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PETITIONER'S EXHIBIT #31
2nd Amended petition for severance

COPY

IN THE CIRCUIT COURT OF CRAIGHEAD COUNTY, ARKANSAS

STATE OF ARKANSAS

PLAINTIFF

VS

NO. CR 93-450

CHARLES JASON BALDWIN

DEFENDANT



SECOND AMENDED MOTION FOR SEVERANCE

COMES NOW the Defendant, Charles Jason Baldwin, by and through his attorneys, Paul N. Ford and George R. Wadley, Jr., and for his Second Amended Motion herein, for cause, states:

1. That the Defendant has previously filed herein a Motion for Severance which has been denied by this Court.
2. That subsequent thereto, the Defendant filed an Amended Motion for Severance making reference to Ark. Stat. 43-1802. That this Motion for Severance has yet to be heard by the Court.
3. That since filing the first Amended Motion for Severance, the Defendant has been provided additional discovery information by the Prosecuting Attorney's Office which gives rise to this Second Amended Motion for Severance.
4. That in the material provided to defense counsel by the Prosecutor, there have been out of court statements made by the Defendant, Michael Wayne Echols, which make reference to Jason Baldwin. That these statements could effect the alibi defense which will be raised by the Defendant, Charles Jason Baldwin, as well as other aspects of the Defendant's trial strategy.
5. That these out of Court statements by the separate Defendant, Michael Wayne Echols, are inadmissible and hearsay as to

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ADD 2069

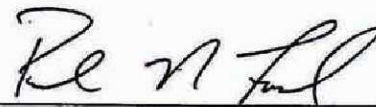
the Defendant, Charles Jason Baldwin.

6. That pursuant to the Arkansas Rules of Criminal Procedure, these out of court statements are to be considered by the Court. When considering the totality of the circumstances, the facts being raised in the first and second Amended Motion for Severance, as well as the facts presented in the original Motion for Severance, require the trial Court to grant the Motion for Severance and allow the Defendant, Charles Jason Baldwin to proceed with a separate trial.

WHEREFORE, PREMISES CONSIDERED, the Defendant, Charles Jason Baldwin, prays that this Court enter an Order severing the Defendants, Charles Jason Baldwin and Michael Wayne Echols, and directing that the State of Arkansas proceed to conduct a separate trial for the Defendant, Charles Jason Baldwin.

Respectfully submitted,

BY:



PAUL N. FORD
State Bar No. 87060
REES LAW FIRM
702 N. Missouri
West Memphis, AR 72301
(501) 735-6223

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ADD 2070

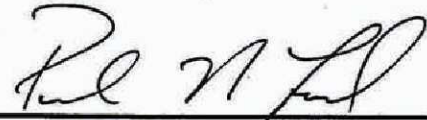
CERTIFICATE OF SERVICE

I, PAUL N. FORD, hereby certify that I have served a copy of the foregoing instrument or pleading upon opposing counsel, as listed below, by placing same properly addressed in the mail with sufficient postage to ensure delivery this 1st day of February, 1994.

Mr. John N. Fogleman
P.O. Box 1666
West Memphis, AR 72301

Mr. Dan Stidham
P.O. Box 856
Paragould, AR 72451

Mr. Val Price
P.O. Box 3072
Jonesboro, AR 72403

BY: 
PAUL N. FORD

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