

IN THE ARKANSAS SUPREME COURT

DAMIEN ECHOLS

APPELLANT

v.

No. CR 94-928
No. CR 99-1060

STATE OF ARKANSAS

APPELLEE

**STATE'S REPLY TO ECHOLS'S SECOND STATUS REPORT RE:
DNA TESTING**

Comes now the State of Arkansas, by and through counsel, Dustin McDaniel, Attorney General, David R. Raupp, Senior Assistant Attorney General, and, Brent Davis, Prosecuting Attorney for the Second Judicial District, and, for its response, states:

1. The State agrees that Damien Echols (along with his codefendants Jason Baldwin and Jessie Misskelley, Jr.) has pending in circuit court a petition for relief under Ark. Code Ann. §16-112-201 *et seq.* The circuit court's order of February 23, 2005, based on the parties agreement, ordered extensive DNA testing and that testing essentially has been completed.

2. The State agrees that DNA testing results have not disclosed genetic material recovered from the crime scene that is attributable to Echols and his codefendants. To date, nearly all the genetic material recovered from the crime scene was attributable to the victims. It is the State's understanding that the only material not so attributable is that from a partial hair recovered from one of the ligatures (victim's shoelaces) that bound a victim and that preliminary testing results may attribute that material to one victim's step-parent.

3. The State agrees that counsel for the parties have entered into discussions concerning the evidentiary significance of the testing results, leading to an agreement to

000143

ADD00142

subject some evidentiary items to more testing. Although the State does not fault him for it, the State would not agree with Echols's characterization of that testing as critical "in light of [its] potential significance to establishing the identity of the perpetrator(s) of the offenses." Rather, the State stands behind its convictions of Echols and his codefendants as the perpetrators.

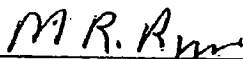
Nevertheless, anticipating that Echols and/or his codefendants will press claims for relief founded on the DNA testing, the State has authorized police investigators to conduct follow-up witness interviews. The State anticipates that it will defend its judgments successfully at any hearing in circuit court.

Respectfully submitted,

DUSTIN McDANIEL
Attorney General

BRENT DAVIS
Prosecuting Attorney

BY:



DAVID R. RAUPP
Arkansas Bar No. 89228
Assistant Attorney General
200 Tower Building
323 Center Street
Little Rock, AR 72201
(501) 682-3657

000144

ADD00143

CERTIFICATE OF SERVICE

I, David R. Raupp, Senior Assistant Attorney General, do hereby certify that I have served a copy of the foregoing pleading, by mailing a copy of same, by U.S. Mail, postage prepaid, to counsel for appellant this 19th day of July, 2007, as follows:

Dennis P. Riordan, Esq.
Donald M. Horgan, Esq.
523 Octavia Street
San Francisco, CA 94102

Deborah R. Sallings, Esq.
Cauley Bowman Carney & Williams
11001 Executive Center Drive, Suite 200
Little Rock, AR 72211

The Honorable David Burnett
Circuit Court Judge
P.O. Box 1902
Jonesboro, AR 72403

Michael Burt, Esq.
Law Office of Michael Burt
600 Townsend Street, Suite 329-E
San Francisco, CA 94103

John Philipsborn, Esq.
507 Polk St. #350
San Francisco, CA 94102



DAVID R. RAUPP

000145

ADD00144