

1 east?

2 A] Correct.

3 MR. HOLT: That's all I have.

4 THE COURT: What did you say when you fell in?

5 THE WITNESS: (Pause.)

6 THE COURT: Strike that. Court will be in recess
7 until 1:30.

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

10 THE COURT: Call your next witness.

11 MR. HOLT: Bryn Ridge.

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

13 (Witness sworn.)

14 THEREUPON

15 ANTHONY BRYN RIDGE, WMPD

16 was called as a witness by and on behalf of the Respondent/
17 Defendant and having been duly sworn was examined and testified
18 as follows, to-wit:

19 DIRECT-EXAMINATION

20 BY MR. HOLT:

21 Q] State your name for the record, please?

22 A] Anthony Bryn Ridge.

23 Q] And Mr. Ridge, how are you employed?

24 A] I'm a police officer, captain, of the West Memphis Police
25 Department.

1 Q] And were you employed in that capacity in May of 1993?

2 A] I was a detective for the police department at that time.

3 Q] Do you recall an incident in May of 1993 from approximately
4 May 5th and 6th when you were called upon to help in the search of
5 three missing eight-year-old boys?

6 A] Yes, sir.

7 Q] Okay. If you would, would you tell the Court what you did
8 on those particular days?

9 A] On the 6th I arrived at work, uh, some time before eight
10 o'clock. I was informed that we had three eight-year-old boys
11 that were missing and I went to the last area that they were
12 known to be in and started searching the wooded areas and back
13 yards and those kind of places in that area and searched for a
14 while and then I went and got a three-wheeler and then started
15 expanding my search out to some of the small patches of woods
16 surrounding that area.

17 Q] When you say that particular area, are you talking about
18 the area where the boys were eventually discovered?

19 A] Yes.

20 Q] If you would, sort of take us through a time-line of where
21 you were and what you did, leading up to the discovery of the
22 bodies?

23 A] Well, it's sort of hard to do, but probably at about eight
24 o'clock I was in what is known as Robin Hood Woods, uh, I was
25 searching down through the pathways to see if I found anything

1 of the bicycles that we were informed that they had been on. I
2 had searched a wooded patch that was on the other side of Ten
3 Mile Bayou, which would be on the north side of that bayou,
4 looking for the same thing; didn't find anything. I searched a
5 ditch bank that ran from there back to 7th Street, which was
6 pretty grown up; it was a pretty hard pull. I'd probably spent
7 an hour to an hour and half doing that particular area, not
8 finding anything. I got back to my vehicle and that's when I
9 decided to go ahead and go get my three-wheeler and try to start
10 expanding the search to some of the areas that were a little bit
11 more distant.

12 Q] Okay. So that part of your search was on foot?

13 A] Yes.

14 Q] Okay. Were you parked there at the dead-end of McAuley?

15 A] Yes.

16 Q] Okay.

17 MR. HOLT: May I approach, Your Honor?

18 THE COURT: Yes, you may.

19 DIRECT-EXAMINATION, continuing:

20 Q] I want to show you what's been marked as - - here, it's
21 been marked as State's Exhibit #13 in a pervious hearing - - and
22 we're going to need to mark this for identification.

23 THE COURT: Are you going to offer it?

24 MR. HOLT At some point, Your Honor, because it
25 is released.

1 THE COURT: Are y'all going to have any objection
2 to the chart?

3 MR. BURT: No objection.

4 THE COURT Well, just go ahead and enter it into
5 evidence, if you're going to offer it. There's no
6 objection.

7 MR. HOLT: Okay. It will be #32.

8 (WHEREUPON, Respondent/Defendant's Exhibit #32 was admitted and
9 received into evidence and is appended on page .)

10 DIRECT-EXAMINATION, continuing:

11 Q] Now Captain Ridge, I want to ask you first, uh, have you
12 testified from this exhibit before?

13 A] (Witness examining same.) Yes, I have.

14 Q] Okay. Are you aware that it was prepared by an engineer
15 and it was, in fact, prepared to scale?

16 A] Yes.

17 Q] Okay. You might need to step down. (Witness exits witness
18 stand.) If you could, show us what area the early morning hours
19 of May 6th that you were searching in?

20 A] I parked here (indicating) and I had walked out to the edge
21 of the bayou. Rather than cross the bayou immediately, I took a
22 right and went this way down to another area that's actually got
23 some trees and woodlines and somewhat of a hump there that would
24 be like a levee and walked down through here probably a quarter
25 of a mile down here there's another ditch that comes from the

1 south and, uh, I had searched all of this area, came out up back
2 behind all of these houses, searching through the back yards to
3 see if there was anything I could see. Then I crossed the pipe
4 and went off into this area, not seeing anything. Then I had
5 gone on up to the Blue Beacon and around the Blue Beacon, across
6 this way and back down through the field and then when I got
7 back down through the field, this was pretty heavy stuff in here
8 and I didn't see that there was any openings that was convenient
9 to get through, didn't see any tracks or anything from bicycles
10 or anything, so I walked back up way a little ways and came
11 across the creek right up in here.

12 Q] When you say "right up in here," do you mean more of a
13 northwesterly part of the creek?

14 A] I would say that's northeast, actually.

15 Q] Oh, I'm sorry. Northeast. Okay.

16 A] Before I got to the expressway - - the first time I went
17 through, I went all of the way around and next to the expressway
18 and on the service road.

19 Q] I see?

20 A] But upon coming back up through here, because this was so
21 thick at that time, went ahead and found a path through here to
22 go into this patch of woods and then came down through here.

23 Q] I see?

24 A] Now it shows this to be a stream, but there was no water in
25 this stream at that time; it was like a boggy ground, but there

1 was no water in it. I came down through here and came back to
2 where the trail was and then I walked this area from here back
3 to 7th Street.

4 Q] To the west?

5 A] Yes. 7th Street lays probably three hundred and fifty yards
6 or so back to the west, then when I crossed on the bridge there
7 on 7th Street, I came back down this side of the ditch and then
8 also made a pass down through Mayfair apartments, along the back
9 side, to see if there were any vacant apartments or anything
10 like that that they could have been in. When I got back to here
11 where my car was, I had talked with Inspector Gitchell and some
12 other people and that's when I decided I was going to go get my
13 three-wheeler and expand the search. Basically, my expanded
14 search started across the expressway; there's another large area
15 of woods over on that side and I just expanded from there.

16 (Witness retakes stand.)

17 Q] Well, let me show you what's been marked as State's Exhibit
18 #28 and #29 and ask if you recognize those?

19 A] (Witness examining same.) Yes, I do.

20 Q] What are they?

21 A] Exhibit #29 is a picture of West Memphis; this area is
22 Robin Hood Woods, this area was the 76 Truck Stop at that time
23 and this building right here by Robin Hood Woods, it was a Blue
24 Beacon Truck Wash at that time. I parked my vehicle on the end
25 of McAuley, which is this street you see right here. This is

1 where I made the searches back this way then I crossed the creek
2 and made search in here, went back to 7th Street, which is here,
3 came back towards my car and then made another search around the
4 Mayfair apartments, came back to my car and that's when I
5 decided to expand the search again.

6 Q] If you would, mark and circle the portion that is called
7 Robin Hood Woods; mark it with a pen?

8 A] Okay. This area was called Robin Hood Woods, this area
9 here.

10 Q] And this is State's Exhibit #29. What about Exhibit #28?

11 A] Exhibit #28 is basically a picture of the same thing, just
12 from a different viewpoint. This would be the south at the
13 bottom, that would be going back to the north. You see Robin
14 Hood woods here, the truck stop here to the left of it. To the
15 north of it is that larger patch of woods that I was telling you
16 about. There's 7th Street and there's Mayfair apartments in this
17 area here, and I parked right next to it.

18 Q] Again, circle the Robin Hood Woods area?

19 A] Robin Hood Woods. (Circling area on exhibit.)

20 Q] I want to show you what's been marked as State's Exhibits
21 15 through 27. Have you seen, have you previously examined
22 those photographs?

23 A] (Witness examining same.) Yes, I have.

24 Q] Do you recognize each of those photographs?

25 A] Yes, I do.

1 Q] Are they accurate depictions of what they're photographs
2 of?

3 A] Yes, some of those pictures I was present for and some of
4 them I wasn't.

5 Q] But are you familiar with that area?

6 A] Yes.

7 MR. HOLT: Your Honor, we'd move for introduction
8 of Exhibits 15 through 29 at this time.

9 THE COURT: Any objection?

10 MR. BURT: No, sir.

11 MR. PHILLIPSBORN: No, sir.

12 THE COURT: All right, they may be received with-
13 out objection.

14 (WHEREUPON, Respondent/Defendant's Exhibits 15 through 29 were
15 admitted and received into evidence and are appended on pages
16 through .)

17 DIRECT-EXAMINATION, continuing:

18 Q] After you took your four-wheeler and expanded the search
19 that you were doing were you subsequently contacted by other law
20 enforcement?

21 A] Yes, I was contacted by radio to return to the area of
22 Robin Hood Woods.

23 Q] What did you do then?

24 A] I immediately came back to Robin Hood Woods where I met
25 with Chief Allen and other detectives that were on the scene.

1 Q] Okay. What did you do then?

2 A] I was informed of him having found a body; he showed me
3 where that body was found. At that point I entered the water
4 and upon entering the water, I started seeing evidence:
5 clothing, shoes; those kinds of things. Those few things were
6 floating, actually, and then I went to where the body was and
7 picked the body up and moved it to the - - actually laid him on
8 the bank.

9 Q] Okay. Do you recognize any of the notations on the
10 diagram?

11 A] (Witness examining same.) I can actually see the outline
12 of the body; they would be like stick figures, I guess you would
13 call them on the diagram. The first body was removed here,
14 which would have been the body of Michael Moore.

15 Q] And it's labeled victim number 1.

16 A] That's what I was looking for. Yes. That is correct.

17 Q] Okay?

18 A] And then the second victim was here and the third victim
19 was here, and they're downstream.

20 Q] Victim number 2 found 27 feet south of victim number 1?

21 A] Yes.

22 Q] And then victim number 3 found 32 feet south of victim
23 number 1?

24 A] Yes.

25 Q] If you would, describe what the search that you did while

1 you were in that ditch?

2 A] Okay. Upon getting into the ditch, it was muddy water; you
3 couldn't see anything. So what I started doing was raking my
4 hand from one bank to the other to search if there was anything
5 on the bottom of the ditch, bring it all the way from where I
6 entered the water to where I exited the water on the other side,
7 and I started going down the creek in that manner.

8 Q] Okay. From where to where?

9 A] From where we had put sandbags at the top of this deeper
10 area, there was a drop-off. And where that water dropped off is
11 where I started to search, because you could see above that.
12 The water was trickling through and it was clear enough that you
13 could anything that was laying there. So that was okay. But
14 down here it was so muddy that you couldn't see anything.

15 Q] I see?

16 A] So that's the reason I started the hand-feeling search and
17 I went down through the creek, removing the body as I came to
18 it, removing the clothing as I came to it, uh, came all the way
19 until I got to about this area where there was a second drop-off
20 and that second drop-off put the water at further than I could
21 reach down with my arm. So at that point I started feeling for
22 everything that I could feel with my feet, going down through
23 there. And eventually I got out here to the main bayou and it
24 was up to my neck, so I couldn't go any further.

25 Q] I see. Now approximately where was the ditch sandbagged on

1 the southern portion of it?

2 A] It would have been right in this area, right here.

3 Q] Approximately how deep was it at that point?

4 A] Probably about, oh, three and a half to four feet, I guess.

5 Q] I see?

6 A] It wasn't real deep, but it was deep enough that I could
7 just barely reach the bottom with my hands at that particular
8 point.

9 Q] What was the surface of the, the bottom surface of the
10 ditch like?

11 A] It was sort of slick, but it was soft. When you step into
12 it, you would definitely leave an impression. It wasn't like a
13 sandy bottom; it was a soft muddy bottom.

14 Q] I believe you were asked this in previous hearings in re-
15 lated cases; I'm going to ask you again: did you see, well,
16 first of all, do you hunt?

17 A] Yes.

18 Q] Do you fish?

19 A] Yes.

20 Q] How long have you been doing that?

21 A] All of my life.

22 Q] When you were there in that particular area, were you at
23 least wary of the possibility of getting bitten by a snake?

24 A] Yes, I basically looked at all of the bank areas. A snake
25 is not normally going to be in the water and stay in the water.

1 He's going to come out of the water, you're going to see a head
2 somewhere, you're going to see him in the roots of a tree some-
3 where, you're going to see something of that nature. He's not
4 going to be in the water and stay in the water for long periods
5 of time. So I really wasn't worried about anything being in the
6 water itself, but I was worried about something coming off the
7 bank or falling out of the root wads into the bank while I was
8 in there. And I was looking out for that.

9 Q] Well, did you notice any type of movement or any type of
10 aquatic life in the ditch while you were in it, upon entering
11 it, when you searched it or when you searched the bottom of it?

12 A] No, there was nothing there.

13 Q] Did you notice any - - was there any kind of tadpoles?

14 A] I didn't see any.

15 Q] Minnows?

16 A] No.

17 Q] Bream?

18 A] No.

19 Q] Did you at that point see any turtles?

20 A] No.

21 Q] There's been some testimony that one area of this wooded
22 patch is known as Turtle Hill. Are you familiar with that?

23 A] Yes.

24 Q] I believe you described that in some of your testimony as a
25 "heap of dirt"?

1 A] Yes.

2 Q] Did it have a trail that went on top of it?

3 A] Actually, two trails. Uh, you can see in some of the
4 pictures actually when you come across the pipe, if you took an
5 immediate right as you come across that pipe, you'll see a trail
6 that comes through this weeded area and then goes into the woods
7 before it gets to the creek. Then there's another trail over
8 here that came right down beside it and came back in here and
9 then went up here where we found the bodies of the victims. So
10 this area here is where it appeared that dirt had been piled,
11 probably in cleaning out Ten Mile Bayou ditch through the years
12 and maybe cleaning out a pathway for this ditch, to make it
13 empty into the Ten Mile Bayou ditch.

14 Q] Okay?

15 A] And that dirt through the years had been piled up there.

16 Q] Okay. So it wasn't a natural contour?

17 A] No.

18 Q] Okay. Let's go to the - - well, first of all for clarifi-
19 cation, the bank, the ditch bank - - were there any ditch banks
20 in the area where the bodies were found that appeared different
21 or appeared as if there had been some change?

22 A] Absolutely.

23 Q] Where was that?

24 A] Do you see this lighted area right here (indicating)?

25 Q] Yes?

1 A] That was it. As I entered the water, and I can't remember
2 where I entered the water from, uh, I can remember him telling
3 me where the body was, I can remember seeing the debris and I
4 think what I did was came back up here a little ways and entered
5 from the top.

6 Q] North of where the body was found?

7 A] North of where the body was found and entered. As soon as
8 I came to where the water fell off, I looked over to the left
9 and I could see this area of the bank that looked like it had
10 been cleaned off. It was smooth, there was an absence of
11 leaves, there were scuff marks or flat marks where something had
12 cleaned the bank off, and there was green grass that actually
13 had mud over the top of it. It was still green, but the mud had
14 been spread over the top of it, as if somebody had cleaned that
15 portion of the bank off.

16 Q] I want to show you what's been marked as State's #30 and
17 #31 and ask if you can identify those?

18 A] (Witness examining same.) Yes, I can.

19 Q] What are they?

20 A] This is the body of Michael Moore as they were taking him
21 out of the water and laying him on the bank and that's States
22 #30. And this area of the bank is the beginning of what I saw
23 that was cleared off.

24 Q] Okay. You're talking about, when you say that, you're re-
25 ferring to the area depicted in the photograph that is at

1 Michael Moore's feet?

2 A] That's correct.

3 Q] Okay?

4 A] Okay, and State's Exhibit #31, this is Mike Allen; he's up
5 on the bank pointing to the area where the body of Michael Moore
6 had been located and at that particular point, I don't think we
7 had even brought the body out yet. He's showing me where it
8 was, and that's when I came back up the stream to come into the
9 water from this direction.

10 Q] From the foreground of that picture?

11 A] Yes.

12 Q] And now, you're saying that -- your testimony is that it's
13 Mike Allen depicted in that photograph point to the area where
14 he saw, uh, where he discovered the first body?

15 A] That's correct.

16 Q] And where is he in relationship to the bank that you've
17 described as being "different" than the rest of these areas?

18 A] He's at the south end of that bank. This area here is what
19 is smoothed off.

20 Q] When you say "here," are you talking about the left side of
21 the picture?

22 A] Yes.

23 Q] Are those accurate depictions of what you saw at the scene?

24 A] Yes, they are.

25 MR. HOLT: We'd move to introduce #30 and #31 into

1 evidence, Your Honor.

2 THE COURT: All right, they may be received. Is
3 there any objection?

4 MR. BURT: No objection.

5 MR. PHILLIPSBORN: No, Your Honor.

6 DIRECT-EXAMINATION, continuing:

7 Q] Judging from this particular diagram, it lists elevations
8 for the low-bank side and the high-bank side?

9 A] Yes.

10 Q] Is that, could you describe, with regard to this ditch,
11 which is the low-bank side and which is the high-bank side?

12 A] Okay. The low-bank side is going to be east side, and
13 that's the side that's towards Memphis. The high-bank side is
14 where this big tree is that was on the high bank. That bank was
15 actually pretty well level with the surrounding woods. If you
16 were to walk through the woods and walk to that area, you're not
17 inclining or declining over just a few inches. So the high bank
18 was level with everything else out there and the low bank was
19 within the stream bed itself.

20 Q] Do you know if this was a naturally dug ditch, or does this
21 appear to be one that was created by rainwater?

22 A] Well, rainwater would be the natural way a ditch is made.

23 Q] I mean, like for instance, the Ten Mile Bayou is man-made?

24 A] It's a dredged ditch, yes.

25 Q] Okay.

1 A] This appears to be a natural stream, with the modifications
2 probably taken here, placed here, to come out there.

3 Q] That was the mouth of it?

4 A] Yes.

5 Q] I see. Have you had an opportunity to review a scene view
6 of a video that was taken at the time?

7 A] Yes.

8 Q] Okay. Could you narrate that if I play it?

9 A] I can try it.

10 Q] It's in the video recorder now.

11 MR. HOLT: I'm going to mark it as an exhibit.

12 THE COURT: All right.

13 MR. HOLT: And I'm going to move for it's intro-
14 duction.

15 MR. BURT: No objection.

16 THE COURT: All right, it may be received.

17 (WHEREUPON, Respondent/Defendant's Exhibit #33 was admitted and
18 received into evidence and is appended on page .)

19 DIRECT-EXAMINATION, continuing:

20 (WHEREUPON, the video was played; Mr. Ridge narrating, as
21 follows:)

22 A] That looks to be Michael Moore. That would be the bank on
23 the east side, the body was found right down here and that
24 slicked off portion of the bank was around this way.

25 Q] This area between the big tree and the area of Michael

1 Moore's body?

2 A] Well, actually, it's over here.

3 Q] Okay.

4 A] You have that big tree over there, but it was over here.

5 This is the west bank, uh, this is the body of Michael Moore.

6 That's the location where he was located and we're moving to the

7 south, heading south. There's the two bodies of the other two,

8 here and here; Mike Allen standing on top.

9 Q] Do you know if this - - had the ditch been drained at this
10 point?

11 A] I don't - - I can't tell if it has been drained, or is
12 being drained. It looks like our sandbags are down there, but
13 I'm not sure.

14 Q] But Mike Allen is there?

15 A] I'm pretty sure it hasn't been drained yet. I can't tell
16 from the picture, it's just so blurry.

17 Q] Okay.

18 A] This is Stevie Branch and that's Byers.

19 Q] And Steven Branch was the second victim found"

20 A] Yes.

21 Q] This is just trying to get overall views of the area. This
22 is the high bank that I was talking about a minute ago.

23 Q] Is that the condition of the water?

24 A] Yes.

25 Q] Approximately how far down into the water could you see?

1 A] A few inches; not very far at all. I do know that as I was
2 coming up to where the body of Stevie Branch was, I had actually
3 looked into the water and could see his, part of his skin, and
4 that's all I could see. You couldn't see it was a body or any-
5 thing, you could just see enough to know that it was a body.

6 Q] Approximately how, how deep was the water, there?

7 A] Between twenty and twenty - - two foot, two and a half
8 foot, something like that. It sort of varied. There was one
9 area that was deeper back up where the bank was slicked off and
10 a view of the high bank, and then this area here wasn't quite as
11 deep as the rest of it. It sort of varied. It wasn't just a
12 constant downhill run.

13 Q] What's that in that view?

14 A] This is - - I can't tell for sure. I mean, it just looks
15 like a reflection of the sky. It's just the blue that you see.

16 Q] All right, let's go back. Do you notice flies on the body
17 there?

18 A] Yes, there's one right there.

19 Q] Approximately how long did the bodies stay out on the bank,
20 in your estimation?

21 A] Uh, probably, I'd say somewhere around twenty minutes or
22 so, because the coroner had to go get the sheets and the bags
23 for all of them and we kept the scene secured. It was some time
24 before we were able to get them wrapped up and put into the bags
25 like they needed to be done, preserved.

1 Q] Was there a record kept of that?

2 A] Not by me. I was the one basically doing all of the hand
3 work down in the creek. I don't know who was taking the notes,
4 but I was told somebody was taking notes.

5 Q] Were you aware of notes made when each body was discovered?

6 A] I heard the time being given and somebody was writing it
7 down. And that's about all I can tell you. I don't know who
8 was taking those notes or who was giving the time.

9 Q] And did the coroner subsequently arrive?

10 A] Yes, he did.

11 Q] Were the bodies at one point covered in plastic?

12 A] Yes. Well, actually, that's the plastic bag that they're
13 actually put in.

14 Q] It was a body bag?

15 A] Yes. They were wrapped in white sheets and then put into
16 the black body bags.

17 Q] Do you know when the bodies were collected by the Crime
18 Lab?

19 A] He would have taken them, the bodies, to his morgue and
20 then the Crime Lab would have picked them up from there. Now
21 that's the procedure, but whether or not that is actually what
22 happened on this one, you'd have to ask him.

23 Q] Okay. If you would, could you describe, do you know what
24 this area is right here?

25 A] I would say the high bank is here.

1 Q] On the left?

2 A] Yes. And then that's the bank over there on the right that
3 was cleaned off, that was void of leaves and limbs and such as
4 that. Now here is where Mike Allen first went across the ditch
5 just past these trees and where the second two bodies were
6 located. We hadn't started pumping yet. These are the bicycles
7 that were found where the utility pipe crosses Ten Mile Bayou,
8 where these guys, they're pointing out where they found the
9 bikes. One was found below and one just above that pipe.

10 Q] I see.

11 A] This is just depicting the grown-up area, basically, and
12 then that's our crime scene. They're standing on what we call
13 the high bank.

14 Q] I see.

15 A] This is just panning throughout the crime scene.

16 Q] Could you hear Interstate traffic from there?

17 A] Some, well, a loud truck or something go through there, you
18 could hear it; it would be difficult to see, especially here at
19 the bottom of the creek.

20 Q] Who is that?

21 A] That's me down there right now. I'm actually laying the
22 sandbags in place and we're getting ready to start pumping it
23 out.

24 Q] Okay. And is it between the person who's doing the video
25 and you, is that to the left there, is that where the bodies of

1 Branch and Byers are located?

2 A] If they were still there, they would be down here.

3 Q] Okay, in the middle of that picture?

4 A] Yes,

5 Q] Approximately how far is it from that point to where you
6 are; do you know?

7 A] Probably in the neighborhood of twenty-five feet, there-
8 about.

9 Q] Do you see the presence there of any minnows darting back
10 and forth, or any kind of, anything that would attract larger
11 animals?

12 A] No.

13 Q] How was the flow of that water?

14 A] It was very, very slow. There was a trickle of water
15 coming into the top. In fact, when we dammed up the bottom of
16 it, I put the sandbags at the top of it to keep any water from
17 coming back and coming in from the top. And the sandbags I put
18 up there were enough to hold back the water the entire time we
19 were there, after we had pumped it down.

20 Q] Can you point out any visible movement in any of that water
21 here?

22 A] No, sir, other than me being in the water and making
23 splashes.

24 Q] And that's you behind the dike there?

25 A] Yes.

1 Q] What's over that embankment, that rising crest there?

2 A] The Ten Mile Bayou is over in that, just above it and then
3 to the left of it is an open field. I think they had soybeans
4 out there that year; just crop land, anyway.

5 Q] I'm starting to see some flow there?

6 A] It's got probably six, eight inches in that area and we're
7 trying to dig a hole so I'll have more collection area for the
8 pump to pull the water out and get all of that out that we can.

9 Q] After, after your efforts to remove as much water as
10 possible from that ditch, did you walk the ditch?

11 A] Yes, I did. In fact, I'm doing that now.

12 Q] What was that right there?

13 A] It looks to be part of an old hoe that the metal blade had
14 broken off of and the handle was out of. It looked like it had
15 been there for some time.

16 Q] Did it have signs of visible rust on it?

17 A] Yes. You can see how this down here is very shallow and
18 it's half-way to his knees up there. That's the pocket that was
19 a little deeper, up there closer to the high bank.

20 MR. HOLT: I believe that's the end of it.

21 THE WITNESS: I think so.

22 MR. HOLT: You can go ahead and have a seat.

23 (WHEREUPON, the video was concluded.)

24 DIRECT-EXAMINATION, continuing:

25 Q] Once water was removed from that ditch, did you see any

1 evidence of any kind of aquatic life?

2 A] No.

3 Q] Uh, are you familiar with the wildlife of the West Memphis
4 area?

5 A] Yes.

6 Q] Have you seen different species of turtles in that par-
7 ticular area?

8 A] A kind of snapping turtle and what we call soft-shell
9 turtles and those kind of turtles.

10 Q] That kind of sit on a log in the sun?

11 A] Yeah.

12 Q] Do you recall that your testimony regarding what you did
13 was essentially the same in both the Misskelley trial and in the
14 Echols/Baldwin trial?

15 A] I don't recall word-for-word, but it should have been. I
16 was going from memory and what I actually did.

17 Q] Uh, did you testify at the Echols Rule 37 hearing three or
18 four years later?

19 A] I don't think so.

20 MR. HOLT: I pass the witness.

21 CROSS-EXAMINATION

22 BY MR. PHILLIPSBORN:

23 Q] Captain, good afternoon. My name is John Phillipsborn and
24 I'm one of Mr. Baldwin's lawyers. And actually, before we get
25 started, I was going to ask if I could retrieve, I think it's

1 Exhibit #75 that was admitted this afternoon when Mr. Hendrix
2 was asking questions. It's our best guess that those are a set
3 of notes.

4 MR. PHILLIPSBORN: Your Honor, may I approach?

5 THE COURT: Yes.

6 CROSS-EXAMINATION, continuing:

7 Q] Captain, I'd like to show you, sir, what's been marked as
8 Exhibit #75, Petitioner's Exhibit #75, and ask if you recognize
9 that exhibit to be a copy of material that was actually produced
10 during the course of the investigation into the death of the
11 three boys?

12 A] My recollection, this is notes that were started by Inspec-
13 tor Gary Gitchell. It looks like his writing all the way
14 through.

15 Q] You, you were talking to us just a little while ago,
16 Captain, about being aware as you're processing this scene per-
17 sonally, that somebody is, at least seemed to be keeping track
18 of the times at which certain things are being done. Is that a
19 correct statement on my part?

20 A] To the best of my recollection; yes.

21 Q] Okay. Do you know, other than the set of hand-written
22 notes that I just showed you that has been admitted as #75, do
23 you know of any other document that purports to have, uh, for
24 example, times at which you located bodies at the scene?

25 A] I know that that one other officer was taking some notes,

1 and it would have been Detective Dianne Hester, but I don't know
2 what was in her notes. I just know she was in there taking
3 notes, as well.

4 Q] Now, sir, does that, in terms of your recollection of
5 events, do you have a, uh, a recollection of the timeframe in
6 which you were actually dealing with the investigation of the
7 scene after Detective Allen had discovered the first of the
8 bodies?

9 A] The time?

10 Q] The timeframe?

11 A] I don't know exactly what time I got there, but I figured
12 it was somewhere around noon and we stayed there the rest of
13 that day. It was getting dark and mosquitoes were starting to
14 get bad as we left.

15 Q] Is it consistent with your recollection that it was around
16 3:00 p.m. when you located the second body, according to this
17 exhibit, 2:56 p.m.?

18 A] That could be; yes. Just for me to say what time it was, I
19 can't say. I do know it was sometime around noon is when I got
20 the message to come to that location.

21 Q] Does it, does it square with your recollection that you
22 might have actually been at the location for more than an hour
23 before you located the second body?

24 A] I can't say for sure. I'm just not positive.

25 Q] Does it square with your recollection that Coroner Kent

1 Hale arrived at the scene just before 4:00 p.m.?

2 A] I don't know when he got there. I really don't. I just
3 saw in the video tape when he was there, but what time he got
4 there, I don't know.

5 Q] Now just in terms of decision making at the time you're
6 processing the scene, uh, how is the decision made for you to
7 get into the water and begin the search that you've testified
8 about in the water and at the bottom of that drainage ditch?

9 A] I was like the work horse at that time. If anybody needed
10 anything done around the department or anywhere they needed
11 something done, I was the one that was doing it; it just fell
12 that way. I got into the water, uh, after I was told where the
13 body had been found. I got into the water to try to start
14 figuring out how we were going to search it. I announced to
15 Mike that we needed to go meticulous with this and to Inspector
16 Gitchell that it was going to be a long drawn out situation and
17 we needed to be real careful and make sure we got everything we
18 needed to get. And they agreed with me, and that's when we
19 started.

20 Q] And now, so based on the answer that you just gave, and
21 please correct me if the content of this question is incorrect,
22 but it sounds as though you and then Detective Allen and Inspec-
23 tor Gitchell discussed what was going to happen before you
24 started, uh, doing what you did in the drainage ditch; is that
25 correct?

1 A] We were all discussing it; we were all fairly close.

2 Q] Do you recall whether there was any discussion of whether
3 it made sense to contact the Arkansas State Crime Laboratory to
4 see if you could get a criminalist before you actually undertook
5 any further work in the drainage ditch?

6 A] That wouldn't have been at my level.

7 Q] Okay. And, and in terms of any contact with the medical
8 examiner's office, would that have been at your level?

9 A] No.

10 Q] Do you recall there being any, any discussion about getting
11 a criminalist or a medical examiner, or assistant medical exam-
12 iner to the scene; was that ever discussed while you were there?

13 A] Not that I'm aware of.

14 Q] So in terms of the, uh, again, it sounds as though rela-
15 tively soon after Detective Allen located the first body, the
16 discussion was held between yourself, then detective Allen, and
17 Inspector Gitchell that led to your then beginning the process
18 you went through to search that creek by actually physically
19 raking your hands along the bottom; correct?

20 A] Yes.

21 Q] Okay. And as you have explained to us, that is the process
22 you undertook going back and forth until such time as basically
23 you would have had to hold your head under water if you were
24 going to continue doing it that way?

25 A] That's correct.

1 Q] Okay. And, and would you agree that going the distance
2 that you went, uh, took a measurable period of time?

3 A] Yes.

4 Q] Would you say it took up to an hour?

5 A] I wouldn't doubt more than that.

6 Q] Incidentally, to your knowledge, as based on your own
7 experience with West Memphis while you were at the department up
8 to the point of which you undertook the processing of this
9 scene, had you ever processed a scene that was similar to this
10 one; in other words, in which there were multiple victims found
11 in a drainage ditch?

12 A] No.

13 Q] Or a body of water?

14 A] No.

15 Q] You explained that at one point, uh, you actually were in-
16 volved in the process of the pumping out of a certain portion of
17 the drainage ditch; correct?

18 A] Yes.

19 Q] And that's what the ditch is; correct?

20 A] Yes.

21 Q] Now there's a man who was shown in the video who seems to
22 be talking to you at one point when you have a shovel in hand;
23 the man had on a red T-shirt. Do you recall that?

24 A] Uh, there were several people there at that time. There
25 were utility workers with the street department; I think were

1 there assisting us with the sandbags. And I may have been talk-
2 ing with some of them. I actually had to get the shovel that I
3 used to assist in getting some of the water out, from one of
4 them. So it's feasible I could have talked with anybody, but
5 that particular person, I don't know.

6 Q] Were you aware while you were actually doing your process-
7 ing of the scene that some of your law enforcement colleagues
8 were at least within sight of you and they're talking with one
9 another?

10 A] Sure.

11 Q] And they're moving around at the scene?

12 A] Yes.

13 Q] And once the sandbagging process starts, there are more
14 people who are moving around the scene?

15 A] Well, the detectives and those people who were assisting in
16 getting the sandbags in there.

17 Q] Well, the pump that was actually brought up, did it have a
18 separate generator unit?

19 A] A separate generator?

20 Q] Yes?

21 A] It was a gas motor and it had a pump attached.

22 Q] Okay. And that, uh, that pump was in operation for how
23 long, would you say, to actually drain out that area?

24 A] We're probably talking about anywhere from forty-five
25 minutes to an hour.

1 Q] And during the course of that period of time, the engine,
2 the pump engine is operating steadily; is that correct?

3 A] You know, I'm not sure. There was a point and I think it
4 was in the beginning, there was some trouble keeping it running
5 and then even after they got it running, we had some trouble
6 getting it primed, but that's normal. I've run those kind of
7 pumps before. I used to work on a farm; it's just normal
8 operation. It's hard to get 'em primed sometimes.

9 Q] And, and actually, as you're getting them primed, uh, to
10 get the pumping started, do you actually have to rev the engine
11 a little bit?

12 A] Most of them are under what we call a governor. It's a
13 steady speed; it's not revved up.

14 Q] Got you. Uh, and so again, it sound as though your memory
15 is that it took a while to start the pump so the engine would
16 kick in; it died, somebody had to start it again?

17 A] Yeah.

18 Q] That happened a bit and then the pump is actually in oper-
19 ation for some period of time; correct?

20 A] Yes.

21 Q] Now you were talking about your, uh, lifelong experience
22 with hunting and fishing, uh, I gather when you go out hunting
23 and fishing, and I'm not saying this in any way disrespectfully,
24 but just so we can get context here, uh, you don't have the kind
25 of activity around here that you had that afternoon; I mean, for

1 example, when you're...

2 A] ...I'm normally alone.

3 Q] Okay. And, and I mean, customarily, one tries to keep the
4 noise down under those circumstances; right?

5 A] Absolutely.

6 Q] Especially when you're dealing with wildlife?

7 A] Yes.

8 Q] So, uh, now let me ask you, uh, Captain, as I think it was
9 pointed out during the course of the questioning by Mr. Holt,
10 this is not the first time that you've testified about your
11 processing of this scene; correct?

12 A] That's correct.

13 Q] And to your knowledge in the time you've had contact with
14 this case, do you personally know of any effort, uh, to go to
15 that particular scene and the drainage ditch at night?

16 A] Yeah, I've been there at night.

17 Q] When the drainage ditch was filled?

18 A] I've been there at night when the ditch was filled; I've
19 been there at night when it's empty; I've been there several
20 years after this homicide occurred.

21 Q] Uh, and also let me ask you, uh, did you have occasion to
22 talk to people in the area about what they observed - - and
23 here, all of my questions are actually restricted to the subject
24 of wildlife.

25 A] Okay. Did I talk to anybody about wildlife in that area?

1 Q] Yes?

2 A] Not that particular conversation; no.

3 Q] Now, uh, during the course of the time that you were inves-
4 tigating this case up through the time of the trial to this
5 matter that took place in 1994, uh, were you in touch period-
6 ically with people at the Arkansas State Crime Laboratory?

7 A] On occasion.

8 Q] And would it be fair to say that as one of the investiga-
9 tors on the case, you were aware that there were efforts being
10 made at the Crime Laboratory to look at some of the trace
11 evidence that you and some of your colleagues had actually
12 collected?

13 A] Yes.

14 Q] Uh, do you know whether any effort was made to, uh, follow
15 up any information that had been generated in the course of pre-
16 paring hair slides about animal hairs found among the many items
17 of evidence you recovered from the scene?

18 A] I was never made aware of any.

19 Q] Were you, do you remember as you sit here today, of being
20 aware, uh, and again, I'm asking you to go back in time here,
21 but do you recall actually being aware at the time of the trials
22 of these cases, that animal hairs had actually been found on
23 slides?

24 A] I was never made aware of any.

25 Q] And the end of that was by the Arkansas State Crime Labora-

1 tory. So you didn't know that?

2 A] No.

3 Q] Captain, one last area that I wanted to ask you about, you
4 have explained to us at some length, sir...

5 MR. PHILLIPSBORN: ...Your Honor, may I approach?

6 THE COURT: Yes, you may.

7 MR. PHILLIPSBORN: Thank you.

8 CROSS-EXAMINATION, continuing:

9 Q] You've explained to us, sir, at some length that the scene,
10 and I just wanted to ask you a couple questions here. And I'm
11 making reference now to State's Exhibit #32, which you previous-
12 ly have identified, uh, this, this diagram has situated on the
13 west side of the wooded area, uh, on the northwest side, some-
14 thing that's labeled as the Blue Beacon truck wash. And let me
15 ask you, Captain, to the west of the area of the fence that is
16 to the west of Blue Beacon, there is a line drawn and the word
17 "fence." To the west of that, to the west of what's called
18 oxidation pond, uh, was that where the 76 Truck Stop was?

19 A] Yes, some distance there; yes.

20 Q] Okay. And that, that was a facility that had a, uh, a
21 fairly significant parking area for big rigs; correct?

22 A] Yes.

23 Q] It had some overhead lighting; is that correct?

24 A] Yes.

25 Q] It was in operation at the time this case arose; is that

1 correct?

2 A] Yes, it was.

3 Q] And there actually, uh, the, uh, the area of the, uh, truck
4 stop, uh, comes up against the area of this diagram, which is to
5 the north of the top of Ten Mile Bayou, that's labeled wooded
6 area; correct?

7 A] Yes.

8 Q] The Blue Beacon, sir, was in operation 24/7 at that time?

9 A] Yes.

10 Q] And do you recall, by any chance, whether you had any know-
11 ledge of there being off-duty West Memphis police officers who
12 worked security there at the time?

13 A] At the Blue Beacon?

14 Q] Yes, sir?

15 A] I don't know of any off-duty officers working security
16 there at any time while I've been in West Memphis.

17 Q] Okay. Uh, do you recall whether you were made aware
18 before, uh, before you actually went into the wooded area to
19 discover the bodies, were you aware of any civilians, meaning
20 non-law enforcement personnel, being anywhere near the wooded
21 area?

22 A] Just from hearsay and when I was actually searching that
23 wooded area, I ran across a young man to the east of the site,
24 riding a bicycle, who was identified that day, but had nothing
25 to do with anything that day, that was looking for the boys

1 also. He was probably in his late teens.

2 MR. PHILLIPSBORN: Your Honor, if I could have
3 just one moment.

4 THE COURT: All right.

5 (Pause.)

6 MR. PHILLIPSBORN: Thank you, Your Honor. Thank
7 you, Captain.

8 CROSS-EXAMINATION

9 BY MR. BURT:

10 Q] Good afternoon, sir.

11 A] Good afternoon.

12 Q] Uh, just a couple of questions. First, directing your
13 attention to your early searching the morning, about 7:30 or
14 eight o'clock that morning, this is the period of time when
15 you're on your three-wheeler; first on foot and then on three-
16 wheeler; correct?

17 A] Yes.

18 Q] And is it true that around that same time there were about
19 fifteen other people in the area that were searching?

20 A] I didn't run into that many people. I know of the one
21 person that I ran into and then I knew that Search and Rescue
22 was being called to come out and that they were going to be in
23 the area, uh, I ran into a subject I knew by the name of Randy
24 Jackson, uh, he was actually across the expressway when I ran
25 into him. But there were a lot of people out looking for them,

1 but I just didn't see that many of them.

2 Q] I'm referring specifically to the time you got your three-
3 wheeler and you were searching back and forth?

4 A] Well, I ran into some people, but I wouldn't say it was
5 fifteen people.

6 Q] Okay. Well, let me read this testimony you gave at the
7 Misskelley trial, to see if this refreshes your memory. This is
8 749 and this is your testimony:

9 Quote: "By the time I made my way back to the vehicle again, it
10 was determined that I went and got my three-wheeler and did some
11 searching on three-wheeler.

12 Question: "When you were out searching the area, were there
13 other people searching, too?"

14 Answer: "Yes."

15 Question: "Approximately how many people did you see searching?"

16 Answer: "I saw probably fifteen people."

17 Question: "In that area?"

18 Answer: "Yes."

19 Q] Is that what you...

20 A] ...in the area of the three-wheeler. Yes.

21 Q] Right. So that refreshes your memory that the period of
22 time when you were searching with your three-wheeler, there were
23 about fifteen other people in that area who were also searching?

24 A] All right, now when I'm searching with the three-wheeler,
25 the area is quite a bit bigger than what your, what we're talk-

1 ing about in Robin Hood Woods.

2 Q] I understand that.

3 A] Okay.

4 Q] And what I'm trying to say in the time period after you got
5 your three - - and, and the area is larger, but it's also cover-
6 ing Robin Hood Woods; correct, and I'm talking about expanding
7 the search?

8 A] When I'm expanding, I go about three miles away from the
9 scene. I end up in Lakeshore and I find a tent and some other
10 people meet me there and I go west of there all the way to Air-
11 port road, and I've seen people all over the place, away from
12 this particular area of Robin Hood woods.

13 Q] Okay. In terms of this period of time, do you know, of
14 your own personal knowledge, where these other fifteen or so
15 people were searching?

16 A] I just remember running across some different people.

17 Q] Okay. But did you have visual contact to know whether they
18 were in the area of Robin Hood Woods, or they were searching
19 somewhere else?

20 A] No.

21 Q] And it could have been in that area, and it may not have
22 been?

23 A] I don't remember where they were. I just remember running
24 into a few people.

25 Q] Okay. And was there anybody else out there on three-

1 wheelers during that period of time?

2 A] You know, I don't remember, but I think I ran across one
3 other three-wheeler.

4 Q] Now as I understand it, in the afternoon when you came back
5 around 1:30, there were two general, uh, search activities;
6 right? The first would be when you went through the water and
7 then the second, you made a second search after the water was
8 drained out?

9 A] Yes.

10 Q] Is that generally correct?

11 A] Yes.

12 Q] And the purpose of the second search, the one after the
13 water was drained out, was to see if you had missed anything in
14 your first search?

15 A] That's correct.

16 Q] And the first search consisted of you getting in the water
17 north of the body, moving in a southerly direction sweeping your
18 hands across the bottom?

19 A] Uh-huh.

20 Q] Of the ditch to see if you could feel anything; locate any
21 evidence?

22 A] That's correct.

23 Q] And you walked all the way south to the body until it got
24 up to your neck?

25 A] That's correct.

1 Q] Okay. And you made a thorough search sweeping your hands
2 across the bottom?

3 A] Yes.

4 Q] All the way down?

5 A] As best I could, yes.

6 Q] All right. Now you described in your testimony here today
7 discovering second victim, I think about twenty-five feet south
8 of the first victim?

9 A] A few several feet there; yes.

10 Q] And that second victim, do you recall who that was?

11 A] I think that was Stevie Branch. I think that's the one that
12 had the wounds to the face. We, originally, we were confused as
13 to which of those two bodies we were looking at, whether it was
14 Byers or Branch. And in my mind, I called him Byers when I
15 brought him out of the water. And I think in terms of who I
16 really found out it was, it turned out to be Stevie Branch.

17 Q] But you're clear that that was the victim that had the
18 wounds to the face?

19 A] Yes.

20 Q] And do you recall at the time making observations that
21 those wounds looked like "pick" marks, P-I-C-K, pick marks?

22 A] Yes.

23 Q] And, uh, you also noticed that that, those wounds looked as
24 if somebody was pecking at the skin?

25 A] Yes.

- 1 Q] Do you recall describing it in that way?
- 2 A] Yes.
- 3 Q] And I take it you're not a pathologist; you wouldn't be
4 able to render any sort of opinion as to what caused the pecking
5 to this kid?
- 6 A] I'm not an expert; no.
- 7 Q] But he was - - a person looked like pecking at the skin?
- 8 A] Looks like somebody was repeatedly stabbing the skin.
- 9 Q] Well, when you say "somebody," do you know whether it was a
10 person as opposed to somebody who was pecking, like an animal?
- 11 A] I've never seen anything an animal would have pecked like
12 that. It looked like a knife blade.
- 13 Q] That's to you; right?
- 14 A] Yes.
- 15 Q] But do you have the training to be able to distinguish be-
16 tween a knife blade and pecking caused by some sort of an
17 animal; you personally, do you have that kind of training?
- 18 A] Training?
- 19 Q] Yes?
- 20 A] No.
- 21 Q] Okay. Now I think you also said that there was an area
22 that was depicted in the video that we saw where it looks muddy,
23 where there's no leaves on it; correct?
- 24 A] That's correct.
- 25 Q] And you described that area as being kind of scruffed

1 marks; I think you used that term?

2 A] Spike marks is what I called it.

3 Q] What do you mean by that; what do you mean by "scruff,
4 spike marks"?

5 A] If you put your hand on a surface and just rake it across
6 as if you're trying to get something off of that area, you can
7 still see where you've got something away from that area. And
8 that's what it looked like to me, as if somebody had swiped
9 their hand across it and made it slick and removing debris or
10 whatever.

11 Q] I notice when you describe it here, you've referred to it
12 as "as if somebody," like a person did that?

13 A] Yes.

14 Q] But you don't know whether it was a person or something
15 else; correct?

16 A] I know what I believe.

17 Q] Well, you've described it here as "somebody"?

18 A] That's exactly what I said; yes.

19 Q] But back when you testified at trial, you didn't describe
20 it that way, did you?

21 A] I think I did.

22 Q] Well, do you remember saying, this is during the Misskelley
23 trial, this is page 771, you said, quote: "You can see where it
24 appears to be slicked off, where something has scooted across
25 the bank or cleaned the debris or whatever." Do you remember

1 that description?

2 A] Not the exact words, no.

3 Q] "Something has scooted across the bank." That's the way
4 you described it?

5 A] Okay.

6 Q] Okay. So at least at that point you weren't trying to
7 identify it as a person; right?

8 A] In my mind, I knew what it was.

9 Q] You knew what it was, but the way you were describing it to
10 the jury was, you were saying "something has scooted across the
11 bank or cleaned the debris or whatever."

12 A] Okay.

13 Q] Now was that an accurate description when you made it?

14 A] Sure.

15 Q] Okay. The city employees with the pumping equipment, they
16 got there after the bodies had been removed from the water;
17 correct?

18 Q] And so that would have been after your search through the
19 water and down to the bayou?

20 A] Yes.

21 MR. BURT: That's all I have. Thank you, sir.

22 MR. HOLT: Briefly, Your Honor

23 RE-DIRECT EXAMINATION

24 BY MR. HOLT:

25 Q] In the next paragraph from what Mr. Burt referred you to in

1 your testimony in the Misskelley trial, you were asked the
2 question: "In relation to the surrounding area, how did it com-
3 pare in the amount of leaves?"

4 You said, "It looked as though it had been cleaned of leaves and
5 debris."

6 Q] In your mind did it appear to have been cleaned of leaves
7 and debris by person or an animal?

8 A] I would say a person.

9 Q] You continue with your answer "This is that same shelf, it
10 is on the east bank. This is the area where it looks like it
11 had been slicked off or cleaned off. The grass is embedded in
12 the mud. I don't know what the reason would be, other than if
13 you raked your hand across that portion, the grass would be
14 embedded in the mud at that location."

15 When you said "your hand," you weren't referring to your hand,
16 were you?

17 A] Any hand.

18 Q] Any hand. Okay. Was the, was the Blue Beacon, was it a
19 twenty-four hour a day establishment?

20 A] Yes, it was.

21 Q] Did they have flood lights, or anything like that?

22 A] It's lit inside the building in their main entrance, uh,
23 whether or not there's lights on the back side, I don't know. I
24 can't remember.

25 Q] If you testified to that effect in a pervious hearing in

1 this thing closer to the time that it was, could you rely on
2 that testimony?

3 A] Yes. I, I just can't remember now.

4 Q] What about the - - was it Love's Truck Stop next to that?

5 A] Well, it was 76 Truck Stop is what everybody pretty well
6 commonly knew it as, and then it may have changed to Love's at
7 that time. No, I think Love's was small station that belonged
8 to what's not the Flash Market. And then it was a Voss Truck
9 Stop, uh, it's been several different names but I know that
10 everybody in the city of West Memphis called it the 76 Truck
11 Stop.

12 Q] Now was it a 24-hour establishment?

13 A] Yes, it was.

14 Q] Was it flood lit?

15 A] Yes.

16 MR. HOLT: That's all I have.

17 THE COURT: All right, you can stand down, Bryn,
18 you're free to go.

19 THE WITNESS: Thank you, sir.

20 (Witness stands down.)

21 THE COURT: Call your next.

22 MR. HOLT: Your Honor, could we take a recess?

23 THE COURT: We'll take a ten-minute recess.

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