

1 two had the desired result; the Echols team didn't; correct?

2 A] I'm not sure it would be a desired result; it's just to  
3 avoid death.

4 Q] But that's what separates a capital case from other murder  
5 cases; correct?

6 A] Yes.

7 MR. DAVIS: I pass the witness, Your Honor.

8 THE COURT: Is that it?

9 MR. BURT: Yes, sir.

10 THE COURT: All right, we're going to take a ten-  
11 minute recess. You can stand down, Mr. Lax, and  
12 you're free to go.

13 (Witness excused.)

14 (WHEREUPON, a recess was taken; proceedings resumed as follows,  
15 to-wit:

16 THE COURT: Court's back in session. Call your  
17 next witness.

18 MR. PHILLIPSBORN Your Honor, I, uh, just to alert  
19 Mr. Davis, we had one brief witness I was going to put  
20 on this afternoon but I think, uh, in view of the time  
21 we have, we're going to call Mr. Baldwin.

22 THE COURT: All right.

23 MR. PHILLIPSBORN Thank you.

24 THE COURT: I don't believe he was sworn.

25 (Witness sworn.)

1 THEREUPON,

2 CHARLES JASON BALDWIN

3 was called as a witness by and on behalf of the Petitioner/  
4 Defendant and having been duly sworn, was examined and testified  
5 as follows, to-wit:

6 DIRECT EXAMINATION

7 BY MR. PHILLIPSBORN:

8 Q] Jason, how old are you now?

9 A] I'm thirty-one years old, sir.

10 Q] And, uh, I know everybody here understands this, but just  
11 for the record, have you been in custody since you were ordered  
12 incarcerated in 1994?

13 A] Yes, sir.

14 Q] Uh, I want to ask you about your circumstances in 1993, and  
15 before we get there, just by way of a little bit of background,  
16 uh, who are the members of your immediate family, uh, what are  
17 their names, just so when we refer to them the record will be  
18 clear. What's your mom's name?

19 A] My mom's name is Angela Gail Grinnell.

20 Q] And is your mom here today?

21 A] Yes, sir, she is.

22 Q] What's your dad's name?

23 A] My dad's name is Charles Larry Baldwin.

24 Q] Uh, now was Mr. Baldwin a part of the family and by that I  
25 mean was he living with you and your mom in 1993?

1 A] No, sir.

2 Q] Uh, who else is in your immediate family?

3 A] Uh, my younger brother Matthew, Larry Matthew Baldwin who  
4 is two years younger than I am, and my youngest brother, Terry  
5 Ray Grinnell, who is seven years younger than I am.

6 Q] And in May of 1993 other than Mr. Baldwin, uh, were all of  
7 the people you just named living in the same household together?

8 A] Yes, sir, we were.

9 Q] All right. And where was that household located?

10 A] Lakeshore Trailer park in Marion, Arkansas, which is north  
11 of West Memphis.

12 Q] And we've had a little bit of a description of the trailer  
13 park as having a few dozen trailers. How, how big do you recall  
14 the trailer park being?

15 A] It was fairly large, uh, I wouldn't say it was a few dozen;  
16 maybe a few hundred.

17 Q] And, uh, what, what was your, what was the trailer like and  
18 I, I just mean that in terms of how, how many bedrooms did it  
19 have?

20 A] Oh, it was a very nice home. It had three bedrooms, two  
21 baths, a living room, dining room and a kitchen.

22 Q] Okay. And, uh, as far as you can recall was your mom  
23 working at the time?

24 A] Yes, sir.

25 Q] And by "at the time," I'm referring to May of 1993?

1 A] Yes, sir.

2 Q] Was there anyone else living in the household with you at  
3 that time, besides your immediate family members?

4 A] Uh, my mom had a live-in boyfriend named Dennis and we all  
5 called him "Dink." His full name was Dennis Dent.

6 Q] And, and just in terms of, uh, uh, your knowledge, if you  
7 know, uh, what age group was Mr. Dent in at that time; how old  
8 was Mr. Dent, and again in May, 1993?

9 A] I believe he may have been five years older than I am now,  
10 maybe 36, 37; maybe 40. I really couldn't tell you, but some-  
11 where around there.

12 Q] Uh, now was, uh, had he been as of, let's say, uh, May 5,  
13 1993, had, had Dink been living in that trailer for a long  
14 period of time?

15 A] At that point I'd say possibly a month, maybe a month and  
16 half. At the most, two.

17 Q] Uh, was he working?

18 A] No, sir, he wasn't.

19 Q] Since your mom was working, uh, what shift was she working?

20 A] She had to work the late shift, which is, uh, I believe it  
21 started 2:30 or 3:00. I'm certain she had to go to work at  
22 about 2:30 at night and didn't start until 3:00 something and  
23 she probably got home around 10:30 or 11:30 at night.

24 Q] Did your mom have a car at the time?

25 A] Yes, sir, she did.

1 Q] Uh, and incidentally, just to be clear, did you drive at  
2 the time?

3 A] No, sir.

4 Q] Uh, how would you get around?

5 A] Uh, primarily the school bus, uh, walking, bicycle or like  
6 my mom taking me places or the mother of a friend taking me  
7 places.

8 Q] Now, uh, it sounds as though your mom, uh, when she worked,  
9 and did she work a regular work week around 1993 and specifical-  
10 ly during May of 1993?

11 A] Yes, sir, she did.

12 Q] It sounds as though she would be gone, uh, at supper time  
13 and at the time at least the younger people were going to bed?

14 A] Right.

15 Q] Who, who was basically responsible for taking care of you?

16 A] Well, at different times when Dink was there, he watched  
17 everybody and when he wasn't there, I did. And then there was  
18 actually a period of time when my step-father lived there before  
19 Dink lived there and the time after Dink had left, my step-  
20 father had come back and he would watch us. But there was a  
21 period of time after Dink left that I had to baby-sit.

22 Q] And when you say "when Dink left," in relation to, uh, May  
23 5 and May 6 of 1993, when, when did Dink leave, if you recall?

24 A] I do recall. It was May 6<sup>th</sup> when I come home from school he  
25 was gone and my mom was actually there at the time, and normally

1 she'd be gone already to work when I got home from school, but  
2 that day she was there and Dink was gone.

3 Q] And, uh, how is it that you remember that day?

4 A] Well, that was the day that the boys bodies were found and  
5 my mom was very concerned about it, you know, and she wanted to  
6 make sure that I had instructions to stay at home, keep my  
7 brothers, you know, close to the house and safe and everything  
8 until they found out who did it. And, plus, too, her and Dink  
9 had gotten into an argument the night before and she had kicked  
10 him out of there or he had left, or whatever. So she wanted to  
11 make sure that we had instructions before she went to work.

12 Q] Do, do you happen to know that he, uh, whether he ended up  
13 in custody at some point shortly after he left?

14 A] I just found out recently from speaking with you about  
15 that.

16 Q] Uh, but I mean, I'm talking about in terms of your know-  
17 ledge, you don't know one way or the other where he went to  
18 after he left your household?

19 A] No, sir.

20 Q] Uh, in, in terms of the morning routine on school days, uh,  
21 who, who was, uh, was anybody responsible for getting everyone  
22 up and making sure they got dressed on time and got out of the  
23 house?

24 A] Yes, sir. I normally got me and my brothers up and got us  
25 ready for school. We had some cereal for breakfast and I got

1 that and we caught the bus.

2 Q] Now where were you going to school in May of 1993?

3 A] Marion Senior high school.

4 Q] Uh, and how did you get to school?

5 A] By bus.

6 Q] Where did you catch the bus?

7 A] On the corner of our street, which was about three, maybe  
8 four trailers down.

9 Q] And, uh, what time did you catch the bus?

10 A] We usually go out there like, especially during that time  
11 of year, May, we would come out there pretty early, around 7:30  
12 and play like kick-ball and stuff like that from 7:00 to 7:30 to  
13 play kick-ball until the bus got there. And then the bus would  
14 usually get there between 7:30, 7:45, sometimes as late as 8:00.

15 Q] And, uh, what time did you usually get up?

16 A] I tried to at 6:00, sometimes it might be a little bit  
17 later, but normally 6:00.

18 Q] How long would it take you to get to school once you got on  
19 the bus?

20 A] Once we got on the bus it probably took the bus driver from  
21 our stop to make the circle around the trailer park, pick every-  
22 body else up and we would make it to school probably at the  
23 latest, thirty minutes.

24 Q] Incidentally, back in May of 1993, uh, just in terms of  
25 your memory of it, how, how tall were you back then?





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IN THE CIRCUIT COURT OF CRAIGHEAD COUNTY, ARKANSAS  
CRIMINAL DIVISION

STATE OF ARKANSAS

PLAINTIFF

VS.

CR-93-~~4~~ 4806

~~JASON CHARLES BALDWIN~~  
~~THE STATE OF ARKANSAS~~

DEFENDANT

FILED

APR 21 2010

Ann Hudson  
Circuit Court Clerk

**VOLUME II of X**

1 A] I actually remember sometime around in that area, you know,  
2 being able to look, just be able to look my mom in the eye in  
3 height-wise.

4 Q] And in relation to people - - what class were you in, in  
5 May of 1993?

6 A] I was in the 10<sup>th</sup> grade.

7 Q] Were you one of the bigger or one of the smaller kids?

8 A] Smaller.

9 Q] Uh, do you remember how much you weighed?

10 A] I remember weighing myself over at my Uncle Hubert's house  
11 and I remember weighing about 112.

12 Q] Uh, in terms of you at school, uh, were you a scrappy kid;  
13 did you like to fight?

14 A] No, sir.

15 Q] Do you remember ever getting in a fight?

16 A] Yes, sir.

17 Q] Did, did you do well fighting with other people?

18 A] Well, I remember, uh, I got into a fight with a guy who  
19 took my brother's, uh, Chicago Bulls cap and I didn't throw any  
20 licks but he did.

21 Q] Uh, and, and, uh, are, are you a person who would, would,  
22 uh, was into, uh, violence?

23 A] No, sir.

24 Q] Now, uh, what was your mom's health like in May of 1993?

25 A] At that time she was doing real good.

1 Q] And, uh, to get back to a school day, how, how long would  
2 you spend in school, if you had a regular schedule?

3 A] The school bell normally rang, uh, to go into the building  
4 at 8:15 and I think the tardy bell rang at 8:20 and of course,  
5 it was divided up into class periods and everything but the very  
6 last bell for school to end was at 3:15 in the evening.

7 Q] Now Jason, you, you understand why we're all here?

8 A] Yes, sir.

9 Q] And let me ask you directly, were you involved in the  
10 killing of three boys on May 5 or May 6 in 1993?

11 A] No, sir, never.

12 Q] Have you ever been involved in the killing of anyone?

13 A] No, sir. Never.

14 Q] Did you, uh, did you, Damien Echols and/or Damien Echols  
15 and Misskelley and you, uh, get involved in the killing of three  
16 boys?

17 A] No, sir, never.

18 Q] In West Memphis?

19 A] No, sir, never.

20 Q] Uh, do you recall being arrested in connection with these  
21 killings, the killings that were tried in this court?

22 A] Yes, sir, I do.

23 Q] And, uh, do you recall, uh, do you recall Paul Ford?

24 A] I do. Yes, sir.

25 Q] Actually, before we get into your relationship with Paul

1 Ford, let me ask you something: In terms of what you're wearing  
2 here today on any part of your body, is there a difference be-  
3 tween, uh, in court in 1993 and 1994 and being in court today -  
4 - I'm not talking about size or the fact that you are wearing a  
5 shirt and pants, but wearing glasses. Were you, did you wear  
6 glasses back then?

7 A] I needed to, but I didn't.

8 Q] Uh, now had you been in the juvenile system before you were  
9 arrested in May of, in June of 1993?

10 A] Do you mean like locked up in like a training facility or a  
11 jail for an extended period of time?

12 Q] No, I mean had you ever been in court before you were  
13 arrested in connection with this killing?

14 A] Actually, yes.

15 Q] And had you been represented by a lawyer before that time?

16 A] Yes, sir.

17 Q] Uh, had Paul Ford represented you before that time?

18 A] No, sir.

19 Q] Uh, had you ever been to any kind of a hearing in which  
20 witnesses were called before your participation in the trial of  
21 this case?

22 A] No, sir, never.

23 Q] And, uh, was the, uh, was, uh, the, uh, the matter that you  
24 were in juvenile court for one that actually required the testi-  
25 mony of witnesses?

1 A] Not that I recall. I don't, uh, what I do recall from  
2 that, I was eleven years old and I remember that the State had  
3 recommended that I would do, that me and my little brother and  
4 some other guys would do five years in the, uh, state reform  
5 school and my mom stood up and said, "No, not my son," and the  
6 judge called everybody up there to the bench and he came up with  
7 five years' probation for that.

8 Q] Uh, but when you first met, uh, Paul Ford, uh, that was  
9 your first exposure in a situation, uh, in which you would be  
10 with a lawyer for an extended period of time?

11 A] Yes, sir.

12 Q] Uh, now who did you meet first: Mr. Ford or Mr. Wadley?

13 A] It's hard to remember, but I think I met them both at the  
14 same time.

15 Q] And, uh, where were you when you met them?

16 A] It might have been very briefly in the West Memphis court-  
17 house the morning after we were arrested. I think they were  
18 appointed then.

19 Q] Now from that point until the conclusion of your trial, did  
20 you meet and speak with Mr. Ford and Mr. Wadley?

21 A] Oh, yes, sir, a lot.

22 Q] Uh, from the time you first met them until the conclusion  
23 of your trial, how long did you talk to them?

24 A] Oh, I don't believe that, uh, that it was like a set  
25 schedule, like once or twice a week or something like that or

1 once or twice a month. I know sometimes I seen him a lot more  
2 often than other times, and sometimes there would be stretches  
3 when I didn't see them at all. And to me then, it seemed like  
4 an awful long time, but now, it doesn't seem like it was a very  
5 long time, you know, but during the trial I know I probably saw  
6 them almost every evening.

7 Q] During the trial?

8 A] Almost every evening.

9 Q] Prior to the trial?

10 A] Prior to the trial, uh, every now and then.

11 Q] And, uh, who, as between the two lawyers, did one seem to  
12 do more talking than the other, or did they, were they both  
13 equally involved?

14 A] Paul did most of the talking. Robin, you know, he, he  
15 would sit there and take notes and stuff and well, Paul would  
16 take notes, too, but Paul did most of the talking.

17 Q] And, uh, do you recall feeling that you had a better rela-  
18 tionship or a better feeling towards one or the other, or just  
19 did you feel you got along with both?

20 A] I got along with both of them.

21 Q] Uh, in terms of your looking back at you at that age and  
22 this circumstance, uh, are you a naturally talkative person?

23 A] No, sir, I'm normally quiet and reserved.

24 Q] And, and in terms of your dealings with your lawyers, uh,  
25 were you, how did you carry yourself? Did you feel you could

1 kind of tread back and forth with them in your conversations?

2 A] They did most of the talking and I usually talk, you know,  
3 when asked direct questions, I'd respond like that.

4 Q] Uh, now, and, and in terms of your, you, uh, let's say Paul  
5 Ford, uh, was he soft-spoken and gentle with you, was he, uh,  
6 was he kind of loud and assertive, did he had some of, was there  
7 a manner or a style that you remember his having in his  
8 conversations with you?

9 A] Most of the time I wouldn't say he was mild, I believe the  
10 word would be assertive in, in communications. But I can  
11 remember an incident where he did get very loud and upset.

12 Q] Uh, and, and in terms of describing yourself at the time,  
13 uh, is assertive a word that you think applied to you; was that  
14 did you feel you had an assertive style when you were sixteen  
15 years old?

16 A] More passive.

17 Q] Uh, now, did, did your lawyers interview you and by that,  
18 by interview, what I mean is did they ask you questions and did  
19 you answer questions they had for you?

20 A] Yes, sir.

21 Q] Uh, did they ask you about, uh, your family background?

22 A] Maybe some, but I don't think a lot.

23 Q] Uh, did they ask you to help them write out a family tree  
24 so that they would know who was in your family that they might  
25 be able to go out and interview?

1 A] No, sir.

2 Q] Uh, did they sit down and explain to you, uh, when they met  
3 you and they were developing your defense, did they explain to  
4 you how a capital case works?

5 A] Not really. They never really talked about the law part of  
6 it so much.

7 Q] Did you have, were you given to understand that you, uh,  
8 that, that they would, uh, have to prepare to defend you on the  
9 question of whether you were guilty or not; did you understand  
10 that?

11 A] I remember always telling them, you know, that I am  
12 innocent and that I had, you know, people that knew where I was  
13 at the day of the murders and the day after the murders and  
14 everything. And it seemed to me like the most questions they  
15 asked me about, really, were about Damien and for some reason I  
16 was always getting, it was like Paul Ford was trying to - -  
17 would have thought that maybe Damien was guilty and that I was  
18 not, and that was always, you know, that was most of the  
19 questions, but I tried to, you know, let him know that I thought  
20 he was innocent, too.

21 Q] Did, did you, uh, do you remember spending, uh, several  
22 interviews going over, uh, where you were on May 5, where you  
23 were on May 6, who you may have seen, uh, those sorts of  
24 questions?

25 A] Yes, sir.



1 Q] Uh, and, and did you, were you truthful with your lawyers?

2 A] Yes, sir.

3 Q] Did you give them every bit of information you thought you  
4 had?

5 A] Yes, sir.

6 Q] Now did they explain to you or do you remember their ex-  
7 plaining to you that, that they also had to prepare a punishment  
8 phase of the case or some kind of a penalty trial in case you  
9 were, uh, found guilty?

10 A] Yes, sir.

11 Q] And, uh, do you recall spending time talking about, uh, for  
12 example, uh, uh, whether there were any friends or neighbors of  
13 your family that might be able to come forward and speak in your  
14 behalf?

15 A] Yes, sir, I, I talked to them a lot about that, but not  
16 specifically for, you know, just the penalty phase, but for the  
17 guilt phase because I felt, you know, there were people in my  
18 community that knew me, knew me as a person that was, uh,  
19 opposite of what was being said that saying I was a Satanist and  
20 devil worshiper and all of that stuff. For instance, uh, my  
21 next door neighbor, Ms. Littleton, uh, I had been living there  
22 since sixth grade and for that whole time I've helped her, you  
23 know, practically almost every week, you know, go with her to  
24 get her groceries and stuff like that. And I felt it would be,  
25 you know, even though I wasn't with her on May 5<sup>th</sup> and May 6<sup>th</sup>, I

1 felt it was very, very important, you know, for her to come  
2 testify and say "hey, this is how I know Jason."

3 Q] Were there, again, getting back to the, to the, to that  
4 subject generally, do you recall their spending time saying,  
5 "Jason, we have to talk about, we, we have to get information  
6 about, about you in school, in the community, uh, helpful things  
7 you've done, the opinions of people may have of you. We need to  
8 get that information together." Do you recall their saying that  
9 to you?

10 A] No, sir.

11 Q] Uh, now, do you, uh, do you recall talking to your lawyers  
12 about who you believed, and I think we've covered this a bit,  
13 but who you believe you actually saw somebody who would have  
14 talked with you or had contact with you between the beginning of  
15 the day on May 5 and the end of the day May 6, 1993? Did you  
16 talk to your lawyers about that?

17 A] Yes, sir, I did. Even if I didn't know the person's name I  
18 was trying to give them a description.

19 Q] And, uh, do you, uh, do you recall what you explained to  
20 your lawyers about what you did on May 5?

21 A] Yes, sir.

22 Q] What did you say?

23 A] Well, I, I told them on May 5<sup>th</sup>, specifically, you know like  
24 we were talking about a while ago about getting my brothers up  
25 for school and getting us to school and everything and you know,

1 get everybody ready for school. And I did that that morning and  
2 we all went to school and specifically, I told them about coming  
3 home from school and seeing Damian and Domini sitting in my  
4 front yard, uh, sitting on the Yugo, the hood of the Yugo, the  
5 tore up car we've got sitting in the front yard; I told them  
6 about that. I told them I went inside and they came in with me  
7 and Ken came over.

8 Q] Who, who is Ken? Did you give your lawyers...

9 A] ...Ken?

10 Q] Yes?

11 A] Yes, sir, I did. Ken Watkins.

12 Q] Okay. A friend of yours?

13 A] Yes, sir, he lived on the next street over from me.

14 Q] So what else did you tell them?

15 A] I told them we went inside, you know, into my room and  
16 Dennis was there, my mom's boyfriend at the time, you know, my  
17 brothers came in and out, you know, and we went into my room. I  
18 was playing Super Nintendo, me and Ken were and, uh, Damien and  
19 Domini was, you know, sitting on my bed and everything and I got  
20 a phone call from, uh, Dink come in there and knocked on the  
21 door and said, "Hey, you got a phone call," and he said, "it's  
22 your uncle." I said, "all right." And I talked to my uncle and  
23 he asked me if I was gonna come cut the yard that day.

24 Q] And did you give these lawyers your uncle's name?

25 A] Yes, sir, I did.

1 Q] What was your uncle's name?

2 A] Hubert Bartaush. That's my grand uncle, my grandmom's  
3 brother.

4 Q] Now where, where did your granduncle, uh, live?

5 A] He lived in West Memphis close to the Boy's Club.

6 Q] And, and, uh, did you tell your lawyers that?

7 A] Yes, sir.

8 Q] Okay. So what, what happened after that phone call; what  
9 did you tell them what happened after the phone call from your  
10 granduncle?

11 A] I told them that, uh, after I got through talking to my  
12 uncle I told them that I told Ken and Damien and Domini that I  
13 gotta go cut my uncle's yard and had to walk over there, they  
14 could stay there and play or come with me or they could, you  
15 know, go where ever they want, you know. And they said they'd  
16 walk over there with me. So we walked from Lakeshore to my  
17 uncle's house in West Memphis and we went over the overpass and  
18 through the Wal-Mart parking lot, through the Kroger's parking  
19 lot and then from there straight to my uncle's house and we made  
20 it there and in the back yard and everything. And while I was  
21 cutting the back yard, sometime during that and some time before  
22 I got through with it and before I cut the front yard, and uh,  
23 Damien and Domini were gone. Ken told me Damien told him he had  
24 to go call his mom and let her know that he wasn't at my house  
25 anymore, he was at my uncle's house so she would know, you know

1 where to pick him up at. So, so after he told me that, I went  
2 ahead, you know and finished mowing my uncle's yard. I cut the  
3 front yard and everything and he paid me \$10.00. So after he  
4 gave me \$10.00 me and Ken, on our way back home, we stopped at,  
5 uh, Wal-Mart and bought a couple of sodas and, uh, played video  
6 game in front of Wal-Mart and there was an Asian guy there that  
7 now I know his name, uh, Kim, well, it was, well, anyway he was  
8 there.

9 Q] Okay. But in, but in terms of, let's, let's now, uh, if  
10 you don't mind, turn to what you told your lawyers. There was  
11 a, uh, you described this person, but you didn't know his name  
12 at the time?

13 A] No, sir, I didn't. He was an Asian guy around our age. He  
14 was there, you know, watching me and Ken play "Street Fighter 2"  
15 while he was waiting to play, you know, and when we got through,  
16 you know, I guess he stayed there and played. And we went home  
17 to Lakeshore, to my house and he went to his house.

18 Q] Incidentally, from, from let's say the place that you, uh,  
19 played video games at, uh, how long would it take you to get to  
20 Lakeshore to your house?

21 A] I've really never timed it, but if I was to guess, maybe  
22 some one could go like walk it and find out for certain, but for  
23 some reason it doesn't seem like it took very long. Maybe  
24 twenty-five, from Wal-Mart, the video game to Lakeshore,  
25 probably maybe, uh, ten, fifteen minutes. I think around there.

1 Q] And, and again, you were on foot, as far as you can recall?

2 A] Yes, sir.

3 Q] Okay. And, and so then what happens then? What, what did  
4 you, and, and again, I'm specifying here not only what happened  
5 in proof...

6 A] ...what I told my lawyers?

7 Q] Yes?

8 A] I told them from Wal-Mart I went back to Lakeshore trailer  
9 park, Ken went to his house and I went to my house and while I  
10 was there Dennis was there, my brothers were at, you know, I  
11 think I seen Matt, you know, coming in and out and Terry coming  
12 in and out and everything. Dink was there and, uh, my mom  
13 called checking in on us and everything. I was there for a  
14 little while before I went to Adam's house, is what I told Paul  
15 and everything.

16 Q] Well, let, let me ask you, uh, was it your mother's habit  
17 and custom to, to call you at home?

18 A] Yes, sir.

19 Q] While she was at work?

20 A] Yes, sir.

21 Q] Uh, would, would anything happen to you if she called and  
22 you weren't at home when she called?

23 A] Well, as long as I was accounted for and going and doing  
24 what I was supposed to been doing, if, if I was, say for  
25 instance, if I didn't, uh, come home in an hour like I was

1 supposed to or I'd say two hours, I'd get grounded and stuff  
2 like that, you know.

3 Q] Would you usually be up when your mom came home?

4 A] No, sir; not unless it was like a Friday.

5 Q] So where, where did your mom sleep?

6 A] In her room, but there's time when, uh, when my step-dad  
7 wasn't there and Dink was no longer there, she'll sleep on the  
8 couch in the living room.

9 Q] Uh, and, uh, as, as far as, as you know if you were awake,  
10 would your mom look in on you to make sure that you were home  
11 after she got home?

12 A] I know she did for a fact because, uh, when I go to bed, I  
13 had, uh, a dual-cassette stereo she got me for Christmas, and  
14 I'd put a tape in one side playing and I'd put it on the other  
15 side I'd put it on pause and play, you know, that way when one  
16 side kicked off the other side would kick on, but I'd fall  
17 asleep before it would get finished. Well, I'd know my mom had  
18 been in there 'cause the next morning, you know, when I'd get up  
19 and get ready, I'd go and turn my stereo on. Well, the play  
20 button was still pushed down on the second tape, but the power  
21 was turned off. So I'd just push the power back on and it would  
22 continue the way it was going, you know. So I'd know she had  
23 been in there and turned it off while I was asleep.

24 Q] And, uh, so what else did you, did you tell them about; you  
25 said you went to Adam's house? Who's Adam?

1 A] He's a guy that lives around the corner. He's, he's more  
2 along the age of my younger brother Matthew. They're about the  
3 same age but, you know, he comes over to the house all of the  
4 time and we're all friends and everything. And I got \$10.00  
5 from my uncle that day, you know, cutting the yard and Adam had  
6 the Iron Maiden Power tape and I went over there to see if I  
7 could buy it from him and I went over there and his mom was  
8 there and his dad was there and his sister was there, his  
9 sister's boyfriend was there and of course, Adam was there. And  
10 I had, uh, I had a necklace, a dragon holding a crystal ball,  
11 and his sister actually tried to talk me out of the necklace,  
12 but I didn't want to get rid of it and Adam did sell me the Iron  
13 Maiden tape for \$4.00.

14 Q] What happened after that?

15 A] I came home and my had, uh, my mom was making dinner be-  
16 fore, before going to work, she would make dinner and put it in  
17 the oven and that way it could just be heated up, you know, when  
18 we got ready to eat and ate some tuna casserole and talked on  
19 the phone to Holly and, uh, Heather, my girlfriend at the time,  
20 uh, Jennifer, uh, Damien, I talked to him. And I talked to Dink  
21 while he was there, you know and talked to my brothers some and  
22 watched, you know stayed up until *Wonder Years* went off and  
23 that's when I went to bed. But Terry went to bed before I did.

24 Q] Was watching *Wonder Years* part of your routine at the time?

25 A] Yes, sir.



1 Q] Now, uh, do you recall being in school, uh, the day that  
2 the, uh, that it was, uh, reported that the bodies of three  
3 young boys had been found in West Memphis?

4 A] Yes, sir.

5 Q] Uh, and, uh, were there classmates of yours present in your  
6 classes, as there usually would have been?

7 A] Oh, yes, sir.

8 Q] And did, did your lawyers ask you about, uh, who your  
9 teachers were?

10 A] No, sir, not that I recall.

11 Q] Did they ask you about classmates that you were friendly  
12 with that you were seen in school, both on, on May 5 and May 6?

13 A] No, sir, not that I recall.

14 Q] Did they ask, ask you whether there would have been anybody  
15 who would have seen your physical condition on, uh, May 6, mean-  
16 ing did you look as though you had been out killing three people  
17 the night before; did you have any indications of you physical-  
18 ly, uh, that you had been participating in, in homicides, stab-  
19 bings and beatings. Did they ask you any of that?

20 A] No, sir, they did not.

21 Q] Now, uh, you were present yesterday - - let me ask you  
22 something - - did you, uh, hear testimony about, uh, the lawyers  
23 talking to you about whether to testify or not?

24 A] Yes, sir, I was here yesterday and I heard that.

25 Q] Uh, did you ever practice testifying with either one or

1 both of your lawyers?

2 A] No, sir. When Paul was saying that yesterday, I was think-  
3 ing maybe he had confused that with someone else's case later on  
4 or something. But we never practiced.

5 Q] Did he ever bring in another lawyer to have, to have you...

6 A] ...no, sir. The only lawyer I ever met with him was Robin.

7 Q] Again, just so I, I'm sorry; I speak slowly. Uh, did he  
8 ever bring in a third lawyer to help you practice, uh, to testi-  
9 fy, just in case you were going to testify?

10 A] No, sir, he did not.

11 Q] Now did you in fact talk to Paul Ford during the course of  
12 your case about how things were going; did you have, during  
13 those meetings you had that you've previously described, did you  
14 talk about how things were going in court?

15 A] He, he would ask me every day if I thought I had heard  
16 something that day that would make me think that they would find  
17 me guilty that day.

18 Q] Uh, meaning the part of what he was saying "did you hear  
19 anything today that would make you think that they're going to  
20 find you guilty"?

21 A] Exactly. Yes, sir.

22 Q] Okay. And, uh, did, did you talk about, uh, whether it  
23 would be, uh, was there talk back and forth between you and Paul  
24 or you and Paul and Robin about, uh, whether it would be a good  
25 idea to present witnesses who could talk about whether they saw

1 you at a certain place, like at your home on the night of May 5;  
2 did you have discussions about that?

3 A] Yes, sir, we did and those discussions were always hard be-  
4 cause I could never get them to, you know, let me know if they  
5 actually had talked to anybody, you know. It was like, I was  
6 saying, "Okay, these are the people I think you should talk to,"  
7 and they were like "Okay, yes," and you know, when I would see  
8 them again, and the subject would come up again, they wouldn't  
9 let me that "hey, yeah, I did talk to your uncle," or "yeah, I  
10 did talk to Ms. Littleton," or "I did," you know, "and every-  
11 thing's going to be okay and they're gonna be up there in court  
12 and everything." And it seemed like I had to tell them the same  
13 thing over and over again every time I seen them, without any  
14 results.

15 Q] Did, uh, did, uh, they ever tell you, "Hey, listen, we went  
16 and talked to people and first of all, the only people who saw  
17 you were a bunch of teenagers"; do you remember any talk like  
18 that?

19 A] No, sir.

20 Q] Uh, did they talk to you about, "Hey, we talked to your  
21 uncle and he was a big disappointment"?

22 A] No, sir.

23 Q] Did they tell you then had gotten a written statement from  
24 your uncle?

25 A] No, sir.

1 Q] Uh, do you, did you know one way or the other whether they  
2 had, had, uh, talked to Dink Dent and gotten a written statement  
3 from him?

4 A] No, sir, I didn't know it.

5 Q] Uh, an, uh, did, uh, do you remember, uh, there being  
6 discussions in which Mr. Ford and Mr. Wadley would tell you, uh,  
7 would explain to you, uh, "well, here are our options," uh, you  
8 know, "we could, we could present witnesses but, you know, if  
9 they aren't believed that may be a problem," uh, "we might just  
10 present one or two witnesses," uh, "we could present no  
11 witnesses. Let us talk to you about the different options here,  
12 let us tell you what we think." Were, were there discussions  
13 like that?

14 A] Like I said, it wasn't like that. I, I'd let them know  
15 that "hey, these are the people," you know, "that knew where I  
16 was at that day," And maybe I wasn't, uh, forceful enough,  
17 assertive enough to make them, you know, go through with that,  
18 but I would let them know every time that, "hey, these are the  
19 people," you know, "that's going to show where I was at that day  
20 when this was supposed to have been occurring," and everything.

21 Q] Were, were you, uh, do you remember whether you were  
22 writing to Heather at any point during that year; letters?

23 A] Yes, sir, I was.

24 Q] Do you remember writing, uh, any letters to her in which  
25 you, you talked to her about whether there were, there were

1 people, uh, who could help prove you were not guilty?

2 A] Yes, sir.

3 Q] Uh, incidentally, did you ever talk to your lawyers about  
4 phones and phone records?

5 A] I did, specifically, concerning my mom's record, my mom's  
6 phone record where my mom called me, you know, to check in that  
7 night, and hopefully, maybe they could have got the records, you  
8 know, of Heather, you know, and I talked to Heather and Holly  
9 and Damien. But specifically and definitely, about my mom.

10 Q] Now, uh, there was testimony also from Mr. Ford about a  
11 different subject, but related, which is whether or not you  
12 should take the witness stand?

13 A] Right.

14 Q] First of all, let me ask you, uh, as you sit here today, do  
15 you know, based on information you received during your trial,  
16 or even since then, uh, who makes the decision in trial whether  
17 to take the witness stand or not in a criminal case in terms of  
18 the accused. Whose decision is it; do you know?

19 A] Do I know now, or did I know then?

20 Q] Well - - let's ask - - do you know now?

21 A] It's my decision.

22 Q] Did you know then?

23 A] Then? I really wasn't sure. I know I'd tell him I wanted  
24 to, but then he never called me, even when I would bring it up  
25 he'd just say, "well, just sit there and tell me did you think

1 that they found anything that would make you think that they  
2 would find you guilty" and that would be it.

3 Q] Uh, did, did you, again, did you talk about options about,  
4 uh, well, if you, if you, you know, if you end up testifying,  
5 you've got the skilled lawyers, Mr. Davis and another skilled  
6 lawyer, Mr. Fogleman, who are going to be able to ask you  
7 questions and, you know, you've got to consider whether or not  
8 that is going to impact you; maybe the jury won't believe you.  
9 Do you remember talking about that?

10 A] I believe he did and I remember, you know, looking forward  
11 to it, you know, 'cause at school I didn't really get up and  
12 speak in front of class or anything like that but I know, and I  
13 felt like if I had to, and I thought I did have to, then I would  
14 do it no matter how hard it is or how hard it would be, I would  
15 do it.

16 Q] Why did you feel you had to testify?

17 A] Why did I feel I had to?

18 Q] Yes?

19 A] Because they didn't know who I was. No one was up there to  
20 tell them who I really am, you know, or what I was doing that  
21 day. They didn't hear anything from me or from my family or  
22 anybody that I was around that day.

23 Q] Now just to be clear, are, are you saying or do you recall  
24 Mr. Ford saying that you can't testify; did he put it that way?

25 A] He never told me I couldn't testify. He just kind of

1 shrugged me off, you know, like "okay," like he was agreeing  
2 with me like what I was saying was right, but then he would say,  
3 "well, just watch today and tell me today if you think you've  
4 seen or heard anything that would make you think that they would  
5 find you guilty."

6 Q] And now let me ask you: do you remember as this case was  
7 unfolding, uh, do you remember whether there were times when  
8 there was a film crew filming you and Paul Ford talking?

9 A] Yes, sir.

10 Q] Do you remember whether that actually, well, do you  
11 remember at all whether they, uh, had occasion to film you after  
12 the evidence was finished and you guys were talking about  
13 whether or not the evidence against you seemed strong enough to  
14 convict you?

15 A] I remember that.

16 Q] Uh, and was the kind of thing, the kind of talk, was Mr.  
17 Ford's approach to you about, uh, your chances oh, uh, of being  
18 found not guilty, uh, that, was his manner pretty consistent; in  
19 other words, was the way he talked to you on, on, uh, when the  
20 film crew was around pretty consistent with the way he was when  
21 there was no film crew?

22 A] It was a little bit different, but it was, it was close to  
23 the same.

24 Q] And was, was his, was his approach in terms of your talking  
25 about your testifying, uh, the approach of saying, basically,

1 "have you heard anything that makes you think they're going to  
2 find you guilty"?

3 A] That's what he said.

4 Q] In, incidentally, uh, do you remember the fight with  
5 Carson?

6 A] Yes, sir, I do.

7 Q] First of all, I, I, in view of the testimony I elicited  
8 earlier about your glasses, could, could you see witnesses  
9 clearly from the witness stand from where you were sitting  
10 during your trial?

11 A] No, sir.

12 Q] Did, did you ever ask to get some glasses?

13 A] Yes, I did. The first time it came up was, uh, when the  
14 jurors, the first time it came there was out here before we went  
15 to the private room. The first time it came up, uh, Paul asked  
16 me to watch the jurors and their inflection and try to get a  
17 reading on them and I told him I couldn't see them, I couldn't  
18 see their faces, they were just a blur. And he said, "well,  
19 I'll get you a pair of glasses when you go home."

20 Q] Uh, do you recall whether you recognized Michael Carson  
21 when he took the witness stand?

22 A] I didn't recognize him at all then. I mean, I couldn't  
23 recognize him probably now, just I recognize the name.

24 Q] Did you ever, well, let me ask you something else: when you  
25 were locked up in the detention unit here in Jonesboro, uh, did



1 you ever make statements to anyone, uh, first of all, stating  
2 that you were guilty of these crimes?

3 A] Never.

4 Q] Did you talk to anyone about having, uh, sucked blood out  
5 of people or, or, and, and, uh, again, with apologies to all  
6 concerned, uh, putting somebody's genitals in your mouth or  
7 biting them off?

8 A] Never. No, sir. Never.

9 Q] Uh, did you, uh, did you know before Carson took the wit-  
10 ness stand, based on your conversations with your lawyers, that  
11 Carson was going to take the witness stand?

12 A] The first time Paul ever said anything to me about Mr. Car-  
13 son was when Mr. Carson was walking up to the witness stand.

14 Q] What did he ask you?

15 A] He said, "Do you know that guy right there?"

16 Q] Part of the problem was you couldn't see the guy?

17 A] Right. And I told him no.

18 Q] Uh, and, uh, did you talk, did, do you recall talking to  
19 Mr. Ford about whether after Carson's testimony, it seemed as  
20 though you would have to, uh, either explain or deny the state-  
21 ments Carson had attributed to you; in other words, did you have  
22 a discussion about, "Look, this guy Carson just came in and he  
23 just made some pretty damaging, gave some pretty damaging  
24 testimony and we're going to have to think about whether or not  
25 now you may have to take the witness stand to talk about it."

1 Did you have that conversation?

2 A] Here's the conversation we had: Paul Ford said, "No one  
3 would ever believe that - -" well, he called him a name. He  
4 said, "No one will ever believe that guy. Don't worry about  
5 it."

6 Q] Uh, and so am I to take from that that you do not recall  
7 having a conversation with Mr. Ford in which, uh, there was an  
8 evaluation of whether it would be necessary for you to take the  
9 stand; in other words, "that you could take the stand, it was  
10 your right to do so, uh, to deal with the statements, but here's  
11 what I think. I think we're basically won't call you." Was  
12 there that kind of a discussion?

13 A] Again, I was always wanting to take the stand. And again,  
14 he would always, I guess the word "re-direct" me to the fact, to  
15 the questions that "did you hear anything today that would make  
16 you think that they would find you guilty?" But before he asked  
17 me that question, he told me "don't worry about that guy; they  
18 didn't believe him. They won't believe him."

19 Q] Uh, after you were convicted at the guilt phase, did you,  
20 uh, do you remember thinking you still wanted to testify?

21 A] Yes, I was shocked that I didn't. I was shocked that my  
22 family didn't get to testify, 'cause during the trial I was  
23 still able to see my mom and brothers at visitation at the jail.  
24 And it was breaking my mom's heart that she couldn't be in the  
25 courtroom with me to show support to me. And the reason she

1 couldn't is because she was a witness to where I was at that day  
2 and she made that sacrifice so she testify. And he never called  
3 her and he never told me he wasn't going to call her.

4 Q] Uh, now after, did you ever have any conversation with Paul  
5 Ford in which Paul told you, uh, "well, I tell you, Damien's  
6 alibi witnesses sure aren't helping him"?

7 A] He never said that to me.

8 Q] Did he, he ever tell you that he, he got, he felt basic-  
9 ally, uh, that you were losing points, or, you know, that  
10 things, that there were problems being caused because of Damien  
11 Echols's evidence?

12 A] I don't know if he ever put it like that, but the whole  
13 time he wanted the trial to be separate from Damien, the whole  
14 time before, uh, Damien's testimony, during and after.

15 Q] What I'm focused, what I'm focused on, though, was your  
16 discussions with your lawyers?

17 A] Yes, sir.

18 Q] Okay. Do you recall, do you remember, do you recall being  
19 present yesterday when Mr. Ford was talking about his views of  
20 what happens with Damien's alibi witnesses?

21 A] Yesterday was the first time I heard his views on Damien's  
22 alibi witnesses.

23 Q] And, and how about his views of, of the effect of Damien's  
24 testimony - - did he, do you recall coming to you when this,  
25 coming to you when you were in trial and his saying, "Son, I

1 gotta tell you, uh, Damien didn't help himself and he didn't  
2 help us, uh, by his testimony. I'm concerned"?

3 A] No, sir, he never told me that. He never had that  
4 discussion with me.

5 Q] Now Jason, you understand that, uh, Mr. Davis is, and the  
6 State will have the opportunity to, uh, ask you questions; are  
7 you going to answer them truthfully?

8 A] Yes, sir, I will.

9 MR. PHILLIPSBORN: I pass the witness.

10 CROSS-EXAMINATION

11 BY MR. DAVIS:

12 Q] Mr. Baldwin, when you were arrested, was it on June 6<sup>th</sup>; is  
13 that correct?

14 A] It was June 3<sup>rd</sup>.

15 Q] June 3<sup>rd</sup>?

16 A] Around 2:30 p.m.

17 Q] Okay. At the time you were arrested, did the police ask  
18 you if you wanted to give a statement?

19 A] Yes, sir, they did.

20 Q] Okay. And did you make a choice not to give a statement to  
21 the police at that time?

22 A] I made a choice to give them a statement at that time.

23 Q] Okay. And what detailed statement did you give them?

24 A] Basically the same thing I've said today, that I told Paul  
25 Ford.

1 Q] Okay. And you gave them - - did they tape the statement?

2 A] No, sir, they didn't.

3 Q] Okay. Who was the statement given to?

4 A] It was a dark headed detective.

5 Q] Ridge?

6 A] It may have been, but I'm not certain.

7 Q] Okay. Well, did you see a transcribed copy of that state-  
8 ment later?

9 A] No, sir, I never did.

10 Q] Okay. And in that statement, did you list in detail the  
11 witnesses that where you had been, what you had done and all of  
12 the things that had occurred?

13 A] Yes, sir.

14 Q] Okay. And where was that statement taken?

15 A] It was in the West Memphis police department.

16 Q] Okay. And that would have been how close in proximity to  
17 the time you were arrested?

18 A] That night.

19 Q] Okay. Now did, you said that Mr. Ford and My Wadley came  
20 down on frequent occasions to visit you and to consult with you  
21 prior to the trial; correct?

22 A] Yes, sir.

23 Q] Okay. No complaints about that?

24 A] No, they brought pizza and Mountain Dew and candy bars. I  
25 wasn't complaining.

1 Q] Okay. And they talked about the representation of you on  
2 the case; right?

3 A] Yes, sir.

4 Q] Okay. And they both worked, even though you said Mr. Ford  
5 did most of the talking, they both actively were engaged in  
6 working on your case; right?

7 A] Yes, sir.

8 Q] Okay. And they continued to work on your case actively and  
9 consult with you during the course of the trial; right?

10 A] Yes, sir.

11 Q] Okay. They didn't lock you out or keep you out of  
12 decisions or discussions about your case; correct?

13 A] I wouldn't say that, because I wanted to testify and I  
14 wanted my mom, my brothers and everyone to testify and they led  
15 me to believe that that was going to happen, but it never did.  
16 So if, if you're asking me did they fairly allow me a vote or  
17 whatever, or to make a decision? No, they didn't.

18 Q] Okay. Can you remember when the jury was instructed or  
19 read the instructions about what the charges would be, that they  
20 would consider?

21 A] Yes, sir.

22 Q] Okay. And do you, did you realize at the time that the  
23 jury could be instructed on lesser included offenses?

24 A] Oh, yes, sir. They were first-degree murder and second-  
25 degree murder.

1 Q] Okay. How did you learn that; how did you learn that...

2 A] ...Paul Ford told me that.

3 Q] So y'all discussed that?

4 A] Yes, sir, we did.

5 Q] Okay. And why did you, why did Mr. Ford discuss that with  
6 you?

7 A] Because he was my attorney.

8 Q] Okay. Did he let you in, did he say, "Look, this is my  
9 decision. I'm telling you this is what we're going to do on  
10 this and you don't have any say in it"?

11 A] On that point, no, sir. Uh, we talked about it and I told  
12 him specifically I am innocent. I am not guilty of capital  
13 murder, first-degree murder, second-degree murder, manslaughter  
14 or any other type or murder you can come up with.

15 Q] Did you discuss with him whether or not the jury was to be  
16 instructed on other lesser included offenses?

17 A] Yes, sir.

18 Q] Okay. And did you advise him that you did not want them  
19 instructed on lesser included offenses?

20 A] Yes, sir.

21 Q] Is that why he told the Court, in fact, that that was your  
22 position?

23 A] Yes, sir.

24 Q] That you remember standing up in front of the Court and  
25 telling the Court on the record "this is what I want to do," and

1 Mr. Ford had you do that? Do you remember that?

2 A] I don't know if I remember that, but if it happened, I  
3 won't dispute it, but I remember making the decision.

4 Q] So you don't recall during this process that you actually  
5 were asked questions on the record in front of the Court regard-  
6 ing whether or not lesser included offenses would be proffered?

7 A] I remember making the decision for it, but I don't remember  
8 if I did it in front of the Court.

9 Q] Okay. If the transcript reflects that in fact you did, and  
10 in fact Mr. Ford asked you those questions, if you understood  
11 that and that he asked you in front of the Court "do you under-  
12 stand that you're requesting that they be instructed only on  
13 capital murder," and you said that you did, that that happened,  
14 are you disputing that that occurred?

15 A] Oh, no, sir. I wouldn't dispute that.

16 Q] Okay?

17 A] I just simply don't recall it.

18 Q] Okay. Are you telling us that he indicated to you that you  
19 did not have the opportunity to testify, or that you couldn't  
20 testify?

21 A] Could you repeat that question again, please, sir?

22 Q] Okay. Did Mr. Ford or Mr. Wadley or anybody representing  
23 them tell you that you would not be allowed to testify at your  
24 trial?

25 A] No, they never told me that.



1 Q] Okay. Did you demand of them to exercise your right to  
2 right to testify?

3 A] I never demanded anything.

4 Q] Okay. Did you ask them, at the point where they were get-  
5 ting ready to rest, did you say, "Can I testify now"?

6 A] I don't believe so.

7 Q] Okay?

8 A] I don't think, I don't think I really, uh, was aware that  
9 they was gonna rest until it was over with.

10 Q] Okay. Did you ever at any point say, "Hey, guys, I wanted  
11 to testify, I wanted to get my opportunity to testify, try to  
12 get something done to reopen this case so I can get up here and  
13 say my bit"?

14 A] And I did that every day and they would say "now is not the  
15 time," uh, "did you hear something today, you know, that would  
16 make you think that they would find you guilty" and I would tell  
17 them no and then that would be the end of it.

18 Q] And so you insisted every day that you were going to  
19 testify?

20 A] I didn't insist, but I brought it up.

21 Q] Okay. Well, when you realized that he was up there resting  
22 and he had just rested, did you grab his arm, did you grab his  
23 shirt sleeve and say "why haven't I had my opportunity to  
24 testify; that's what I want to do"?

25 A] I'm sorry, sir. I didn't do that.

1 Q] Okay. Did you at any point intimate to him that that was  
2 something that you felt you had been denied at that point in  
3 time at the trial?

4 A] After it was over.

5 Q] After the result came in?

6 A] After it was over, but before the results came in.

7 Q] Okay? Did you ever...

8 A] ...there when they had, uh, the deliberations I told him,  
9 you know, I wished he had put me on, why didn't we testify, why  
10 didn't my mom and everybody get, you know, get to talk?

11 Q] But that was the first time that you've asked this about  
12 why you didn't testify or why that wasn't done, was at the point  
13 that the jury had already been instructed, arguments had been  
14 made and you're waiting for the jury to return; right?

15 A] Well, I always thought that there would be more time. But  
16 then when it was over with, it was already over with and I  
17 didn't know how to bring it up.

18 Q] Now as far as the other witnesses that were testifying, as  
19 far as the alibi witnesses were concerned, was Mr. Ford aware of  
20 those witnesses?

21 A] My alibi witnesses?

22 Q] Yes, sir. Had your mother notified him?

23 A] Yes, sir, I told him about it.

24 Q] Okay. And he had written notes down about those people,  
25 hadn't he?

1 A] Yes, sir.

2 Q] And he had statements that they had given to police;  
3 correct, on some of them?

4 A] I knew some of them, but I didn't know which.

5 Q] Okay. And he was familiar with what those witnesses - -  
6 it's not that you think he didn't know what they would say, it's  
7 just you disagree with his decision not to call those witnesses;  
8 correct?

9 A] Yes, sir.

10 Q] Okay. And Mr. Ford said he discussed that with you and  
11 discussed why he made that decision; right?

12 A] Did he say that?

13 Q] On the witness stand, that that was discussed, that the  
14 danger of putting witnesses, alibi witnesses on that could un-  
15 ravel, that he discussed that with you and explained why that  
16 wasn't being done?

17 A] He did not.

18 Q] Okay. You're saying he never discussed those with you at  
19 all?

20 A] He never said that my family, my friends would unravel on  
21 the witness stand. Now he said before that, you know, that  
22 witnesses could unravel on the witness stand, that they could  
23 become confused about times and stuff like that and that it  
24 could possibly hurt the case. He had told me that before, but  
25 he didn't say, "Listen, your witnesses or your mom or your

1 brother or your uncle or anybody like that specifically is gonna  
2 unravel."

3 Q] You had an opportunity to observe the Echols alibi defense,  
4 didn't you?

5 A] Yes, sir.

6 Q] Okay. And you heard Mr. Ford characterize it as less than  
7 effective; you heard Mr. Lax characterize it as ineffective, uh,  
8 you had a chance to see it. Did you think it was effective?

9 A] At the time I didn't think anything was wrong with it.

10 Q] Okay?

11 A] And now I don't think there was anything wrong with it.

12 Q] Okay. Did, is, and is it your, I want to make sure I  
13 understand this: are you saying that Mr. Ford never discussed  
14 with you the pros and cons of putting on alibi witnesses and he  
15 just - - he was told about the witnesses and just totally  
16 ignored what you said?

17 A] I told him about the witnesses and he acted like it was  
18 going to be good and okay and I mean, that's the way I felt, you  
19 know, it was going to be good and okay and everything. But then  
20 he - - they were never called.

21 Q] Okay. Are you saying there was absolutely no discussion on  
22 his part with you as to why it might be more advantageous to not  
23 call alibi witnesses than to call them?

24 A] He never said it would be more advantageous to not call  
25 them.

1 Q] Okay. And at what point are you saying that you asked him  
2 why in the world are we not calling alibi witnesses or are we  
3 not calling my family, are we not calling these other people?

4 A] It was already after it was over when I realized that we  
5 were not calling anybody, 'cause he never said "hey, we're not  
6 gonna call anybody."

7 Q] So the first time that you became aware that this was the  
8 situation and that it had - - no witnesses were called and you  
9 weren't aware that that was going to happen was when the  
10 evidence was in and the jury had already been instructed or were  
11 deliberating; is that right?

12 A] Yes, sir.

13 Q] Did you hear and listen to the testimony of Michael Carson?

14 A] Yes, sir.

15 Q] Okay. And he said, and he testified under his oath that in  
16 fact, uh, you admitted involvement in the crime and that you  
17 also made remarks regarding Jessie Misskelley. You heard that  
18 testimony; right?

19 A] Yes, sir, I remember that.

20 Q] And he was in the detention facility with you at the time  
21 that he testified that he was; correct?

22 A] Yes, sir.

23 Q] And you were familiar with him; correct?

24 A] Yes, sir.

25 Q] And he did have access to you and y'all were in the same

1 place where the communications could have taken place; correct?

2 A] We were at the same place; yes, sir.

3 Q] Okay. And at that time, you never, during the course of  
4 this trial, took the stand and said he's a liar, he's not  
5 telling the truth, or gave any information to the contrary to  
6 what he said; correct?

7 A] I did not. No, sir.

8 Q] You mentioned a necklace that you had that you were going  
9 to trade for some tapes?

10 A] I, I had, uh, a necklace, a dragon with a crystal ball, and  
11 I wasn't going to trade it for the tapes, I was gonna buy the  
12 tapes. But this was his sister that was wanting to get the  
13 necklace from me but I wouldn't give it to him.

14 Q] Okay. There was a necklace that became an issue at the  
15 trial; there was a necklace that was recovered from Damien  
16 Echols; correct?

17 A] Yes, sir.

18 Q] Okay. And do you know where that necklace came from?

19 A] Uh, the axe necklace?

20 Q] Yes, sir?

21 A] I think Heather gave it to me.

22 Q] Gave it to who?

23 A] Me.

24 Q] Okay. But it wasn't recovered off of you and taken into  
25 evidence; that necklace was actually recovered off Damien;

1 correct?

2 A] I believe so.

3 Q] Okay. Do you remember that there was some testimony and  
4 things came out about that necklace actually having blood on it?

5 A] I believe so.

6 Q] Okay. Do you know how that got there?

7 A] No, sir.

8 Q] Okay. And how did the necklace come into Damien's posses-  
9 sion from you?

10 A] I might have given it to him, but I don't know.

11 Q] Well, do you remember a discussion at trial when the, the  
12 evidence comes back about that and the testimony is going to be  
13 that that necklace actually came from you and that that might  
14 cause the case to be severed, because that would require you to  
15 get on the stand and explain it or not explain it or do some-  
16 thing; do you remember that coming up?

17 A] Repeat that?

18 Q] Okay. Do you remember toward the end of the trial when the  
19 necklace had been sent off for testing and it comes back and  
20 there's blood on it and part of the blood, uh, the, uh, the  
21 identification or the characterization of the blood was it was  
22 consistent with one of the victims, and also consistent with one  
23 of the defendants. Do you remember that coming up at the end of  
24 the trial?

25 A] Yes, sir.

1 Q] And do you remember that part of the reason, or part of the  
2 involvement was that if that was presented, that it would put  
3 you in a position where you might have to testify?

4 A] I don't remember that.

5 Q] Okay. Do you remember any discussion about that going on  
6 at trial?

7 A] I remember it being, I remember the part before when he was  
8 talking about the lawyers.

9 Q] Okay. And that was the necklace that was your necklace  
10 that you aren't sure, but somehow it came into the possession of  
11 Damien; right?

12 A] Yes, sir.

13 Q] And you don't know how any of that blood that was on that  
14 necklace arrived there?

15 A] No, sir.

16 MR. PHILLIPSBORN: Your Honor, I would ask that  
17 the, uh, that the answer be stricken. That's calling  
18 for this witness's speculation, because I think there  
19 were allegations made in court by lawyers that there  
20 was blood on it.

21 You know, there has been years of DNA and, uh,  
22 laboratory testing, uh, I'm not sure I've ever  
23 actually seen any evidence of the blood or the blood  
24 typing.

25 THE COURT: The way I remember, I didn't allow



1           them to introduce it. Was it introduced?

2           MR. DAVIS: No.

3           THE COURT: I don't think the neck - - we had a  
4 long conversation and a hearing out of the presence of  
5 the jury over the necklace, but, uh, either the State  
6 voluntarily withdrew it or I disallowed it; I don't  
7 remember which.

8           MR. PHILLIPSBORN: But I'm concerned, uh, I  
9 guess, Your Honor, uh, because we're, we're making a  
10 record here that the, uh, that Mr. Davis is very ably  
11 intimating that there was blood on the necklace, uh,  
12 when the evidence that supports the statement, I  
13 think...

14           THE COURT: ...that evidence should already be a  
15 part of the record, because there was a hearing on  
16 that and there was actually, as I recall, and it's  
17 testing my memory because I'm getting old, uh, from  
18 either a serologist or DNA expert concerning what was  
19 found on the necklace.

20           And that is in the record, but it was not in the  
21 trial. Am I correct on that?

22           MR. DAVIS: I mean, I think so.

23           MR. PHILLIPSBORN: Your Honor, my, my memory,  
24 having reviewed the, uh, the record and I, again, Your  
25 Honor was there and so was Mr. Davis, was that the

1 issue of the necklace came up.

2 The necklace was described as having been taken  
3 from Damien Echols and booking, but that there was a  
4 question about whether it hadn't been in Mr. Baldwin's  
5 possession prior to that.

6 The representation was made by an attorney that,  
7 uh, that some blood had been found on it and it  
8 wouldn't have been DNA tested and typed, because you  
9 can't type, uh, blood doing DNA testing, but a  
10 serologist, presumably, was described as having  
11 indicated that there was, or at least the  
12 representation was being made that a serologist would  
13 have typed the blood and, uh, Mr. Davis's description  
14 is what I recall.

15 But I don't think that things got as far, and  
16 again, I defer first of all to the record, to the  
17 Court's memory and to Mr. Davis, but I don't think it  
18 got as far as a contested hearing on the issue.

19 I think Your Honor ruled as to, as you indicated  
20 and, and, uh, you moved on because it was towards the  
21 end of the case and nothing else happened with the  
22 necklace.

23 So the only thing I, I don't want the record to,  
24 to read in such a way that it could be assumed that it  
25 was demonstrated a) that there was actually hemoglobin

1 on it; second of all, that it was tested and that for  
2 some reason that there was some scientific evidence  
3 being discussed; there were lawyers talking about what  
4 had been reported to them.

5 THE COURT: It might have all been lawyer talk,  
6 but I remember we didn't allow it and it wasn't in the  
7 trial but there was an in-camera hearing before the  
8 Court.

9 MR. PHILLIPSBORN: I agree, Your Honor, and thank  
10 you.

11 CROSS-EXAMINATION, continuing:

12 Q] Mr. Baldwin, there was some question by Mr. Phillipsborn  
13 early on about the, uh, your mother's health at the time of  
14 these trials and the question I need to ask you: had, had she  
15 had some either physical or emotional difficulty some times  
16 prior to that time, and not related to your arrest, but before  
17 your arrest occurred?

18 A] Yes, sir.

19 Q] Okay. That, and that had been something that she had dealt  
20 with on and off periodically during the time you have known her  
21 as an adult; right?

22 A] Yes, sir.

23 Q] Okay. So that's something, that emotional difficulty or  
24 whatever, is something that Mr. Ford would have been at least  
25 aware of when he was assessing whether or not to call her as a

1 witness; correct?

2 A] Yes, sir.

3 Q] Okay. And is it something that you considered or thought  
4 of in terms of her being a witness and how she might, how it  
5 might affect her being on the witness stand?

6 A] That's a fair question; yes, sir.

7 Q] Okay. Now the people that, and I forget from direct-exam-  
8 ination, did you, were you on the telephone with somebody the  
9 night, uh, that, that, were there telephone girls that were  
10 supposed to give you an alibi that night, based on your earlier  
11 testimony?

12 A] Yes, sir. I talked to Heather and Holly and Jennifer.

13 Q] Okay. And were you with Mr. Echols at the time you were  
14 talking with them?

15 A] No, sir.

16 Q] Okay. So they wouldn't have been there present and where  
17 you would have talked with both of them?

18 A] Well, I would talk to Heather and then talk to Holly and  
19 talk to Jennifer and we called back and forth and talked to each  
20 other and while I'm talking to one, I think the other was talk-  
21 ing to Damien.

22 Q] So your conversations...

23 A] ...it wasn't a three-way calling, you know, like they've  
24 got, but, say, I'd talk to, I'd call Judge Burnett right now and  
25 you would call John Phillipsborn; all right, and then and I'd

1 call you and then John Phillipsborn calls Judge Burnett and then  
2 I'd talk back to Judge Burnett and then you'd talk to John  
3 Phillipsborn.

4 Q] And so what you're telling us under your oath is that  
5 Heather would have been able to say she was talking to you on  
6 the telephone that evening, as well as Damien Echols; right?

7 A] I believe so.

8 Q] Okay. And your attorney didn't call her to verify that you  
9 were on the telephone with her; right - - for some reason?

10 A] Right.

11 Q] Okay. And Mr. Echols' attorneys did not call her to verify  
12 that that he was on the telephone with her, for some reason;  
13 correct?

14 A] Yes, sir.

15 Q] Okay. So is that something that, uh, were you aware of a  
16 concern when Mr. Ford said there was a difficulty or problems  
17 with some of the alibi witnesses; were you aware of a concern as  
18 to whether hers would be credible or not?

19 A] Do you mean yesterday, or back then?

20 Q] Back then?

21 A] I wasn't aware of any concerns.

22 Q] Were there any discussions between yourself and Mr. Ford?

23 A] We had discussions; yes, sir.

24 Q] Okay. And did he tell you that he was concerned about her  
25 being able to hold up, or about her credibility?

1 A] No, sir.

2 Q] Okay. And these witnesses, it's thirty days that elapse  
3 from the time the bodies are found, approximately, until you are  
4 arrested; right?

5 A] Yes, sir.

6 Q] Okay. So all of the witnesses that would be, quote, alibi  
7 witnesses having to come up and remember what happened thirty  
8 days prior, at least, if they gave the statement on the same day  
9 you were arrested; correct?

10 A] Yes, sir.

11 Q] Did you, were you present and heard the testimony about the  
12 fiber that was presented at your trial; red fiber?

13 A] Yes, sir.

14 Q] Okay. And Mr. Ford and Mr. Wadley retained an expert from  
15 Dallas to come in and try to rebut the testimony of the State's  
16 witnesses?

17 A] Yes, sir.

18 Q] Okay. And were you, were you, did you know that was going  
19 to happen; did they discuss that with you?

20 A] I remember all, I remember discussing that.

21 Q] Okay. So that wasn't a surprise that they brought a guy in  
22 from Dallas that was an expert in fiber and they put him on the  
23 witness stand to rebut the State's case; correct?

24 A] I didn't know that they was going to bring somebody in.

25 Q] Okay?

1 A] They didn't tell me, "Hey, we've got this guy who was gonna  
2 come in," but they told me it would be taken care of.

3 Q] Okay. And you discussed why he was, why there would be a  
4 witness and that it would be taken care of by expert testimony;  
5 right?

6 A] That said that it would be taken care of; not to worry  
7 about it.

8 Q] Now Mr. Ford got up here yesterday and he swore under his  
9 oath, and he said he wasn't sure whether they brought another  
10 attorney in to do questioning of you, but he was absolutely  
11 certain when he testified under his oath, that they practiced  
12 your testimony in preparation for you possibly taking the stand  
13 at trial. Are you saying that Mr. Ford lied when he said that?

14 A] I'm not saying he lied, but I'm saying that he didn't  
15 remember it right.

16 Q] There was, was there any discussions at all that you recall  
17 that would have been about your possibly testifying at trial, or  
18 was it just that during the entire time period from day one  
19 until the time the trial ended, that there was just "you ain't  
20 gonna testify; don't worry about it; that's not gonna happen"?

21 A] We didn't practice testimony, but I did tell him where I  
22 was at that day, so maybe that could be considered as testimony.  
23 I didn't, I didn't see it as being practicing testimony, because  
24 he didn't say "okay, I'm gonna be the defense attorney and then  
25 Robin be the, uh, be your job." They never did anything like

1 that. When he said yesterday that, uh, practicing testimony,  
2 that's what I thought he was meaning, but we didn't do that. He  
3 just asked me, "Hey, what did you do that day," and everything  
4 and I told him what I did.

5 Q] When you were in that trial, you knew that you had a right  
6 to testify; correct?

7 A] Yes, sir.

8 Q] Okay. I mean, that, that wasn't something that you learned  
9 after the trial was over and you knew you had a right to  
10 testify; correct?

11 A] Yes, sir.

12 Q] And you realized when the trial, that once the evidence is  
13 in and once it closes and you don't testify, you waive that  
14 right to testify; correct?

15 MR. PHILLIPSBORN: Objection. That calls for a  
16 legal conclusion.

17 THE COURT: Overruled. Go ahead.

18 MR. DAVIS: Okay.

19 CROSS-EXAMINATION, continuing:

20 Q] You realize that when the evidence is in and you haven't  
21 testified, that, that you have in effect, waived your right to  
22 testify?

23 A] I didn't know it back then, but I knew it was over with; I  
24 didn't know it was called waiving your rights.

25 Q] And you're saying, is it your testimony that you just



1 didn't insist enough to get their attention so they'd know you  
2 wanted to?

3 A] I tried to let them know and I'd let them know all of the  
4 time. And he'd always tell me, "Hey, okay, watch what's going  
5 on today and tell me if you think, you know, if you heard today  
6 that would make you feel like they would find you guilty."

7 Q] Wasn't that - - as the trial approached, wasn't that a big  
8 thing whether or not you would testify; I mean, wasn't that one  
9 of the one things was taking up a lot of your attention whether  
10 you would get on the stand and testify or not?

11 A] I thought I would.

12 Q] Okay. And was that based on what you discussed with your  
13 attorneys?

14 A] What do you mean?

15 A] Did they tell you they thought they would put you on, that  
16 they anticipated putting you on, that you could expect to get on  
17 the witness stand?

18 A] They never told me that. I would talk to them about it,  
19 you know, about everything that happened that day, about what  
20 time and my family and everything, and then they'd be like,  
21 "okay."

22 Q] Now it is something going into trial and as you sat there  
23 during trial and they'd say things that as something that is a  
24 big item for you, something that's important for you that you  
25 realize that may come up; correct?

1 A] Repeat that again, sir?

2 Q] Okay. I mean, out of all of the things that are going on  
3 at trial that have your attention, was the possibility of taking  
4 the stand and testifying, was that something that was an  
5 important issue that was on your mind during the course of your  
6 trial?

7 A] Yes, sir.

8 Q] Okay. And you had the opportunity to sit there and watch  
9 your co-defendant get on the stand and testify; correct?

10 A] Yes, sir.

11 Q] Did you think that went well for him?

12 A] At the time?

13 Q] Yes, sir?

14 A] Yes, sir.

15 Q] Okay. You thought that that was successful on the part of  
16 the defendant; right, on the part of Mr. Echols?

17 A] Yes, sir.

18 Q] That that was a positive thing as far as his case was  
19 concerned?

20 A] Yes, sir.

21 Q] Okay. Did Mr. Ford tell you that his view was it wasn't,  
22 or that he thought it wasn't a good thing?

23 A] No, sir.

24 Q] Okay. After he testified, did you ask Mr. Ford when is it  
25 that I'm going to get on the stand?

1 A] Actually, I did.

2 Q] Okay. Well, I mean, Echols has testified, shortly there-  
3 after they, they end their case?

4 A] I, I thought he would tell me when, you know, he would say  
5 "okay, get ready, here it comes."

6 Q] When you're up in front of the Court and you're telling the  
7 Court that you don't want lesser included offense instructions  
8 were you compelled at that point to say, "Hey, while we're here,  
9 uh, why haven't I got to give my piece, or say my piece"?

10 A] No, sir.

11 Q] I mean, what I need to know is, you knew that testifying  
12 was something you had a right to do; correct?

13 A] Yes, sir.

14 Q] You knew it was something you expected to do; correct?

15 A] Yes, sir.

16 Q] And you knew it was something you were prepared to do;  
17 right?

18 A] Yes, sir.

19 Q] Okay. And you knew when the case ended; correct?

20 A] Yes, sir.

21 Q] And after that, you're in front of the Court, you're  
22 talking with your attorneys, or have you protested your in-  
23 ability to take the stand and to exercise your right to testify?

24 A] No, I didn't.

25 Q] And you're saying that when Mr. Ford said they discussed it

1 with you and that you were aware of the pros and cons and that -  
2 - agreed with the ultimate decision not to testify - - you're  
3 just saying he made that all up; that's not true?

4 A] I never agreed not to testify.

5 Q] Was the characterization that you and Damien were very,  
6 very close; is that fair?

7 A] Yes, sir.

8 Q] Okay. Would inseparable nearly be fair; I mean, I realize  
9 you didn't stay under the same roof, but when you had spare time  
10 and when you weren't in school, were you and Damien pretty much  
11 together?

12 A] Not all of the time.

13 Q] And did I understand you to say that the distance, the time  
14 it took you to get from Lakeshore to Wal-Mart there in West  
15 Memphis, you figured on foot was ten to fifteen minutes?

16 A] That's a guess. It might have been fifteen minutes, I  
17 mean, for some reason I was thinking maybe it was fifteen  
18 minutes. I know it didn't take long. It might have been twenty  
19 minutes or twenty-five. I hadn't never really timed it.

20 MR. DAVIS: One second, Your Honor.

21 (Pause.)

22 MR. DAVIS: Your Honor, I think I'll pass the  
23 witness.

24 MR. PHILLIPSBORN: Thank you, Your Honor.

25 THE COURT: Can you finish up pretty quick?

1                   MR. PHILLIPSBORN: I promise.

2                   THE COURT: Okay.

3                   RE-DIRECT EXAMINATION

4 BY MR. PHILLIPSBORN:

5 Q] Mr. Baldwin?

6 A] Yes, sir.

7 Q] After, uh, the, uh, after the jury returned its guilt  
8 verdict, uh, there was a penalty phase. Was your first oppor-  
9 tunity to talk at the point of which Judge Burnett pronounced  
10 sentence on you and asked you if you had anything to say?

11 A] Yes, sir.

12 Q] Okay. What did you say?

13 A] "I'm innocent."

14                   MR. PHILLIPSBORN: I have nothing further.

15                   THE COURT: Shortly after the jury went out, but  
16 before they returned the verdict, did I not question  
17 you about your satisfaction of your lawyers services?

18                   THE WITNESS: I believe so.

19                   THE COURT: And you indicated to the Court that  
20 you were satisfied with their services?

21                   THE WITNESS: I believe so. Yes, sir.

22                   THE COURT: Anything else?

23                   MR. DAVIS: No, sir.

24                   THE COURT: Just for the record, I can't remember  
25

1 - - did you testify in the punishment phase. You  
2 didn't, did you?

3 THE WITNESS: No, sir, I did not.

4 THE COURT: And were you advised by your  
5 attorneys that you had a right to have your family and  
6 yourself testify during the punishment phase?

7 THE WITNESS: Actually, no, Your Honor.

8 THE COURT: Did you indicate to your lawyers that  
9 you desired to testify and tell the jury who you were  
10 and what you were about?

11 THE WITNESS: No, sir.

12 THE COURT: Was there any conversation with them  
13 about your testifying in the punishment phase, where  
14 you had already been found guilty?

15 THE WITNESS: No, Your Honor, there wasn't.

16 THE COURT: Okay. Anything else?

17 (No response.)

18 THE COURT: All right, court will be in recess  
19 until Monday morning at 9:30, and I will be here on  
20 time Monday morning. I don't have a doctor's  
21 appointment.

22 MR. PHILLIPSBORN: Your Honor, just a quick  
23 question: I, I understand, uh, we're in session here  
24 Monday and Tuesday and I think the Court has...

25 THE COURT: ...no, my docket has been cleared for

1 the rest of the week, so I hope we can finish the  
2 proceeding by Friday, if that's possible and if it  
3 doesn't conflict with you gentlemen.

4 It would sure make it easier for me. I could  
5 give you the rest of the week.

6 MR. PHILLIPSBORN: Your Honor, I, I, uh, actual-  
7 ly, uh, just because I heard the Court talk about the  
8 scheduling, I know that, uh, that, uh, based on the  
9 Court's letter, uh, I, I have to, uh, be present in  
10 federal court on the west coast on a federal capital  
11 case that the court has actually given me time to be  
12 before Your Honor on.

13 So I could make some phone calls.

14 THE COURT: Well, hopefully, we'd be able to  
15 finish if we have all of next week.

16 MR. BURT: I may have some similar problems. I  
17 was proceeding on the basis of the Court's letter that  
18 we have those dates carved out, but I hadn't  
19 anticipated going beyond the last day you had  
20 scheduled.

21 THE COURT: Well, it didn't happen until today  
22 that the other case settled, so I'm...

23 MR. BURT: ...I'll do the best I can.

24 MR. PHILLIPSBORN: We both will Your Honor, and  
25 we will try.

1           THE COURT: Well, hopefully, we can do that,  
2 because it's going to be real hard for me to find time  
3 between now and the first of the year. I've got two  
4 or three capital cases to try and a couple of big  
5 civil cases, and then I'm going to quit.

6           MR. PHILLIPSBORN: Your Honor, I appreciate the,  
7 uh, the Court's situation and I think that the  
8 difficulty, even though Mr. Burt and I are in two  
9 different capital cases - - I know I was in front of a  
10 judge to whom I showed Your Honor's letter and he was  
11 anxious to make sure I had the time to appear here,  
12 but I'm going to have to call her and see what we can  
13 work out.

14           THE COURT: Well, just see what you can do and  
15 we'll do our best to work around it. Now as far as  
16 those cell phone pictures that appeared on the Inter-  
17 net, the officers know who did it and I know who did  
18 it, and it better not happen again or somebody is  
19 going to be locked up. Is that clear?

20           Court will be in recess.

21 (WHEREUPON, the proceedings in the above-styled cause were  
22 concluded at 4:44 p.m., September 25, 2008; proceedings resumed  
23 at 9:30 a.m.,

24                           **September 29, 2008**

25           THE COURT: Court's back in session. Call your