

VOIR DIRE PROCEEDINGS

(The voir dire proceedings were not included in Mr. Baldwin's appeal record, CR 94-928. However, in co-defendant Echols's A.R.Cr.P. Rule 37 proceedings, the voir dire proceedings were made a part of the record at the hearing and on appeal in CR 99-1060, as Echols's Exhibit 30. What follows is the abstract of relevant portions of the voir dire proceedings, from the record filed in this Court in Case No. CR 99-1060, and incorporated into appellant's record on appellant's motion. Page references will be to "VDRT [Voir Dire Reporter's Transcript] ____.") Every attempt has been made to comply with the requirement that colloquies not be in question-answer form, but some questions and the responses required some verbatim abstracting.

(VDRT 1-2 is omitted as irrelevant to Mr. Baldwin's appeal. The following was directed toward all prospective jurors.)

THE COURT: Ladies and gentlemen, since you have been sworn in as potential jurors, it's extremely important at this time that you not read any news coverage of this trial. This is one of those cases where there's been a great deal of news media attention to it, and it's evident here today that there will be a great deal more.

You should not let any news article or conversation across the back fence, conversation at the church socials, barber shops, beauty shops -- places where people gather -- influence you in any way. It doesn't mean you cannot read your newspaper or watch news on TV, but when something about this trial comes up, you are instructed and told that you should immediately leave the room, turn it off or not let your mind be influence by it. Oftentimes the slant or spin that's put on the new article will influence you, where you had been in court and heard it all, you might have had a totally different perspective of it.

So the spin that's sometimes put on news stories will affect your mind. So you should only allow your judgment to be affected by what you hear in the courtroom (VDRT 3).

A great deal of our voir dire will probably deal with what you might have already learned about this case and whether you can be fair and impartial. Of course, it's extremely important that you have the state of mind that you can tell the Court and the attorneys that you will not be influenced by any information that you might have already gleaned from newspaper coverage or media coverage. So certainly from this point forward, you're not to pay any attention to it and explicitly avoid it.

Be searching your mind right now as to whether you can disregard what might already be placed in your mind by way of conversation or any outside source (VDRT 4).

(VDRT 5-7 is omitted as irrelevant to Mr. Baldwin's appeal. The court clerk then called 18 prospective jurors to be questioned generally and then three at a time would be questioned in chambers. (VDRT 8-9.) VDRT 10-14 is omitted as irrelevant to Mr. Baldwin's appeal. The following occurred in the presence of the jury panel summoned for jury selection.)

THE COURT: In a criminal case, we have what we call the presumption of innocence. That is, as you sit in the jury box right now and throughout the trial, if you look over at either of these defendants that I have identified you should have in your mind the presumption of innocence (VDRT 15). That is, they are innocent or should be innocent in your mind unless and until you are convinced by the evidence of their guilt and beyond a reasonable doubt. Do each of you understand the concept of presumption of innocence?

A: (No audible response.)

THE COURT: Can each of you give the defendants the benefit of that presumption?

A: (No audible response.)

THE COURT: Do you understand the importance of it? Yes, sir.

A: Your Honor, I have a very strong opinion formed.

THE COURT: I'm getting ready to get to that. The very next issue is, of course this case has received a considerable amount of attention and probably will for the months to come.

The fact that it's been in the news paper and on the TV and on the radio -- and I mentioned it earlier -- of course, we don't expect you to be ignorant of what's taking place in your community and in the areas that you live in. But we do expect that you can and will set out of your mind anything that you might have read in the paper, anything you might have seen on the TV or anything that you might have heard on the radio or any conversation that you might have had in the workplace, or any place where people congregate, about this case (VDTR 16). Let me just ask it this way. Is there anyone that has vague or general or no information at all about this case?

A: (No audible response.)

THE COURT: I take it that each of you have some information from --

A: (No audible response.)

THE COURT: Are there others beside the one that's indicated that have already formed an opinion so fixed in your mind that it would take evidence to remove or that you could not consider and view the evidence independent from what you might have read, seen or heard?

A: (No audible response.)

THE COURT: The two of you, are you telling me that you've already formed an opinion based upon the news accounts of this trial that you simply couldn't set out of your mind? Is that what you're saying, each of you?

A: I remember in the early summer when the detective in West Memphis made the announcement to the press. The confidence that he had made his statement with pretty has been rooted in my memory.

THE COURT: Well, it's necessary that you set that aside. Are you telling me that you simply can't set that aside and let your decision in this case be dictated by the evidence that you hear in the courtroom? (VDRT 17).

A: I can assure you, Your Honor, that I can't.

(The court excused this prospective juror.)

THE COURT: In the back, sir?

A: Sir, I don't feel I can set it aside. I have some strong convictions.

(The court excused this prospective juror.)

THE COURT: We're asking you to disregard what you've read, seen and heard. As you sit there, you're the only ones that know whether you can do that. It's important that a person have a fair and impartial trial and that your mind should not be made up from outside influences.

In fact, you will be told by the court today that you are not to read any news account, listen to any radio account or watch TV or let anyone -- family members, brothers, sisters, spouses, children -- anyone else influence your opinion in this case from this day forward (VDRT 18). Do each of you understand that?

A: (No audible response.)

THE COURT: Do each of you feel that you are prepared to listen to the evidence and let your decision in this case be determined by what you hear in the courtroom and the law given to you by the court? Will each of you do that?

A: (No audible response.) (VDRT 19).

(VDRT 20-24 is omitted as irrelevant to Mr. Baldwin's appeal. The following occurred in camera, in the presence of three prospective jurors. (VDRT 25) VDRT 26-34 is omitted as irrelevant to Mr. Baldwin's appeal. During the voir dire by the prosecuting attorney of Juror No. 1, the following occurred.)

Q [BY PROSECUTING ATTORNEY]: There's been all sorts of pre-trial publicity. Ms. Roebuck, where have you heard about this case from, what media sources?

A: Jonesboro Sun, Arkansas Democrat and television.

Q: There's one thing that the judge has said -- it's probably very important in this case -- is that anything that you've read or heard or seen you would not be allowed to consider. Because of that, it's going to be tough for us to find 12 people that have the ability to block out what they've heard and make a decision based on what they hear in the courtroom. So you think you're in as good a position as anybody else to do that, and do you think you can do that if asked to serve as a juror? (VDRT 35)

A: Yes.

(VDRT 36-48 is omitted as irrelevant to Mr. Baldwin's appeal.)

Q [BY ATTORNEY FOR JASON BALDWIN]: What about you, Ms. Roebuck, what is the source of your --

A: The Jonesboro Sun and the Gazette and Channel 7 and Channel 8. I have heard the name Stan Mitchell, but I don't know him. I only get the Sunday Gazette. My husband takes it to work so I only get the Sunday one. I read the Jonesboro Sun pretty much on a daily basis. (VDRT 49)

I don't always watch the Channel 8 news broadcasts on a daily basis, but pretty much, more than half.

Q [BY ATTORNEY FOR JASON BALDWIN]: So based on the fact that you've indicated that you read the newspaper every day and you watch the news most days, it's fair for me to conclude that you've heard an awful lot or read an awful lot about this trial?

A: Yes. I would agree with you that there have been articles almost on a daily basis about this trial, at least the last two months. I would agree that it's been on Channel 8 quite often.

Q: Did either of you watch the Channel 8 broadcast back in January, the night before the trial of another defendant was to begin in this case?

A [Prospective Juror Not Identified]: I don't remember if I watched it or not.

Q: When you picked up the Jonesboro Sun every day, if there was an article about this trial, did you generally read it?

A [Prospective Juror Not Identified]: Um-hum. (VDRT 50)

Q: And if it required you to flip from page one to another part of the paper, did you generally do that and read it to its conclusion?

A [Prospective Juror Not Identified]: Most of the time.

Q: At any time, Ms. Tate, in reading those articles did you form an opinion as to whether or not Jason Baldwin was guilty of the crime that he's charged with? Or based on a number of articles, any time through this process, did you ever reach a conclusion in your mind, he's guilty?

A: Yes, I did. I don't think I have ever ready anything since that time to change that opinion.

THE COURT : Ms. Tate, can you totally and completely set aside that opinion and be prepared to hear and listen to the evidence and formulate a decision based upon the evidence that you hear in the courtroom and not what you've read in the newspaper? (VDRT 51)

A: Sir, I don't think so. I think that what I have read is going to stick in my mind, also.

(This prospective juror was excused by the court.)

Q [BY ATTORNEY FOR JASON BALDWIN]: Ms. Roebuck, same question. At any point in time as you proceeded to read those articles and to watch those television programs, did you form an opinion that Jason Baldwin was guilty?

A: Well, I think that anyone under these circumstances would form an opinion but I don't feel like my opinion is totally fixed. I feel like I can listen to the evidence. The opinion that I formed was that he was guilty. I have read something since the time I formed that opinion that changed my mind. I don't remember what it was. Like I said, I read the paper every day, and some things just made me begin to wonder. (VDRT 52).

(VDRT 53-67 is omitted as irrelevant to Mr. Baldwin's appeal.)

Q [BY ATTORNEY FOR DAMIEN ECHOLS]: If there is evidence that develops at the trial that is different than what you have heard about in the past through media coverage, would you agree to base your decision on the evidence that is brought forth in court?

A: Yes. I also would agree to set aside any rumors that other people have told me or discussions I may have had with other individuals about this particular case. (VDRT 68).

(Ms. Roebuck was seated as Juror No. 1.) (VDRT 69)

(VDRT 70-131 is omitted as irrelevant to Mr. Baldwin's appeal. The following occurred during the voir dire of the next three prospective jurors in camera.)

Q [BY ATTORNEY FOR JASON BALDWIN]: Each of you indicated that you read newspapers and watched TV, at any point in that process along the way, did you ever form an opinion that [Jason Baldwin] was guilty?

A [BY PROSPECTIVE JUROR EASON] I would say at times, yes.

A [BY PROSPECTIVE JUROR HANER] I just think it's a terrible thing. I don't know who's guilty of doing it. I think it's a terrible crime, but as far as knowing who did it, I don't know. I agree that it would be a horrible thing to punish someone who didn't do this. (VDRT 132)

A [BY PROSPECTIVE JUROR STALLINGS] I don't know if Jason is guilty or not. I know all the evidence I hear is stacked against him, but that's just what I read or hear. Sure I can be fair to this young man. I would try to set all that aside. I think I could. You know, I don't know that much about the case because it didn't interest me. Something that brutal I don't like to get involved or read about or get that much into it. To me, that's sick.

Q [BY ATTORNEY FOR JASON BALDWIN] Was a lot of this stuff that you read and saw on TV, was that in relationship to another trial of another defendant in this matter?

A [BY PROSPECTIVE JUROR STALLINGS]: Partly.

A [BY PROSPECTIVE JUROR HANER]: Part. (VDRT 133)

(VDRT 134-158 is omitted as irrelevant to Mr. Baldwin's appeal.)

Q [BY ATTORNEY FOR JASON BALDWIN]: Mr. Eaton, is there a feeling that you have that you have brought in here today?

A: No, sir. (VDRT 159) To explain what I mean when I say one half of me feels one way and one half of me feels the other way, like I say, I don't even know if I can. I don't feel like they're guilty -- I'm not saying that, I guess. I didn't mean it to sound that way, I guess, is what I'm trying

to say. If you just watch the news or read the news and watch the television, they to me portray people as being guilty. I don't believe what they portray. I also said I believe that there are a lot of cases where innocent people are sent to prison, also. The things I've read in the newspaper or seen on TV have not caused me to form an opinion as to the guilt of Mr. Baldwin. (VDRT 160).

(VDRT 161 is omitted as irrelevant to Mr. Baldwin's appeal.)

Q [BY ATTORNEY FOR JASON BALDWIN]: Mr. Stallings, what was your reaction when you would read those things in the newspaper or hear them on TV? (VDRT 162)

A: I think the word you used, "feeling," probably would be better than the word "opinion." I didn't have an opinion. I definitely had a feeling. Once you sit across the table from these guys, then I think we start even. The feelings were evidently they're guilty. Everything you read in the newspapers. But like I said, I can set that aside when I sit down and look these guys in the eye. That's gone. That's over with.

Q: So until you came in this room, when you were sitting out there until you came in this room, did you have that feeling, Mr. Stallings, that they were guilty?

A: No, not today. I lost that feeling that they were guilty recently. I can't tell you an exact time I had a feeling. I really think looking at the guys might have changed my feelings a little bit. You know, a lot of times until you look a guy -- maybe that sounds weird but -- I think today was the first time, maybe. Up until I came into the room, I had a feeling that maybe they're guilty. (VDRT 163)

(These three prospective jurors were excused. Three new prospective jurors were called to be questioned. (VDRT 164-165). VDRT 166-174 is omitted as irrelevant to Mr. Baldwin's appeal.)

Q [BY PROSECUTING ATTORNEY]: Will each of you assure me that you will resist the temptation if it occurs to kind of get caught up in the media hype and you will apply your common sense to any decision you're asked to make? (VDRT 174)

A [PROSPECTIVE JUROR MONTGOMERY]: I believe I have seen too much of it on television and read it in the paper to do that because I have seen it all and read it all.

THE COURT: Are you saying that you've already got your mind made up?

JUROR: Just about it. I'm pretty -- nearly a hundred percent sure.

Q [BY PROSECUTING ATTORNEY]: The key, Mr. Montgomery, is if you've formulated an opinion, could you do as much as humanly possible to set that opinion aside and make any decisions in this case based on the facts and evidence you hear in the court room?

A: I don't know whether I could or not. (VDRT 175)

(VDRT 176-187 is omitted as irrelevant to Mr. Baldwin's appeal.)

Q [BY ATTORNEY FOR JASON BALDWIN]: Ms. King, you've read quite a bit or watched quite a bit?

A: Yes, sir. What I read and saw made me think it was awful. It was a terrible crime. I did not have any feelings at all about Jason. I don't know if he did it or not. (VDRT 188).

Q: Did you at any time in reading or watching form an opinion that he was guilty of these crimes?

A: The media, yeah, it tends to make it look that way. But as I stated earlier, once you're called in here, you're not so sure any more. A month or a week ago, before I received my summons, it was my opinion that he was guilty. There has been nothing that I've read or watched that caused me to change that opinion. Being called in for jury duty. It made me stop and -- I mean, if it was

me, I would not want someone coming in here and already have their mind made up. It's different when you're called in here and it is up to you to decide. I can honestly tell you that I have set aside that preconceived notion of guilt and I can give you a fair trial. (VDRT 189).

(VDRT 190-194 is omitted as irrelevant to Mr. Baldwin's appeal.)

Q [BY ATTORNEY FOR JASON BALDWIN]: It's also important that you recognize there are two trials going on at the same time. . . . And that you won't get caught up in guilt by association. That you won't allow the evidence against Mr. Echols to trickle into your consideration of the evidence against Jason.

A [PROSPECTIVE JUROR KING]: I'm not sure if I could do that. I mean, you're going to have them placed together. Well, I'm basing that on what I have read and what I have heard. I told you earlier that I could set what I had read and heard aside. (VDRT 195). Now, I'm telling you, I see this two different ways. You asked me about what I had read and what I had heard. And now you're asking me if I'm having trouble with both of them together. In all honesty, yeah, I do associate them being together. So, yeah, I guess that does go back to what I have read and heard. In all honesty, yeah, I think I would have a problem separating them. I honestly couldn't say that I could not fairly differentiate the evidence against Mr. Echols and the evidence against Jason. (VDRT 196).

(VDRT 197-199 is omitted as irrelevant to Mr. Baldwin's appeal.)

Q [BY ATTORNEY FOR JASON BALDWIN]: Ms. King, you told us there are things in your mind about this case that you already think you know the truth of it in this case. Is that right?

A: No, I did not -- no.

Q: You just told us a minute ago that one of those things is of the defendants being together. What is that opinion based upon?

A: What I read in the newspaper and on TV. I d not know if that is a true fact. What has caused me not to know is being called here today. I'm just going to go by all the evidence. You don't have to prove anything. All I'm saying is I do have a hard time separating the two as far as the crime goes. (VDRT 200). But if they prove that one did something that the -- you know, whatever the evidence -- but right now, yeah, I see them as being together.

(This juror was excused for cause.) (VDRT 201).

(VDRT 202-210 is omitted as irrelevant to Mr. Baldwin's appeal. Three more prospective jurors were called. (VDRT 211). VDRT 212-222 is omitted as irrelevant to Mr. Baldwin's appeal.)

Q [BY PROSECUTING ATTORNEY]: What source through the media have you received your information?

A [PROSPECTIVE JUROR SPRINKLE]: Good old television and newspaper. I haven't really formulated an opinion one way or the other because I know over the years, and everybody else does, too, that when you read the paper you really have to really read it because it's always made to look bigger than what it really is. At least that's the way I look at it. Everybody may not feel that way, but I do. (VDRT 223) And I can look at these two boys now and find it hard to believe. I'd have to see the evidence, really, to make me believe that they could do that to someone. (VDRT 224).

(VDRT 225-232 is omitted as irrelevant to Mr. Baldwin's appeal.)

Q [BY ATTORNEY FOR JASON BALDWIN]: Ms. Pankey, let me go first to the things that you had some trouble about, okay? (VDRT 233)

(The following occurred outside the presence of the other two prospective jurors. (VDRT 234).)

A: I just know a few months ago that my sister-in-law told me that a boy and a girl came into the church, sat down on the back row. (VDRT 234) They were both all dressed in black, and during the course of the service they didn't sing. When everybody would stand, they did not stand or anything.

After church was over, the pastor talked to him, and he said, you think you're Satan and he said if you think you're Satan -- he said, you're not afraid of me are you. And the pastor said no, I am not afraid of you.

The person having the conversation with the preacher was Damien. I guess the preacher had heard that Damien changed -- the way I understand it -- I don't watch movies with Damien so I don't even know -- I just heard like Omen and Damien and so forth and so was relate to devil worship and so forth. (VDRT 235). And said that he changed his [name to] Damien which means Satan. I don't know that to be a fact, but they told us in church and he just looked at the pastor and he talked to him afterwards. I guess he thought maybe he could get him saved and get him to accept Christ as his savior so he would go to heaven some day. (VDRT 236).

(This prospective juror assured the court that she could put this out of her mind.)

Q [BY ATTORNEY FOR JASON BALDWIN]: How did that information make you feel about Damien?

A: I thought he was evil. But with what Judge Burnett said yesterday, I know just from everything a person is innocent until proven guilty and I have got to realize that these people are innocent until proven guilty. What I'm saying is that nothing has happened since then to make me

change my opinion that Damien is evil. I think he's innocent until proven guilty but I think he's evil.
(VDRT 237)

(This prospective juror was excused. The other two prospective jurors reentered the voir dire examination. (VDRT 238). VDRT 239-244 is omitted as irrelevant to Mr. Baldwin's appeal.)

Q [BY ATTORNEY FOR JASON BALDWIN]: Ms. Sprinkle, I believe you had both TV and newspaper. How did you feel about it after you read that and acquired that knowledge?

A: When it first happened, of course, I'm sure everybody felt the same way. You just want to see whoever did it caught. But right now I try not to read -- I mean it's in the headlines. You'll see the headlines, but I don't really read it all. I didn't -- the is even before now. It's kind of sickening, and they do publicize it a great deal, and so I just try to read around it. I read the headlines. I won't deny it. I do read the headlines, and I listen to the news, but I don't sit down and read the stories about it. After acquiring this knowledge, I do not have any feelings about the guilt or innocence of Jason. (VDRT 245).

(VDRT 246-260 is omitted as irrelevant to Mr. Baldwin's appeal.)

Q [BY ATTORNEY FOR DAMIEN ECHOLS]: In addition the media coverage obviously has been tremendous. Do each of you feel at this point that Mr. Echols could get a fair trial as we begin this process?

A [PROSPECTIVE JUROR SPRINKLE]: Yes, I do, in spite of the media coverage. Because we read the headlines, but that doesn't necessarily mean we read all the paper. We hear the news, but that doesn't necessarily mean we're going to listen or believe everything we hear. (VDRT 261).

(VDRT 262 is omitted as irrelevant to Mr. Baldwin's appeal. Prospective Juror Sprinkle was seated as Juror No. 2. (VDRT 263) VDRT 264-288 is irrelevant to Mr. Baldwin's appeal. Three prospective jurors were being examined in chambers. (VDRT 283))

Q [BY PROSECUTING ATTORNEY]: Mr. Arnold, if I was to ask you for the traits that you would look for in a good juror, what would your answer be?

A [PROSPECTIVE JUROR ARNOLD]: To be honest with you, I have never been around much law or lawyers or jurors or juries or trials, but I would assume it's a bunch of people that are relatively impartial to it. I mean, I just heard this over and over. I would assume that you would have to assume -- and there is a law -- that everybody is innocent until proven guilty. I think you would have to assume that. I think everybody -- whoever does it -- would have to assume that. If they couldn't assume that, they certainly couldn't be a juror. (VDRT 289). I don't know what traits. I'd say a mixed bunch of traits. (VDRT 290)

(VDRT 291 is omitted as irrelevant to Mr. Baldwin's appeal.)

Q [BY PROSECUTING ATTORNEY]: You've seen the pre-trial publicity. Mr. Arnold, what source have you heard or seen about this case?

A: I get three newspapers. I read it but I really don't know that much about it. I didn't follow the Misskelly trial. In fact someone came rushing in and said Misskelley was -- whatever he was -- and I said, he was? I didn't realize the importance of what was going on. I think you probably should've had this trial -- you moved it to here. You probably should have moved it to another state if you wanted to get -- I mean this is still too close. (VDRT 291)

Q: Have either of you formulated an opinion on guilt or innocence that you could not set aside and render an opinion based on the evidence you see in the courtroom?

A [BY PROSPECTIVE JUROR ARNOLD]: Just what you hear in the paper. I think the paper assumes they are guilty. (VDRT 292) I guess if you pick me as a juror I would have to set aside whatever I read in the paper and base my decision of whatever I hear in the courtroom.

Q. Would each of you agree that if selected you will bring your common sense back to the jury room in deciding whether they're guilty or innocent?

A. (No audible response)

Q. With all the cameras and media hype, would each of you assure me that you won't let that affect your common sense perception of the case -- won't let it get caught up kind of in the media circus, is what I call it?

A [PROSPECTIVE JUROR ARNOLD]: You think it's gonna get worse than what it is?

Q: Let's assume it does. Would each of you do your best to shut that aspect of it out and do what jurors are supposed to do?

A: Are they gonna say something about not photographing the jury?

BY THE COURT: They're not be permitted to photograph--

JUROR: They're taking names. (VDRT 293) The photographers are taking names and I'm a little concerned about it -- the anonymity of it. I don't particularly want to be --

BY THE COURT: We will try to stop that, too. That's exactly what I made a point about.

Q [BY PROSECUTING ATTORNEY]: Mr. Stoll, is there anything about the defendants' ages that you think would affect your ability to determine whether they're guilty or innocent. Mr. Arnold?

A: (No audible response)

Q. Would each of you hold us to the burden of proving guilty beyond a reasonable doubt, and not make it any higher?

A: (No audible response) (VDRT 294)

[PROSPECTIVE JUROR ARNOLD]: As to whether I watch any of the law shows on TV, I would like to start up a crime channel though. Everybody loves it.

Q. One of the things that concerns me is that people get a lot of theft information about what goes on in courtrooms from TV, and oftentimes what you see depicted on TV is not accurate. On TV shows, questions come up at the beginning of the program, and at the end all those questions have been answered in a nice neat package. This is real life, and I can assure you on the front end all the questions are not going to be answered. But if we prove to you beyond a reasonable doubt the elements of the offense of capital murder, could you return a verdict of guilty? (VDRT 295)

A [PROSPECTIVE JUROR ARNOLD]: Is that the requirement? Reasonable doubt? Yes I could. (VDRT 296).

Q [BY ATTORNEY FOR JASON BALDWIN]: Mr. Arnold, you indicated that you take these papers and probably scan the headlines. Did you normally see a headline regarding this case in the paper?

A: I think so. It's normally on the front page. I didn't read many of those articles. As to how the ones I did read make me feel, I don't know. I don't think about feelings. Did that make me feel anything about Jason? I didn't know if Jason did anything. Did it not create any feeling at all? It was very sensational. Any more every other headline says somebody killed somebody or stabbed somebody or somebody was burned to death or some car crash, and I'm pretty numb actually. (VDRT 297)

I agree a hundred percent that everything you see in the paper or hear on TV is not the correct information. I am the Kent Arnold that builds houses. With the interest rates now I'm going on all cylinders. (VDRT 298)

Q: You've expressed some concern about anonymity. Is that important to you in this case? Would you mind telling me why? (VDRT 299)

A: Well, because, I mean it's a very publicized case. If this case were not -- if there were not 90 cameras out there and there weren't four dishes sitting out on the street and the possibility of -- and the judge has said they will not take the jurors' pictures but they took pictures in Corning and they splashed them I guess in this paper -- and these dishes are going around the world. And I am a name that somebody might can find. If this was a case where there wasn't all this splashing, I think I would feel much more comfortable. But anonymity would be important in this particular case. (VDRT 300).

(VDRT 301-306 is omitted as irrelevant to Mr. Baldwin's appeal.)

Q: Mr. Arnold, did you read about what the verdict was in the Misskelley case?

A: I didn't read about it, no. I heard about it. I really didn't have much feeling about Misskelley because I didn't -- I don't know enough about the three of them. Damien, I assume, is the most popular, if there is a popularity contest going here. I don't know anything. I couldn't tell you anything about Misskelley except that I understand that he was convicted of something, and I couldn't even tell you of what, but I don't think he got the death penalty. If there is something -- I didn't hear that. Did he?

Q: No. But other than the knowledge that you acquired, any feeling? (VDRT 307)

A: My feeling was that if they were tried on the 10:00 news and guilty then that's a statement of it that was confirmed. That was about it. That did not give me any feelings about the trial that was next.

I personally think that I'm a fair guy. I think if you've got to throw out everything I have heard at this point and start from scratch and he is going to deliver evidence against him and you're going to deliver evidence for him. I mean, I'm sure I would look at that. I mean, I'm sure I would look at that based on that. (VDRT 308)

(VDRT 309-315 is omitted as irrelevant to Mr. Baldwin's appeal.)

Q [BY ATTORNEY FOR DAMIEN ECHOLS]: Is there anything about the fact that he's named Damien that conjures up any sort of evil to you or anything of that nature?

A [BY PROSPECTIVE JUROR ARNOLD]: Is his name Damien? Is that your real given name, Damien? I mean, your dad and mom gave you that name.

THE COURT: It's his legal name.

A: Okay. That doesn't cause me any problems. But what does Damien mean? Does Damien mean something? I mean, I don't know what I should say here, but is that Satanic? Is the name itself Satanic? (VDRT 316) I don't know how I feel about it. I guess I better go look it up before I give you an answer. (VDRT 317).

(VDRT 318-319 is omitted as irrelevant to Mr. Baldwin's appeal. Prospective jurors Stoll and Arnold were seated as Juror No. 3 and 4, respectively. (VDRT 320) VDRT 321 is omitted as irrelevant to Mr. Baldwin's appeal. Three more prospective jurors were called for examination. VDRT 322-336 is omitted as irrelevant to Mr. Baldwin's appeal.)

Q [BY ATTORNEY FOR JASON BALDWIN]: Ms. White, have you read about this trial?

A [PROSPECTIVE JUROR WHITE]: I read the newspaper every day and I usually watch the 6:00 news. I read the Jonesboro Sun and watch KAIT TV. I generally have gotten my information from the Jonesboro media. I read all about it until I got my jury summons. I tried to avoid it after that. I got my summons the day that the Misskelley trial ended. I was watching that when I got my summons. (VDRT 337).

Based on all that information -- TV, newspaper -- my general feeling about who committed this crime was probably the defendants. You know, not for absolutely sure, but I was leaning that way.

Q: Has there been anything to change that? Have you read anything, seen anything, done anything to change that feeling at all?

A: No. I feel like that I could start the trial believing they're completely innocent even with what I have read because I don't believe that the media is the absolute end-all to the truth.

Q: But since you indicated that you felt like the defendants did it, what about what you read caused you to feel that way? (VDRT 338)

A: I believe it was whenever the -- I can't remember who it was --- it was a law enforcement officer said that he felt like it was a pretty well open-and-shut case, that they had enough evidence.

Q: Has there been anything to change your feelings to say that it's anything other than an open-and-shut case?

A: No. I don't know. I'm not sure exactly how to express what I'm trying to tell you. I want to be fair. I think I can be fair, but I cannot honestly say that if I was not in the jury panel, that I would not feel the same way. I just feel like because I'm here, I have to wipe everything out -- before this day, I have to wipe everything out. Right now you would not have to present any

evidence to me to establish that Jason is not guilty, because you start out with the presumption of innocence. So right now before the evidence comes in, he's innocent. (VDRT 339)

(VDRT 340-350 is omitted as irrelevant to Mr. Baldwin's appeal. Prospective Juror White was seated as Juror No. 5. (VDRT 351). Four more prospective jurors were called for voir dire. (VDRT 352). VDRT 353-356 is omitted as irrelevant to Mr. Baldwin's appeal.)

Q [BY PROSECUTING ATTORNEY]: I assume all of you have read or heard something about this case before you came here. Mr. McNatt, where did you get your information from?

A [PROSPECTIVE JUROR McNATT]: Conversation of people around me and through the newspaper. I don't watch TV very much, but we do get the newspaper. I read the headlines. Mainly I read the sports. I do read some of the news articles. I got information from people around me, just causal talk. There was no one who purported to have some inside information or knowledge of the case. (VDRT 357).

A [PROSPECTIVE JUROR VANHOOZER]: I heard about the case mostly just back in the very beginning in the news media. I'm not a very good political person. I don't actually read the papers and watch the news that often but I did hear, you know, from the beginning. I haven't kept up with it that closely.

A [PROSPECTIVE JUROR BRUNO]: I heard it when they first announced it on the radio, I heard that. I work in an insurance office, and I heard people talk about it every once in awhile, but I really didn't pay a lot of attention.

A [PROSPECTIVE JUROR FRENCH]: I got my information from the newspapers and television and friends that talk -- gossip. (VDRT 358)

(VDRT 359-365 is omitted as irrelevant to Mr. Baldwin's appeal.)

A [BY PROSPECTIVE JUROR McNATT TO QUESTIONS FROM ATTORNEY FOR JASON BALDWIN]: I didn't get very much of my information about this case from television. Newspapers and conversation. I read the Jonesboro Sun. I have visited with people at work about this. I don't know what the general feeling is about the case. It's just conversation about how things happened and so forth. People say how bad it is that some eight-year-old kids got killed and things of that nature. (VDRT 366). Nothing about who did it. Just that someone is charged with it. Some people were charged with it. Because I don't have all the facts I certainly would not make a judgment on who committed this crime. I never reached an opinion.

A [BY PROSPECTIVE JUROR VANHOOZER]: My source of information in the beginning was the news media. I haven't read the paper very much. I don't really have time. Where I work we don't have time to talk about anything. As for my general feeling about who committed this crime, naturally I think it's a terrible crime but I don't have any feeling about who committed it. As far as the accuracy of what I read in the paper, what I heard the police say, I thought it was like everything else you read in the paper. You can draw whatever conclusion you wanted to from it. The conclusion I drew was that there's more to be said than what is in the paper. (VDRT 367).

A [BY PROSPECTIVE JUROR BRUNO]: I got my information from radio and general talk around the office, customers coming in and out. The information was pretty much I was listening in. I was busy doing paperwork, but I listened to my bosses and some of the customers talking. Generally, the way everybody talked, nobody talked like the defendants were innocent. I mean, everybody just talked like they were guilty. They did it, is the way they talked. And I really didn't think about it a whole lot. I mean, I just got to the point where it was common conversation so was like everyday stuff. It was different when I came into the courtroom. I realized there was a lot more

to it than everybody was talking like. I mean, when the judge started discussing what is going to be the jury's responsibility and actually seeing the defendants and realizing they're real people, that they're not just people you see on TV or hear about on the radio or everybody's talking about. I realize there is a lot more to it. (VDRT 368). I did not reach an opinion myself that I recall. Like I said, it had gotten to the point where I had heard so much that I had gotten to the point where I was starting to tune it out. I guess you could say I got to the point where I didn't care one way or the other, which probably sounds pretty cold, but that's about the way that I got.

A [PROSPECTIVE JUROR FRENCH]: I got my information from the media, the TV and newspaper and of course my friends talked about it. Of course, they felt like they were guilty. I feel like they're innocent until they are proven guilty. That was my opinion to them whenever this was brought up. (VDRT 369)

(VDRT 370-389 is omitted as irrelevant to Mr. Baldwin's appeal. Prospective Jurors French, Vanhoozer and McNatt were seated as Jurors No. 6, 7 and 8. (VDRT 390-391.) Four more prospective jurors were called for voir dire. (VDRT 392.) VDRT 393-410 is omitted as irrelevant to Mr. Baldwin's appeal.)

Q [BY ATTORNEY FOR JASON BALDWIN]: Ms. Childress, tell me again what you heard other people say about this case.

A [PROSPECTIVE JUROR CHILDRESS]: That there were sexual mutilations involved, witchcraft was involved. I've forgotten. As far as who did it, they thought it was some young boys that had committed it. As far as names or anything, that didn't stick in my mind. (VDRT 411).

A [PROSPECTIVE JUROR BENNETT]; Probably the first media that I heard it from was television, and at first I remember hearing that it was probably a transient traveling on I-40 or

whatever interstate is. And wasn't it like two or three weeks later that evidence came out or they think evidence came out that pinpointed the three boys. Since the arrest, I have not followed this real close. I mean, you can't help but -- like you say, when you pick up the paper and it's on the front page or you turn on Channel 8 and there it is. I'm a headliner and the first two or three paragraphs, but I did hear that there was witchcraft involved. I'm a Christian and I don't believe in witchcraft. (VDRT 412) But keeping an open mind, I have no evidence that there was any witchcraft involved. I've only got what the newspapers and the television and what I've heard.

My mind is not really made up now. But the facts that I've gotten from the media, you know, they kind of form an opinion in your mind but -- The opinion I have formed is from just what I've heard, that they did it. But I'm not going to know until I know all the facts and all of the evidence. I haven't really formed an opinion as to their guilt. I have not formed an opinion as to who did it, because I've heard so many different things. (VDRT 413).

A [BY PROSPECTIVE JUROR GNADE]: I don't remember where I heard it first. But first I heard that it was three boys from West Memphis, killed and mutilated and everything. That was in West Memphis. It's not right here so it doesn't bother me. So I don't pay that much attention to it. And as it kept on, well, you kept hearing more. So you started trying to maybe pay a little bit more attention to it. I paid a little bit more attention but not a whole lot. I'm a headline reader. I don't go into all the little bitty stuff they print in the middle there. I pretty well just read the headlines, and seems like the day they found them I was cutting grass or something. Some doctor came by and asked me if I had heard they had caught the boys, and I said, no, I hadn't really heard. (VDRT 414). When I heard that they had caught the boys, I did not form any opinion that they had caught the right boys. (VDRT 415).

(VDRT 416-435 is omitted as irrelevant to Mr. Baldwin's appeal.)

Q [BY ATTORNEY FOR DAMIEN ECHOLS]: Mr. Billingsley, who are those people you indicated were friends in law enforcement?

A [PROSPECTIVE JUROR BILLINGSLEY]: My biological father is police commissioner down in Helena, Arkansas. So whenever I get in trouble I don't get in trouble. I haven't talked to him about this particular case. I just told him I was in town and he said he'd be up here. (VDRT 436). Not to talk about this but just to visit. I don't know if he worked on murder cases such as this. He's police commissioner and a psychotherapist. That's all I know of his work. (VDRT 437).

(VDRT 438-439 is omitted as irrelevant to Mr. Baldwin's appeal. Juror Billingsley was seated as Juror No. 9. (VDRT 440). VDRT 441 is omitted as irrelevant to Mr. Baldwin's appeal. Eighteen prospective jurors were called for general voir dire. VDRT 442-449 is omitted as irrelevant to Mr. Baldwin's appeal. Three prospective jurors were called for voir dire. VDRT 460-508 is omitted as irrelevant to Mr. Baldwin's appeal.)

Q [BY ATTORNEY FOR JASON BALDWIN]: Ms. Dacus, have you followed the trial closely?

A: Not at all. (VDRT 509) When I did learn of things involved in this matter, the source, I guess when it happened -- I'm not sure even when it was on television -- the three boys -- I think I heard about it on television. And then I didn't hear about it for a long time, I guess just real recent, until the last trial. I did not follow that at all. I usually don't. I don't really have a reason why. I don't really watch television that much. We get the Sunday paper. That's all.

Q: Mr. Throgmorton, what has been your general source of that information?

A: Just like I said earlier, when it did come out, when it happened and stuff. I'm on the go a lot so I really don't get to see the TV much and rarely do I pick up a paper. So just people's opinions, you know, people talking around. Seems to be the general opinion is that everybody thinks they're guilty. But, you know, my ownself feel like everyone is innocent until proven guilty, and so I've just pretty much taken what everybody else says with a grain of salt, really. (VDRT 510).

(VDRT 511-518 is omitted as irrelevant to Mr. Baldwin's appeal. Prospective Jurors Throgmorton and Dacus were seated as Juror Nos. 10 and 11 respectively. (VDRT 519). VDRT 520-523 is omitted as irrelevant to Mr. Baldwin's appeal. Three prospective jurors were called for voir dire examination. (VDRT 524). (VDRT 525-527 is omitted as irrelevant to Mr. Baldwin's appeal.)

Q [BY PROSECUTING ATTORNEY]: Ms. Dooley, where have you gotten most of your information from?

A: Newspaper and TV. (VDRT 528).

(VDRT 529-552 is omitted as irrelevant to Mr. Baldwin's appeal.

(Prospective Juror Dooley was seated as Juror No. 12. VDRT 553.)

(The remainder of the record, VDRT 554-598, is omitted as irrelevant to Mr. Baldwin's appeal.)