

IN THE CIRCUIT COURT OF CRAIGHEAD COUNTY, ARKANSAS
WESTERN DISTRICT

DAMIEN WAYNE ECHOLS

DEFENDANT/PETITIONER

vs.

No. CR-93-450A

STATE OF ARKANSAS

PLAINTIFF/RESPONDENT

DAMIEN ECHOLS' SUPPLEMENTAL DNA TESTING STATUS REPORT

On July 18, 2011, Damien Echols (“Echols”) filed a status report to inform the Court and counsel as to the progress of certain testing initiatives undertaken pursuant to this Court’s Order of April 18, 2011. In that status report, Echols advised that “[w]ith respect to the new hair evidence, the process of mitochondrial DNA testing is ongoing and nearing conclusion.” That mitochondrial DNA testing of new hair evidence has now been completed.¹

A total of twelve new evidentiary hairs were submitted to Bode Technology (“Bode”) for mitochondrial DNA testing under the authority of this Court’s Order. Three of those hairs were, for a variety of reasons, incapable of being tested. Of the remaining nine new hairs, Bode’s testing has determined that eight of those hairs are consistent with the mitochondrial DNA profile of victim Christopher Byers. The one final new hair, which came from Evidence Item E-07 (blue jeans and blue wallet), however, has a mitochondrial DNA profile which does not match any of the victims in this case (like the DNA results from Christopher Byers’ sneakers reported on in Echols’ prior status report). Bode’s further comparative testing analysis also (once again) excludes Echols, Baldwin or Misskelley as the source of this new, non-victim hair.

¹ The Court’s Order of April 18 required DNA testing to be completed within ninety days assuming that the items requested for testing were provided by the State within seven days. The DNA testing results identified in Echols’ July 18 report obviously met the Court’s ninety-day target. The mitochondrial DNA testing results which are the subject of this report just as obviously exceeded that ninety-day goal by approximately one extra week. However, the State reasonably took at least that same amount of extra time – an extra week beyond the seven days contemplated by the Court’s April 18 Order - to transmit these new hairs to Bode for testing so the spirit of the Court’s ninety-day schedule was still effectively satisfied by both parties’ good faith efforts to get this testing accomplished as promptly as possible.

What makes this evidence even more probative than the ordinary case, and what lengthens the shadow of doubt it creates over these convictions even further, is the remote nature of this crime scene. Because this was an isolated area where human DNA would not normally be expected to be found,² the finding of any DNA evidence there makes it highly likely that the evidence belongs to someone who brought it to this wooded area on May 5, 1993 in the course of perpetrating these crimes. Location matters. Finding a human hair at rush hour in Grand Central Station is not the same thing as finding one on an uninhabited island in the middle of nowhere. Finding this new hair from the crime scene evidence in Robin Hood Hills is telling. Finding from Bode's analysis that Echols, Baldwin and Misskelley are – once again - excluded as the potential DNA sources of the hair is even more so.

Respectfully submitted,



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² This point is amply confirmed, of course, by the near-dearth of such evidence found during the WMPD's search of this crime scene.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have mailed and/or sent electronic copies of the foregoing Damien Echols' Supplemental DNA Testing Status Report to the Hon. David N. Laser, c/o Craighead County Courthouse, Jonesboro, AR; Dustin McDaniel, Attorney General; David Raupp, Senior Assistant Attorney General; Kent Holt, Deputy Attorney General; Michael Walden, Circuit Prosecutor; Scott Ellington, Circuit Prosecutor; and counsel of record for all co-defendants, this 25th day of July, 2011.



Stephen L. Braga