

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.)

**PETITIONER'S DECEMBER, 2010, 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:

On September 10, 2008, the Craighead County Circuit Court in Arkansas 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 in the Arkansas Supreme Court from the circuit court's rulings. Briefing by all parties and by the Arkansas Attorney General's office was completed in 2009.

The Arkansas Supreme Court heard oral argument by Petitioner Echols and the Arkansas Attorney General's Office on September 30, 2010.

On November 4, 2010, the Arkansas Supreme Court issued decisions reversing the Circuit Court's orders in the Echols, Baldwin, and Misskelley matters and remanding them for an evidentiary hearing on petitioners' motions for post-conviction relief under Ark. Code § 16-112-201, et seq.

In the meantime, judge David Burnett, who had issued the orders that were the subject of the Supreme Court's reversal orders, retired from the judiciary and successfully sought a position as a state public official. Circuit Court judge David Laser has been appointed to conduct further proceedings in petitioners' cases.

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Petitioner Echols will inform this Court of further developments in the relevant state court proceedings in his January, 2011, status report to this Court.

DATED: December 7, 2010

Respectfully submitted,

DENNIS P. RIORDAN
DONALD M. HORGAN

By /s/ Dennis P. Riordan
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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:

**PETITIONER'S DECEMBER, 2010, REPORT RE:
STATUS OF STATE COURT PROCEEDINGS**

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 7, 2010, at San Francisco, California.

/s/ Jocilene Yue
Jocilene Yue