

1 MR. STIDHAM: May we have an opportunity to look
2 at it?

3 THE COURT: Sure.

4 MR. STIDHAM: (EXAMINING) We don't have any
5 objection.

6 THE COURT: Without objection it may be received
7 into evidence.

8 (STATE'S EXHIBIT 100 IS RECEIVED IN EVIDENCE)

9 BY MR. FOGLEMAN:

10 Q I believe you explained to the jury yesterday what the
11 different lines mean, on duty, off duty. When you are off duty,
12 whether you are home or not depends on where your last
13 destination was, right?

14 A That would be right.

15 Q Like for instance on May 16, where it shows you off duty at
16 night, you were somewhere in Atkins, Arkansas, right?

17 A Correct.

18 Q So you wouldn't have been home at that time?

19 A Correct.

20 Q Then for instance May 27th from about 3:15 on where would
21 you have been?

22 A At home.

23 (WITNESS EXCUSED)

24 DENNIS CARTER

25 having been first duly sworn to speak the truth, the whole truth

1 and nothing but the truth, then testified as follows:

2 DIRECT EXAMINATION

3 BY MR. CROW:

4 Q Will you please state your name?

5 A Dennis Ray Carter, Junior.

6 Q How old are you?

7 A Fifteen.

8 Q Do you go to school?

9 A Yes, sir.

10 Q What grade are you in?

11 A Ninth.

12 Q Where do you go to school?

13 A Marion Junior High.

14 Q Where do you live?

15 A Highland Trailer Park.

16 Q In relation to Jessie Misskelley's house where do you live?

17 A Right across the street, right across the road.

18 Q I want you to think back to May 5th of last year, okay?

19 A (NODS HEAD)

20 Q Do you remember seeing Jessie Misskelley that afternoon?

21 A Yes, sir.

22 Q What do you remember about seeing him?

23 A Right after school me and him walked up and down the road

24 and then about -- I didn't stay with him all afternoon, you

25 know.

1 Q You were not with him all afternoon?

2 A No, sir.

3 Q Were you with him off and on?

4 A Just off and on.

5 Q Do you remember a conversation with Jim McNease?

6 A Yes.

7 Q Tell me about the conversation.

8 MR. DAVIS: Your Honor, I object. He's asking
9 him to respond in terms of hearsay --

10 MR. CROW: Mr. McNease has already testified
11 about that --

12 MR. DAVIS: Your Honor, it doesn't matter if Mr.
13 McNease testified or not. He cannot get up here and
14 testify to what someone else may have or may not have
15 said. That's hearsay.

16 THE COURT: I'm going to sustain the objection to
17 hearsay. He may state he was present or he heard a
18 conversation, period.

19 BY MR. CROW:

20 Q Do you remember a conversation with Jim McNease?

21 A Yes, sir.

22 Q Do you remember Jim McNease talking to you?

23 A Um-hum.

24 Q Who else was present?

25 A Jessie.

1 Q Was -- what was the nature of the conversation?

2 A About wrestling.

3 Q Did you have any intentions at that point of what you were
4 going to do that night?

5 A We was going to go to the wrestling.

6 Q Did you relate that to Mr. McNease?

7 A Yes, sir.

8 Q Do you remember if you went wrestling that night?

9 A Yes, sir, I did.

10 Q Do you remember who went?

11 A Jessie, Freddie, Johnny and me.

12 Q Is that all that went?

13 A They -- there might -- yes, sir.

14 Q Are you sure that's all that went?

15 A There could have been some more people.

16 Q Did y'all go wrestling several different times?

17 A Yes, sir, we went a bunch.

18 Q Why do you remember this night that you went wrestling?

19 A Because I remember -- I did state on my statement I
20 remembered going that day. I started thinking about Jim McNease
21 and that brought my --

22 Q So the conversation with Jim McNease -- that is your point
23 of reference?

24 A Yes, sir.

25 Q Do you remember giving a statement to the police on June

1 22nd -- on June 9th -- looks like a police interview twice. Do
2 you remember that?

3 A Yes, sir.

4 Q Do you remember talking to the police?

5 A Yes, sir.

6 Q Have you thought since then about what you told him?

7 A Yes, sir.

8 Q What is your opinion as to whether you were correct?

9 A I wasn't correct.

10 Q Are you sure?

11 A Yes, sir.

12 Q You understand you are under oath now?

13 A Yes, sir.

14 Q Has what happened on May 5th become an important date to
15 think about or remember?

16 A Yes, sir.

17 Q Are you positive what you are testifying to today under
18 oath is correct?

19 A Yes, sir.

20 Q I want to ask you, do you know Vickie Hutcheson?

21 A Yes, sir.

22 Q Has she ever bought you alcoholic beverages?

23 A Yes, sir, a lot of times.

24 MR. DAVIS: Your Honor, I object to this
25 question. It is totally improper. I ask that the

1 jury be admonished to even disregard that he asked it.
2 That's totally improper.

3 MR. CROW: Your Honor, that goes to the
4 credibility of Mrs. Hutcheson.

5 MR. DAVIS: Your Honor, if he wants to open the
6 door as to alcohol, drugs and things of that nature,
7 we will be glad to jump in there with him.

8 THE COURT: Do you want to open that door?

9 MR. CROW: I will withdraw the question, your
10 Honor.

11 CROSS EXAMINATION

12 BY MR. DAVIS:

13 Q Mr. Carter, do I understand -- let me make sure that I have
14 got this right. Your birthday is February 6th of '78?

15 A Um-hum.

16 Q You are the same Dennis Carter that talked with Officer
17 Diane Hester of the West Memphis Police Department back on June
18 9th, 1993?

19 A Yes, sir.

20 Q That would have been about six days after Jessie
21 Misskelley's arrest. Is that correct?

22 A Yes, sir.

23 Q Would have only been approximately 31 days or 30 days since
24 the murders themselves.

25 MR. CROW: That's not correct, your Honor.

1 BY MR. DAVIS:

2 Q Well, if the murders occurred on May 5th --

3 A Yes, sir.

4 Q You talked with the police as early as June 9th. Is that
5 correct?

6 A Yeah. I talked to them. I don't know what date it was but
7 I talked to them.

8 Q You don't remember what day that was?

9 A Yeah, I remember it was in June.

10 Q That was the first time you talked to them, right?

11 A Yes, sir.

12 Q Have you had a chance to look at this statement that you
13 gave to the police back on June 9th? (HANDING)

14 A (EXAMINING) This ain't my handwriting.

15 Q Look at the last page and see if that's your signature.

16 A (EXAMINING) Yes, sir.

17 Q And you remember talking with a female officer with the
18 West Memphis Police Department, Diane Hester?

19 A Yes, sir.

20 Q You gave her a statement on June 9th about what you knew
21 about this incident, correct?

22 A Yes, sir.

23 Q Point to me where in that statement you mentioned that you
24 were with Jessie Misskelley on the day of these murders.

25 MR. CROW: I object to that, your Honor. He's

1 already responded --

2 MR. DAVIS: This is cross examination.

3 THE COURT: Overruled.

4 BY MR. DAVIS:

5 Q Point to me where on that statement you told Officer Hester
6 just six days after the arrest and a little over a month after
7 the murders that you were with Jessie on the days these murders
8 occurred.

9 A I was mistaken then.

10 Q Is that in there anywhere in that statement?

11 A No, sir, I don't think so.

12 Q You did tell Officer Hester that, Jessie states that about
13 a month ago Jessie told him that Damien was a devil worshiper.
14 Didn't you tell that to Officer Hester?

15 A No, sir. I didn't say nothing about no Damien. I don't
16 even know that boy.

17 Q Can you read this part that's highlighted in orange? If
18 you would, read that aloud for us, please?

19 A "States that about -- months ago Jessie told him that
20 Damien was a devil worshiper and that he ate the right leg off
21 dogs. Jessie said that this happened in the woods located
22 behind Elite Lamp.

23 Q Your testimony is that when Officer Hester wrote this down,
24 that she just made that up?

25 A No, sir, I didn't say that.

1 Q So Officer Hester just flat lied and put something in here
2 that wasn't accurate?

3 A I didn't say that.

4 Q Let me show you, by the way, is this your signature on the
5 side of that statement, that very page of the statement?

6 A Yes, sir. But I didn't read everything on there.

7 Q Did you read part of it?

8 A I just skimmed through it.

9 Q And this was Officer Hester's handwriting. It's your
10 signature but her handwriting, correct?

11 A Yes, sir.

12 Q Then you are up there again to give a statement on the 22nd
13 of June, correct?

14 A I don't really know what day it was.

15 Q I'd like to show you a statement dated the 22nd of June at
16 3:27 P.M. Whose handwriting is that on that statement?

17 A This is mine.

18 Q Oh, that's yours. Well, good. Show me on that statement
19 where you tell the officers that you were with Jessie Misskelley
20 on the afternoon of Friday the fifth. You have had a whole week
21 to think about it since you talked to her before, correct? A
22 little over a week, right, at this point?

23 A I wasn't really thinking about it when I talked to her.

24 Q So you hadn't thought any about the fact that Jessie
25 Misskelley's in jail for these murders?

1 A Oh, I know he didn't do it.

2 Q Tell me where on that statement you mention to the officers
3 that you are with Jessie Misskelley on Wednesday afternoon, May
4 5th.

5 A It don't say it on there.

6 Q In fact, read to us what that statement does say in regard
7 to being with Jessie Misskelley wrestling.

8 A Read this where it says, "all in black?"

9 Q Read the statement, just one paragraph. Read us what you
10 told the officers that day.

11 A "I went to Dyess one or two times but it was after the
12 three little boys was murdered. I have never" --

13 Q Let me stop you there. You told us that the times you went
14 to Dyess had been on three occasions but it was after the little
15 boys had been murdered, correct?

16 A I told you a while ago I was mistaken.

17 Q Okay, is that what you told the officer on June 23rd and
18 wrote it in your own handwriting?

19 A Yes, sir.

20 Q Now read the next sentence.

21 A "I have never went with Jessie to Dyess." Should I read
22 some more?

23 Q What did you put down next?

24 A "The time I went to Dyess was with Kevin and Johnny and
25 Freddie and Beau and with Johnny's girlfriend." Should I read

1 on?

2 Q Yes.

3 A "It was on Friday night but Jessie did not go with us.
4 Kevin lived out in Highland Trailer Park with Johnny. Brady
5 lives out in Lakeshore. So does Beau. Freddie and Beau are
6 brothers. Johnny's girlfriend lives in Highland also. I don't
7 know Kevin and Johnny. I don't know their last names and I
8 don't know Freddie or Beau's either."

9 Q What does the last sentence say?

10 A "He usually goes on Mondays or Fridays."

11 Q When you say, "he," who are you talking about?

12 A I was talking about Jessie then but I wasn't thinking.

13 Q Okay.

14 A I was nervous.

15 Q Okay, and when you said, "He usually goes on Mondays and
16 Fridays," you were referring to going wrestling, right?

17 A Yes, sir.

18 Q You have got one of those yellow ribbons on. What does
19 that stand for?

20 A That I love little Jessie and I want him to get out.

21 Q Was anybody down at the police department coercing you or
22 threatening you or doing anything to make you write out this
23 handwritten statement on June 22nd?

24 A No, sir.

25 Q Have you talked with Jessie Misskelley, Senior about May

1 5th and what happened on that date and talked about what you
2 recall happening on that date?

3 A No, sir.

4 Q Never talked to him at all?

5 A No, sir.

6 Q Talked to anybody about your recollection about May 5th and
7 what occurred and where you were and what went on that day?

8 A No, sir.

9 Q That's as true as everything else you have said?

10 A That's true.

11 REDIRECT EXAMINATION

12 BY MR. CROW:

13 Q You understand you are under oath today?

14 A Yes, sir.

15 MR. DAVIS: Your Honor, I object. That's an
16 improper question. He's asking every witness. I
17 assume every witness that takes the stand knows that
18 they're under oath.

19 MR. CROW: I think after the attacks he's just
20 made, that is a proper question.

21 MR. DAVIS: Your Honor, that's not a proper way
22 to rehabilitate a witness.

23 MR. STIDHAM: Your Honor, the witness can be
24 reminded he's under oath and whether or not he's
25 telling the truth.

1 BY MR. CROW:

2 Q Are you telling the truth today, sir?

3 A Yes, sir.

4 (WITNESS EXCUSED)

5 FRED REVELLE

6 having been first duly sworn to speak the truth, the whole truth
7 and nothing but the truth, then testified as follows:

8 DIRECT EXAMINATION

9 BY MR. STIDHAM:

10 Q Will you please state your name?

11 A Fred Revelle.

12 Q Where do you live?

13 A 805 South Porter, Stuttgart, Arkansas.

14 Q Do you remember where you lived back on May 5th, 1993?

15 A Yes, sir. I lived in Lakeshore.

16 Q Do you have any independent recollection of May 5th, 1993?

17 A Yes, sir.

18 Q Tell the jury how you can remember that day as opposed to
19 any other day.

20 A Because Kevin Johnson, one of the guys that went to wrestle
21 with us, he was at a search and rescue meeting that night so he
22 didn't get to go wrestle with us that night.

23 Q Is there anything else about May the 5th that makes it
24 stand out in your mind in relation to any other event?

25 A Just that Keith Johnson, Kevin's brother, that is the only