

IN THE CIRCUIT COURT OF CRAIGHEAD COUNTY, ARKANSAS  
WESTERN DISTRICT  
CRIMINAL DIVISION

STATE OF ARKANSAS

PLAINTIFF

VS.

NO. CR-93-450  
NO. CR-93-450A

DAMIEN WAYNE ECHOLS  
CHARLES JASON BALDWIN

DEFENDANTS

VOIR DIRE PROCEEDINGS

APPEARANCES

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BEFORE THE HONORABLE:

DAVID BURNETT, JUDGE

FEBRUARY 24, 1994

BARBARA J. FISHER, C.C.R.  
OFFICIAL COURT REPORTER  
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**COPY**

1 I'm going to take the first three to the back.

2 (THE FOLLOWING VOIR DIRE PROCEEDINGS TOOK PLACE  
3 IN THE JURY ROOM OUT OF THE PRESENCE OF THE OTHER PROSPECTIVE  
4 JURORS)

5 MR. PRICE: Judge, before the jurors come in, I  
6 would like to ask the juror questions and depending on  
7 her answers, ask the other jurors what they think of  
8 her answers which is perfectly permissible in voir  
9 dire.

10 MR. DAVIS: It's not a comparative analogy --

11 THE COURT: It has to be individual ideas, not  
12 based on what somebody else thinks.

13 MR. PRICE: I'm asking a prospective juror a  
14 particular question and then asking another juror what  
15 they think of that answer -- if they agree with it, if  
16 they disagree with it. I'll certainly be glad to do  
17 that but --

18 THE COURT: I think what I'm gonna do to save  
19 time is I'm gonna -- I was going to excuse her based  
20 on her responses to the Court. So if you have  
21 additional voir dire questions, you may take 'em now.

22 MR. PRICE: I'm also requesting that after I ask  
23 her those questions to be able to ask the other two  
24 prospective jurors what they think of her particular  
25 responses. The procedure that's been established is

1 that we question all three of them at a time --

2 THE COURT: All right. I didn't understand what  
3 you were saying. You can do that if you want to.

4 MR. PRICE: Okay.

5 (THREE PROSPECTIVE JURORS ENTERING THE JURY ROOM)

6 THE COURT: (TO JUROR EMERSON) We're gonna start  
7 with you.

8 VOIR DIRE EXAMINATION

9 BY MR. PRICE:

10 Q Ms. Emerson, in this procedure I'm taking you a little bit  
11 out of order because I'm asking questions I sort of need to take  
12 up with you. Earlier the judge had asked you your feelings  
13 about the death penalty and you had said that -- could you  
14 elaborate those more at this time?

15 A I have -- I guess I never really thought about it until the  
16 last couple of weeks. I did in high school a little bit. But  
17 when I was in high school, my Sunday school teacher was Sheriff  
18 Tommy Robinson and instead of --

19 (LAUGHTER)

20 A -- he was -- and instead of biblical things -- he did a  
21 little bit of that but that was when he was doing all his crazy  
22 things, you know, chaining people to fences and you know -- and  
23 one of his Sunday school lessons was about the death penalty.  
24 And he did not believe it was a deterrent. He said it had been  
25 proven that it was not a deterrent. If it is not a deterrent to

1 crime, then why are we doing it. Personally, any sort of -- I  
2 -- I as a person, I don't have that power over anybody's life.  
3 I know there will be twelve people doing it, but I don't think I  
4 could make that decision.

5 Q Mr. Arnold, you've had a chance to listen to Ms. Emerson's  
6 responses. How do you feel about the death penalty and how do  
7 you feel about her responses?

8 A Are you asking my opinion on myself or my opinion on her?

9 Q Well, your opinion on yourself and also do you think --  
10 yeah, your opinion on yourself. Then I'll follow up.

11 A Well, the question is do I think there is no reason, or is  
12 there a reason where the death penalty should be issued. I  
13 think there is. That's my opinion.

14 Q Do you think the death penalty is a deterrent to crime?

15 A Yeah, I do.

16 Q Ms. Stoll, what are your feelings about -- Ms. Emerson had  
17 mentioned earlier that it's her belief that the death penalty  
18 was not a deterrent to crime.

19 Do you feel the death penalty is a deterrent to crime?

20 A Yes, I do.

21 Q Do all of you realize -- just on the death penalty issue --  
22 that the death penalty in Arkansas is not something that is  
23 automatic? That it is a two-part process. The first part is  
24 deciding guilt or innocence, and then only if you decide guilt  
25 on the charge of capital murder, would you then take up the

1 death penalty. Were you all aware that --

2 THE COURT: I didn't explain that well enough?

3 MR. PRICE: I'm using that to go into the  
4 aggravating and mitigating factors, your Honor.

5 THE COURT: All right. Go ahead.

6 BY MR. PRICE:

7 Q In addition there are -- the judge mentioned earlier about  
8 there are certain aggravating, or bad factors, and there are  
9 certain mitigating, or good factors. One -- an example of a  
10 mitigating factor would be if a defendant has no significant  
11 prior history of criminal activity, that that could be a basis  
12 for you not to impose the death penalty.

13 Were you aware that even at the penalty phase, the state  
14 has to prove at least one or more aggravating circumstances  
15 beyond a reasonable doubt?

16 A (Arnold) Are you asking me that question?

17 Q Yes, sir. Were you --

18 A I thought we didn't know anything until we got here. I  
19 mean, I thought all this had to be explained, and I thought you  
20 had to answer correctly based on the facts that was put before  
21 you. I didn't know you were supposed to assume --

22 Q What I was trying to do is ask if you're aware of how the  
23 death penalty worked in Arkansas.

24 A No, I didn't realize that if one juror said no, that it was  
25 off.

1 Q Ms. Stoll, were you aware actually of how the death penalty  
2 phase works in Arkansas -- that there are aggravating  
3 circumstances -- the state has to prove those beyond a  
4 reasonable doubt and that there's also -- the defense would put  
5 on mitigating circumstances; for example, the youth of the  
6 defendant?

7 A I'm not very familiar with it.

8 THE COURT: Well, the question is right now is,  
9 will you follow the law given you by the Court in that  
10 regard? Like I told you out there, you will be given  
11 very specific instructions that you must find if you  
12 found guilty and if you were considering the death  
13 penalty.

14 The issue is -- you've indicated there's no way  
15 you would even consider the death penalty under any  
16 circumstances?

17 A (Emerson) Unless it was my kids, and then, see, you would  
18 not let me do this.

19 THE COURT: Do you have anything further?

20 MR. PRICE: No, sir.

21 THE COURT: All right, I'm going to let you go.  
22 Thank you very much for being willing to serve.

23 (JUROR EMERSON LEAVING THE JURY ROOM)

24 THE COURT: All right, Mr. Davis, you can  
25 proceed.

## 1 VOIR DIRE EXAMINATION

2 BY MR. DAVIS:

3 Q Kent Arnold and Vicki Stoll, right?

4 A Yes.

5 Q I know Kent. And, Ms. Stoll, my name is Brent Davis, and  
6 this is John Fogleman. The two of us will be representing the  
7 State of Arkansas in this particular matter.8 The voir dire process as you can tell, you already know  
9 it's lengthy. It's very important to us because it's how we go  
10 about trying to pick twelve people to be fair and impartial and  
11 give both sides a fair shake.12 When this is over with -- the way we do it is ask  
13 questions. And I'll ask some questions, Mr. Ford will probably  
14 ask some more questions and then Mr. Price may ask some  
15 questions of y'all and when it's all said and done, you may  
16 think that this is the silliest procedure in the world for  
17 trying to pick twelve fair and impartial people. You might have  
18 a better idea, and we all do it differently but if you can bear  
19 with us and hopefully relax and be as responsive as possible and  
20 if something comes to mind that we don't ask that you think is  
21 important that bears on your ability to serve as a juror,  
22 certainly interrupt us and tell us what it is because we can't  
23 cover everything. I mean, if something important is out there,  
24 we need to know about it.

25 First off, let me ask -- this case will take -- at the rate

1 it's going it may even be longer than what we predicted, but we  
2 have guessed two to four weeks.

3 If you're asked to be up here for four weeks, Mr. Arnold,  
4 would that pose -- it's gonna pose a burden on everybody -- but  
5 would it pose a burden on you that would prohibit you from being  
6 able to serve?

7 A I mean, if you ask me to serve, I don't think I have a  
8 choice, do I?

9 Q Well --

10 A I don't think -- I mean, I've got a business to run.

11 Q I guess the question is, is it such a -- is there any  
12 unusual circumstances that would make it more of a burden on you  
13 than it would be on anybody else that's in the jury panel? I  
14 mean, like a big business trip planned next week or something  
15 that can't be done by somebody else? Anything of that nature?

16 A I mean, I have got business every day, and I would consider  
17 it a very big burden to do this, yeah.

18 Q Would you be willing to accept that burden if we ask you to  
19 serve?

20 A I think I would.

21 Q Ms. Stoll, what about yourself? Would there be any -- and  
22 I've thrown out a couple of possibilities -- business demands or  
23 somebody ill in the family or anything that would put a  
24 particular burden on you if you were asked to serve for the next  
25 two to four weeks?



1 A No.

2 Q During the course of the trial, we will -- as attorneys,  
3 part of our job is to make objections and to go and have bench  
4 conferences. You've already seen that. And by the time the  
5 trial gets underway a little bit, you may get aggravated at us.  
6 And you may want to be able to tell us to sit down and be quiet  
7 so the trial can proceed.

8 Could each of you assure me that if you get aggravated at  
9 myself or Mr. Fogleman or something that we do during the trial  
10 in the way of an objection or even our mannerisms or how we ask  
11 questions, would you do your very best to set that aside and not  
12 let it interfere with your decision as to whether the defendants  
13 are guilty or innocent? Could each of you do that?

14 A (Arnold) Yes.

15 A Stoll (No Audible Response)

16 Q Mr. Arnold, if I was to ask you for the traits that you  
17 would look for in a good juror, what would your answer be?

18 A To be honest with you, I have never been around much law or  
19 lawyers or jurors or juries or trials, but I would assume it's a  
20 bunch of people that are relatively impartial to it. I mean, I  
21 just heard this over and over. I would assume that you would  
22 have to assume -- and there is a law -- that everybody is  
23 innocent until proven guilty. I think you would have to assume  
24 that. I think everybody -- whoever does it -- would have to  
25 assume that. If they couldn't assume that, they certainly

1 couldn't a juror. I don't know what traits. I'd say a mixed  
2 bunch of traits.

3 Q Ms. Stoll, what would you look for as far as traits or  
4 characteristics in a person that you would characterize as a  
5 good juror?

6 A I really don't know.

7 Q Would you think that it would be important to be able to  
8 express and share your ideas with other people and also be able  
9 to sit down and listen to other people's ideas before rendering  
10 a decision? Would that be something you feel would be important  
11 for a juror to do?

12 A (No Audible Response)

13 Q This case involves the murder and mutilation of three  
14 eight-year-old boys. And the testimony -- we're gonna have  
15 testimony from the Medical Examiner regarding the findings he  
16 made and the autopsies of the three eight-year-old boys, and  
17 he'll have photographs that depict his findings. There will be  
18 photographs of the injuries to the three eight-year-old boys and  
19 they're very graphic in nature. And we will be introducing  
20 those and exhibiting those to the jury and asking the people  
21 that serve on this jury to examine those photographs to gather  
22 from them certain bits of evidence and the important aspects of  
23 those photographs.

24 Is there anything as far as a reluctance -- nobody who  
25 serves on this jury -- it will be difficult for everybody. It's

1 gonna be hard for anybody to serve. But do y'all have any  
2 particular difficulty in dealing with things of that nature that  
3 you're aware of at this point that might affect your ability to  
4 serve?

5 A (Arnold) I wouldn't like it.

6 Q No queasiness or particular faintness at the sight of blood  
7 or anything of that nature?

8 A (No Audible Response)

9 Q The judge has asked about the death penalty and has  
10 indicated it's a two-stage trial. One of my concerns is -- and  
11 it's important that since jurors have two decisions to make --  
12 one being guilt or innocence and one being punishment -- that  
13 the punishment not leak over and affect a juror's determination  
14 as to whether or not the people did it or not.

15 Would each of you assure me if you're selected that you  
16 won't let the potential punishment -- which is severe in this  
17 case -- affect your determination as to whether or not these two  
18 people did it? In other words not look down the road and say,  
19 gee, if I make the decision that they're guilty, then I have to  
20 deal with that death penalty issue and, therefore, I'm gonna  
21 require the state to prove more because that way I won't have to  
22 deal with that issue.

23 Would each of you assure me that you won't consider  
24 punishment in determining whether or not they did it? Can both  
25 of you do that?

1 A (No Audible Response)

2 Q You've seen the pre-trial publicity. Mr. Arnold, what  
3 source have you heard or seen about this case?

4 A I get three newspapers. I read it, but I really don't know  
5 that much about it. I didn't follow the Misskelley trial. In  
6 fact somebody came rushing in and said Misskelley was --  
7 whatever he was -- and I said, he was? I didn't realize the  
8 importance of what was going on. I think you probably should've  
9 had this trial -- you moved it to here. You probably should  
10 have moved it to another state if you wanted to get -- I mean  
11 this is still too close.

12 Q Ms. Stoll, where have you gathered your information?

13 A Actually, I would say from people in the office mainly. I  
14 only take one newspaper a week -- Sundays -- and I am one of  
15 those people who actually read headlines, look at the pictures.  
16 Go to the funnies. I really don't read the newspaper, and I  
17 really don't watch TV.

18 Q Have either of you formulated an opinion regarding guilt or  
19 innocence of the defendants that you could not set aside and  
20 render an opinion in this case based on the evidence that you  
21 see in the courtroom?

22 A (Arnold) Just what you hear in the paper. I think the  
23 paper assumes they're guilty.

24 Q Could you set aside whatever you read in the paper and base  
25 your decision on whatever you hear in the courtroom?

1 A I guess if you pick me as a juror, I would have to.

2 Q Ms. Stoll, could you do the same thing?

3 A I could do it.

4 Q Is there any -- could each of you assure me -- one of the  
5 instructions that the judge will give you is that you're  
6 supposed to use your common sense.

7 First off, would each of you agree that if you're selected  
8 as a juror, that you will bring your common sense back to the  
9 jury room in deciding whether they're guilty or innocent?

10 A (No Audible Response)

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

15 A (Arnold) You think it's gonna get worse than what it is?

16 Q I don't know exactly how it can get worse, but it possibly  
17 could. And let's assume that it does. Let's assume that  
18 there's more cameras out here.

19 Would each of you do you best to kind of shut that aspect  
20 of it out and do what jurors are supposed to do?

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

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

25 JUROR: They're taking names. They're taking

1 names -- these photographers are -- I'm a little  
2 concerned about it -- you know, the anonymity of it.  
3 I don't particularly want to be --

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

6 BY MR. DAVIS:

7 Q Ms. Stoll, the defendants in this case are 16 and 19 years  
8 old. Is there anything about their ages that you think would  
9 affect your ability to determine whether they're guilty or  
10 innocent, Mr. Arnold?

11 A Whether they're guilty or innocent?

12 Q Right.

13 A (No Audible Response)

14 Q The burden of proof that the state has to meet is how much  
15 evidence we have to give you before you can determine if the  
16 defendants are guilty. And if they measure -- and I think the  
17 Court read to you what the definition of that burden of proof  
18 is. In that definition it does not require the state to prove  
19 the elements of the offense beyond every doubt, beyond all doubt  
20 or by an absolute certainty. It requires us to prove it beyond  
21 a reasonable doubt.

22 Would each of you make sure that you hold us to that burden  
23 but not make it any higher? Could each of you do that?

24 A (No Audible Response)

25 Q Now, do either of you watch any of these law shows on TV?

1 A (Arnold) I would like to start up a crime channel though.  
2 Everybody loves it.

3 (LAUGHTER)

4 BY MR. DAVIS:

5 Q Well, y'all may not be aware of this, but on these mystery  
6 shows, one of the things that concern me is that people get a  
7 lot of their information about what goes on in courtrooms -- if  
8 they have not had the opportunity to serve -- they gather their  
9 information from what courtroom scenes they see on TV, and that  
10 oftentimes what you see depicted on TV is not accurate.

11 And one thing that concerns me is that on TV all questions  
12 are answered in these murder shows or mystery shows and law  
13 shows. When you start at the beginning of the program, certain  
14 questions are thrown out there -- who did it, what was the  
15 weapon, where is the weapon, where are the fingerprints, whose  
16 shoes are those -- all these questions come up. And at the very  
17 end of the case all those questions have been answered in a nice  
18 neat package, and you don't have to worry about any possible  
19 questions that are out there.

20 This is real life, and I can assure you on the front end  
21 that all the questions aren't going to be answered. But if we  
22 prove to you beyond a reasonable doubt the elements of the  
23 offense of capital murder, could you return a verdict of guilty?  
24 Even if there are still questions, if you're convinced beyond a  
25 reasonable doubt that they committed capital murder, could you

1 still return a verdict of guilty?

2 A (Stoll) Yes.

3 A (Arnold) Is that the requirement? Reasonable doubt?

4 Q Yes.

5 A (Arnold) I could.

6 Q Can you do that, Ms. Stoll?

7 A (No Audible Response)

8 Q We're -- you always hear the term fair trial used in  
9 reference to the defendant -- the defendant's right to a fair  
10 trial. And the state has just as much entitlement to a fair  
11 trial as the defendant has.

12 Could each of you give us just as fair a trial -- and  
13 there's always a lot of questions asked -- can you give the  
14 defendant a fair trial -- and I am concerned that the tendency  
15 may be that in an effort to make sure that you give the  
16 defendant a fair trial, that you lean a little too far one way  
17 and treat the state unfairly.

18 And what I need to ask each of you -- could each of you do  
19 your dead-level best to make sure that you're as close to being  
20 totally objective and fair in this case and giving us the same  
21 right to a fair trial as you do the defendant?

22 A (No Audible Response)

23 Q Could each of you do that?

24 A (No Audible Response)

25 MR. DAVIS: That's all the questions I have.



## VOIR DIRE EXAMINATION

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BY MR. FORD:

Q Good morning. I'm Paul Ford, and this is Robin Wadley and we represent Jason. I want to ask you a few questions this morning.

Mr. Arnold, you indicated you take these papers and probably scan the headlines. Did you normally see a headline regarding this case in the paper?

A Yeah, I think so. It's normally on the front page.

Q Did you read those articles at all?

A Not many.

Q The ones that you did, how did they make you feel?

A Um, I don't know. I didn't think about feelings.

Q Did that make you feel anything about Jason?

A I didn't know if Jason did anything.

Q Didn't create any feeling at all?

A It was very sensational. I don't think you could have -- I mean, I mean, not anymore than -- every other headline says somebody killed somebody or somebody did something or somebody stabbed somebody or somebody was burned to death or some car crash and, you know, I'm pretty numb actually.

Q What about you, Ms. Stoll? You indicated it was usually office talk. What is the general office opinion?

A Well, because I don't watch the news, I mean, there's things that goes on that I never even really realize that's

1 going on, and I have learned things there that everybody has an  
2 opinion, but I don't always agree with them.

3 Q What is your opinion?

4 A I think that these gentlemen deserve to have a fair trial.

5 Q Is there a general opinion in your office of the people  
6 that you gather information from as to whether Jason is guilty?

7 A Everybody is mixed. A lot of people don't have information  
8 -- the correct information.

9 Q Do both of y'all agree that a lot of times what you see in  
10 the paper or hear on TV is not the correct information?

11 A (Arnold) I agree a hundred percent.

12 Q Mr. Arnold, I'm gonna make an assumption -- because I  
13 haven't lived in Jonesboro but a matter of months -- that you're  
14 the Kent Arnold that, have I seen the house that you built?

15 A Yes.

16 Q And I assume that's a pretty big business, isn't it?

17 A Yeah, it is.

18 Q Y'all have houses under construction. With the interest  
19 rates now you're going on all cylinders, aren't you?

20 A That's right.

21 Q And you're the --

22 A Do you need a house?

23 (LAUGHTER)

24 Q Ah, I might. Ah, do you think that that -- I know there is  
25 a lot of responsibility going on with that from selling 'em to

1 making sure that -- making deals with suppliers and contractors  
2 and all that.

3 Do you think you can really put all those things aside and  
4 focus on this, or would you be pretty occupied and at 9:30 you  
5 blow in because you just got through at some job site and be  
6 scattered in your thoughts?

7 A You know, I really have never -- I do work constantly and I  
8 have worked constantly for years, and I have never been required  
9 or asked to take off for the period of time that y'all are  
10 asking. So I would say it would be quite hairy, yes.

11 Q I think the Court would -- the Court would appreciate it if  
12 you felt like -- if you said, no, I think that would prohibit me  
13 from doing my best in this case. Do you think that it would --  
14 keep you from doing the best job that you might do if you were  
15 able to truly take a month long sabbatical and just lay off and  
16 --

17 THE COURT: Mr. Arnold, if you're asked to serve  
18 on this jury, can you give it the attention and  
19 interest and effort that you know it deserves?

20 JUROR: Yeah, I would think so.

21 BY MR. FORD:

22 Q You've expressed some concern about anonymity. Is that  
23 important to you in this case?

24 A Well, I mean, I mean, if I had my preference, yeah.

25 Q Mind telling me why?

1 A Well, because -- I mean it's a very publicized case. If  
2 this case were not -- if there were not 90 cameras out there and  
3 there weren't four dishes sittin' out on the street and the  
4 possibility of -- and the judge has said they will not take the  
5 jurors' pictures -- but they took pictures in Corning and they  
6 splashed 'em I guess in this paper -- and these dishes are going  
7 around the world, you know. And I am a name that somebody might  
8 can find. That -- you know, if this was a case where there  
9 wasn't all this spashin', I think I would feel much more  
10 comfortable. But anonymity would be important in this  
11 particular case.

12 Q Would you in any way feel any concern that it might affect  
13 your business or sales if you were to return a verdict of not  
14 guilty, that the community would say, I'm not gonna buy a house  
15 from that guy. He let those boys go. Is that a consideration  
16 at all?

17 A No -- no, I don't think they buy because of a verdict I  
18 made. I think they buy because of the interest rates.

19 (LAUGHTER)

20 Q Tell me what your thoughts are about law enforcement  
21 officers, Mr. Arnold.

22 A What I think about 'em? I think they're fine. I would  
23 prefer not to be stopped by 'em if I'm speedin'. I have sold  
24 several houses to 'em. They're very normal people.

25 Q Very normal people. Do you think they have any extra

1 ability to know the truth and tell the truth?

2 A Do I think they do?

3 Q Yes.

4 A As compared to who? Lawyers?

5 Q Yeah.

6 (LAUGHTER)

7 A Well, I mean, I know several policemen. I think they're  
8 all very normal people. I think they're exposed to very  
9 abnormal circumstances constantly, and they become very  
10 calloused.

11 Q What about you, Ms. Stoll. What is your general thoughts  
12 about police officers?

13 A Well, I don't feel we have enough of 'em, but I do feel  
14 they do the best they can.

15 Q Do each of you think that it's human nature that people  
16 make honest mistakes?

17 A (Stoll) Yes.

18 A (Arnold) I know for a fact they do.

19 Q If you're selected on this jury, would making honest  
20 mistakes be a concern to you -- either of you?

21 A (Stoll) Can you rephrase that?

22 Q If you're selected on this jury, the state is seeking the  
23 death penalty. In a civil case and somebody's suing for money,  
24 you can give 'em money back. Or if you put someone in prison  
25 and they're not sentenced to death, you can let 'em out. But if

1 you take their life, you can't give it back to 'em. If you make  
2 an honest mistake, there's no way to rectify it. We're wantin'  
3 to make sure that you will first make sure that you don't make  
4 an honest mistake and convict an innocent man.

5 Can each of you assure me that you will do that?

6 A (Arnold) I would make sure I would do my very best.

7 Q Ms. Stoll, can you do that as well?

8 A I'll be honest and do my best.

9 Q Ms. Stoll, you indicated that you felt like the criminal  
10 justice system is too lenient on criminals. Do you mind telling  
11 me why you feel that way?

12 A Because I do feel that if punishment were stronger, that  
13 society would take note, and perhaps we could have a better  
14 country. There would not be as much crime as the other  
15 countries have. I really think we need a little bit better --  
16 more severe punishment.

17 Q Mr. Arnold, you gave the same answer to the same question.  
18 Why do you feel that way?

19 A Well, I don't know if it has to do with this particular  
20 incident. I just think across the board I think it's set up for  
21 criminals. There's not enough jails. They put too many people  
22 in jails. They give 'em twenty years. They let 'em out in one  
23 year, you know. If you give 'em twenty years, give 'em twenty  
24 years, you know. If they cut the petty crimes out, you know,  
25 get all the little things and get 'em out so that people that

1 are criminals and there are problems with and second, third and  
2 fourth offenders, yeah, I think they're too lenient. I think  
3 they get out too soon.

4 Q Well, what about people who haven't been convicted? Are we  
5 too lenient on them?

6 A (Arnold) I don't follow what you do with them then.

7 Q What about you, Ms. Stoll -- or another way to ask that  
8 question -- do you think they have too many rights?

9 A (Stoll) It probably would depend on the circumstances.

10 Q Do you think --

11 A (Arnold) Justice needs to hurry up. If this was a house I  
12 was building, we'd be in trouble. That's the only thing I've  
13 got to say. I don't know how much rights you give 'em. I think  
14 both of these guys are due due process, whatever that is, and  
15 they're -- I don't know what the rights are set up. I think  
16 justice is slow.

17 Q Mr. Arnold, both of you indicated that you felt like jury  
18 verdicts were -- most are right and few are wrong. Why do feel  
19 that way?

20 A Well, I think I don't remember all the other A, B, C and D  
21 -- other answers that were given -- I thought that was the most  
22 correct answer of what was given.

23 I think it said, are all jury trials -- are decisions  
24 rendered correct, all are wrong and none of the above -- and I  
25 thought the most appropriate answer was, some are right and some

1 are wrong.

2 Q Are you if you're on this jury gonna make sure that you fit  
3 into the category that is right, or would you again make a  
4 mistake and making a wrong verdict?

5 A Well, first of all, I actually -- I guess I hope you don't  
6 choose me because I don't want to spend the month but if I were  
7 chosen, I think that I would do my very best based upon whatever  
8 evidence came down to make the best decision and if the facts --  
9 and if you're representing Jason and if the facts were to come  
10 down against Jason, I think I would have to vote against Jason.  
11 I think I'm one of twelve votes. If they came in and the facts  
12 came down and they proved that Jason was innocent, I think that  
13 I would say he was innocent.

14 Q Not to place too much emphasis on your words since you're  
15 not a lawyer, and a lot of times we get -- if I said that one  
16 way, it would have been one thing. But you said if the facts  
17 came down and it proved that he was innocent.

18 The law is that he's presumed innocent. He doesn't have to  
19 prove his innocence. He is a free man. He's an innocent man.  
20 In order to take that away from him and deny him the things that  
21 our country guarantees -- the liberty it guarantees -- the state  
22 must prove things in order to take those freedoms away from him.  
23 And if they don't prove those things, then we don't take them  
24 away.

25 Would you -- as his lawyers, Robin and I -- would you



1 require us to prove his innocence?

2 A No.

3 Q What about you, Ms. Stoll? Would you require us to prove  
4 his innocence?

5 A (No Audible Response)

6 Q Ms. Stoll, I sort of passed over you about the some are  
7 right and some are wrong sort of answer. Your feelings similar  
8 to Mr. Arnold's?

9 A Yes.

10 Q Can you assure Jason and Robin and I that you will make  
11 sure you don't make a mistake in this case?

12 A Yes.

13 Q It's important to all of us here that you be fair, and it  
14 is important to all of us that you consider what is considered  
15 evidence and not what you hear at the office or at the coffee  
16 shop or wherever you mingle with your friends. It's also  
17 important for us to understand that we have two separate trials  
18 as the judge indicated and that there will be evidence that a  
19 crime occurred. No one is gonna dispute that, but then the  
20 state has to put on -- not only just evidence that a crime  
21 occurred -- they have to put on evidence beyond a reasonable  
22 doubt who did it. And since there are two trials going on at  
23 once, some evidence will go in pile A and some will go in pile  
24 B.

25 And can you assure me that you can separate Jason from Mr.

1 Echols and only apply the evidence that actually goes in his  
2 pile and not take anything out of pile B and stick it over there  
3 and use that against him? Can you assure me that you won't do  
4 that?

5 A (Arnold) Me?

6 Q Yes.

7 A I think I can. Are there four decisions gonna come down  
8 here? One, two and then go back on death and death? Is there  
9 four different decisions this jury is gonna have to render?

10 Q If you find him innocent, no.

11 A Well, I know that. But is there four different potential  
12 -- excuse me -- is there four different potential decisions have  
13 to be rendered by this jury?

14 THE COURT: They're being tried jointly, but the  
15 verdicts that you render will be separate verdicts as  
16 to each of them. You will be submitted the facts and  
17 instructions and asked to retire and consider two  
18 verdicts as to guilt or innocence -- one for each of  
19 the defendants. You may return an entirely separate  
20 verdict and different verdict for either of them.

21 JUROR: (Arnold) All right.

22 MR. FOGLEMAN: Also one for each of the victims.

23 THE COURT: That's right. Well, there's three  
24 victims. So you will be given three separate verdicts  
25 for each defendant, and you may find different

1 verdicts for each of them on all three counts.

2 JUROR: (Arnold) So there's gonna be a minimum of  
3 six decisions rendered.

4 THE COURT: That's right.

5 JUROR: (Arnold) And a maximum of twelve.

6 THE COURT: That's right. Of course, it depends  
7 on what you do the first time.

8 JUROR: (Arnold) Right.

9 BY MR. FORD:

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

12 A I didn't read about it, no. I heard about it.

13 Q How did that make you feel as to who's guilty and who's  
14 not?

15 A I really didn't have much feeling about Misskelley because  
16 I didn't -- I don't know enough about the three of 'em. Damien,  
17 I assume, is the most popular -- if there is a popularity  
18 contest going here. And I don't know anything -- I couldn't  
19 tell you anything about Misskelley except that I understand that  
20 he was convicted of something, and I couldn't even tell you of  
21 what, but I don't think he got the death penalty. If there is  
22 something -- I don't -- I didn't hear that. Did he?

23 Q No. But other than the knowledge that you acquired, any  
24 feeling?

25 A Was I joyous? Is that what you're asking?

1 Q Just any feeling. You thought it was right, thought it was  
2 wrong, thought it was good, thought it was bad -- any feeling?

3 A My feeling was that if they were tried on the ten o'clock  
4 news and guilty, then that's a statement of it that was  
5 confirmed. That was about it.

6 Q Did that give you any feelings about the trial that was  
7 next?

8 A No.

9 Q I think the prosecutor has already indicated that he's not  
10 going to answer all your questions. If he doesn't answer all  
11 your questions, how would that make you feel if he didn't?

12 A (Arnold) I didn't know I got to ask questions.

13 Q Well, in your mind, mentally. Mental questions?

14 A This is a whodunit -- all those questions. He basically  
15 indicated he's not gonna be able to answer those. How do you  
16 think that will make you feel?

17 A I mean, if you're -- I personally think -- and I can't  
18 speak for her -- but I personally think that I'm a fair guy.  
19 And I think if you've got to throw out everything I have heard  
20 at this point and start from scratch -- from scratch -- and he  
21 is going to deliver evidence against him and you're gonna  
22 deliver evidence for him. I mean, I'm sure I would look at  
23 that. I mean, I'm sure I would look at that based upon that.

24 Q What if I don't deliver any evidence? How would you feel?

25 A I would hope Robin would step in.

1 Q What if Robin --

2 (LAUGHTER)

3 Q What if Robin says nothing? What if Jason says nothing?  
4 What if we said absolutely nothing?

5 A If you came in representing this fellow right here and you  
6 would not come -- and this guy brings charges that appear to be  
7 -- and there's evidence that appears to be showing this fella  
8 guilty and you say nothing, what would I do?

9 Q Um-hum.

10 A If you're saying the evidence presented beyond a reasonable  
11 doubt presented by this group right here against him and you're  
12 his legal attorney and you say nothing, what would I do?

13 Q Um-hum.

14 A And it was proven at that point the evidence was beyond a  
15 reasonable doubt? Are you asking what my vote would be?

16 Q Yes.

17 A And you said nothing? I would -- I would -- I would vote  
18 you out of the legal system.

19 (LAUGHTER)

20 Q What if my opinion was that --

21 MR. FOGLEMAN: Your Honor, I object to Mr. Ford's  
22 putting forth any of his personal opinions.

23 BY MR. FORD:

24 Q What if after considering all the evidence that the state  
25 put on and you were not convinced beyond a reasonable doubt,

1 then I said nothing.

2 A If the rules are that I have got to be convinced beyond a  
3 reasonable doubt and you said nothing, that if you have to  
4 convict somebody and it has to be within a reasonable doubt,  
5 then I'm not within a reasonable doubt, and I don't think I  
6 could convict a person if I'm not within a reasonable doubt.

7 Q Ms. Stoll, what would be your feelings at that point if  
8 after considering the state's evidence you had reasonable doubt,  
9 but we said nothing -- as a tactical decision, Robin and I  
10 decided that we were not going to let Jason testify, how would  
11 that make you feel?

12 A (No Audible Response)

13 Q Would it bother you?

14 A Would it bother me? The way I thought that it worked is  
15 they have evidence, and if he's not guilty, and you are there to  
16 protect him -- his rights -- and if you don't say anything  
17 about, you know, to try to defend your person, what would be --

18 THE COURT: Let me interrupt. What he's asking  
19 you is if the state put on its case and in your mind  
20 they didn't convince you beyond a reasonable doubt,  
21 what would you do?

22 MR. FORD: If I remained -- if we put forth no  
23 proof.

24 THE COURT: The state put on its case and in your  
25 mind they have not convinced you of the defendant's

1                   guilt beyond a reasonable doubt and the defendants did  
2                   not do anything, what would be your vote?

3                   JUROR: Well, if they don't have enough evidence,  
4                   they're not guilty.

5 BY MR. FORD:

6 Q       Do you think that we should put forth evidence? Mr.  
7 Arnold, do you think we should put forth evidence?

8 A       I think it's your job to get this guy off and if they've  
9 not put up enough evidence to prove within a reasonable doubt, I  
10 don't know if you should or not.

11 Q       If my job is to get him off? Is that in any way infer or  
12 imply that he's done something to get off of -- or as opposed of  
13 just being wrongfully accused? Do you have a preconceived  
14 starting --

15 A       I'm sorry with these word semantics. You keep gettin' me  
16 on these word semantics. I don't mean to be assuming that  
17 they're guilty. Let me just make a statement so it will clear  
18 up all my semantic problems. I assumed that these particular  
19 guys -- if I'm a juror, I will assume that these two guys are  
20 innocent until they are proven beyond a reasonable doubt to be  
21 they're guilty. I'm dealing with semantics, if I say the wrong  
22 thing at the wrong time.

23 Q       Okay. Ms. Stoll, does that fairly and accurately express  
24 your feelings, or are they different from that?

25 A       No.

1 Q We have twelve jurors, and each one of you is to have your  
2 own independent thoughts and independent ideas, and you bring  
3 different things with you from different walks of life and after  
4 hearing the evidence, you would retire to this room here and  
5 deliberate and consider what's been said and listen to the views  
6 of others and what they thought versus your thoughts.

7 But after doing that, you have a reasonable doubt in your  
8 mind and the others disagree with you, would you have the  
9 ability to stick with your views, maintain your verdict of not  
10 guilty? Would you, Mr. Arnold?

11 A I don't know the process but you mean after all this stuff  
12 is heard, we all come in this room and we all chitchat about it  
13 and try to sway everybody to go one way or the other? Is that  
14 what happens? Is that how it is? I've never been on one.

15 Q I have never been in a jury room, but that's my  
16 understanding of what happens. All twelve of you get together  
17 and they say this, and you say that, and everybody shares  
18 opinions and you may take a vote or -- and at that point in time  
19 after everybody's deliberated and said this, that and the other,  
20 you say, well, I have got a reasonable doubt. And someone says,  
21 let's vote, and they vote and then they count it up, and it is  
22 11 to 1. You know that you're the one.

23 Would you change your mind at that point because you were  
24 the lone person?

25 A It wouldn't matter then. I have already voted.



1 Q I mean, but they may say, well, we cannot reach a verdict.

2 A Oh, you mean then they come back in the room and do it  
3 again?

4 Q Well, they may want to get you to change your mind.

5 A You mean after they vote, they'll do it again? I don't  
6 understand how it works.

7 THE COURT: The jury's often take many votes.  
8 What you would be expected to do is go back and talk  
9 with your fellow jurors, give your ideas, your  
10 impressions of the evidence as it relates to the law.  
11 You make an effort to arrive at a unanimous verdict.  
12 It may take a great deal of conversation. It may take  
13 several votes.

14 What he's asking you -- after you go through that  
15 lengthy procedure, after you may have taken several  
16 votes, if you're still convinced and no juror in there  
17 has been able to convince you that the position you  
18 take -- whether it be for guilt or innocence -- is  
19 inappropriate because of the evidence and the law, can  
20 you and will you stick with your guns?

21 JUROR: (Arnold) (No Audible Response)

22 THE COURT: Okay.

BY MR. FORD:

You basically -- are you the kind of person that once you  
reach your verdict would cave in to make the others happy

1 because they want you to?

2 A First of all, do they know it's you?

3 Q Well, they might.

4 A Well, I mean, do they? I'm asking.

5 Q I don't know how you will do it. They may --

6 THE COURT: There is a real good chance that they

7 will. I haven't been on a jury either, but I assume

8 that after a while they pretty well figure out --

9 JUROR: That it's one person holding the deal up?

10 BY MR. FORD:

11 Q It may be four holding it up. It may be -- who knows.

12 Would you cave in?

13 A Either way.

14 Q Yeah. Or would you stick with what you believe?

15 A I'd probably would stick with what I believe.

16 Q What about you, Ms. Stoll?

17 JUROR: (Arnold) I know her. She would.

18 (LAUGHTER)

19 MR. FORD: You built a house for her, right?

20 (LAUGHTER)

21 BY THE JUROR:

22 A (Stoll) If I do not stick to what I believe and honestly  
23 know of evidence or facts -- and if I let them sway me either  
24 way -- then I have no reason to sit on this jury. I have to do  
25 what I feel is right.

1 Q Would each of you be able to reserve judgment until it's  
2 all over -- wait until the end -- or are you the kind of person  
3 that might make up their mind after the first few minutes, first  
4 few hours, first couple of witnesses? How about you, Mr.  
5 Arnold?

6 A No, I think if I wanted out of this program, I think I  
7 would have already stood up and said, I have got some serious  
8 problems, and I would have been dismissed at this point in time.  
9 And I mean I think if I'm -- it's pretty obvious I've been  
10 called randomly. I have set up here -- twice I've been up in  
11 the jury box, and now I'm in here talking to you. If I'm  
12 supposed to do this, I can do it, and I think I can do it. I've  
13 been kind of clearin' my mind of the issues so I can get down,  
14 and I think I'm a relatively good judge of facts.

15 Q And would you wait for the end -- you know, the "Matlock"  
16 questions were asked earlier. You know, they have the miracle  
17 finish where they bring in new evidence and turn the issues  
18 around and the mistake that the prosecutor has made is realized?  
19 In this case can you wait until the end to see that new evidence  
20 that comes out?

21 A (Arnold) I think you're supposed to wait until all the  
22 evidence is in before you make a decision, aren't you?

23 Q That's what I'm asking you. Will you do that?

24 A (Arnold) Yeah. I think that's what I'm supposed to do.

25 Q Will you, Ms. Stoll?

1 A Um-hum.

2 MR. FORD: That's all.

3 VOIR DIRE EXAMINATION

4 BY MR. DAVIDSON:

5 Q I'm Scott Davidson. This is Val Price. We both represent  
6 Damien Echols.

7 First of all, off the bat, as Mr. Arnold said, as far as a  
8 media popularity contest, Damien's got a lot of publicity.

9 Is there anything about the fact that he's named Damien  
10 that conjures up any sort of evil to you or anything of that  
11 nature?

12 A (Arnold) Is his name Damien?

13 Q Yeah.

14 A (Arnold) Is your real given name Damien?

15 Q It's his legal name.

16 A I mean, your dad and mom gave you that name.

17 THE COURT: It's his legal name.

18 JUROR: (Arnold) Okay.

19 BY MR. DAVIDSON:

20 Q Does that cause you any problems?

21 A No. But what does Damien mean? Give me the --

22 Q I don't know.

23 A Does Damien mean something? I mean, I don't know what I  
24 should say here, but is that satanic? Is the name itself  
25 satanic?

1 Q Not that I know of. How do you feel about it?

2 A I don't know. I guess I better go look it up before I give  
3 you an answer.

4 Q I guess I better, too.

5 (LAUGHTER)

6 BY MR. DAVIDSON:

7 Q Does that conjure up any sort of evilness to you?

8 A (Stoll) No.

9 Q Can you look at him here today and presume him to be  
10 innocent?

11 A (Arnold) Are you asking me?

12 Q Yes.

13 A I would do it regardless of who it was at this point in  
14 time. He could be ten feet tall and supposed to be a midget.

15 Q What about you?

16 A (Stoll) We don't have any evidence so far.

17 Q Okay. Mr. Ford asked both of you all a whole lot of  
18 questions, and he was directing them mainly toward Jason here.

19 would you give those same considerations to Damien here  
20 that you gave to Jason? Will your answers be any different?

21 A (Arnold) Mine wouldn't.

22 A (Stoll) No.

23 Q Both of you feel you can keep a clear and open mind  
24 throughout this?

25 A (No Audible Response)

1 Q I really don't know how to handle this, but eight or ten  
2 years ago I did something for you, and I screwed it up.

3 A (Arnold) You did?

4 (LAUGHTER)

5 A (Arnold) What was it?

6 Q It was some title thing. Do you remember that? If you  
7 don't remember it, shoot I'll --

8 (LAUGHTER)

9 A (Arnold) I have got a long-term loss of short-term memory.  
10 I've forgotten.

11 Q You're a good man. Well, I won't even bring that up.

12 A Did I sue you?

13 Q I was doin' somethin' for you. Skip was busy or something,  
14 and you brought it over, and I screwed up a title for you.  
15 You're not gonna hold that against Damien here?

16 A Was he involved?

17 Q No.

18 A No.

19 Q That takes care of that. You have children. Is that  
20 correct?

21 A (Arnold) Um-hum.

22 Q There's gonna be a lot of evidence of little boys --  
23 they're gruesome, worst kind of pictures I can imagine, and  
24 they're gonna be there, and you are gonna actually have to look  
25 at those pictures, and can you -- do you have a problem with

1 that?

2 A (Arnold) (Unintelligible) No.

3 Q How about you, Ms. Stoll?

4 A I don't have any children, and I have never had to look at  
5 anything like that before.

6 Q Can you look at those pictures and be able to make  
7 determinations from those pictures without -- and then go ahead  
8 and listen to the rest of the evidence rather than singling out  
9 one part of the evidence? Do you think you can do that?

10 A (Arnold) You know, I don't know. I mean, I don't know. I  
11 mean, they're gonna be gross. I don't like gross anything. I  
12 don't think CNN ought to show a bunch of dead people on there,  
13 and I always turn it off. It's my personal preference. My  
14 wife's talked to me about this. She says, you don't even like  
15 to see -- I'll have 'em change the channel if I think it's too  
16 bad. But if it is part of the evidence, I don't know that that  
17 particular part would sway. And evidently I don't think the  
18 evidence is gonna show these two guys with this particular --  
19 you know, in this photo.

20 Q That's exactly my point. You will look at all the evidence  
21 before making up your mind. Is that correct?

22 A (Arnold) Yeah. That question was asked before.

23 MR. DAVIDSON: That's all.

24 THE COURT: All right, you've got two or three  
25 minutes to make up your mind.

1 (BRIEF RECESS)

2 THE COURT: Court will be back in session. How  
3 says the state?

4 MR. DAVIS: Your Honor, Vicki Stoll is good for  
5 the state.

6 MR. FORD: Good for Mr. Baldwin.

7 MR. PRICE: Good for Mr. Echols.

8 MR. DAVIS: Mr. Arnold is good for the state.

9 MR. FORD: Good for Mr. Baldwin.

10 MR. PRICE: Good for Mr. Echols.

11 THE COURT: All right, y'all make jurors number  
12 three and four. I don't know if that's something to  
13 rejoice about or not, but you're now on the jury --  
14 each of you. And it is exceedingly important that you  
15 not read newspaper accounts, listen to radio accounts  
16 or watch TV accounts of the trial or let anybody  
17 influence you in any way. That includes spouses,  
18 friends -- and I can't assure you that -- your name is  
19 public record, and I can't assure you that your  
20 neighbors, friends -- that it won't be in the paper.  
21 We'll do what we can to prevent anybody from harassing  
22 you. If a newspaper person or media person comes up  
23 to you, you tell them I can't talk to you about this  
24 case. Don't bother me anymore. And if they do, we  
25 want to do know about it. You can go down these back