

THIS IS A CAPITAL CASE

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

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

**PETITIONER'S MAY, 2008 REPORT RE:
STATUS OF STATE COURT PROCEEDINGS**

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Attorneys for Petitioner
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 April 14, 2008, undersigned counsel, on behalf of petitioner Echols, filed in the Craighead County Circuit Court of Arkansas a motion for a new trial based on new scientific evidence pursuant to Ark. Code § 16-112-201, et seq.

On April 15, 2008, undersigned counsel, together with counsel for Jason Baldwin and Jesse Misskelley (the other state defendants seeking state court relief under § 16-112-201, et seq.), and counsel for the state of Arkansas appeared at a status hearing before Craighead County Judge David Burnett.

At the April 15th hearing, Judge Burnett set a briefing and hearing schedule in connection with the pending state proceedings. Specifically, Judge Burnett ordered that:

(1) the state of Arkansas is to respond to petitioner Echols's new trial motion by May 30, 2008;

(2) petitioners Baldwin and Misskelley are to file their opening pleadings based on new scientific evidence (and on other grounds not available to petitioner Echols) by May 30, 2008;

(3) the state is to respond to the Baldwin and Misskelley pleadings by July 15, 2008;

(4) the Court will hold a status hearing on August 20, 2008 to determine the scope of the hearing on petitioners' motions and pleadings; and

(5) hearing on petitioners' motions and pleadings will commence on September 8, 2008, and, if needed, extend to and including October 3, 2008.

Petitioner Echols will inform this Court of further developments in the state court proceedings in his June, 2008 status report to this Court.

DATED: May 2, 2008

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 HLJ

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:

Brent P. Gasper
Arkansas Attorney General's Office
323 Center Street, Suite 200
Little Rock, AR 72201-2610

Brent Davis
Prosecuting Attorney
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[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 May 2, 2008 at San Francisco, California.

/s/ Jocilene Yue
Jocilene Yue