

IN THE CIRCUIT COURT OF CRAIGHEAD COUNTY, ARKANSAS
WESTERN DISTRICT

FILED
03 MAY 21 AM 9:13

WILLIAMSON
CIRCUIT AND CHANCERY
COURT CLERK

DAMIEN WAYNE ECHOLS

-v-

NO. CR 93-450 & 450A

THE STATE OF ARKANSAS

RESPONDENT

**VERIFIED MOTION FOR LEAVE TO APPEAR *PRO HAC VICE*
ON MOTIONS FOR FORENSIC TESTING**

Undersigned counsel Robert C. Owen, an attorney residing outside Arkansas, licensed to practice in all the courts of the State of Texas, having good standing in the State Bar of Texas, respectfully moves this Court to grant him leave to appear *pro hac vice* by comity and courtesy, pursuant to Rule XIV of the Rules Governing Admission to the Bar of Arkansas, on behalf of Petitioner Damien Wayne Echols ("Mr. Echols"), to represent Mr. Echols in connection with his pending motions for forensic testing. In support of which motion, counsel would show the Court as follows:¹

I. Prior Proceedings

Mr. Echols was convicted of three counts of capital murder and was sentenced to death. His conviction was affirmed, *Echols and Baldwin v. State*, 326 Ark. 917, 936 S.W.2d 509 (1996), and

¹ For purposes of establishing undersigned counsel's qualifications to appear, the averments in this Motion are made under oath.

Verified Motion For Leave to
Appear *Pro Hac Vice* by Comity

the U.S. Supreme Court declined review. *Echols v. Arkansas*, 520 U.S. 1244 (1997). Mr. Echols is incarcerated on Death Row at the Maximum Security Unit of the Arkansas Department of Corrections in Tucker. On July 23, 2002, Mr. Echols filed a Motion for Forensic DNA Testing. That Motion remains pending as the parties negotiate toward an agreement to test certain items, with the status of other items to be determined by further negotiations or litigation as necessary.

II. Motion to Appear by Comity

Rule XIV of the Rules Governing Admission to the Arkansas Bar provides as follows:

A lawyer residing outside the State of Arkansas who has been admitted to practice law in the Supreme Court of the United States or in the United States Court of Appeals for the circuit in which the attorney resides or in the Supreme Court or the highest appellate court of the state of the attorney's residence, and who is in good standing in the court of the attorney's admission, will be permitted by comity and by courtesy to appear, file pleadings and conduct the trial of cases in all courts of the State of Arkansas. However, any trial court may require such nonresident attorney to associate a lawyer residing and admitted to practice in the State of Arkansas upon whom notices may be served and may also require that the Arkansas lawyer associated be responsible to the court in which the case is pending for the progress of the case, insofar as the interest represented by the Arkansas lawyer and the nonresident lawyer is concerned.

Id. Undersigned counsel Robert C. Owen was admitted to practice in all the courts of the State of Texas on November 3, 1989, and has remained in good standing with the State Bar of Texas continuously since that time.² He resides outside the State of Arkansas, in Austin, Texas. An attorney residing in and admitted to practice in Arkansas, Alvin Schay of Little Rock, is already

² Mr. Owen is also a member of the Bar of the United States Courts of Appeals for the Fifth and Ninth Circuits (admitted August 13, 1990 and May 14, 1996, respectively) and of the Bar of the Supreme Court of the United States (admitted January 11, 1993), as well as the United States District Courts for the Northern, Southern, and Western Districts of Texas. He is in good standing in all

associated with the case, having been appointed by the Arkansas courts to represent Mr. Echols in his Rule 37.5 proceeding and having appeared on the pleadings in connection with Mr. Echols' request for forensic testing. Accordingly, counsel's request to appear satisfies the requirements of Rule XIV.

Undersigned counsel has assisted Mr. Echols' current counsel in developing and presenting the motions for forensic testing, and both Mr. Mallett and Mr. Schay have suggested that undersigned counsel seek leave to appear in connection with the proceedings on those motions in this Court.

CONCLUSION AND PRAYER FOR RELIEF

Wherefore, undersigned counsel Robert C. Owen respectfully prays that the Court grant him leave to appear by comity, pursuant to Rule XIV of the Rules Governing Admission to the Bar of Arkansas, for the limited purpose of representing Mr. Echols in connection with the issues presented by his pending motions for forensic testing. A proposed Order accompanies this Motion.

Respectfully submitted,



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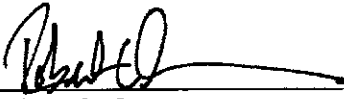
these courts.

Verified Motion For Leave to
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VERIFICATION

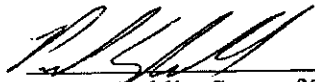
Before me, the undersigned authority, personally appeared ROBERT C. OWEN, who upon his oath states as follows:

My name is Robert C. Owen. I hereby state under the pains and penalties of perjury that the factual allegations in the foregoing Motion are true and correct to the best of my knowledge and belief.



Robert C. Owen

Signed and sworn before me
this 19th day of May, 2003.




Notary Public, State of Texas
My commission expires: Oct. 2, 2006



CERTIFICATE OF SERVICE

This certifies that I have served a true and correct copy of the foregoing Motion upon counsel for the State by placing the same into the United States Mail on May 19, 2003, first-class postage prepaid, addressed to:

Hon. Brent Davis
Prosecuting Attorney
P.O. Box 491
Jonesboro, AR 72403



Robert C. Owen

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WESTERN DISTRICT**

DAMIEN WAYNE ECHOLS

PETITIONER

-v-

NO. CR 93-450 & 450A

THE STATE OF ARKANSAS

RESPONDENT

**ORDER
GRANTING LEAVE TO APPEAR PRO HAC VICE**

Robert C. Owen, an attorney residing in Austin, Texas, and admitted to the State Bar of Texas, has moved the Court for leave to appear *pro hac vice* by comity pursuant to Rule XIV of the Rules Governing Admission to the Bar of Arkansas, for the purposes of representing Petitioner Damien Wayne Echols in this Court in connection with Petitioner's pending motions for forensic testing. Said Motion is hereby **GRANTED**.

IT IS SO ORDERED.

DAVID BURNETT
CIRCUIT JUDGE

DATE OF ENTRY
