

MISSK.MOT/DTS:vgk  
93-284/9-27-93

IN THE CIRCUIT COURT OF CRITTENDEN COUNTY, ARKANSAS  
CRIMINAL DIVISION

STATE OF ARKANSAS PLAINTIFF  
VS. NO. CR-93-516A, 517A, 518A  
JESSIE LLOYD MISSKELLEY, JR. DEFENDANT

MOTION IN LIMINE TO EXCLUDE FINDING OF VOLUNTARINESS  
BY THE COURT IN THE EVENT MOTION TO SUPPRESS  
STATEMENTS OF DEFENDANT IS DENIED

Comes now the defendant, by and through his Court-  
appointed attorneys, Stidham & Crow, and for his Motion in  
Limine to Exclude finding of Voluntariness by the Court in  
the event Motion to Suppress statements of the Defendant is  
denied, states:

That, in the event that any statements in the possession  
of the State allegedly made by the defendant are found, in  
pre-trial hearings upon the motion to exclude the same, to be  
voluntary, the defendant states that the finding of  
voluntariness by the Court should not be communicated to the  
jury; that, to so advise the jury, whether from the bench,  
bar, or through oral testimony, would constitute prejudice to  
the defendant and deny said defendant the right to assail the  
credibility of the State's witnesses as permitted by law.  
See, Kagebein v. State, 254 Ark. 904, 496 S.W.2d 435 (1973).

WHEREFORE, the defendant prays that the foregoing motion  
should, in all things, be granted and that in the event that  
the Motion to Suppress is denied and any statements allegedly

at \_\_\_\_\_

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LAVADA NORRIS, CLERK

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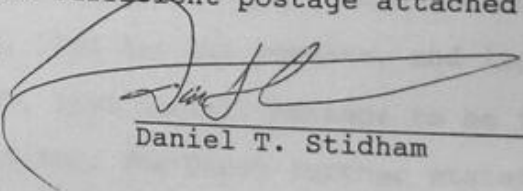
made by the defendant are found to be "voluntary" by the Court, the State should be precluded from apprising the jury of the Court's rulings and the State's attorney should be so instructed that the State is to proceed in accordance with the foregoing authority in order that the ends of justice might be furthered to secure due process of law to the defendant pursuant to the Sixth Amendment of the United States Constitution and Ar. 2, 7 of the Arkansas Constitution.

BY: 

Stidham & Crow  
Attorneys for Defendant  
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CERTIFICATE OF SERVICE

I, Daniel T. Stidham, Attorney for the Defendant herein, do hereby certify that I have served a copy of the foregoing pleading upon all attorneys of record by placing same in the U.S. Mail this 7th day of October, 1993 with sufficient postage attached to ensure delivery.

  
Daniel T. Stidham