

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

STATE OF ARKANSAS

VS

JESSIE LLOYD MISSKELLEY, JR.

PLAINTIFF

NO. CR-93-47

DEFENDANT

ORDER

On this 19th day of October, 1993, there comes on to be heard the Motion of the Defendant, Jessie Lloyd Misskelley, Jr., joining the Motions of his co-defendant, Jason Baldwin, more specifically:

- a. Motion to Quash Information on Ground That A.C.A. 5-10-101(a)(4) is Unconstitutional Due to it's Overlap with A.C.A. 5-10-102(a)(2);
- b. Motion to Hold Sentencing Provisions of the Death Penalty Statute Unconstitutional; and
- c. Motion to Prohibit Death Qualification of the Jury.

and the Motion of Jessie Lloyd Misskelley, Jr., joining the Motions of his co-defendant, Michael Wayne Echols, more specifically:

- a. Motion to Quash Information on Ground that Death Penalty is a Cruel and Unusual Punishment Violative of the Eighth Amendment to the Constitution of the United States;
- b. Motion to Hold Sentencing Provisions of the Death Penalty Statute A.C.A. 5-4-606 (1987) Unconstitutional;
- c. Motion to Prohibit Death Qualification of the Jury;

d. Motion to Hold the Provisions of the Death Penalty Statute, A.C.A. 5-4-604, et seq., Unconstitutional;

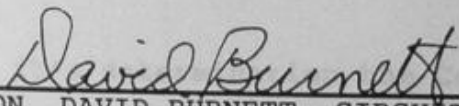
e. Motion to Hold the Provisions of the Death Penalty Statute, A.C.A. 5-10-101 (supp. 1989) Unconstitutional; and

f. Motion to Hold the Sentencing Provisions of the Death Penalty Statute, A.C.A. 5-4-603 (1987) Unconstitutional.

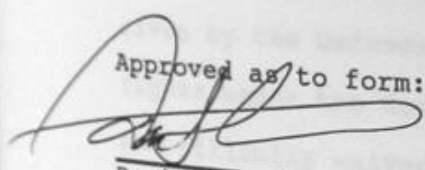
and from a consideration of same, the Court hereby finds as follows:

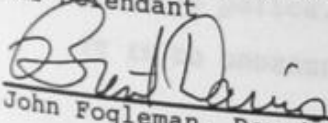
1. That said Motions are hereby denied by the Court, the Court having found that the Death Penalty is not cruel and unusual punishment and that the sentencing provisions of the Arkansas Death Penalty Statutes, and Death Qualification of the Jury, are not Unconstitutional as set forth in said Motions by the Defendants.

IT IS SO ORDERED.

  
HON. DAVID BURNETT, CIRCUIT JUDGE

Approved as to form:

  
Daniel T. Stidham, Attorney  
for Defendant

  
John Fogleman, Deputy Prosecuting Attorney