

OCT 12 1993

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93-284/9-27-93

LAVADA NORRIS, CLERK

IN THE CIRCUIT COURT OF CRITTENDEN COUNTY, ARKANSAS
CRIMINAL DIVISION

STATE OF ARKANSAS

PLAINTIFF

VS.

NO. CR-93-516A, 517A, 518A

JESSIE LLOYD MISSELLEY, JR.

DEFENDANT

AMENDED MOTION TO SUPPRESS

NOW COMES the Defendant, Jessie Lloyd Misskelley, Jr., through his Court-appointed counsel, STIDHAM & CROW, and for his Amended Motion to Suppress, hereby realleges and reaffirms those allegations set forth in his original Motion to Suppress, as if set forth herein, in their entirety, word for word, and respectfully moves this Honorable Court to suppress alleged statements made by the Defendant which concern events involving the homicides of three victims in Crittenden County, Arkansas. The statements were allegedly made to members of the West Memphis Police Department in the course of their investigation of the homicides after the Defendant was taken into custody. The Defendant moves to suppress the alleged oral statements on one or more of the following grounds:

1. They were violative of the Defendant's constitutional rights in that they were subsequent recordings of prior involuntary, illegal, unlawful and unconstitutionally obtained alleged oral statements

which were taken in violation of the Defendant's constitutional rights under the Fourth, Fifth, Sixth, and Fourteenth Amendments to the United States Constitution.

2. They were taken in violation of the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution in that they did not comply with the constitutional mandates set forth in the following areas:

(a) any waiver of the Defendant's right to counsel and right against self-incrimination was not voluntary;

(b) the Defendant was wrongfully refused his right to counsel;

(c) The Defendant was not provided counsel after being taken into custody, and instead a deliberate attempt was made to elicit damaging evidence against him;

(d) although the Defendant indicated his desire to stop the questioning, the officers continued to question him;

(e) any waiver, if valid, was unconstitutionally obtained in violation of the Defendant's Fifth, Sixth, and Fourteenth Amendment constitutional rights in that it was not voluntary.

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3. The taking of said statements were violative of the Defendant's rights under the Arkansas Constitution and Rule 16.2 of the Arkansas Rules of Criminal Procedure.

4. The taking of said statements were violative of the Defendant's rights guaranteed him pursuant to Arkansas Code Annotated 9-27-317, the Arkansas and United States Consitutions, and Common Law, due to the defendant being a minor at the time of his alleged statements.

WHEREFORE, the Defendant respectfully urges this Court to order that any and all statements made by the Defendant be excluded as evidence in the prosecution against him.

Respectfully submitted,

STIDHAM & CROW
Attorneys for Defendant

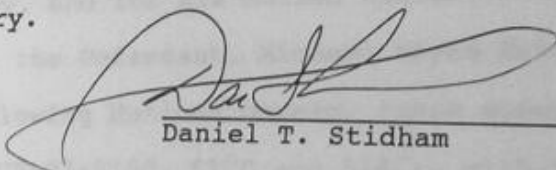
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CERTIFICATE OF SERVICE

I, Daniel T. Stidham, Attorney for the Defendant herein, do hereby certify that I have served a copy of the foregoing Motion upon John Fogleman, Deputy Prosecuting Attorney, P.O. Box 1666, West Memphis, Arkansas 72303, and all other attorneys of record, by placing same in the U.S. Mail this 27th day of October, 1993 with sufficient postage attached to ensure delivery.


Daniel T. Stidham