

1 naked and hog-tie them and assault them and put them in a ditch,  
2 do you think a person like that would show much emotion to any-  
3 thing?

4 A] I would...

5 Q] ...yes, or no?

6 A] I would have to think about that before I answered it. If  
7 you want to let me sit here and think for fifteen or twenty  
8 minutes, I'll be happy to do so.

9 Q] Would it take that long?

10 A] I don't know. It might take two or three hours or I might  
11 need to go read the Bible before I do it.

12 MR. HOLT: That's all I have of this witness.

13 THE COURT: All right, you're free to go, ma'am.

14 (Witness excused.)

15 THE COURT: Call your next witness.

16 MR. PHILLIPSBORN: Thank you, Your Honor. May I  
17 be excused into the hallway?

18 THE COURT: Sure.

19 (Pause.)

20 MR. PHILLIPSBORN: Your Honor, our next witness  
21 is Mr. Sam Dwyer, who is present

22 THE COURT: All right. Raise your right hand and  
23 be sworn.

24 (Witness sworn.)

25 THEREUPON,

JOSEPH SAMUEL DWYER

1  
2 was called as a witness by and on behalf of the Petitioner/  
3 Defendant and having been duly sworn, was examined and testified  
4 as follows, to-wit:

DIRECT-EXAMINATION

5  
6 BY MR. PHILLIPSBORN:

7 Q] Sir, would you be kind enough to state your name and spell  
8 your full name for the record?

9 A] Joseph Samuel Dwyer, D-W-Y-E-R.

10 Q] How old are you, Mr. Dwyer?

11 A] Thirty.

12 Q] And what area of the state do you now live in?

13 A] West Memphis.

14 Q] I'm going to be asking you some questions in relation to  
15 the year 1993 and, uh, where were you living then, sir?

16 A] In Lakeshore Trailer Park.

17 Q] Who were you living with?

18 A] My mother.

19 Q] And, uh, can you tell us a little bit about the area of the  
20 trailer park that you were living in, uh, how, how was that, uh,  
21 how was that area organized; were there trailers, uh, that were  
22 close together on the streets? How, how was the area where you  
23 were?

24 A] Yeah, in the middle of the trailer park is a big lake and  
25 trailers all around the lake and they're pretty tight together,

1 each trailer is. It's filled up, I guess, a lot of trailers out  
2 there.

3 Q] And by 1993, Mr. Dwyer, how long had you been living in the  
4 Lakeshore Trailer Park?

5 A] Maybe four years.

6 Q] Had you gotten to know the people who lived in the neigh-  
7 borhood?

8 A] Yes, fairly well.

9 Q] I want to call your attention to, uh, to persons sitting in  
10 the courtroom and in the well of the court; by that, I mean in  
11 the area around the table that are immediately in front of you.  
12 Do you see anybody that you recognize as having lived in that  
13 area?

14 A] Yes, sir.

15 Q] And, uh, who is that?

16 A] Jason Baldwin, he lived on the same street I did, two  
17 trailers down.

18 Q] Just for our record, first of all, is he, is he changed in  
19 appearance any from when you knew him back then?

20 A] His hair was longer then and he wasn't wearing glasses  
21 then, but other than that, no.

22 Q] All right, and for our record, you've indicated he's wear-  
23 ing glasses. What, what is he wearing?

24 A] Sir?

25 Q] What, what color clothing is he in?

1 A] Uh, dress clothes, I guess, like, grayish dark - - I'm not  
2 good at color.

3 Q] All right. And is he seated on the bench wearing kind of a  
4 reddish color of dark red shirt?

5 A] Uh, I guess so. It's a nice dress shirt.

6 Q] All right. Now Jason Baldwin lived how far from you, sir?

7 A] Two trailers from where I lived.

8 Q] Who, as far as you can recall that he lived with?

9 A] Uh, his mother and step-father and two brothers.

10 Q] Do you remember his brothers' names?

11 A] Yes, Matthew and Terry Baldwin.

12 Q] In terms of ages, do you know whether you are younger or  
13 older than Jason Baldwin?

14 A] Younger.

15 Q] How much younger?

16 A] I believe two years. I'm not exact, but I believe I was a  
17 couple of years younger.

18 Q] And, uh, do you recall how old Mr. Baldwin's brothers were  
19 in relation to you?

20 A] Matthew was my age in a few months, we were the same age  
21 and Terry was a few years younger. I'm not exactly sure how old  
22 he was.

23 Q] Were you, uh, friendly with Jason and Matthew Baldwin?

24 A] Yes.

25 Q] And, uh, in terms of knowing them and being friends with

1 them, how long would you say you were friends with them by June  
2 of 1993?

3 A] I was pretty good friends with them 'cause we had lived on  
4 the same street for several years by then.

5 Q] Do you remember ever going over to Jason's home?

6 A] Yes.

7 Q] And, uh, can you tell us what you remember about that home?

8 A] Uh, it was like the rest of us, I guess, you know, living  
9 room, uh, three bedrooms, kitchen. And anything specific I  
10 remember about the home, it was just like anybody else's. We  
11 had video games set up in the far bedroom in the front.

12 Q] And that was exactly what I wanted to ask you about. When  
13 you went over to Jason Baldwin's, uh, what would you do there?

14 A] We played a lot of video games there and sometimes lifted  
15 weights, uh, for the most part, that was it. We'd go, you know,  
16 to my house and we played basketball and stuff like that.

17 Q] Now where did you attend school, Mr. Dwyer?

18 A] At Marion High School.

19 Q] And how did you get to school?

20 A] We rode the bus.

21 Q] Where did you catch the bus?

22 A] Right down the street on the corner of the street we lived  
23 on.

24 Q] Do you remember, uh, when you were going to school in, in  
25 '92 and '93, when did you have to be at school?

1 A] Uh, we were there by eight, uh, we were usually at that bus  
2 stop around 7:30 or so.

3 Q] And, uh, did you, did you ride the same bus as Jason Bald-  
4 win?

5 A] Yes, I did.

6 Q] And, uh, did any other member of Jason's household ride the  
7 bus with you?

8 A] Matthew.

9 Q] Now did you return to your home to the Lakeshore Trailer  
10 Park area on a school bus?

11 A] Yes, we did.

12 Q] And, and do you remember roughly when you would get home  
13 from school?

14 A] Uh, school let out at 3:15 and it wasn't a very long bus  
15 ride; it was before four o'clock.

16 Q] Did you, uh, go to school on that bus every day you went to  
17 school?

18 A] Yes, sir.

19 Q] And in your case, are you a young person that used to go to  
20 school regularly?

21 A] Yes, I did.

22 Q] And, uh, what's your memory about Jason Baldwin?

23 A] Uh, he was quiet and kept to himself a lot and liked  
24 nature, you know, like he would pet iguanas, he'd pet snakes and  
25 liked to draw a lot, uh, we rode bikes around the trailer park.

1 Q] As far as you can recall, did Jason go to school regularly?

2 A] Yes.

3 Q] Now when you were growing up in the Lakeshore area, uh, do  
4 you recall whether you personally ever travel over to an area of  
5 West Memphis that's called Robin Hood woods or Robin Hood Hills?

6 A] No, sir.

7 Q] Do you know what area I'm talking about and when I say  
8 that, does that, does that mean something to you?

9 A] Yes, sir.

10 Q] And, uh, as far as you know, did Jason Baldwin go to that  
11 area?

12 A] No, sir.

13 Q] Would you ever go into - - you said you would ride your  
14 bikes around Lakeshore; were there areas near Lakeshore that,  
15 that you and Jason Baldwin would go to?

16 A] Uh, yeah, we had, uh, there's a little set of woods between  
17 the Lakeshore Trailer Park and I-55 Interstate and sometimes we  
18 would go out there. We had bike trails through there and like I  
19 said, we would sometimes go, you know, to look at, find differ-  
20 ent snakes and identify them and sometimes we would even keep  
21 'em, you know, keep 'em and bring them home until they got to  
22 big to keep, or something.

23 Q] Now you talked about being aware of who Jason Baldwin lived  
24 with, uh, do you remember Jason Baldwin's mother?

25 A] Yes, I do.

1 Q] And, uh, as, as far as you can tell, thinking back on it  
2 now from your current age, uh, was Jason Baldwin's mother, uh,  
3 an attentive parent or was she the kind of parent who would let  
4 children come and go casually; do you have a, uh, do you recall  
5 what she was like in that sense?

6 A] Uh, yeah, I would say she was attentive, very attentive and  
7 I was able to come and go 'cause I lived two trailers down, so  
8 we'd pop in and out if we wanted to go play video games or what-  
9 ever, go and get something to drink, but I would say she was  
10 very attentive.

11 Q] Uh, you mentioned of the two older Baldwin family brothers,  
12 the person you were closer to is Jason's younger brother,  
13 Matthew?

14 A] Yes, sir.

15 Q] Now, uh, as far as you know, uh, was, uh, as far as you  
16 could tell from your contact with the family, uh, was, uh, was  
17 Jason the kind of, uh, young person who was sneaking out of the  
18 family home a lot at night and running into trouble because of  
19 that?

20 A] No, sir. I would say that on occasion I actually snuck out  
21 with his younger brother, not all of the time, but some times as  
22 kids, but it was never Jason. I don't recall that at all.

23 Q] Uh, are you aware, first of all, of other persons in your  
24 age group at the time; now I'm focusing my questions back on  
25 '93, in addition to yourself were there other persons either



1 Matthew Baldwin's age and Jason Baldwin's age who lived around  
2 the same area of Lakeshore Trailer Park?

3 A] Yeah, we had a couple of friends that lived right across  
4 the street from us, uh, another friend lived on the next street  
5 over and around the corner from us.

6 Q] And, and did the group of you, I mean, would you hang out  
7 as a group from time to time; in other words, would you play  
8 together?

9 A] Sometimes we'd have pretty big basketball games, sometimes  
10 where there would be a lot of people, all of us together in my  
11 front yard. Uh, everybody, somewhat, everybody knew everybody  
12 and at different times, you know, different people hung out with  
13 different people. It wasn't just a certain group that was  
14 always together.

15 Q] Let, let me ask you just in terms of, uh, getting a couple  
16 of names here. Uh, who do you recall also living in the neigh-  
17 borhood as Jason Baldwin and you, who you knew associated from  
18 time to time with Jason?

19 A] I would say, uh, Carl Smith that lived right across the  
20 street, and Jeremy Smith, his younger brother and then Adam  
21 Phillips would hang out sometimes with us, uh, like I said,  
22 there was lots of kids out there. Everybody knew everybody, but  
23 not everybody always hung out with each other.

24 Q] Back in 1993 and 1994, uh, 1993 specifically, did you be-  
25 come aware that three boys had been reported killed in West

1 Memphis?

2 A] Yes, sir.

3 Q] And how did you find out about that?

4 A] Uh, I was actually at school when I started hearing about  
5 it and just pretty much through word of mouth, I guess. I don't  
6 remember exactly who I heard it from, but pretty much everybody  
7 in the whole area had heard about it that day.

8 Q] And, and after you first heard about it, without getting  
9 into the details of what was talked about, but was it a matter  
10 that was talked about a lot among people your age?

11 A] Definitely, at the time, it was something kind of shocking  
12 to everybody.

13 Q] Uh, now do you recall, uh, seeing Jason after you heard  
14 that the three boys had been killed?

15 A] Yes, I did.

16 Q] And do you, do you recall being made aware at some point  
17 that Jason had been arrested?

18 A] Uh, I was aware of that when I had actually heard it on the  
19 radio one morning. That's how I found out who was arrested and,  
20 uh, had no idea; it was a total surprise to me.

21 Q] Do you recall whether you actually hung out or associated  
22 with Jason Baldwin between the time you heard that the three  
23 kids were killed in West Memphis and when you heard on the radio  
24 that Jason was arrested?

25 A] Yeah, I seen him several times between then.

1 Q] And, uh, do you, uh, do you recall going to school after  
2 hearing that the three little kids had been killed?

3 A] Yes.

4 Q] And as far as you can recall, did Jason continue to ride  
5 the bus with you and go to school?

6 A] Uh-huh.

7 Q] Is that a yes?

8 A] Yes, sir. I'm sorry.

9 Q] And, uh, now after you heard that Jason was arrested, or  
10 even before that, for that matter, at any time did law enforce-  
11 ment officers interview you about the killings?

12 A] No, I was never interviewed by anyone.

13 Q] The young persons that you described as being from your  
14 neighborhood and, uh, knowing Jason, uh, were they, to your  
15 knowledge, interviewed?

16 A] Uh, to my knowledge, I'm not sure about Carl and Jeremy  
17 Smith, but I do know that Adam Phillips was, uh, I had come home  
18 one day and his mother told him that the police had been there  
19 and talked with his mom and had taken a bunch of objects from  
20 his house. Uh, but he never was actually interviewed his self  
21 by the police. They spoke with his mother.

22 Q] Were you ever contacted by anybody who, who was identified  
23 to you as working with Jason Baldwin's defense?

24 A] Oh, no, sir, I wasn't.

25 Q] And, uh, how, how about to your knowledge of the other kids

1 that you knew in Lakeshore who knew Jason; did you ever hear of  
2 anybody who was defending Jason coming and talking with them?

3 A] No, sir.

4 Q] Now, uh, did you know a person named Jessie Misskelley?

5 A] Yes, sir.

6 Q] How is it you knew him?

7 A] Through the, you know, just riding around the trailer park.  
8 He liked to ride bikes like the rest of us and we'd race some-  
9 times and I think where I really started knowing him is his  
10 step-mother lived actually on the same street, uh, as me and  
11 Jason, uh, down at the end of the street and is how I came to  
12 know Jessie a little bit.

13 Q] Did, did he live there while you were there?

14 A] I believe he was living with his dad in Highland and some-  
15 times would stay in Lakeshore.

16 Q] Uh, and how often would he be there?

17 A] I don't recall him being there that often. Like I say, I  
18 lived on that street and hung out with Jason quite regularly and  
19 his brother almost on a daily basis, his younger brother and I  
20 don't recall Jessie being around a whole lot. I think he was  
21 more of staying in Highland than Lakeshore.

22 Q] To your knowledge, did Jason and Jessie know one another?

23 A] Uh, to my knowledge, I would say about as much as I knew  
24 Jason, because of living on the same street at the time. I  
25 didn't know as far as I don't even think that they were hanging

1 out together.

2 Q] And in terms of what you saw of Jessie Misskelley, uh,  
3 actually, let me back up before I ask that. Of the persons that  
4 you associated with in, uh, the Lakeshore Trailer Park who were  
5 your age group, including Mr. Baldwin and that, that group that  
6 you described for the Court, uh, do you recall any one of those  
7 persons being kind of a fighter or somebody who was interested  
8 in violence?

9 A] No, sir. We, uh, you know, from time to time, like, two  
10 kids would get into a fight, but no, there was no one person in  
11 particular that constantly wanted to fight all the time. I  
12 don't recall that at all. No.

13 Q] Now let me add to the question. Based on what you saw of  
14 Jessie Misskelley, was he a fighter?

15 A] Uh, no, sir, I've never seen him in any kind of a fight  
16 with anyone. I actually, uh, I was witnessing a fight between  
17 two people where one person had started losing the fight and I  
18 seen Jessie had broke it up, because the guy was clearly losing  
19 the fight. Uh, to me, that was out of compassion. There was no  
20 other reason, because he didn't actually know the people, you  
21 know, the guy fighting, losing the fight.

22 Q] Now did you also know a person named Damien Echols?

23 A] Yes.

24 Q] How is it you knew him?

25 A] Uh, he lived not on the same street, but around the corner

1 on a different street, but close.

2 Q] What, what is it, first of all, were you close to Damien  
3 Echols?

4 A] No, sir.

5 Q] And, uh, was he, as far as you can recall, older or younger  
6 than you are?

7 A] I believe older.

8 Q] In, in terms, uh, of what his interests were, the way he  
9 sort of carried himself around Lakeshore, uh, how, how did he  
10 fit in with the group of people you normally associated with?

11 A] I wouldn't say that he did fit in at all. We all liked to,  
12 you know, play basketball and swim, swim in the lake and ride  
13 bikes and stuff and he was not, I never seen him, I don't think  
14 I've ever even seen him on a bicycle or swimming. And, uh,  
15 every time I seen him, uh, he was just dressed in all black. I  
16 just never really hung out with him or even tried to get to know  
17 him.

18 Q] Now to your knowledge, did Jason and Damien, uh, know one  
19 another and were they friends?

20 A] Uh, to my knowledge, they did know each other.

21 Q] And, uh, now what I'd like to do is just call your  
22 attention to the period of time between when you heard Jason had  
23 been arrested and the time you first heard those three boys had  
24 been killed, uh, do you, do you remember as you look back on it,  
25 anything unusual about Jason's behavior, uh, anything that led

1 you to believe that he had been involved in some kind of an act  
2 of violence, including killing the three people?

3 A] No, sir, not at all. His behavior didn't change at all and  
4 I seen him pretty regular between the time of the news and the  
5 time of the arrest. He was the same person then as I had always  
6 known.

7 Q] Uh, and do you, do you, uh, recall, uh, knowing anything  
8 about a knife and the lake out at Lakeshore?

9 A] Yes, sir. I recall the, they had a scuba diver back there  
10 and I recall them finding a knife out of the lake and, uh, and I  
11 also recall myself going over there to Jason's house one day  
12 and, uh, witnessing his mother throwing the knife in the lake.

13 MR. HOLT: Excuse me. I didn't hear what he said.

14 THE COURT: I think he said Jason's mother threw a  
15 knife in the lake. Is that what you said?

16 THE WITNESS: Yes, sir, I recall, uh, one day I  
17 was actually going up to his house and I seen his  
18 mother in their back yard and threw a knife in the  
19 lake and was turned around coming back towards house  
20 and, you know, and Jason was upset that she had thrown  
21 a knife in the lake, one of his knives.

22 She didn't want him to have knives.

23 DIRECT-EXAMINATIN, continuing:

24 Q] And, uh, do you, do you recall, uh, first of all, was, uh,  
25 do you recall anything about the circumstances under which the

1 knife in the lake incident occurred?

2 A] Uh, to my recollection is that his mother Gail just didn't  
3 want any of them to carry a knife of any kind. And then that  
4 day, she had found one and out of anger, 'cause she told 'em  
5 they were not supposed to have 'em, you know, out of anger,  
6 threw it in the lake.

7 Q] And, uh, do you recall, uh, when it is that the knife ended  
8 up in the lake?

9 A] I don't recall exactly, but I can for sure say that it was  
10 before the time of the news of the boys' murders, uh, it was  
11 definitely before that but I'm not exactly for sure how long  
12 before that. I know it was well before that, though.

13 Q] Uh, other than that particular incident in which you  
14 witnessed with Jason's mom, did you know of Jason carrying any  
15 kind of a weapon?

16 A] Uh, well, he would carry pocket knives, you know, sometimes  
17 but other than that, that was it.

18 Q] And, uh, was that in terms of your experience with Lake-  
19 shore, was that unusual for people in, in your age group?

20 A] No, uh, everybody kind of had a sort of a collection, we  
21 kind of collected them. I had a few, myself, and everybody sort  
22 of tried to collect 'em. It was just something we were all  
23 doing and his mother just didn't want him having it.

24 Q] Okay. As far as you know, were there other people's  
25 parents and by "people's parents" I mean persons in your age



1 group, uh, did some parents to allow their sons to keep knives?

2 A] Uh, I think so. Some of the mothers may have been okay  
3 with it, uh, I don't know for sure, 'cause some of 'em did carry  
4 knives and I'm sure their mothers were aware of it, you know.

5 Q] Is it your sense that, just in terms again of what you  
6 observed of Jason's mother, did she appear to you to be  
7 protective of her sons in the sense of, among other things, not  
8 wanting them to have knives around?

9 A] Yes, she was very protective. And there was one incident  
10 that, you know, we sometimes would sneak out at night and uh,  
11 there was one incident when me and Matthew, uh, Jason's younger  
12 brother, had actually snuck out and his mom, you know, got out  
13 and come and found him and he was in trouble for that. And so,  
14 yes, she was attentive and she was always looking after 'em.

15 Q] Now do you recall, uh, uh, as far as you could tell, did  
16 Jessie Misskelley hang out with and by that I mean associate  
17 with Damien Echols. Were they friendly during 1993?

18 A] Uh, no, sir, not that I know of. I never once seen those  
19 two together, hanging out, doing anything together.

20 Q] Did you ever see Damien, Jason and Jessie together as kind  
21 of a group of three?

22 A] Never, no, not once, ever.

23 Q] And now, in, in your recollection, were there other persons  
24 in your age group, uh, who also knew about Damien, Jason and  
25 Jessie, in other words, persons who like you, knew each of them

1 and had at least some knowledge of who they associated with or  
2 hung out with?

3 A] No, the people that I knew at the time that me Jason,  
4 Jessie and Damien, we didn't know them to all three hang out  
5 together, like, Jason and Damien sometimes would - - I never  
6 once seen Jessie and Damien hang out and never once seen all  
7 three of them together hanging out. And no one that I know of  
8 in my age group, also could say that they knew that they were  
9 all hanging out together.

10 Q] Were, uh, was there anything going on at the Wal-Mart, uh,  
11 in West Memphis that was of interest to the young men who were  
12 the same age as you were?

13 A] Uh, yeah, we used to have a thing, we would go any time we  
14 had any kind of extra money, we would go to the Wal-Mart and  
15 they had video games in the very front of the store and we had,  
16 you know, kind of competition playing the video games. We used  
17 to meet up there any chance we could, I guess, when we had  
18 money.

19 Q] And, and as far as you know, was it unusual if you happened  
20 to have the money, for persons from Lakeshore to, uh, get over  
21 to the Wal-Mart to play those video games after school?

22 A] No, it wasn't unusual, 'cause it's just right across the  
23 field there and you have to cross the Interstate to get there.  
24 We did that pretty regularly.

25 Q] At any time prior to his arrest, did Jason Baldwin say any-

1 thing to you that, uh, led you to conclude that he had any  
2 involvement in the killings of those three boys?

3 A] Not at all. No, sir.

4 MR. PHILLIPSBORN: Thank you, Your Honor. I pass  
5 the witness.

6 DIRECT-EXAMINATION

7 BY MR. BURT:

8 Q] Good morning, sir.

9 A] Good morning.

10 Q] Sir, you said that nobody contacted you. I'll ask you  
11 specifically, do you ever remember a guy by the name of Dan  
12 Stidham, who represented Mr. Misskelley, contacting you attempt-  
13 ing to talk to you at all?

14 A] No, sir, I don't.

15 Q] And other than the incident where you described Jessie was  
16 breaking up a fight, did you have any other personal contact  
17 with Jessie?

18 A] Uh, personal contact, as far as sometimes, you know, would  
19 ride bikes up and down the street I lived on, I remember one day  
20 racing, uh, actually, I was on my bike and he said he could out-  
21 run me while I'm riding my bike. I mean, you know, as far as  
22 that, personal contact, yeah, we raced one day but I never hung  
23 out with Jessie that much.

24 Q] What was your general impression of him, if you formed any?

25 A] Uh, I would say he was a good guy, good intentions, uh,

1 especially when I seen that, like I say, that two people fight-  
2 ing and one guy clearly losing and he broke it up, and for no  
3 reason. He didn't know the guy, you know, and that alone told  
4 me that he has a sense of compassion that totally goes against  
5 what these charges are.

6 Q] And would you have been available back in 1993 to testify  
7 at his trial if somebody had contacted you?

8 A] Yes, sir, definitely.

9 Q] But nobody did?

10 A] Nobody did.

11 MR. BURT: That's all I have.

12 CROSS-EXAMINATION

13 BY MR. HOLT:

14 Q] Good morning, Mr. Dwyer.

15 A] Good morning.

16 Q] Uh, let's see. You mentioned a, uh, now do you know if  
17 Damien Echols actually lived at Lakeshore?

18 A] Uh, his mother, I believe, did. And that was when I say he  
19 was living not too far from us, I believe he stayed with, I  
20 think it was his mother's house or trailer.

21 Q] At the time of this?

22 A] Uh, I don't know exactly. It was around about the same  
23 time; yes, sir.

24 Q] Well, do you know that, uh, or are you aware that Mr. Bald-  
25 win was arrested at Damien Echols' home in West Memphis?

1 A] No, sir, I wasn't aware where they were arrested.

2 Q] Were you aware that Jessie Misskelley had in fact lived in  
3 Lakeshore?

4 A] Uh, I was aware that his, I believe it was his step-mother  
5 lived there and that from time to time he would come to say with  
6 her.

7 Q] But at the time of this, he lived in Highland, did he not?

8 A] Uh, yes, sir, I believe he spent more time in Highland  
9 Trailer Park than Lakeshore Trailer Park.

10 Q] Were you aware that Jason and Jessie knew each other when  
11 Jessie lived in Highland?

12 A] No, sir, I did not.

13 Q] So you had lived in Highland approximately, did you say  
14 four or five years?

15 A] I lived in Lakeshore Trailer Park.

16 Q] I'm sorry. Yeah, Lakeshore Trailer Park?

17 A] I would say a lot longer than that. I lived there from  
18 when I was eleven until seventeen or eighteen.

19 A] Okay. How old were you when this crime happened?

20 A] I believe I was fourteen years old.

21 Q] Okay, and you had lived there since you were eleven?

22 A] Yes, sir.

23 Q] Okay. So if you were fourteen and you lived there since  
24 you were eleven, you would have been there three years?

25 A] Yeah.

1 Q] Uh, set me straight here: At Wal-Mart, is it, uh, you have  
2 Lakeshore on one side of the Interstate and you have Highland on  
3 the other side; was this I-55?

4 A] Uh, yeah, well, there's two, uh, okay, well, it's I-55 and  
5 240 must go between Lakeshore and Wal-Mart.

6 Q] Okay. It's an Interstate?

7 A] Yeah, I'm not sure - - I get I-55 and 240 confused, but it  
8 was an Inter-state, you know, between Lakeshore and the Wal-  
9 Mart.

10 Q] Okay. So Highland was on the same side of the Interstate  
11 as the Wal-Mart?

12 A] No, sir.

13 Q] It wasn't?

14 A] No, sir. To go to the Wal-Mart, uh, I believe the Wal-Mart  
15 is south of the trailer park and Highland was north of the  
16 trailer park. You have to go like you're going into Marion to  
17 get to Highland and the Wal-Mart was going into West Memphis.

18 Q] Okay. So this was, okay, so this was the West Memphis Wal-  
19 Mart?

20 A] Yes, sir.

21 Q] How did you get there?

22 A] Uh, sometimes we would walk, sometimes we would ride our  
23 bikes.

24 Q] I see. Was that unusual for you to do that?

25 A] Uh, no, sir, we did it pretty regularly.

1 Q] I think you said you did it when you had extra money?

2 A] Yes, sir. Sometimes if we had a few dollars, we might go  
3 to that Wal-Mart and play games until we ran out of money.

4 Q] Uh, did you complete an affidavit in this particular case,  
5 or were asked to sign an affidavit in 2006?

6 A] Yes, sir, it was about three years ago.

7 Q] Okay. Uh, one of the paragraphs says the following: "I did  
8 see Damien and Jason together after Jason started getting  
9 friendly with Damien, I was around him less than before because  
10 I didn't like Damien. I know that after Jason started hanging  
11 out with Damien, he got a trench coat just like Damien's. It  
12 was a long black trench coat. Damien had a certain way of talk-  
13 ing and Jason picked up some of Damien's way of talking. Even  
14 though I would not hang around with Jason if Damien was there, I  
15 still saw Jason a lot because I would go by to see his brother  
16 Matt, and Jason would often be there. He and I would still  
17 spend time together as long as Damien wasn't around." Is that  
18 an accurate statement?

19 A] Yes, sir. I want to add to that, though. Uh, the trench  
20 coat thing, at the time that was sort of a fashion fad. I have  
21 one, uh, everybody, if they didn't have one, they wanted one.  
22 That was kind of a fashion thing.

23 Q] Okay?

24 A] It was the rock shirts, rock T-shirts and the trench coat.

25 Q] Okay. Well, was Jason more of a leader or a follower?

1 A] I would say neither.

2 Q] Neither?

3 A] I would say neither. He always kind of kept to his self,  
4 you know.

5 Q] Well, you said that Damien had a certain way of talking.  
6 What did you mean by that?

7 A] Uh, it just almost seemed to me like, uh, that was kind of  
8 his way of getting extra attention, seemed like just to, uh, say  
9 stuff that would make people wonder about him, just do it to get  
10 their attention.

11 Q] Like what?

12 A] Uh, just the way, just the way he talked. I can't remember  
13 anything in particular.

14 Q] Was it the subject matter of what he talked about?

15 A] Uh, not necessarily. Uh, just the way he acted, like it  
16 would be in the middle of summertime and he was dressed in all  
17 black, you know.

18 Q] And wearing a trench coat?

19 A] Yeah. And it was hot.

20 Q] It was stylish, wasn't it?

21 A] Well, in his eyes, well, that was his way of getting  
22 attention, I would assume, because it was in the middle of  
23 summer and it's hot and he's in all black jeans and coat and  
24 everything.

25 Q] But he had a certain way of talking; you've mentioned how



1 he dressed, but a certain way of talking. What do you mean by  
2 that? Did that - - well, let me ask you this: is that part of  
3 the reason you didn't have anything to do with him?

4 A] I really didn't have anything to do with him just because,  
5 uh, just the way he acted. He just, like I say, uh, we'd get  
6 off the school bus and he'd be standing there, it's almost like  
7 craving attention in an all-black outfit so all of the kids on  
8 the bus would see him.

9 Q] And then he had a certain way of talking?

10 A] And, you know, I say that, but I can't recall anything in  
11 particular, you know, that he said.

12 Q] Well, why did you say that; why did you sign a document  
13 under oath, saying that, then?

14 A] Uh, just, all right, for instance, he liked horror movies.  
15 He would talk about watching horror movies and stuff like that  
16 and to me, that's just something, you know, I don't care to sit  
17 in the house and watch horror movies.

18 Q] Well, did that strike you as odd?

19 A] Uh, yeah, it kind of did.

20 Q] He just talked about horror movies?

21 A] Yes, sir.

22 Q] "And Jason picked up some of Damien's way of talking"; what  
23 did you mean by that? The same thing?

24 A] Uh, no, sir. In the way of talking, uh, he hung out with  
25 him more and when he was with Damien, I didn't hang around with

1 him. But when he wasn't, uh, you know, like I said, I would  
2 still hang around with him at his house.

3 Q] And he was okay, then?

4 A] Yeah.

5 Q] Well, is it fair to say that he was a different person  
6 around you than he was around Damien?

7 A] I wouldn't think it's fair to say that.

8 Q] Why not?

9 A] Because...

10 Q] ...he talked different when he was around Damien, he  
11 dressed like Damien?

12 A] I didn't know - - when he was with Damien, I wasn't around  
13 him.

14 Q] And why not?

15 A] 'Cause I did not like Damien.

16 Q] You mentioned this thing about you, uh, about a knife that  
17 was found in the lake at Lakeshore?

18 A] Yes, sir.

19 Q] Okay. Is it your belief that the knife that they found  
20 there did, in fact, belong to Jason Baldwin?

21 A] Yes, sir.

22 Q] Okay. Did you, when you saw, uh, I saw a picture in the  
23 newspapers, and you were there, you saw the scuba divers?

24 A] Uh, I seen the picture in the paper. I don't think we were  
25 even allowed near there when it was going on, but I only lived

1 two houses down.

2 Q] Okay.

3 A] And there was a dock off in my back yard, too, just like  
4 his.

5 Q] Okay. Well, when you saw the picture in the newspaper and  
6 you knew that a friend of yours was on trial for this murder,  
7 did you go to the police and tell them that you saw Jason Bald-  
8 win's mother throw that knife in the lake before this happened?

9 A] No.

10 Q] You didn't?

11 A] No, sir.

12 Q] Why didn't you do that?

13 A] Because no one come to me and...

14 Q] ...well, why didn't you do that?

15 A] I'll tell you why.

16 Q] Okay.

17 A] Everybody out there in the trailer park was terrified;  
18 everybody was profiled because of our rock T-shirts, the trench  
19 coat, the long hair. Everybody looked at us like we were just  
20 part of this cult thing, and it was totally made up, if you ask  
21 me. Totally made up. And we all felt like we could just as  
22 easily have been, uh, picked as a suspect because we were in the  
23 same trailer park, dressed the same. We were all scared about  
24 that. Channel 3 News, all the news stations were riding through  
25 there every day trying to film us as we were walking down the

1 street, you know. If an investigator would have come to me and  
2 asked me, I would have, like I'm doing now, I would have said  
3 everything I'm saying now.

4 Q] How would an investigator have known that you saw that  
5 happen?

6 A] Uh, he could have just talked to people who knew Jason,  
7 asking, you know, if there's anything at all. And the reason I  
8 told Mr. Quinn, the guy who recently come and talked to me, the  
9 reason I even told him about that incident, you know, was  
10 because I knew that they had said that that was evidence. And  
11 I'm not, I can't honestly say if it was the same knife, but I  
12 can honestly say there was a knife thrown in the lake that I  
13 witnessed.

14 Q] And that Jason Baldwin owned a knife like that, what you  
15 called a Rambo knife?

16 A] And I can't honestly say what type of knife it looked like.  
17 It was a larger knife and I know it was Jason's because he was  
18 upset that his mom had just thrown it in the lake.

19 Q] Did you see him when she threw it in the lake?

20 A] Yes, as I was walking into the front yard right after she  
21 threw the knife in the lake, she had turned around and was  
22 coming back towards the house and he was coming off the porch  
23 going back towards the back yard.

24 Q] And what did you see?

25 A] He was just mad at his mom because she threw his knife in

1 the lake and she was mad at him, telling him he wasn't supposed  
2 to have it to begin with.

3 Q] Well, how could you tell they were mad at each other?

4 A] Well he's like "why did you throw my knife in the lake?"  
5 And she told him "you know I don't want you having knives." And  
6 he was upset and went back in the house mad.

7 Q] How upset was he?

8 A] How upset was he, well, on a scale of one to ten?

9 Q] Yeah?

10 A] I would say a six.

11 Q] Okay. And so you were two trailers down?

12 A] Yes, sir.

13 Q] Okay. Do you know if he had other knives?

14 A] Uh, I believe so. Like I said, at the time kind of every-  
15 one out there, you know, carried knives, kind of a collection  
16 thing, uh, so I believe he had more than one but I can't  
17 honestly say for sure.

18 Q] Well, you were asked on direct whether he had ever admitted  
19 to you that he did this and you said no, he never did.

20 A] I said what?

21 Q] On direct, you were asked if he ever admitted to you that  
22 he had done any of this to you, you know, I mean, if he had ever  
23 done any of this or was connected with this crime and you said  
24 "no, he never did"; right, I mean, he never said he was ever  
25 involved in this crime to you, did he?

1 A] There was never even a mention of it, uh, from the time the  
2 news come out about the boys, uh, there was never even a mention  
3 at all about any of us, you know, in that area, you know, there  
4 was never no talk about Robin Hood Hills; we never even knew  
5 where that was before this time, never heard nothing like that  
6 from Jason.

7 Q] Well, do you know where Robin Hood Hills is?

8 A] I do now. Yes, sir.

9 Q] Okay. Well, did you know, did you ever walk past, did you  
10 ever cut through there?

11 A] No, sir. That was the one, the furtherest we would go was  
12 we cut through a field and right across the Interstate was the  
13 Wal-Mart and a Burger King. It's where the Kroger is now is  
14 where the Wal-Mart used to be and that was as far as we went.  
15 Sometimes we would actually go to Bellevue apartments and swim;  
16 they had pools over there back then and that was as far as we  
17 had ever gone.

18 Q] Well, did he ever tell you anything else that he had ever  
19 done that was against the law?

20 A] No, sir.

21 Q] Never did?

22 A] No, sir.

23 Q] Did you ever see Jason in a fight?

24 A] Oh, yes, sir, I did.

25 Q] And when was that?

1 A] Uh, it was before the time that all of this had happened, I  
2 seen him in one fight the whole time I've known him.

3 Q] Was it with somebody younger than he was?

4 A] Uh, I think he was around my age.

5 Q] So you were younger, you were more Matt's age?

6 A] Yes.

7 Q] Did that younger person punch him in the nose?

8 A] Oh, yes, sir.

9 Q] Did his nose bleed?

10 A] Yes, sir.

11 Q] What happened after that?

12 A] Uh, the fight was broken up and to my recollection, they  
13 never fought again.

14 Q] Who else was there?

15 A] Uh, I was there, uh, and I can't recall who else was there,  
16 uh, honestly, all I know is I was there and I know exactly where  
17 it was at.

18 Q] Do you know if Jessie was there?

19 A] Uh, I don't believe Jessie was there, because I never knew  
20 of Jason and Jessie to even hang out with each other.

21 Q] Do you know if Damien was there?

22 A] Uh, I do think Damien was there at that time of that fight.

23 Q] Did you observe Damien doing anything during that fight?

24 A] No.

25 Q] You didn't?

1 A] No.

2 Q] You're sure about that?

3 A] I'm pretty sure.

4 MR. HOLT: That's all.

5 MR. PHILLIPSBORN: Your Honor, with the Court's  
6 permission and Mr. Holt's permission, could I re-open  
7 for two questions? I forgot one area.

8 THE COURT: All right.

9 MR. HOLT: No objection.

10 MR. PHILLIPSBORN: Thank you.

11 RE-DIRECT EXAMINATION

12 BY MR. PHILLIPSBORN:

13 Q] Mr. Dwyer, I forgot to ask you the following questions  
14 about Jason Baldwin. Did you ever observe Jason Baldwin, prior  
15 to his arrest express to you or show any interest in Satanism or  
16 witchcraft?

17 A] No, sir.

18 MR. PHILLIPSBORN: That was just the one  
19 question, Your Honor. Thank you.

20 RE-CROSS EXAMINATION

21 BY MR. HOLT:

22 Q] Now you mentioned that what you call Damien talked about,  
23 you said, horror movies. Now was this the same thing that Jason  
24 talked about?

25 A] No, sir.



1 Q] Well, you said in your, under oath in your affidavit you  
2 said that he "I was around him less than before because I didn't  
3 like Damien. I know that after Jason started hanging out with  
4 Damien he got a trench coat just like Damien. Damien had a  
5 certain way of talking of talking and Jason picked up some of  
6 Damien's way of talking." So what do you mean?

7 A] Uh, if I said that, then I would have to disagree with what  
8 I said myself, 'cause I don't recall him picking up on a  
9 different way of talking. I do remember about the trench coat;  
10 that was a fashion thing. We all done that, uh, like the  
11 incident, you know, talk about wanting to go watch horror movies  
12 one day they had asked me, you know, I know that Jason was into  
13 drawing a lot of Metallica, uh, some people would call it devil  
14 worship music, you know, rock and roll, uh, heavy metal. You  
15 know, at the time he liked to draw the covers of the albums.  
16 He's really good at drawing and sometimes he showed he could  
17 draw what this guy was getting paid to draw, he could draw it  
18 better. And a lot of times it was drawings of schools and stuff  
19 like that, you know. I could easily see how that would be  
20 misinterpreted as into some kind of Satanism or something.  
21 There was never no, nothing like that and I knew him for several  
22 years closely and there was never any talk about any kind of  
23 cult or Satanism.

24 Q] Okay. Well, so would it be fair to say it may have kind of  
25 looked Satanic, it may have suggested something Satanic, but it

1 wasn't?

2 A] Yes.

3 Q] It was something that he couldn't?

4 A] That's what I'm saying.

5 Q] Okay. That's fair enough. Uh, is it fair to say that if  
6 at any time that you and Matt snuck out that you didn't get  
7 caught every time?

8 A] Uh, I would say that there's a few times and it was a few  
9 of us just me, Matt and another friend of mine, it seemed like  
10 each time, one of our parents would catch us. We'd always end  
11 up getting caught.

12 Q] Every time?

13 A] Yes. We didn't do it that often; when we did we were young  
14 and, you know, the one time when Matt's mother come out and  
15 found him and we were with him, we were also in trouble 'cause  
16 she went to our parents, too, and told our parents, you know.

17 Q] Do you know what Jason's mother's hours were working?

18 A] Uh, I'm not sure. No, sir. I do not know.

19 Q] Okay. He didn't discuss with you any of the times that  
20 prior to this, he had been in trouble with the law?

21 A] No, sir.

22 MR. HOLT: That's all.

23 MR. PHILLIPSBORN: Nothing further, Your Honor.

24 THE COURT: All right, you may stand down. Court will  
25 be in recess ten minutes.

1 (Witness excused.)

2 (WHEREUPON, a recess was taken; proceedings resumed as follows,  
3 to-wit:)

4 THE COURT: Call your next witness.

5 MR. HENDRIX: Your Honor, we call Jason Duncan.

6 THE COURT: Raise your right hand and be sworn.

7 (Witness sworn.)

8 THEREUPON,

9 PAUL JASON DUNCAN

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

13 DIRECT-EXAMINATION

14 BY MR. HENDRIX:

15 Q] Tell us your name, please?

16 A] Paul Jason Duncan.

17 Q] Jason, where do you live?

18 A] I live in Etowah.

19 Q] Here in Arkansas?

20 A] Yes.

21 Q] Jason, do you know Jason Baldwin?

22 A] Yes.

23 Q] How do you know him?

24 A] I was locked up in Craighead County with him for about  
25 seven months.