

IN THE CIRCUIT COURT CRITTENDEN COUNTY

**PAM HICKS and JOHN MARK
BYERS**

APPELLANTS

v.

CV-2012-290-6

**THE CITY OF WEST MEMPHIS,
ARKANSAS, and SCOTT ELLINGTON,
in his Official Capacities as Prosecuting
Attorney for the Second Judicial District
of Arkansas**

APPELLEES

AFFIDAVIT

I. INTRODUCTION

1. My name is Bennie David Guy.
2. I am over 18 years of age and of sound mind to make this Affidavit.
3. In 1993, I lived in a home owned by Freddie Wilson with his daughter Rachael

Wilson, just outside of Earle, Arkansas.

II. MAY, 1993

4. On May 5th, 1993, I traveled to Lakeshore Trailer Park in Marion, Arkansas, to visit Billy Stewart.

5. While at Billy Stewart's trailer in the Lakeshore Trailer Park, I worked on a stock-car with Billy.

6. Rachael's cousin, Buddy Lucas, who was 19 years old at the time, also lived at Lakeshore Trailer Park.

7. While working under the stock-car, a pick-up truck pulled up in the drive-way 2 behind the stock-car. I crawled from underneath the car and saw Buddy and another teenager get out of the truck.

8. Two adult men were in the cab of the truck directing the boys to Billy's trailer.

9. I had a very good look at both men in the truck. I made eye contact and acknowledged them both. I understood what they wanted. I did not know either of these men at that time.

10. Buddy purchased a quarter-sized bag of marijuana from Billy and then he and the other teenager got into the cab of the truck with the two adults.

11. On May 6th, 1993, the bodies of three young boys were found in a wooded area behind the Blue Beacon Truck Wash in West Memphis, Arkansas.

12. Shortly after the murders, Buddy moved from Lakeshore Trailer Park to Earle, Arkansas to live with his uncle Freddie and his cousin Rachael.

13. A couple of days after Buddy moved to the farm, police came to the home of Freddie Wilson and interrogated Buddy. At that time, I did not know what the police were interrogating Buddy about.

14. The police put the home under surveillance.

15. Rumors began that the police suspected Buddy of murdering the boys found in the Blue Beacon Truck Woods.

16. After weeks of intense scrutiny on Buddy, Freddie Wilson told Buddy that he could not stay there any more because the police were accusing him of killing the boys and that Buddy had to go.

17. Buddy then moved to West Memphis to live with his mother, whom we all called “Oochie”.

III. THE MOVE TO MISSISSIPPI

18. Not long after Freddie forced Buddy to leave, I got a job in Walls, Mississippi, working at Robertson Plantation Farms. I moved to Walls with my children, and with Rachael, and her child.

19. After I had moved to Walls, Buddy asked if he could move in with us.

20. I allowed him to move in and he helped me at Robertson Plantation Farms.

21. In March of 1994, while working on a plow at Robertson Plantation, I asked Buddy, “When those people, those police come to talk to you about them boys that was supposed to got killed, did you do that?”

22. Buddy dropped his head and didn’t want to look at me. He looked all sorry and upset, and he said, “Yeah” and nothing else.

23. I said, “Lil’ Bud, you know you can tell me now; I ain’t gonna think no difference of you.”

24. Buddy just kept looking down all sad and quiet, so I asked, “What did you do?”

25. He then said, “Me and L G Hollingsworth and two men, we was there with them boys. We did it.”

26. That stunned me and shook me up pretty badly. I did not want to hear any more of it. I hoped he would tell me that he did not do it, but then he said he did.

27. I said, “Just stop it. Stop it right there man; I don’t want to hear no more.”

28. Buddy tried to go further to explain it, he didn’t want me to think bad of him, but I

shut him up. I didn't want to hear no more of it. It shook me up.

29. I could not bring myself to believe that Buddy was telling the truth. I was hoping that Buddy was telling a tall-tale, and I put it out of my mind. I didn't want to believe he really could have been there.

30. Buddy was a really good hearted boy but was not able to get a fair deal in life because he was pretty bad slow. Buddy couldn't talk too good and did not have many friends. I hoped things would turn out all right for him if someone would help show him the way. It bothered me that his father was an alcoholic whom Buddy never knew.

31. I tried to look after him the best I could. In my head, I could not bring myself to believe he was telling me the truth.

32. I did not tell anyone at that time what Buddy had told me. I didn't want the boy to get in to trouble for something I could not believe he had done.

IV. THE RETURN TO ARKANSAS

33. About two months after Buddy had confessed to me, Rachael and I ended our relationship and I moved back to Arkansas with my children to live with my mother and father.

34. Shortly after returning to Arkansas, Buddy asked me again if he could live with me.

35. Even though I no longer had any relationship with his cousin, Rachael, I allowed Buddy to move in with me because, with the suspicion on him and the police attention he was receiving, he had nowhere else to go. Freddie Wilson would not let him live in Earl, and Oochie Wilson did not want him in West Memphis, so I let him stay with me.

36. Buddy's behavior was becoming erratic and skittish to the point that I was

concerned to have him living with my small children that I was trying to raise on my own.

37. After several days of erratic behavior, I could not handle the pressure that was building with Buddy living there. I called Buddy into my living room, and I said, “Lil’ Bud, I want you to sit down, man. We need to talk about them murdered boys.”

38. Buddy sank down in the chair, and a great sadness took over him.

39. I said, “Now Lil’ Bud, I want to know exactly what happened to them boys.”

40. Buddy asked me, “Do you remember them two men that day in the truck when we bought that weed?”

41. I answered that I did.

42. He then said, “Well, me and L G Hollingsworth and them two, we done it. We killed them little boys.”

43. This was the first time that I knew the name of the other teenager whom Buddy was with on May 5, 1993.

44. After Buddy told me that, I told him that my Mama and Daddy did not want him staying with me any more.

45. Buddy got his things and left.

46. I have not seen him since.

47. Though I had seen the boys get in the truck with the two adults on the day the children were murdered, I still did not know what to believe. I did not want to turn Buddy in if he really did not do it, and I still was not ready to believe that he could have. I believed that it would take a really sick dog to do something like that, and I knew that Buddy was not a bad kid. I could not, in my head, make it so that he could do that.

V. APRIL, 1995

48. In April of 1995, I told Billy Stewart what Buddy had told me about the murders.

49. A few days later, Billy asked Buddy about it.

50. Buddy told Billy that Buddy, L G Hollingsworth, and the two men in the truck named Terry Hobbs and David Jacoby, had killed the boys behind Blue Beacon Truck Wash, that they had beaten them, stripped their clothes off, and had cut them in the groin area before throwing them in a ditch.

51. I still did not want to believe that Buddy had done this. All I could think of was that maybe he had told a tall-tale to Billy, but that telling such a tale did not make it true. I was becoming more and more troubled by it, but did not know what to believe, and because I could not make up my mind, I did not know what to do.

VI. JULY, 1995

52. In July of 1995, I was arrested and detained at the Crittenden County Jail.

53. I was placed in a two-man cell that was located in either E or F pod (I am uncertain which) that was left of the elevator and the cell was the last cell on the right.

54. After being there for a short time, they put another man in the cell with me.

55. I did not initially recognize the person who was put in my cell with me, although he seemed familiar. We did not identify ourselves to each other, which is not uncommon in jail.

56. About four or five days after this person was put in my cell with me, there was discussion about the three little boys being murdered.

57. My cellmate turned to me and asked, "Do you think they can find out if you lied

about something a long time after it is over?”

58. At that time, I still did recognize my cellmate. I asked my cellmate what he meant.

59. My cellmate turned to me in a very serious manner and then asked, “Do you think if someone killed someone a long time ago, could they find out it was you that done it?”

60. I told my cellmate that I guess it depended on the circumstances of the murder if they could or not.

61. My cellmate next asked: “Like, what about them boys that was killed?”

62. When my cellmate asked about those kids, it dawned on me that my cellmate was the same teenager that I had seen getting into the truck with Buddy on May 5, 1993. I had not recognized him at first because he had gained a lot of weight since I seen him last.

63. I said, “L G, I already know you killed them little boys. Now why don’t you tell me about it?”

64. L G immediately denied that he had killed the boys.

65. I told him, “I know you did it, and there ain’t no reason in you lying about it.”

66. He told me that I didn’t know no such a thing because he didn’t do it.

67. I told him that I did know it, because Buddy Lucas had already told me that they had.

68. I said, “If you remember right, when you came that day to get that weed from Billy Stewart’s house, I was there working on that car. You walked right on by me. It won’t do you any good to lie out of it.”

69. When I told L G that Buddy had already told me that they had killed the boys, his whole attitude changed. L G’s face relaxed, and he looked like a boy who was proud of what he

had done. He did not show any remorse, or act sorry at all.

70. He said, "Alright, I'll tell you."

71. L G told me that he and Buddy had been walking in Lakeshore Trailer Park when a pick-up truck with Terry Hobbs and David Jacoby drove up behind them.

72. Mr. Hobbs yelled out at them, "Hey boys! What ya'll doing?"

73. L G said that the boys just shook their heads and said they were doing nothing.

74. Then Mr. Hobbs asked them, "You know where we can get some weed at?"

75. Buddy answered, "Yeah, Billy Stewart sells some weed."

76. Mr. Hobbs told the boys to get in the back and to ride with them up to Billy's.

77. When they arrived at Billy Stewarts' trailer, the boys got out like I had seen them do.

78. Buddy bought the weed, and then the two boys climbed into the cab with the two older men.

79. L G described this drug transaction exactly the way I seen it happen.

80. L G told me that the men went riding around the back roads for a while with the boys in the cab close to them.

81. L G said that while they rode next to the men, Mr. Hobbs and Mr. Jacoby offered them whiskey and weed.

82. L G said that after they had driven long enough to get high and drunk, that Mr. Hobbs pulled the truck into the area beside Blue Beacon Truck Wash and all of them got out into the woods.

83. L G told me that Mr. Hobbs started to challenge the boys to see who was the

toughest. He wanted to see them fight or wrestle to see who could “whoop” who.

84. L G said that he and Buddy were wrestling each other hard on the ground, that they were fighting pretty serious while Mr. Hobbs and Mr. Jacoby were enjoying watching.

85. Finally, Mr. Hobbs called for them to stop and gave them some more whiskey and weed to smoke.

86. L G said that all four were sitting close together smoking and drinking when just before the sun started to set, the three boys on two bicycles surprised them.

87. L G said that Mr. Hobbs shouted, “You better get them boys! You got to catch them! Get them! Hurry up and get them!”

88. L G said that He, Buddy, and Mr. Jacoby all took off running after the boys.

89. L G said that Mr. Jacoby fell and skinned his leg, and became enraged.

90. L G said that they all caught the little boys and dragged them back to Terry Hobbs who had demanded for them to be caught.

91. L G told me that as soon as they brought the kids to Terry that one of them kicked him.

92. According to L.G., Mr. Hobbs snapped and hit the boy with severe force in the head two or three times.

93. After the first few blows Hobbs stopped long enough to shout at the boy, “I am going to teach your little fucking ass!”

94. After that, L G said that Mr. Hobbs was in a rage beating the kid over and over and over again.

95. L G said that the rest of them started beating the other kids.

96. Either L G did not tell me who beat which child, or I do not remember who beat which child, but I do know that he said the children were beaten.

97. L G said that after the kids were beaten until they could not stand or run that Mr. Hobbs made L G and Buddy to take the boys' pants off.

98. L G said that after the boys were undressed that Mr. Hobbs pointed at one of the boys and made L G and Buddy hold him down and to spread his legs apart.

99. While they forced his legs open, Mr. Hobbs took a knife and reached underneath, cutting the boy's scrotum and penis.

100. After cutting the boy, he told them to toss the boys' bodies in the ditch of water.

101. L G told me that they cleaned up the area as it was getting dark, that they placed the clothes and shoes in the water, and lastly submerged the bicycles in the bayou.

102. L G said that after they submerged the bicycles, they all left the woods.

103. L G told me that he was one of the first people questioned, and that he had failed his lie detector test.

104. He acted like this proved he had done it.

105. He acted proud that he had done it, like killing those kids made him a real tough guy.

106. After L G told me this, I knew that Buddy had been telling me the truth. I knew that I had to do something about this, that I could not keep this a secret.

107. I immediately told the Crittenden County Criminal Investigator, Ed Laxton, about what Buddy and L G told me, but I never heard back from him.

VII. FEBRUARY, 2012 TO PRESENT

108. On February 21, 2012, I wrote Prosecutor Scott Ellington a detailed letter about these facts. I stressed my desire to talk to him concerning this because it was important that the truth be known.

109. Prosecutor Ellington has never responded to my request.

110. I am sharing this information today so that the truth may be told. I want the parents of these little boys to know what really happened to their children and for justice to be done to the ones who did this. This has been a difficult thing to hold and to have ignored. I hope that now, it will finally be heard.

In witness whereof, I hereunto set my hand this 15th day of February, 2013.

Bennie Guy

STATE OF ARKANSAS)
)
COUNTY OF Lincoln)

Subscribed and sworn to before me on this 15th day of February, 2013.

Notary Public

My commission expires: _____