

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

34 JAN 20 P 8 :57

STATE OF ARKANSAS

VS

JESSIE LLOYD MISSELLEY, JR.

PLAINTIFF

NO. CR-93-47

DEFENDANT

Bohler

ORDER

On this 21st day of December, 1993, there comes on to be heard the Motion to Prohibit the State From Imposing the Death Penalty Against the Defendant Due to Mental Retardation, and this matter is submitted to the Court upon said Motion, and from the testimony of Dr. William Wilkins, and arguments of counsel, the Court doth find:

1. That the Defendant's Motion to Prohibit the State From Imposing the Death Penalty Against the Defendant Due to Mental Retardation is hereby denied by the Court.

2. That the Court makes the following specific findings with regard to this issue:

- a. that the Defendant does not technically fall into the definition of Mental Retardation set forth in A.C.A. 5-4-618;
- b. that the Defendant suffers from "Borderline Intellectual Functioning", and as such, is not mentally retarded.

IT IS SO ORDERED.

David Burnett
HON. DAVID BURNETT, CIRCUIT JUDGE

Approved, as to form:

Daniel T. Stidham
Daniel T. Stidham, Attorney
for Defendant

John N. Fogleman
John Fogleman, Deputy
Prosecuting Attorney