of the towers holding up the Bay Bridge. No word on the exact cause, but it did happen in heavy fog. There was little damage to either the ship or the bridge, and we are told it is unlikely the bump was even felt by any drivers, which is probably a good thing.

COOPER: Wait. It was a fender bender in the water?

HILL: Well, yes. You know, the fender of the container ship. Maybe only one fender.

COOPER: Hmm, I see.

HILL: Maybe a hull bender.

COOPER: OK.

HILL: A hull bender perhaps.

COOPER: All right.

HILL: So technical, Anderson Cooper.

COOPER: No.

HILL: Come on. Just have a little fun!

COOPER: Yes.

(END VIDEOTAPE)

COOPER: Now "The Shot", Duane "Dog" Chapman. You know the former TV bounty hunter. Former, that is, because his show has been yanked by A&E, for the foreseeable future, they say, over Dog's use of the "N" word to describe his son's girlfriend.

Well, tonight Dog tried to explain everything by Larry King, saying he thinks he was set up by his son Tucker -- well, we know he was set up by his son Tucker and the girlfriend -- even before Tucker sold the audiotape to the "National Enquirer." It's very confusing.

(BEGIN VIDEO CLIP)

DUANE "DOG" CHAPMAN, BOUNTY HUNTER: One time outside my office these girls were going to jump Beth and tape record Beth and try to get her to fight.

LARRY KING, HOST, "LARRY KING LIVE": Your wife?

CHAPMAN: My wife, Beth, right. And they had dressed for the fight, had tank shirts on, these girls. So ended up one of them was Tucker's girlfriend.

So I called him up and said, you know, "What are you doing, son? What are you guys doing here?"

And the whole idea was the "Enquirer" magazine was trying to trap me using racial slurs.

First I thought, oh, my God. You know, well, people know it's the truth. I thought, you know, people know it's me. They know me.

KING: You didn't think anything would happen?

CHAPMAN: Well, I knew it would happen, but I went, "Oh, my God. Here I have to explain now." What -- you

know, why I think I'm cool with the black race. And I thought -- I was thinking, God, America just don't -- wouldn't understand that.

And then when it happened, I thought, you know, wait a minute. You know, people know me. They know that I'm not prejudiced; I'm not like that. I've come a long way. And, Larry, it's tough to be a nobody and then work up to be a somebody. There's -- and some of old things still hang onto you.

Unfortunately, my vocabulary. I'm not -- trying not to swear. The "F" word, the "A" word, the "P" word, the "N" word. I'm trying not to use any of those words. Then I won't be accustomed to just letting this stuff fly. I have quit swearing for four or five days. And now to hear the "F" word when people use it, it kind of upsets me a little bit in my spirit: "Oh, what are you saying?"

And I thought today, you mean, when I swore like that, that's what it meant to people?

(END VIDEOTAPE)

COOPER: I can't explain that. I watched the whole thing. It lasts an hour. You can watch it on "LARRY KING LIVE" later tonight.

That does it for this edition of 360. For our international viewers, "CNN TODAY" is next. Here in America, "Death Grip: Inside Pro Wrestling," a CNN special investigation, starts right now.

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Hobbs' Attorney Unconcerned by New West Memphis Three Evidence

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Jeramia Trotter
MEMPHIS, Tenn. (WHBQ FOX13 -

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DNA evidence could turn the West Memphis Three case upside-down Thursday. New evidence could possibly free a

death row inmate and put the step-father of one of the victims in the hot seat. Now, the step-father, Terry Hobbs, is defending himself against evidence that may put him at the murder scene.

Hobbs would only speak through his attorney. Hobbs hired him Monday after learning his name was involved in the latest effort to free the West Memphis Three. His connection to this case is undeniable. At the time of the murders, he was the step-father of one of the victims.

He's far from being an invisible man, but Terry Hobbs was silent. Only his attorney Ross Sampson would talk about the latest information regarding the West Memphis Three case.

"This really doesn't affect us at all," said Sampson.

Attorneys for one of the West Memphis Three said they will release DNA evidence Thursday. The evidence could prove their client Damien Echols is innocent of the 1993 murders of three eight-year-old boys.

Echols attorneys say hairs were found at the crime scene that belonged to Hobbs and his friend.

"The perception is that this is somehow an accusation against Mr. Hobbs and we don't perceive that as such," said Sampson.

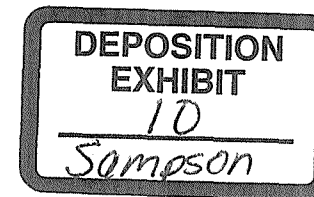
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More than a decade ago Hobbs was Steve Branch's stepfather. Branch was one of the boys found nude and hog-tied in a drainage ditch.

"Mr. Hobbs and his family have not recovered," said his attorney.

Three teenagers, now men, were convicted twice for the murders. Echols sits on death row.

"Mr. Hobbs believes justice has been served," said Sampson.

And Sampson said he isn't concerned with the evidence.

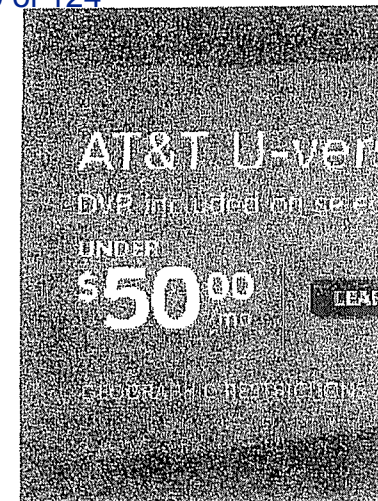
"The only person... that we would have any concern being contacted by will be the Attorney General's Office of Arkansas," he said.

The Arkansas Attorney General said he doesn't "anticipate a reversal of the jury's' verdicts."

Hobbs doesn't either. So he'll try to go back to being the invisible man.

"This will probably be one of the final times Mr. Hobbs appears on camera," said Sampson. "Mr. Hobbs is tired and that's what he [has] me for."

FOX13 will have a crew in Little Rock Thursday when defense attorneys will release their evidence and answer questions.



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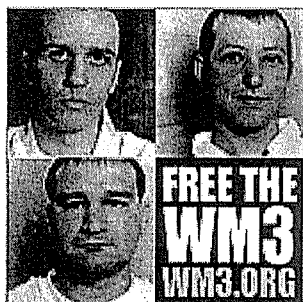
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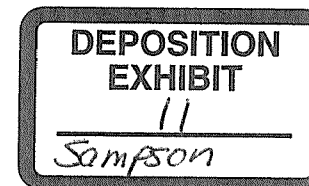
New 'West Memphis 3' evidence to be outlined at news conference Thursday

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WMCT-5

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[Written before the press conference]



The man who forensics experts say is implicated by new evidence in the West Memphis 3 case talked about the allegations with Action News 5 in July. But now, Terry Hobbs is changing his tactics.

Attorneys for the West Memphis 3 say new DNA evidence implicates Hobbs, the stepfather of Stevie Branch, one of the murdered eight-year-old boys.

Hobbs attorney, Ross Sampson wasn't worried about the new evidence. "The allegation itself is ridiculous," he said.

Ridiculous, even though Hobbs talked exclusively with Action News 5 in July about the allegations. During that interview,

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when asked whether he murdered the little boys, Hobbs said, I'd have to laugh at that, and say there's something wrong with someone who would think that."

Hobbs is not talking now, after defense attorneys filed a 700 page document in federal court detailing the new evidence.

International forensics experts claim they found no traces of evidence at the crime scene to link murders to the West Memphis 3.

Two hairs found at the scene, one from Terry Hobbs, and one from a friend of his, are part of the evidence experts are focusing on.

Searchers discovered the three eight-year-old boys in a watery ditch near their West Memphis homes. Experts say the cuts on their bodies came from animals, and not a knife.

Terry Hobbs has not been charged with anything, and his attorney does not expect that to happen.

"We really don't expect any type of legal action taken by the state of Arkansas against Mr. Hobbs," Sampson said.

Defense attorneys want the state to overturn the conviction of Damien Echols, who is currently on death row, and his co-defendants.

The forensics experts, which include a defense attorney from San Francisco and a criminal profiler will be in Little Rock tomorrow for a news conference to detail all of the new evidence.

You can watch that news conference live on WMCTV.com at 10:00 a.m. [We will be posting the video on wm3.org soon].

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Dimension Films
375 Greenwich Street
New York, NY 10013

Dated as of July 18, 2006

Pam and Terry Hobbs
3750 Macon Road
Memphis, TN 38122

Re: Life Story Rights / Pam Hobbs and Terry Hobbs

Ladies and Gentlemen:

This letter will confirm the terms of the agreement (the "**Agreement**") reached as of the effective date set forth above, by and among, on the one hand, Dimension Films, a division of The Weinstein Company, LLC (and/or a development or production entity to be designated by Dimension Films) ("**Company**"), and on the other hand, Pam Hobbs and Terry Hobbs (collectively, "**Owner**"), with respect to the purchase by Company of all rights in and to the life stories of Owner and Steven Branch, the deceased son of Pam Hobbs and Terry Hobbs ("**Branch**") and any other family members (individually and/or collectively, Owner and Branch may hereinafter be referred to as "**Artist**"), in connection with a motion picture project currently referred to as "Devil's Knot" (the "**Picture**"). The parties hereby agree as follows:

1. **Purchase Price:** The purchase price for the "Rights" (as defined below) shall be Fifteen Thousand United States Dollars (\$15,000 USD), payable promptly following Company's receipt of this fully executed Agreement and all documents which may be required by any government agency or otherwise to enable Company to effect payment to Owner as set forth hereunder.

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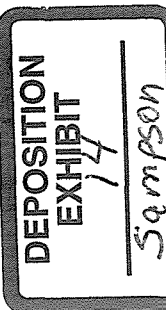
A. For the purposes of this letter agreement, the "**Rights**" shall mean the irrevocable, unconditional right, throughout the universe, in perpetuity in any and all media now or hereafter known (including, without limitation, all motion picture, television, television series, prequel, sequel, remake, and other subsequent productions, merchandising, music, music publishing, soundtrack, screenplay publishing, multi-media/interactive, DVD, on-line, digital media and digital transmission, novelization, live stage, and all allied and ancillary rights or otherwise):

(i) to use, fictionalize, dramatize, adapt, transpose, change, simulate and portray Artist's name, likeness (whether photographic or otherwise), voice, personality, personal experiences, incidents, situations and events of Artist's life (which portrayal may be in whole or in part);

(ii) to use, fictionalize, dramatize, adapt, transpose, change, simulate and portray the name, likeness (photographic or otherwise), voice, personality, personal experiences, incidents, situations and events of each of the individual Artist's lives which occurred on or before the effective date of this letter agreement (which portrayal may be in whole or in part);

(iii) to use, fictionalize, dramatize, adapt and exploit any and all other rights of whatsoever nature owned or controlled by Owners relating to Artist, including, without limitation, photography, memoranda, letters, diaries and other personal effects.

B. Owner agrees Owner shall not transfer, exploit or authorize any other party to exploit any of Owner's life story rights in any media now or hereafter (including, without limitation any motion picture, television, television series, or other audio-visual production, and print publication rights) earlier than five (5) years after the first general commercial release in the United States of the Picture (the "**Hold-back Period**"). Upon the expiration of the Hold-Back Period, with respect to any print publication rights not otherwise exploited by Company during the Hold-Back Period ("**Print Publication Rights**"), Company shall have its customary exclusive right of first negotiation/last refusal with regard to any disposition of the Print Publication Rights by Owner. It is expressly agreed that the Print Publication Rights under this subparagraph 2.B. relate only to material written and/or created by or for or authorized by Owner and not to any



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3. Representations/Warranties/Indemnification: Owner hereby represents, warrants and undertakes that: (i) Owner is the sole owner or controller of all Rights granted herein; (ii) Owner has all rights, power and authority necessary to enter into this agreement and fully perform its obligations hereunder (including, without limitation, the full power and authority to grant the Rights); (iii) there is no claim or litigation pending with respect to the Rights; (iv) in conveying the Rights to Company, Owner will present Artist's life story in a true, complete and factual manner; (v) other than those individuals who are a party to this letter agreement, there are no other family members or other individuals who own or control any of the Rights. Owner shall defend, indemnify and otherwise hold the Company Parties (hereinafter defined) free and harmless from and against any and all liabilities, claims, demands, damages and costs (including reasonable attorneys' fees and costs) arising out of or resulting from any breach or alleged breach by Owner of its representations, warranties or covenants hereunder or any other agreement made herein.

4. Credit: Provided that Owner is not in breach of its obligations hereunder, Company shall accord Owner a technical consultant credit on screen in the end credits of the Picture. All other aspects of such credit shall be at Company's sole discretion.

5. Release/Waiver: Owner hereby waives, releases and discharges Company, Company's employees, agents, representatives, licensees, successors and assigns, (collectively, the "Company Parties") from any and all claims, demands or causes of action that Owner may now have or may hereafter have for libel, defamation, infliction of emotional distress, invasion of privacy (pursuant to Sections 50-51 of the New York State Civil Rights Law or any similar statute in any other jurisdiction), or right of publicity, infringement of copyright or violation of any other right arising out of or relating to the Company Parties' utilization of the Rights or based upon any failure or omission to make use thereof.

6. Consulting Services: Owner shall meet with Company and provide Company with reasonable assistance/consultation in connection with the Picture and Rights whenever reasonably requested for no additional consideration. Such services shall include, without limitation, identifying and obtaining for Company at Company's request, with respect to any actual individual, whether living or dead, or any "real-life" incident or place, the source of all factual material which concerns any actual individual, whether living or dead, or any "real life" incident or place, and such other information as may be reasonably required by Company. Owner shall not authorize others to circulate, publish or otherwise disseminate any news stories or articles, books or other publicity of any kind relating directly or indirectly to the subject matter of this agreement or a motion picture or other production based upon the Rights prior to the earlier of the initial release date of the Picture or the expiration of the Term.

7. Use of Owner Documents: Owner acknowledges that it is the author of an approximately one hundred eighty (180) page memoranda or letter and other documents and memoranda (collectively, the "Owner Documents") concerning the life stories and personal experiences of Artist. Owner hereby grants Company the right to use all or any part of the Owner Documents in connection with the Picture. Owner represents and warrants that it is the exclusive owner of all rights of every kind and nature in and to the Owner Documents, and the grant of use to Company hereunder shall not be in violation of any law or statute or violate the rights of any third parties.

8. Miscellaneous: At Company's request, Owner shall execute any and all additional documents and instruments consistent herewith, reasonably deemed by Company to be necessary or desirable to effectuate the purposes of this Agreement (including, without limitation, releases from other family members). Owner hereby waives any right to seek or obtain equitable or injunctive relief in connection with this agreement. All sums payable to Owner hereunder shall be payable to Owner collectively, whose receipt thereof shall constitute a valid discharge of Company's payment obligations hereunder. This Agreement shall be governed by New York law and shall be subject to the exclusive jurisdiction of the Federal and State Courts of New York County. Nothing contained herein shall require the commission of any act or the payment of

any compensation which is contrary to any law, rule or regulation. If there shall exist any conflict between this Agreement and any such law, rule or regulation, the latter shall prevail, and the provision(s) hereof affected shall be curtailed, limited or eliminated only to the extent necessary to remove such conflict and, as so modified, this Agreement shall continue in full force and effect. This Agreement may be executed in one or more counterparts, and when executed by each of the parties signatory hereto, said counterparts shall constitute a valid, binding agreement. An executed counterpart returned by facsimile shall be deemed an original. All of the principal deal terms which close this Agreement are those terms stated herein.

If the foregoing represents our understanding, please so signify by signing in the place provided below.

Sincerely,

Dimension Films, a division of
The Weinstein Company, LLC

By: _____

Its: _____

Accepted and Agreed To:

Pam Hobbs
SS#:

Terry Hobbs
SS#:

EXHIBIT A

SHORT FORM ASSIGNMENT

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, for value received, hereby sells, assigns, transfers and grants unto Dimension Films, a division of the Weinstein Company, LLC, and its successors and assigns (herein called "Assignee"), all right, title and interest, including, without limitation, throughout the universe, in perpetuity, in any and all media, known or unknown, in any and all languages, all right, title and interest in the life story rights of Pam Hobbs, Terry Hobbs, Amanda Hobbs and Steven Branch, including without limitation, all motion picture, television, television series, prequel, sequel, remake, merchandising, music, music publishing, soundtrack, screenplay publishing, multi-media/interactive, DVD, on-line, novelization, live stage and all allied and incidental rights of every kind and nature whatsoever, under copyright and otherwise, and any and all underlying rights thereto (the "Rights"), all as more specifically set forth in the agreement (the "Agreement") between the undersigned and Assignee dated as of June 27, 2006.

The undersigned hereby irrevocably appoints Assignee as its attorney-in-fact, with full and irrevocable power and authority to do all such acts and things, and to execute, acknowledge, deliver, file, register and record all such documents, in the name and on behalf of the undersigned, as Assignee may reasonably deem necessary or proper in the premises to accomplish the same, consistent with the Agreement.

Dated: As of June 27, 2006

Agreed and Accepted:

Dimension Films, a division of
The Weinstein Company, LLC

By: _____

Its: _____

Pam Hobbs
SS#:

Terry Hobbs
SS#:

STATE OF }
COUNTY OF } SS

On _____ before me, _____, a notary public, personally appeared Pam Hobbs, personally known to me (or provided to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument, the person executed the instrument.

STATE OF }
COUNTY OF } SS

On _____ before me, _____, a notary public, personally appeared Terry Hobbs, personally known to me (or provided to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument, the person executed the instrument.

EXHIBIT 8

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

TERRY HOBBS,
Plaintiff,

v.

NATALIE PASDAR, et al.,
Defendants.

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CV NO.: 4-09-CV-0008BSM

DECLARATION OF DENNIS RIORDAN

I, Dennis Riordan, declare as follows:

- 1. I am over the age of 21 and competent to give this declaration.
2. All of the information set forth herein is within my personal knowledge and is in all things true and correct.
3. I am an attorney based in San Francisco, and am licensed to practice in all federal courts, as well as in the state courts of California and New York. In 2007, by permission of the Arkansas Supreme Court, I represented (and I continue to represent) Damien Echols in his efforts to obtain habeas corpus relief from his convictions for first degree murder and his sentence of death returned in Craighead County, Arkansas. See Echols v. State, 326 Ark. 917 (1996)
4. The case of Mr. Echols, along with those of Jason Baldwin and Jesse Misskelley, have become known as those of the West Memphis Three (hereafter "WM3"). Since their convictions in 1994, the WM3, including Damien Echols, have filed numerous motions for post-conviction relief in state and federal courts, including but not limited to motions to dismiss, motions for new trial, and Rule 37 petitions.
5. In 2002, Echols filed a Motion for Forensic DNA Testing, and the Arkansas Supreme Court granted and extended a Motion for Stay of Proceedings (pending outcome of DNA Petition) in the lower court. In 2004, an Order for DNA Testing was issued pursuant to Arkansas Code Sections 16-112-201, et seq. This section of the Arkansas Code was passed by the Arkansas legislature in 2001 in part due to the continuing controversy concerning the reliability of the convictions in the WM3 case. Meanwhile, the Arkansas Supreme Court requested and received DNA Status Reports while Echols' motions before the court were stayed.
6. On October 29, 2007, Echols filed in the Eastern District of Arkansas a Second Amended Petition for a federal writ of Habeas Corpus ("Habeas Petition"), a Memorandum in Support ("Habeas Memo"), and evidence in support ("Habeas

Evidence”) (collectively, “Habeas Petition”). *Echols v. Norris* No. 5:04 CV 00391-WRW The filing was over 200 pages and included the new DNA and other evidence. The evidence filed in support of the Habeas filing will be presented in the Federal Habeas hearing, which has not yet occurred. The entire Habeas Petition is a public record available to anyone by request and is publicly accessible online through PACER with the exception of five (5) specified exhibits filed under seal. Furthermore, the WM3 trials were held publicly, the post-conviction filings have been filed publicly, and the Habeas hearing will be a public hearing.

7. Alice Leeds is a publicist with Public Relations in the Public Interest who has acted as publicist for Echols, and who prepared a press release summarizing the evidence presented by the Habeas Petition (“Press Release”). On October 30, 2007, Leeds sent a draft of the Press Release to three of Echols’ lawyers, Donald Horgan, Gerald Skahan and myself, and to Lorri Davis for final approval before release. I approved the Press Release. A true and correct copy of that email circulating the draft of the Press Release to me and others is attached to Pasdar’s Appendix of Summary Judgment Evidence as **Exhibit 32**. A true and correct copy of the final Press Release is attached to Pasdar’s Appendix of Summary Judgment Evidence as **Exhibit 12**. After my approval, the final Press Release was distributed to media outlets all over the nation and world. I believe the final Press Release to be true and accurate.
8. In response to the filing of the Habeas Petition and the distribution of the Press Release, we received over 300 interview requests from media outlets around the world.
9. On November 1, 2007, Echols’ attorneys held a press conference to discuss the Habeas Petition and the evidence (“Press Conference”). We announced the Press Conference several days before it occurred. The Press Conference was widely covered by newspapers, magazines, televisions stations, and websites from all over the country. Attached to Pasdar’s Appendix of Summary Judgment Evidence at **Exhibit 13** (“Press Conference transcript”) is a true and correct copy of the remarks made at the Press Conference.
10. At the Press Conferenc, in addition to discussing the Echols Petition generally and the arguments made therein, we specifically discussed Terry Hobbs and his relationship to the evidence, including the DNA evidence.
11. The Habeas Petition, Memo and Evidence and Press Release accurately reflect what evidence “will be presented in the federal court hearing.” The evidence set forth by Pasdar in the Letters is in fact the same evidence filed with and included in the Habeas papers.
12. Both Echols’ Original Habeas Petition and his First Amended Habeas Petition, each filed before the 2007 Habeas Petition, included requests for relief on grounds of the jury’s extrajudicial receipt and consideration of Jessie Misskellely’s

“confession.” The First Amended Habeas Petition also requested relief on the grounds of the jury’s lack of impartiality.”

I declare under penalty that the foregoing is true and correct and that this declaration was executed in San Francisco County, California.

Dated: 8/18/2009

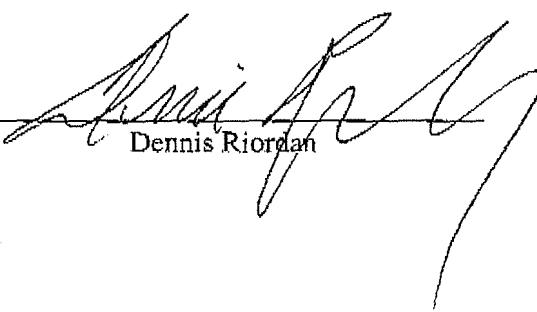
By: 
Dennis Riordan

EXHIBIT 9

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

TERRY HOBBS,
Plaintiff,

v.

NATALIE PASDAR, et al.,
Defendants.

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CV NO.: 4-09-CV-0008BSM

DECLARATION OF ALICE LEEDS

I, Alice Leeds, declare as follows:

1. My name is Alice Leeds. I am over the age of 21 and competent to give this declaration.
2. All of the information set forth herein is within my personal knowledge and is in all things true and correct.
3. I work for Public Relations in the Public Interest. In 2007, I was the publicist for Damien Echols ("Echols"), one of the teenagers convicted in the Robin Hood Hills Murders. The three teenagers convicted of those murders have been referred to in the press as the West Memphis Three.
4. In 2007, I drafted a press release for the Echols' defense team summarizing new evidence in the West Memphis Three case ("Press Release").
5. On October 30, 2007, I sent a draft of the press release to three of Echols' lawyers, Dennis Riordan, Donald Horgan and Gerald Skahan, for final approval before release. I am the custodian of records for Public Relations in the Public Interest.
6. Attached to Pasdar's Appendix of Summary Judgment Evidence at Exhibit 32 ("Leeds Press Release Email") (PASDAR 1459-1464), Exhibit 39 ("Leeds Rally Email") (SAM 159-161) and Exhibit 12 ("Press Release") are true and correct copies of eleven (11) pages of memorandum, reports, records or data compilations, of acts, events, conditions or opinions, made at or near the time of those acts, events, conditions or opinions by, or from information transmitted by a person with knowledge of those acts, events conditions or opinions. These records have been kept in the course of Public Relations in the Public Interest's regularly conducted business activities, and it is the regular practice of Public Relations in the Public Interest to make the memorandum, report, record or data compilation. Specifically, Exhibit 32 is an email prepared by me in which I

forwarded to Echols' lawyers, Dennis Riordan, Donald Horgan, and Gerald Skahan, a draft of the final press release which summarized the new evidence in the Echols case. I also sent the draft to Lorri Davis (lead activist for the West Memphis 3) on or about October 30, 2007. Exhibit 12 is the final version of that press release ("Press Release"). Exhibit 39 is an email exchange between me and, among others, persons working for Natalie Pasdar regarding talking points for remarks she would make at a rally for the West Memphis Three.

7. All of the lawyers approved the draft of the Press Release, Exhibit 32.
8. In late October, 2007, I distributed the Press Release to multiple media outlets, including the *New York Times*, the *Los Angeles Times*, *The Washington Post*, and several local broadcast affiliates of NBC, ABC, FOX and CBS. The goal was to get these media outlets to pick up the story and provide the story to their readers and viewers.
9. In early November, 2007, the Echols defense team and experts gave a press conference (the "Press Conference") where they publicized the Hobbs DNA and other evidence. Public Relations in the Public Interest made the press and public aware that there would be such a Press Conference. We did follow up with our press outlets to make sure that the messaging about the information was correct for their audience.
10. Most of the information contained in the Press Release was information which had been public and widely reported since July 2007. Moreover, the Press Release is a summary of the evidence also made public by the WM3 defense team at the Press Conference. It is my understanding that Lorri Davis emailed to Natalie Pasdar, a copy of the Press Release attached to Pasdar's Appendix of Summary Judgment Evidence as Exhibit 34 to use as talking points or a summary for a letter Pasdar was drafting in November, 2007.
11. The Press Release summarized the evidence that I was informed would be included in the Habeas Petition, Memo and Evidence, and reflects the evidence I understood would be presented in the federal court hearing.
12. To help Pasdar prepare her remarks for the rally, I prepared a "Summary Message Points for Little Rock Rally" which is attached to Pasdar's Appendix of Summary Judgment Evidence at Exhibit 39 ("Leeds Rally Email") (SAM 159-161).

I declare under penalty that the foregoing is true and correct and that this declaration was executed in New York County, New York.

Dated:

August 17, 2009

By:

Alice Leeds
Alice Leeds

EXHIBIT 10

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

TERRY HOBBS,
Plaintiff,

v.

NATALIE PASDAR, et al.,
Defendants.

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CV NO.: 4-09-CV-0008BSM

DECLARATION OF DAVID JACOBY

I, David Jacoby, declare as follows:

1. "My name is David Jacoby. I am over the age of 21 and competent to give this declaration.
2. All of the information set forth herein is within my personal knowledge and is true and correct.
3. I am a friend of Terry Hobbs and Pam Hobbs. On May 5, 1993, I lived in the same neighborhood as Terry and Pam Hobbs and their children Stevie Branch and Amanda Hobbs. Stevie Branch was one of the three little boys murdered in the Robin Hood Hills area of West Memphis, Arkansas on or about May 5, 1993.
4. The murders, the investigation into the murders, the victims, the families of the victims, the trials of the three teenagers ultimately convicted of the murders ("the West Memphis Three"), their appeals, and the question of whether the West Memphis Three actually committed the murders have received a lot of national and local press attention since 1993. I personally have received a great deal of requests for interviews from the press, as well as from investigators and writers, regarding the questions of who committed the murders and whether Terry Hobbs was involved in the murders of the three little boys. I have generally refused to talk to the press about the murders, the events relating to the murders and Terry Hobbs.
5. Terry Hobbs and I worked together at the Memphis Ice Cream Company in Memphis, Tennessee in May of 1993.
6. On May 5, 1993, I worked at the Memphis Ice Cream Company. I got home from work at approximately 4:30 PM on that day. Sometime between 5 PM and 5:30 PM on May 5, 1993 (it could have been as late as 6 PM, but I believe it was between 5 and 5:30 PM), Terry Hobbs came over to my house.

7. I believe I saw Terry's step-son, Stevie Branch, ride by on his bicycle in the street in front of my house. I also believe I saw two other little boys with Stevie. One of the other boys who went by the front of my house was on a bicycle and the other boy was on a skateboard.
8. Terry and Amanda came inside my house. Amanda played with toys, and Terry and I sat down and played guitars for up to one hour. At some point while Terry and I were playing guitars, I asked, "Where's Stevie?" because Stevie usually came over to my house with Terry and Amanda (and also Pam Hobbs when she came over). Terry responded that Stevie was riding his bike.
9. Between approximately 6 PM and 6:30 PM on May 5, 1993, Terry got up from playing guitars and told me that he was going to his house to see if Stevie was at home. Terry told me that Stevie was supposed to be home and he thought for sure Stevie would be home "before dark" or "by dark," or something to that effect. Terry then left my house. I am 90% sure that Terry left Amanda at my house for me and my wife to watch and that Terry left my house alone.
10. Terry was gone from my house for awhile. Terry returned to my house later and asked if Stevie had come by. When I said no, I volunteered to go out with Terry to ride with him to look for Stevie.
11. Terry and I drove around the neighborhood for approximately 10-15 minutes looking for Stevie. We drove near some apartments. We did not stop at any houses or talk to anyone at this point.
12. Terry then dropped me off at my house and said he was going to check a few other places for Stevie. I believe Terry again left alone, with Amanda staying at my house.
13. After awhile, Terry drove back to my house. I again went with Terry to ride around and look for Stevie. We drove two more times nearly the same route we had driven before. I remember that we again went by the apartment complex and saw some kids playing. Terry told the kids that he was looking for a little blond headed boy. A little black girl told Terry that he had seen that there were some boys riding their bikes near the woods near the apartments, which were the Robin Hood Hills Woods.
14. Terry again took me home and dropped me off because it was getting dark and I was going to change clothes and get flashlights to search further. I do not know where Terry went, but I expected him to come back to get me. I believe he took Amanda with him. I changed clothes, but Terry never showed back up.
15. Pam Hobbs did come over to my house later looking for Stevie and I drove her around to look for him. Pam and I ended up meeting up with other people looking for Stevie and the two other boys, including Terry. Specifically, in addition to Terry and Pam, I also recall searching at different times with Jackie Hicks, Sr. (Pam's father). I also recall seeing Dana Moore and Mark Byers out

looking for their boys. I searched for Stevie and the other boys until nearly 3 AM on May 6, 1993, and then I went home.

16. I was not in Robin Hood Hills Woods searching for Stevie or other missing children alone or with Terry Hobbs on May 5, 1993 at or near 6 PM or 6:30 PM. Additionally, I recall that I was not looking for Stevie or the other boys near the woods until it was already dark, much later than 6 PM or 6:30 PM.
17. I searched near the woods by the apartments and stood near or on the pipe bridge into the woods. However, I did not cross the pipe bridge into the woods. I also drove around to the Blue Beacon side of the woods and looked in the weeds around the woods. I made it far enough into the woods to see the pipe bridge from that side.
18. I did not see Terry Hobbs call the police on May 5, 1993 or May 6, 1993. Also, Terry did not tell me he had called the police and did not ask me to call the police on those dates. I did not know that anyone had called the police until I saw Pam on the night of May 5, 1993.
19. On May 5, 1993 and May 6, 1993, I did not drive by or go inside the police station alone or with Terry Hobbs or anyone else. I did not see Terry Hobbs go to the police station on those dates.
20. Terry Hobbs has never told me that he saw a "black bum" or any other individual near Robin Hood Hills Woods on the morning of May 6, 1993.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed in Shelby County, ^{TENNESSEE} Arkansas.

Dated: 7/24/09

By: 
David Jacoby

EXHIBIT 11

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

TERRY HOBBS,

Plaintiff,

v.

NATALIE PASDAR, et al.,

Defendants.

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CV NO.: 4-09-CV-0008BSM

DECLARATION OF SIMON RENSHAW

I, Simon Renshaw, declare as follows:

1. "My name is Simon Renshaw. I am over the age of 21 and competent to give this declaration.
2. All of the information set forth herein is within my personal knowledge and is true and correct.
3. I work at Strategic Artist Management ("SAM") at Artist Management Company. I am the artist manager for the musical group, the Dixie Chicks, including singer Natalie Pasdar ("Pasdar").
4. In November, 2007, Pasdar sought the help of her management team at SAM to organize a screening of the *Paradise Lost* films in Los Angeles to raise awareness of and money for Damien Echols, Jason Baldwin and Jessie Misskelley, who are known to the public as the West Memphis Three ("WM3"). I am the custodian of records for SAM. Attached to Pasdar's Appendix of Summary Judgment Evidence at Exhibits 33 ("Pasdar WM3 Emails") (SAM 003-004), 35 ("Pasdar Editing Emails") (SAM 370-375), and 39 ("Leeds Rally Email") (SAM 159-161) are true and correct copies of eleven (11) pages of memorandum, reports, records, or data compilations, of acts, events, conditions or opinions, by, made at or near the time of those acts, events, conditions or opinions, or from information transmitted by, a person with knowledge of those acts, events conditions or opinions. These records have been kept in the course of SAM's regularly conducted business activities, and it is the regular practice of SAM to make the memorandum, report, record or data compilation.
5. As reflected in Exhibit 33, SAM began trying to arrange a screening of the *Paradise Lost* movies to raise awareness about the WM3. As reflected in Exhibit 35, on November 20, 2007, Pasdar forwarded a draft of a fundraising letter she

had drafted regarding the WM3 (the "Website Letter") to me and the rest her management team at SAM for review and posting on the Dixie Chicks website. On November 21, 2007, I emailed Pasdar some suggested changes to the Letter. On November 22, 2007, however, Pasdar responded and rejected my suggestions stating:

"Overall, I don't mind grammar corrections or wording that states things more clearly, but all of the legal stuff is copied directly from the court filing and legal papers that were written by the defense team. I don't want to put any of that in my own words. The DNA evidence is not 'what I think', but what has been proven in the testing and id (sic) just being presented in the federal court hearing."

- 6. Pasdar also emailed Morgan Zeuhlke, another member of Pasdar's management team at SAM and requested that no changes be made.
- 7. No substantive changes were made to the draft of the Website Letter prior to posting on the website.
- 8. On or about November 26, 2007, the Website Letter was ultimately posted on the Dixie Chicks' website.
- 9. On December 19, 2007, Pasdar made some remarks at a rally on behalf of the WM3 in Little Rock, Arkansas. To help Pasdar prepare her remarks, publicist Alice Leeds prepared and emailed a "Summary Message Points for Little Rock Rally" as reflected in Exhibit 39.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed in Los Angeles CALIFORNIA

Dated: 8/17/09

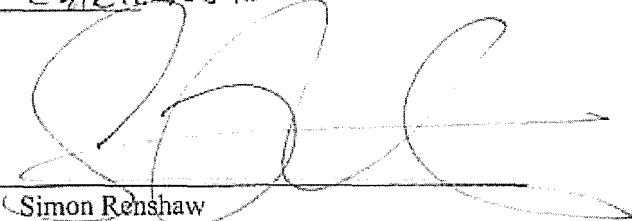
By: 
Simon Renshaw

EXHIBIT 12

Summary of New Evidence in Damien Echols (and the "West Memphis Three") Case

Multiple DNA Tests, Analysis from the Nation's Leading Forensic Experts and Other Substantial Evidence Proves that Damien Echols Was Wrongfully Convicted in 1993 West Memphis Murders

In late October, legal papers were filed in federal court in Arkansas showing that Damien Echols was wrongfully convicted of murdering three eight-year-old boys. The nearly 200-page court filing, which included advanced DNA testing and other strong scientific evidence – combined with additional evidence from several different witnesses and experts – marks a major turning point in the case. Following are highlights of the new evidence, along with analysis:

1. What the new evidence means

The new evidence proves Echols was wrongfully convicted – and implicates Terry Hobbs, the step-father of one of the victims.

The evidence fails to link Echols (or the other two men convicted of the crimes) to the crime scene – and under the prosecution theory for how the crime was committed, it would be nearly impossible for at least one perpetrator's DNA not to match crime scene evidence.

The scientific evidence and witness affidavits in the new court filing flatly refute every supposed piece of evidence and every innuendo that the prosecution used to convict Echols.

There was no reliable scientific evidence presented at Echols' trial. The appeals filings – particularly the motion filed in federal court in late October – mark the first time that forensic science has entered the case, and the science clearly shows he did not commit this crime.

By itself, any single piece of the new evidence could overturn Damien Echols' conviction – and, combined, all of this evidence makes clear that he is innocent and should get a new trial, at least.

2. Major pieces of new evidence

The filing includes dozens of expert reports, witness affidavits, scientific reports and other submissions. The highlights include:

- DNA test results that fail to link Echols or the other defendants to the crime scene; in light of the prosecution claim that Echols sodomized the victims, the lack of his DNA at the crime scene is exculpatory itself.
- DNA test results showing that a hair found in the ligature of one of the victims matches Terry Hobbs, the step-father of another one of the victims.



- DNA test results showing foreign DNA – from someone other than Echols or the two other men who were convicted – on the penises of two of the victims.
- DNA test results matching a hair at the crime scene to a man who was with Terry Hobbs on the day of the crimes. This places Hobbs at the scene of the crime, since it refutes any theory that the Hobbs hair (found in the ligature of one of the victims) was there before the crime.
- Scientific analysis from some of the nation's leading forensics experts, stating that wounds on the victims' bodies were caused by animals at the crime scene – not by knives used by the perpetrators, as the prosecution claimed. These wounds were the centerpiece of the prosecution's case, and evidence was presented that a knife recovered from a lake near one defendant's home caused the wounds. The conclusive expert analysis showing that animals caused the wounds after the victims died also completely undercuts the testimony of a jailhouse informant (who testified about Echols using a knife to cause the wounds) and a discredited "expert" who testified that the knife wounds were part of a Satanic ritual.
- Sworn affidavits outlining new evidence uncovered by Pam Hobbs (the ex-wife of Terry Hobbs) who found a knife in Terry Hobbs' drawer that her son (one of the victims) had carried with him at all times. After her son was killed, the knife was not among his personal effects that police gave to the Hobbs families, and Pam Hobbs always assumed that her son's murderer had taken it during the crime.
- New information implicating Terry Hobbs – including his own statements to police in recent interviews where he acknowledged that several of his relatives suspect him in the crime. The filing also includes a chronology of Hobbs' activities on the night of the crimes, when he washed his clothes and sheets at odd hours for no reason other than to hide evidence from the crimes.
- A sworn affidavit that refutes hearsay evidence from Echols' trial. The mother of one of two girls who testified that they overheard Echols admit to the crime at a softball game now says that Echols' statement was not serious and that neither she nor her daughter believes he committed the crime.

3. Next steps in the legal proceedings

The filing in late October asks a federal judge to order a new trial for Echols or release him from custody. It amends an earlier filing in the case, which outlined prosecutorial misconduct and juror misconduct in Echols' trial.

The Arkansas Attorney General will file a response to the new evidence, and a federal judge will decide whether to hold a hearing or rule on the motion outright.

The filing is in Damien Echols' appeal, but overturning his conviction will help the appeals of the other two men who were convicted in the case (and are not on death row).