

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 JULY, 2011, REPORT RE:
STATUS OF STATE COURT PROCEEDINGS**

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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, including DNA).

Petitioner Echols and his co-petitioners thereafter filed timely appeals in the Arkansas Supreme Court from the Circuit Court's rulings. 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 a plenary evidentiary hearing on their motions. *See* (as to petitioner Echols) *Echols v. Arkansas*, 2010 Ark. 417, __ S.W.3d __ (2010).

In the meantime, Circuit Court Judge David Burnett, who had originally denied petitioners' motions for post-conviction relief under Ark. Code § 16-112-201, et seq., had retired to run for political office. Craighead County Circuit Judge David Laser was appointed in place of Judge Burnett for purposes of presiding over further proceedings pursuant to the Arkansas Supreme Court's remand order.

On March 15, 2011, Judge Laser issued an initial scheduling order that, among other things, set the evidentiary hearing for a time period between October 1, 2011 and December 15, 2011; provided for further DNA testing requests and

orders; and scheduled future briefing on the issues of whether and how evidence of jury misconduct at the trial of petitioners Echols and Baldwin should be considered for purposes of ruling on their motion under § 16-112-201, et seq.

On March 17, 2011, after consultation with all counsel, Judge Laser issued a new scheduling order that set the dates for the evidentiary hearing for the period between December 5, 2011, and December 21, 2011. All other portions of the original scheduling order were to remain in effect.

On April 18, 2011, Judge Laser issued an order authorizing and directing additional DNA and other scientific testing as requested by petitioners.

In May, 2011, the parties concluded their briefing relating to the jury misconduct issue, which is now pending before the Circuit Court. In the meantime, further testing of DNA and other scientific evidence is ongoing.

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

DATED: July 13, 2011

Respectfully submitted,

DENNIS P. RIORDAN
DONALD M. HORGAN

STEVEN L. BRAGA

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:

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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

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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 July 13, 2011, at San Francisco, California.

/s/ Jocilene Yue
Jocilene Yue