

**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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**PETITIONER’S DECEMBER, 2009 REPORT RE:  
STATUS OF STATE COURT PROCEEDINGS**

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DAMIEN WAYNE ECHOLS

Pursuant to this Court's Letter Order issued on November 21, 2007, petitioner Damien Echols hereby reports the following concerning the status of state court proceedings relating to this matter:

On September 10, 2008, the Craighead County Circuit Court issued written orders denying, without an evidentiary hearing, the motions for post-conviction relief from their state murder convictions filed by petitioner Echols and his state co-petitioners, Jason Baldwin and Jesse Misskelley, pursuant to Ark. Code § 16-112-201, et seq. (i.e., based on new scientific evidence).

Petitioner Echols and his co-petitioners filed timely appeals from the circuit court's rulings in the Arkansas Supreme Court. That Court thereafter remanded the case to the circuit court to settle the record on appeal. Following settlement of the record, petitioner Echols filed an amended appellant's opening brief in the Arkansas Supreme Court and the Arkansas Attorney General thereafter filed his appellee's brief. On November 30, 2009, Echols filed his reply brief accompanied by a motion to permit filing of a brief in excess of 15 pages. That motion remains pending in the Arkansas Supreme Court; should it be granted, the briefing relating to petitioner's appeal in that Court will have been completed. In the meantime, petitioner Echols has requested oral argument in the Arkansas Supreme Court as to his appellate claims.

Petitioner Echols is informed and believes that the appellate briefing by co-petitioners Baldwin and Misskelley in the Arkansas Supreme Court challenging the circuit court orders denying their motions for relief under Ark. Code § 16-112-201,

et seq., has also been completed.

Finally, petitioner Echols is informed and believes that the previously-commenced evidentiary proceedings on other motions for post-conviction relief pursued in the Craighead County Circuit Court by petitioners Baldwin and Misskelley on grounds not available to petitioner Echols remain in progress.

Petitioner Echols will inform this Court of further developments in the relevant state court proceedings in his January, 2010 status report to this Court.

DATED: December 2, 2009

Respectfully submitted,

DENNIS P. RIORDAN  
DONALD M. HORGAN

By /s/ Dennis P. Riordan  
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By /s/ Donald M. Horgan  
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**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:

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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 December 2, 2009 at San Francisco, California.

/s/ Jocilene Yue  
Jocilene Yue