

IN THE CIRCUIT COURT OF CRAIGHEAD COUNTY, ARKANSAS

WESTERN DISTRICT

CRIMINAL DIVISION

DAMIEN WAYNE ECHOLS,

Petitioner,

vs.

STATE OF ARKANSAS,

Respondent.

) CR-93-450A

) **AFFIDAVIT OF DENNIS P. RIORDAN**

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State of California

County of San Francisco

I, Dennis P. Riordan, hereby declare under penalty of perjury under the laws of the state of California as follows:

1. My name is Dennis P. Riordan I reside in San Francisco, California. My date of birth is December 2, 1948. I am an attorney duly licensed to practice law in California. My state bar number is 69320. I am a partner in the firm of Riordan and Horgan and an attorney of record for petitioner Damien Echols.

2. I have viewed the HBO documentary named "Paradise Lost" about the Echols prosecution.

3. During a meeting with the family of the victims prior to the Echols trial recorded as part of the documentary, prosecution Brent Davis stated of Jesse Misskelley: "Unfortunately, we need his testimony real bad." Davis further stated that without Jesse Misskelley, the odds of getting a conviction against Echols and Baldwin might be "50/50."

4. At another point in the documentary, Detective Gary Gitchell appears at a press conference following the arrest of the three defendants in June of 1993. After being asked the strength of his case on a scale of ten, Gitchell replies; "Eleven."

5. I have reviewed a transcript of the statement taken by interrogators from Jesse Misskelley on June 3, 1993. Early in his statement, Misskelley said that the victims were hit before Misskelley left. Later he mentions that Echols and Baldwin were "screwing them and stuff, cutting them and stuff," so he ran off. Misskelley had made no reference to a knife in his statement prior to being asked by Detective Ridge: "Who had a knife? Misskelley then responded that Baldwin did. Later, after Misskelley had said one boy was cut on the face, Ridge, in an apparent attempt to get information on the Byers' genital injuries, told Misskelley that another boy was cut and asked where. After Misskelley stated "at the bottom," Ridge suggested the "groin area," to which Misskelley made no reply. Finally, Ridge asked Misskelley if he "knows

where his penis is,” and Misskelley agreed “that’s where he was cut at.” It was Detective Gitchell, not Misskelley, who then supplied the name of Byers for the boy being referred to.

6. Exhibit AAA to the accompanying motion for a new trial consists of copies of photographs of lists drawn up by jurors during their deliberations at petitioner’s 1993 trial. These lists have been maintained by investigating authorities along with other exhibits in the case. These photographs were taken by Ken Moses, an investigator for Jason Baldwin, during an inspection of trial exhibits conducted in the presence of representatives of the prosecution.

7. Echols has offered as exhibits in support of his pleading copies of articles from the Arkansas Democrat-Gazette. These copies were downloaded from internet sites, and on that basis I believe them to be accurate reproductions of the articles themselves.

8. On September 22, 2006, I participated in a video teleconference with Doctor Werner Spitz during which Spitz discussed his preliminary conclusions concerning the issues of forensic pathology in this case. Those conclusions are as described in paragraph five of Section II.D. of the accompanying motion.

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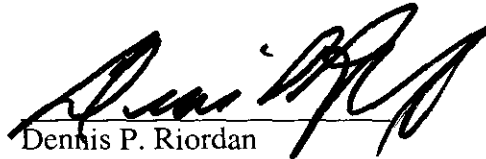
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9. In early September, 2007, we contacted and retained forensic pathologist Terri Haddix of the Stanford Medical School faculty and Forensic Analytic Sciences, Inc. We provided Dr. Haddix with essentially the same background and case material as had been provided to other defense experts. We refrained from disclosing to Dr. Haddix any of the opinions reported by other defense experts, including the theory that post-mortem animal predation caused most of the victims' injuries.

Executed this 11th day of April, 2008, at San Francisco, California.


Dennis P. Riordan

Subscribed and sworn to before me on this ~~11~~ day of April, 2008, by Dennis P. Riordan, proved to me on the basis of satisfactory evidence to be the person who appeared before me.



Signature 