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December 27, 2007

VIA MAIL AND FAX 870-933-8560

Brent Davis
Prosecuting Attorney
Second Judicial Circuit of Arkansas
1021 S. Main Street
Jonesboro, AR 72401

Re: *State v. Baldwin, et al.*
Request for discovery/case management-related questions

Dear Brent:

In anticipation that we will likely need to report on case status issues to the Court, I am taking this opportunity to write to you on two separate subjects. First, however, I hope that you have a fine holiday season.

As I have in the past, I am taking this opportunity to reiterate Jason Baldwin's post-conviction discovery requests within the meaning of *Brady v. Maryland*, 373 U.S. 83 (1963) and *Kyles v. Whitley*, 514 U.S. 419 (1995), as well as on related law of the State of Arkansas. Blake Hendrix and I are particularly concerned to reiterate our requests under *Kyles*, as we are given to understand that there is ongoing post-conviction investigation by the State, some of which has a bearing on issues that have been raised, or are likely to be raised (as we have discussed) in the amendment of Jason Baldwin's pending Rule 37 petition.

Specifically, in addition to any other discoverable information and evidence, I am requesting that your office make available (at my expense) any video or otherwise tape-recorded interviews (or any interviews preserved in note form) bearing on the issues in this case. I am informed that there have been interviews conducted of several persons either in response to, or in anticipation of, the amended allegations brought by Damien Echols in the Federal litigation. Your assistance with this post-conviction discovery is greatly appreciated, as always.

CERTIFIED BY THE CALIFORNIA BOARD OF LEGAL SPECIALIZATION AS A SPECIALIST IN CRIMINAL LAW

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Brent Davis, Esq.

Dec. 27, 2007

Page 2

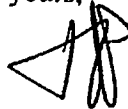
In addition, I wanted to confirm for you that the Baldwin defense remains interested in getting access to the fiber evidence in this matter - access that we have agreed to disagree about. I have been informed that the Echols defense may be communicating with you separately about its concerns with respect to further physical evidence testing. At this juncture, as I have told you, the defenses have both common and separate interests, and I wanted to make clear to you that regardless of what other requests my colleagues may have, Blake and I remain interested in the fiber material.

Also, Blake and I would like to obtain (if it exists) any analysis, or disclosures, by the Medical Examiner's Office and/or by Dr. Peretti in connection with the review we were told that he was engaged in of post-mortem examinations that had been conducted on remains found in water, or remains that had been suspected of having been subjected to animal predation. My recollection is that Dr. Peretti indicated that he intended to search the crime laboratory's records going back a period of 10 years.

Let me express my appreciation, in advance, for your response to these requests. I also want to take this opportunity to confirm our ongoing agreement that at the point at which all scientific testing and examinations requested by the parties in this case have been completed, within a reasonable time thereafter Jason Baldwin will file an amended Rule 37 petition. Until that time the State has agreed that any deadline for him to file has been tolled pursuant to an agreement between the parties.

Have a good holiday.

Sincerely yours,



JOHN T. PHILIPSBORN

cc: all defense counsel

JTP:sg

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