

1 (RECESS)

2 (THE FOLLOWING CONFERENCE WAS HELD AT THE BENCH
3 OUT OF THE HEARING OF THE JURY)

4 MR. STIDHAM: Your Honor, I think it is important
5 we have an in-camera hearing regarding this issue as
6 soon as practically possible.

7 THE COURT: Okay. Let's get as far along as we
8 can and then we'll do that.

9 MR. STIDHAM: Okay.

10 (RETURN TO OPEN COURT)

11 KEITH JOHNSON

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

14 DIRECT EXAMINATION

15 BY MR. STIDHAM:

16 Q Will you please state your name?

17 A Keith Johnson.

18 Q Where do you live?

19 A Marked Tree, Arkansas.

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

21 A No, sir, not really.

22 Q Do you remember ever going wrestling with some people in
23 Dyess?

24 A Yes, sir.

25 Q Can you tell the Court and jury about that?

1 A Well, that afternoon -- one afternoon my brother called me
2 and asked me if I wanted to go to wrestling school. I said,
3 "Yeah, I will go. What time do you want me to meet you?" He
4 said meet him at Lake David, that old Exxon, about 6:00 o'clock.

5 About that time I got ready to go and I went there, and I
6 got there around 6:00 o'clock, and I had to wait because nobody
7 showed up. It was getting dark.

8 Q Are you telling the Court you don't remember the date this
9 happened?

10 A No, sir, don't know the date.

11 Q Continue, please.

12 A I got to Lake David and then I was sitting there waiting.
13 It was about 6:00 o'clock, and then nobody showed up so I just
14 stayed around for a while. It was getting dark by the time
15 everybody showed up.

16 Q Who showed up?

17 A That's the one thing -- I don't remember all the people's
18 names that was there. The main one --

19 Q Was that the first time you met some of these people?

20 A Yes, sir. It's the first time I had met all of them
21 besides Johnny Hamilton.

22 Q Mr. Hamilton was the only one you were familiar with?

23 A That's the only one I knew.

24 Q Was the defendant, Mr. Misskelley, there that night?

25 A Yes, sir, he was.

1 Q What happened after they arrived?

2 A They asked me if a few of the guys could ride with me. I
3 only had room for two because I had some big speakers in the
4 back and couldn't get nobody in the backseat. So Jessie and
5 another guy -- I don't remember his name -- got in the front
6 seat with me and then another guy -- one of them parked the car
7 and we took off to Dyess.

8 Q Did anything happen -- I assume you went straight to Dyess?

9 A Yes, sir.

10 Q Where did you go when you got to Dyess?

11 A We went to this right there -- I think it's maybe in town
12 -- a wrestling building -- looked like an old theatre or
13 something.

14 Q Mr. Misskelley was with you?

15 A Yes, sir, he rode right beside me.

16 Q Did anything happen that night to Mr. Misskelley?

17 A Yeah. Just after -- we was sitting there wrestling around
18 for a while. He was outside on the floor. Then somebody got
19 out and tried to throw him back in and he hit his head on the
20 ring. After that he had set out from wrestling the rest of the
21 night.

22 Q What time did y'all leave Dyess?

23 A I don't remember exactly what time it was but I got to my
24 house a little after 10:00 o'clock that night.

25 Q Do you remember reading or hearing about the three boys

1 being missing in relationship to that time?

2 A No, sir, I didn't hear about it until three or four days
3 later. I don't watch much news at night. I usually watch
4 sports and stuff like that.

5 Q You can't remember specifically what date this was that
6 night that you went wrestling?

7 A No, sir.

8 Q How many times have you been to Dyess?

9 A Once.

10 CROSS EXAMINATION

11 BY MR. FOGLEMAN:

12 Q You have no idea when this happened, do you?

13 A No, sir, I sure don't.

14 Q Could have been April?

15 A Huh?

16 Q You don't have any idea, do you?

17 A When my brother called me, he was supposed to show up and
18 he did not show up because -- and I asked him where he was.

19 Q He didn't show up at all?

20 A He didn't show up because he had to go to a rescue meeting
21 or something that night.

22 Q Your brother has been in search and rescue for a while,
23 right?

24 A Yes, sir.

25 Q Back in January he was in search and rescue, right?

1 A I don't know. I was probably in school in January.

2 Q They meet a couple of times a month, don't they?

3 A I don't know nothing about it.

4 Q So if the proof showed that your brother went a couple
5 times a month to search and rescue, it could have been any one
6 of those times, couldn't it?

7 A I guess. In January I was in school.

8 Q I'm not suggesting you went wrestling in January. I didn't
9 mean to suggest that. The point I'm getting to is you don't
10 have any idea when this happened, do you?

11 A No, sir.

12 (WITNESS EXCUSED)

13 KEVIN JOHNSON

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

16 DIRECT EXAMINATION

17 BY MR. STIDHAM:

18 Q Will you please state your name?

19 A Kevin Johnson.

20 Q Where do you reside?

21 A Sir?

22 Q Where do you reside?

23 A What?

24 Q Where do you live?

25 A Highland Trailer Park in Marion.