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93-284/10-14-93

at _____ o'clock _____ m

OCT 18 1993

LAVADA NORRIS, CLERK

IN THE CIRCUIT COURT OF CRITTENDEN COUNTY, ARKANSAS
CRIMINAL DIVISION

STATE OF ARKANSAS

PLAINTIFF

VS.

NO. CR-93-516, 517, 518

JESSIE LLOYD MISSKELLEY, JR.

DEFENDANT

MOTION TO TAKE DEPOSITIONS OF
INTERROGATING OFFICERS

COMES the Defendant, Jessie Lloyd Misskelley, Jr.,
by and through his court-appointed attorneys, Stidham &
Crow, and for his Motion to Take Depositions of
Interrogating Officers hereby states:

1. The Defendant, Jessie Lloyd Misskelley, Jr.,
is charged with three (3) counts of capital murder.

2. Prior to his arrest, Jessie Lloyd Misskelley,
Jr., gave two (2) separate statements to the
investigating officers regarding the alleged homicides.
Said interrogation lasted some ten (10) to twelve (12)
hours, but very little of said interrogation was
actually tape recorded.

3. The Defendant has previously filed a Motion to
Suppress and an Amended Motion to Suppress said
statements alleging that 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.

4. That the defendant, Jessie Lloyd Misskelley, Jr., respectfully requests that this Court enter an Order authorizing counsel for his defense, to take the depositions, under oath, and before a Court Reporter, of Gary Gitchell, Bryne Ridge and Mike Allen, the officers who interrogated the defendant.

5. The State, through its subpoena power, has had an opportunity to obtain various statements, under oath, from various witnesses regarding this case.

6. That the depositions are needed to insure that the defendant has an opportunity to fully investigate and present to the Court the entire facts and circumstances surrounding his nearly twelve (12) hour interrogation by the officers.

7. The defendant asserts that he should be able to obtain information that would be available to a party in even a civil trial so that the Defendant is not subject to surprise testimony of potential witnesses.

8. The Defendant, Jessie Lloyd Misskelley, Jr., states that under the notions of his Constitutional

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guarantee of a fair trial, his right to confront the witnesses against him, due process and equal protection of laws, he should be afforded the same opportunity to question witnesses under oath as is afforded the State of Arkansas.

WHEREFORE, the Defendant, Jessie Lloyd Misskelley, Jr., prays for an Order of this Court authorizing a pre-trial deposition to be obtained under oath of the above-mentioned officers so that the Defendant can be afforded the opportunity to discover the potential testimony of said officers at pre-trial hearings and at trial and for all other proper relief to which he may be entitled.

Respectfully submitted,

STIDHAM & CROW
Attorneys for Defendant

BY: 

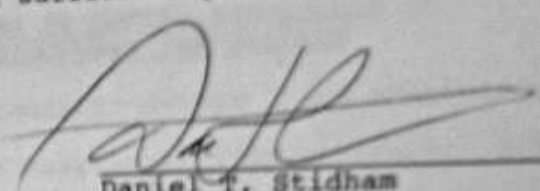
Daniel T. Stidham
Bar No. 88051
203 N. Second Street
P.O. Box 856
Paragould, AR 72451
(501) 236-7600

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

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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 14 day of
October, 1993 with sufficient postage attached to
ensure delivery.



Daniel F. Stidham