

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 SEPTEMBER, 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:

Subsequent to the proceedings described in previous status reports, on August 12, 2008, petitioner Echols filed a reply (later joined by co-petitioners Baldwin and Misskelley) to the state's response to Echols's state motion for post-conviction relief based on new scientific evidence and filed pursuant to Ark. Code § 16-112-201, et seq.

At a subsequent status hearing conducted on August 20, 2008, the Circuit Court:

(1) authorized the state to file a response to petitioner Echols's reply by August 30, 2008, an order with which the state complied;

(2) invited all parties (i.e., the state of Arkansas and petitioners Echols, Baldwin and Misskelley) to file proposed findings of fact and conclusions of law in connection with the new scientific evidence motions by August 30th, an order with which all parties complied;

(3) stated that it would issue an order concerning the pending new scientific evidence motions prior to September 8, 2008, a date which the Court had previously scheduled for commencement of any evidentiary hearing on such motions; and

(4) discussed the scheduling of hearings on the other motions for post-conviction pursued by petitioners Baldwin and Misskelley on grounds not

available to petitioner Echols.

On September 10, 2008, the Circuit Court issued written orders denying, without an evidentiary hearing, all of petitioners' motions for relief based on new scientific evidence motions for relief filed pursuant to Ark. Code § 16-112-201, et seq. (The order relating to petitioner Echols was received in this office on September 15, 2008.) Petitioner Echols intends to appeal this order to the Arkansas Supreme Court.

Finally, pursuant to a letter issued by the Circuit Court on September 11, 2008, any evidentiary hearing on the other motions for post-conviction relief pursued by petitioners Baldwin and Misskelley on grounds not available to petitioner Echols is presently scheduled to be conducted from September 24, 2008 through September 30, 2008.

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

DATED: September 18, 2008

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 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:

**PETITIONER'S AUGUST, 2008 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:

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

Brent Davis
Prosecuting Attorney
P.O. Box 491
Jonesboro, AR 72403

Lauren Elizabeth Heil
Arkansas Attorney General's Office
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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 September 18, 2008 at San Francisco, California.

/s/ Jocilene Yue
Jocilene Yue