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MISSK.MOT/DTS:vgk
93-284/10-14-93

FILED
DEC 2 - 1993
LAVADA NORRIS, CLERK

IN THE CIRCUIT COURT OF CRITTENDEN COUNTY, ARKANSAS
CRIMINAL DIVISION

STATE OF ARKANSAS

VS

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

JESSIE LLOYD MISSKELLEY, JR.

DEFENDANT

ORDER

On this 27th day of September, 1993, there comes on to be heard the various pre-trial Motions of the Defendant, and this matter is submitted to the Court upon said Motions, from which the Court doth find:

1. That the Defendant's "Petition for Change of Venue" and "Amended Petition for Change of Venue" is hereby granted by the Court to the following extent:

- a. the Defendant's rights to a fair trial and impartial forum as guaranteed him by the U.S. Constitution supersede the Arkansas Constitutional provisions contained in Article 2, Section 10 of the Arkansas Constitution;
- b. that due to pre-trial publicity and general sentiments in Crittenden County, the Defendant is hereby granted a change of venue herein and said action is hereby moved to Craighead County, Arkansas;
- c. the Arkansas venue law is not

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unconstitutional in that it provides for only one change of venue, and then to only a county within the same judicial district.

- d. if the Defendant can demonstrate that he cannot obtain a fair trial in Craighead County, the Court will consider another appropriate venue including the possibility of a county outside the Second Judicial District. The Court specifically rules that the defendant has not demonstrated his inability to receive a fair trial in this judicial district.

2. That the Defendant's "Motion of Defendant for Separate and Individual Questioning of Jurors" is hereby denied. The Court will permit the questioning of jurors during voir dire, three (3) at a time. The Motion for Sequestration of the Jury made by the co-defendant, Damien Wayne Echols, and joined in by the Defendant, Jessie Lloyd Misskelley, is hereby denied by the Court.

3. That the Defendant's "Motion to Produce Witness List and Exhibit List" is hereby granted. The State is ordered to provide a complete list of all

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witnesses it intends to call at the trial in this matter, and a list of all exhibits it intends to introduce at the trial in this matter, no later than ten (10) days prior to trial.

IT IS SO ORDERED.

David Burnett
HON. DAVID BURNETT, CIRCUIT JUDGE

JMF
DTB