

**THIS IS A CAPITAL CASE**

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

DAMIEN WAYNE ECHOLS,	)	Case No. 5:04CV00391-BSM
	)	
Petitioner,	)	
	)	
vs.	)	
	)	
LARRY NORRIS, Director,	)	
Arkansas Department of Corrections,	)	
	)	
Respondent.	)	

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**MOTION TO DISMISS SECOND AMENDED  
PETITION FOR A WRIT OF HABEAS CORPUS**

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DAMIEN WAYNE ECHOLS

Petitioner Echols's Second Amended Petition for a Writ of Habeas Corpus, filed in this Court on or about October 29, 2007, challenged his 1994 state court murder convictions and related confinement in the Arkansas state prison under sentence of death. Further proceedings on that petition were stayed by order of this Court pending completion of petitioner's state court challenge to his conviction and sentence based on new scientific evidence, pursuant to Ark. Code § 16-112-201, et seq.

On August 19, 2011, the Craighead County Circuit Court vacated petitioner Echols's 1994 convictions and sentence, finding that, based on DNA test results and other compelling new evidence, a new trial would result in acquittal. As a result, the request for relief advanced in petitioner's October 29, 2007 petition has been rendered moot. Accordingly, petitioner respectfully requests that his October 29, 2007 petition challenging his 1994 murder convictions and sentence be dismissed.

DATED: September 8, 2011

Respectfully submitted,

DENNIS P. RIORDAN  
DONALD M. HORGAN

STEVEN L. BRAGA

By /s/ Dennis P. Riordan  
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By /s/ Donald M. Horgan  
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Attorneys for Petitioner  
DAMIEN WAYNE ECHOLS

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WESTERN DIVISION**

DAMIEN WAYNE ECHOLS,	)	Case No. 5:04CV00391-BSM
	)	
Petitioner,	)	[PROPOSED] ORDER
	)	
vs.	)	
	)	
LARRY NORRIS, Director,	)	
Arkansas Department of Corrections,	)	
	)	
Respondent.	)	

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Good cause appearing therefore, it is hereby ordered that petitioner Echols's  
Second Amended Petition for a Writ of Habeas Corpus be dismissed.

Dated:

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The Hon. Brian S. Miller  
Federal District Court Judge

**PROOF OF SERVICE BY MAIL**

**Re: Damien Wayne Echols v. Larry Norris, Director No. 04CV00391 BSM**

I am a citizen of the United States; my business address is 523 Octavia Street, San Francisco, California 94102. I am employed in the City and County of San Francisco, where this mailing occurs; I am over the age of eighteen years and not a party to the within cause. I served the within:

**MOTION TO DISMISS SECOND AMENDED PETITION FOR A WRIT OF HABEAS CORPUS; PROPOSED ORDER**

on the following person(s) on the date set forth below, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Post Office mail box at San Francisco, California, addressed as follows:

**Mr. David S. Raupp**  
**Arkansas Attorney General's Office**  
323 Center Street, Suite 200  
Little Rock, AR 72201-2610

**Ms. Lauren Elizabeth Heil**  
**Arkansas Attorney General's Office**  
323 Center Street, Suite 200  
Little Rock, AR 72201-2610

**[x] BY MAIL:** By depositing said envelope, with postage (certified mail, return receipt requested) thereon fully prepaid, in the United States mail in San Francisco, California, addressed to said party(ies);

I certify or declare under penalty of perjury that the foregoing is true and correct. Executed on September 8, 2011, at San Francisco, California.

/s/ Jocilene Yue  
Jocilene Yue