

Jessie.mis
DTS/bgh 93-284

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 TO PROHIBIT THE STATE FROM IMPOSING THE DEATH
PENALTY AGAINST THE DEFENDANT DUE
TO MENTAL RETARDATION

Comes now Jessie Lloyd Misskelley, Jr., Defendant,
by and through his Court-appointed Attorneys, Stidham &
Crow, and for his Motion to Prohibit the State From
Imposing the Death Penalty Due to Mental Retardation
hereby states and alleges the following:

1. That the Defendant is charged with the offenses of three (3) counts of Capital Murder.
2. That the Defendant is scheduled to be tried January 18, 1994.
3. That the Defendant is "mentally retarded" as defined in Arkansas Code Annotated 5-4-618, and was so mentally retarded at the time of the alleged offenses herein.
4. That pursuant to A.C.A. 5-4-618 the State cannot impose the Death Penalty against this defendant due to his Mental Retardation.
5. That the Defendant requests an Order from this Court declaring him "mentally retarded" and

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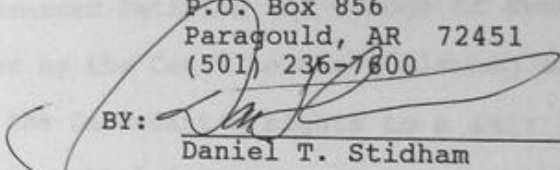
prohibiting the State from imposing the Death Penalty against him.

WHEREFORE, the Defendant prays that the Court grant his Motion for an Order declaring him "Mentally Retarded" pursuant to A.C.A. 5-4-618 and prohibiting the State from imposing the Death Penalty against him.

RESPECTFULLY SUBMITTED,

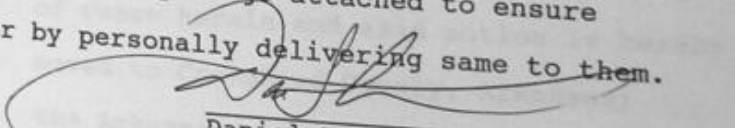
JESSIE LLOYD MISSKELLEY, JR.
DEFENDANT

STIDHAM & CROW
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(501) 236-7600

BY: 
Daniel T. Stidham

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 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 15th day of Nov., 1993 with sufficient postage attached to ensure delivery, or by personally delivering same to them.


Daniel T. Stidham