

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 FEBRUARY, 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 concerning the status of state court proceedings relating to this matter:

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. The state supreme court subsequently remanded the matter to the circuit court to settle the appellate record. Petitioner Echols and the state thereafter submitted amended appellate briefing to the state supreme court, which briefing was concluded as of December 29, 2009. Echols is informed and believes that appellate briefing filed by co-petitioners Baldwin and Misskelley and by the state has also concluded.

Petitioner Echols requested oral argument before the state supreme court in support of his appeal. On January 29, 2010, the court granted that request, although it has yet to schedule an argument date.

Finally, Echols is informed and believes that in January, 2010, the Craighead County Circuit Court denied the motions for post-conviction relief (essentially state habeas corpus petitions) filed by petitioners Baldwin and Misskelley, which motions were pursued on grounds no longer available to petitioner Echols.

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

DATED: February 5, 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 FEBRUARY, 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
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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 February 5, 2010, at San Francisco, California.

/s/ Jocilene Yue
Jocilene Yue