

1 MR. DAVIS: Your Honor, I object to leading.

2 THE COURT: Avoid leading.

3 BY MR. STIDHAM:

4 Q Was Jessie Misskelley with you that night, May 5th?

5 A Yes, sir.

6 Q Any doubt in your mind?

7 A No, sir.

8 (WITNESS EXCUSED)

9 MR. DAVIS: Your Honor, we would like to
10 introduce the receipt and the contract.

11 MR. STIDHAM: No objection.

12 THE COURT: They may be received.

13 (STATE'S EXHIBITS 102 AND 103 ARE RECEIVED IN
14 EVIDENCE)

15 ROGER JONES

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

18 DIRECT EXAMINATION

19 BY MR. CROW:

20 Q Will you please state your name?

21 A Roger Jones.

22 Q How old are you?

23 A Nineteen.

24 Q Where do you live?

25 A Highland Trailer Park.

1 Q Where did you live on May 5th?

2 A With my aunt.

3 Q Was that in Highland Trailer Park?

4 A Yes, sir.

5 Q In connection with Jessie Misskelley's house --

6 A About five, maybe six trailers down.

7 Q Do you know which way?

8 A I think it is across the street anyway.

9 Q Do you remember the date of May 5th?

10 A Yes, sir.

11 Q Why do you remember that day?

12 A We went to wrestling in Dyess that night.

13 Q Why do you remember -- did you just go that one time?

14 A No, sir, I went one other time but that night, too.

15 Q Why do you remember this as May 5th?

16 A Because we heard about it a couple months later -- a couple
17 days later.

18 THE COURT: You're going to have to speak up. I
19 can barely hear you from here.

20 BY THE WITNESS:

21 A The boys come up missing --

22 THE COURT: Speak up. I can't hear him.

23 BY MR. CROW:

24 Q Scoot up to the microphone. You heard about the boys
25 coming up missing?

- 1 A Yes, sir.
- 2 Q That's why you remember this being the day?
- 3 A Yes, sir.
- 4 Q Do you remember the first time you saw Jessie on that day?
- 5 A About 5:30.
- 6 Q Where'd you see him?
- 7 A He was outside, and I was going in my other aunt's house.
- 8 Q That was not the aunt you were living with?
- 9 A No.
- 10 Q The house you were going into -- where was it in relation
11 to Jessie's house?
- 12 A Right in front of his trailer across the street.
- 13 Q Do you remember who was with him?
- 14 A No, sir.
- 15 Q Were you paying attention?
- 16 A No, sir.
- 17 Q What were you doing?
- 18 A I was going in the house.
- 19 Q When was the next time you saw him?
- 20 A At 7:00 when he came to my aunt's house.
- 21 Q The same aunt or the one you're living with?
- 22 A The one I'm living at.
- 23 Q So that's the one that's five or six trailers down?
- 24 A Yes, sir.
- 25 Q What happened when you got there? You can't tell what

1 Jessie told you.

2 A We sat there for a little bit and talked and went down to
3 Johnny Hamilton's house.

4 Q How long did you sit and talk?

5 A About five minutes.

6 Q What were you doing at Johnny Hamilton's house?

7 A Waiting for a guy by the name of Bill to get there.

8 Q What were you going to do?

9 A Go to Dyess.

10 Q Did you go to Dyess?

11 A Yes, sir.

12 Q Who went with you?

13 A Me, little Jessie, Fred Revelle, Keith Johnson, Bill Cox,
14 Janice Carter, Zella, and Johnny Hamilton.

15 Q Did Kevin Johnson go?

16 A No, sir.

17 Q Do you remember why he didn't go?

18 A He had a rescue meeting that night.

19 Q Did Keith Johnson leave with y'all from the same place?

20 A No, sir.

21 Q Where did you meet up with Keith?

22 A At the Tyronza/Jonesboro exit at that old Exxon station.

23 Q What cars -- when you got to Tyronza, who rode in which
24 car?

25 A Me and Jessie rode with Keith in his car. Little Dennis,

1 Fred Revelle, Bill and Zella and Johnny rode in Johnny's car.

2 Q What about Bill's car? What happened to it?

3 A We left it.

4 MR. DAVIS: Your Honor, I object to leading. It
5 is kind of like the script he's following. He asks a
6 question about the car --

7 MR. CROW: Your Honor, I'm asking open-ended
8 questions. What happened to the car. He can respond
9 that they went in it or he can respond it blew up.
10 Whatever happened he can tell the story.

11 MR. DAVIS: Your Honor, when he asks the
12 question, it presumes something happened to this car.
13 This witness can certainly testify about events that
14 occurred without being prompted.

15 THE COURT: Avoid leading.

16 MR. CROW: Yes, your Honor.

17 BY MR. CROW:

18 Q What time -- do you remember what time y'all left?

19 A It was anywhere from 7:15 to 7:30.

20 Q Do you know what time you left coming back?

21 A 11:15.

22 Q When you left or when you got back.

23 A When we got back.

24 Q What did you do at that point?

25 A Well, me and Jessie was with Bill Cox and Fred in Bill's

1 car, and they let us out, and me and Jessie went to my house.

2 Q This is the one that's six or seven trailers down?

3 A Yes, sir.

4 Q What happened next?

5 A He sat down there and talked to me and my cousin until
6 12:00 and then he went home.

7 Q Was there anything important about 12:00 that made him want
8 to go home?

9 A Because my aunt always come home at 12:00. She got home
10 about five minutes after.

11 CROSS EXAMINATION

12 BY MR. FOGLEMAN:

13 Q Mr. Jones, when was the first time you talked to the police
14 and told them this story?

15 A I haven't talked to them.

16 Q You haven't talked to the police?

17 A No, sir, I talked to an undercover cop about a week ago.

18 Q So he's not police?

19 A Yes, sir.

20 Q So you have talked to the police?

21 A Yes, sir.

22 Q And so about a week ago was the first time you ever told
23 anybody with law enforcement about this?

24 A Um-hum.

25 Q When you said that -- the reason that you remembered this

1 was because you went wrestling, right?

2 A Yes, sir.

3 Q And you went wrestling one other time?

4 A Yes, sir, before that.

5 Q When was that?

6 A I can't -- I think it was on -- I think it was April
7 something but I'm not for sure the date.

8 Q But you remember vividly May the 5th because you went
9 wrestling?

10 A Yes, sir.

11 Q But you don't know the date you went wrestling before?

12 A No, sir.

13 Q Who did you go with the first time?

14 A Johnny Hamilton.

15 Q Who else?

16 A Dennis Carter.

17 Q Who else was there?

18 A Fred Revelle.

19 Q Anybody else?

20 A I think little Jessie was there.

21 Q And those are the only two times you went?

22 A I went one other time after that.

23 Q When was that?

24 A It was a holiday but I can't exactly remember what holiday
25 it was.

1 Q The time you went on a holiday, you remember going but you
2 don't even remember what the holiday was?

3 A No, sir. I know it was on a Monday. That's all I
4 remember.

5 Q But you remember May 5th?

6 A Yes, sir.

7 Q Isn't it true that you told the police that you know it was
8 May 5th because you signed a contract saying you would not sue
9 anybody that date?

10 A Yes, sir.

11 Q Right?

12 A (NODS HEAD)

13 Q I want to show you State's Exhibit 103 and ask if you
14 recognize that?

15 A (EXAMINING) Yes, sir.

16 Q Is that the contract you signed?

17 A Yes, sir.

18 Q Take my pen and put a red star by where your name appears.

19 A (MARKING)

20 Q And when did you -- did you sign it that night?

21 A Well, I signed it. You had to sign them every night.

22 Q Every night?

23 A I signed one twice when I went.

24 Q If you signed them more than once, what is it that is
25 magical about signing a piece of paper that makes you remember

1 it is May 5th?

2 A Because two days or three days before that it was also Fred
3 Revelle's birthday.

4 Q Oh, it was Fred Revelle's birthday two days before. You
5 didn't say that was why you remembered in your statement, did
6 you?

7 A No, it wasn't. The reason I remembered is because I heard
8 the next day or the day after that the boys come up missing.

9 Q Just a few minutes ago you said that --

10 A I said that, too.

11 Q You said what?

12 A That the boys come up missing.

13 Q You said something about you knew because, "We heard it was
14 a month and a couple of days later."

15 A I said a couple days later.

16 Q Didn't you say a month and a couple of days?

17 A I said that and then I said, no, it was a couple days
18 later.

19 Q So you did say a month and then you changed it?

20 A Yes, I changed it. It was either the next day or the day
21 after.

22 Q But what you told the police -- let me show you your
23 statement. Do you recognize that?

24 A (EXAMINING) Yes, sir.

25 Q That is in your handwriting?

1 A Um-hum.

2 Q What you told the police was you knew it was May the 5th
3 because you signed this contract, right?

4 A (NODS HEAD)

5 Q You are now saying you signed the contract more than one
6 day that you went wrestling?

7 A Um-hum.

8 REDIRECT EXAMINATION

9 BY MR. CROW:

10 Q Were there any other times you went wrestling when some
11 boys turned up missing the next day?

12 A No, sir.

13 Q Was there any other times when Keith Johnson went?

14 A No, sir.

15 RECROSS EXAMINATION

16 BY MR. FOGLEMAN:

17 Q On the contract you signed below Kevin Johnson's name,
18 right?

19 A Yeah. Kevin wasn't there when I signed it.

20 Q Okay, but your signature on that is right below Kevin
21 Johnson's name.

22 A Because you all sign on the same piece of paper.

23 Q Jessie's is right above Kevin Johnson's, isn't it?

24 A I don't know why.

25 (WITNESS EXCUSED)