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STATE'S EXHIBIT #7
February 21, 1994 letter to Jessie Misskelley, Jr.

005582

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February 21, 1994

Jessie Misskelly, Jr.
Clay County Detention Center
2nd Street
Piggott, AR 72454

Dear Jessie:

I have tried to speak with you by phone several times recently. I finally was able to speak to you today. As you know, Dan and I have worked hard for you for the past nine (9) months. In deciding whether or not you want to testify against Damien and Jason, you have to consider a lot of things. Some of the things that I want you to think about are:

1. The guilt or innocence of Damien and Jason. Other than your testimony, the Prosecutor has very little evidence against Damien and Jason. There is a little bit of fiber and hair evidence, but I personally feel that evidence is very shaky and does not show much.
2. Your Appeal. We have every intention of filing an Appeal of your conviction. We think we have several good grounds for the Appeal. First, the Judge should not have let your statement into evidence because:
 - a. Your dad didn't sign the Waiver of Rights form. (A new case from the Arkansas Supreme Court appears to make this argument even better than we thought at first).
 - b. The Police didn't tell you that you didn't have to go with them to the Police Station on June 3, and, they didn't tell you that you were free to go at anytime.

Second, the Judge didn't let our experts testify

005583

about some things that they should have been allowed to testify about. (Like the fact that you passed the lie detector test). We have several other grounds that we feel are good grounds for Appeal as well. If you testify, that will most likely kill any chance we have on Appeal.

3. There is some new evidence. This evidence tends to show that neither Damien, Jason, nor you were involved with the crime. We intend to file a Motion for a new trial based on this evidence.
4. On the other side of the coin, obviously, if you testify, the Prosecutor has indicated that he would ask the Trial Court to reduce your sentence in some way.

I want you to think about all these things before making a decision as to what to do. I will not try to tell you what to do. I only want you to fully consider everything before making a decision. I will be coming to Piggott to talk to you in person very soon. We can talk about this at that time.

This letter will also confirm that you have no objection to me telling Val Price what you told me today, February 21, 1994. I look forward to talking to you soon.

Very truly yours,

STIDHAM & CROW
ATTORNEYS AT LAW

By:



Gregory L. Crow

GLC/rd

005584