

1 alternatives, A, B, and C -- "A, a term of" -- a blank --
2 "not less than five nor more than twenty years in the
3 Arkansas Department of Correction" or "B, a fine of" --
4 with an appropriate blank -- "not exceeding Fifteen
5 Thousand Dollars" or "C, both a term of not less than
6 five nor more than twenty years in the Arkansas
7 Department of Correction and a fine not exceeding Fifteen
8 Thousand Dollars" -- again, with the appropriate blank.

9 In order to fix any punishment your finding must be
10 unanimous and you would fill in the appropriate blanks
11 that represent your finding and the foreman would sign.
12 The third verdict form reads identically to the last with
13 the exception that this is for Count Three in the death
14 of Christopher Byers on the second degree murder charge.

15 So you may now retire and consider your verdicts
16 with respect to punishment.

17 Alright, Court will be in temporary recess.

18 (JURY EXITING COURTROOM AT 2:00 P. M.)

19 (JURY ENTERING COURTROOM AT 2:30 P. M.)

20 **THE COURT:** Alright, ladies and gentlemen, have you
21 arrived at a verdict or verdicts, Mr. Foreman?

22 **FOREMAN:** Yes.

23 **THE COURT:** Alright, if you would hand it to the
24 Sheriff, please -- or hand them to the Sheriff.

25 **FOREMAN:** (COMPLIES.)

1 THE COURT: (EXAMINING.) Alright, your verdicts are
2 in good form and read as follows:

3 "We, the jury having found Jessie Lloyd Misskelley,
4 Junior guilty of first degree murder in the death of
5 Michael Moore fix his sentence at a term of life in the
6 Arkansas Department of Correction." Signed by T. J.
7 Williams, foreman.

8 Is this your unanimous verdict, ladies and
9 gentlemen?

10 JURY: Yes.

11 THE COURT: Count Two. "We, the jury having found
12 Jessie Lloyd Misskelley guilty of second degree murder in
13 the death of Steven Branch fix his sentence at a term of
14 twenty years in the Arkansas Department of Correction."
15 Again, signed by the foreman, T. J. Williams.

16 Is that your unanimous verdict, ladies and
17 gentlemen?

18 JURY: Yes.

19 THE COURT: Alright, verdict form three. "We, the
20 jury having found Jessie Lloyd Misskelley, Junior guilty
21 of second degree murder in the death of Christopher Byers
22 fix his sentence at a term of twenty years in the
23 Arkansas Department of Correction." Signed by T. J.
24 Williams, foreman.

25 Is that your unanimous verdict, ladies and

1 gentlemen?

2 JURY: Yes.

3 THE COURT: Questions, gentlemen?

4 MR. DAVIS: No, sir.

5 MR. STIDHAM: No, sir.

6 THE COURT: Do you want the jury polled?

7 MR. STIDHAM: Yes, your Honor.

8 THE COURT: Alright, again, ladies and gentlemen, if
9 these are your verdicts as your name is called, please
10 answer yes.

11 THE CLERK: Carla Price.

12 MS. PRICE: Yes.

13 THE CLERK: Steven Green.

14 MR. GREEN: Yes.

15 THE CLERK: James Rainwater.

16 MR. RAINWATER: Yes.

17 THE CLERK: Teresa Burgess.

18 MS. BURGESS: Yes.

19 THE CLERK: Ronnie Smith.

20 MR. SMITH: Yes.

21 THE CLERK: Lloyd Champion.

22 MR. CHAMPION: Yes.

23 THE CLERK: Margie Woods.

24 MS. WOODS: Yes.

25 THE CLERK: Donna Ludena Moore.

1 MS. MOORE: Yes.

2 THE CLERK: Janet Luter.

3 MS. LUTER: Yes.

4 THE CLERK: April Lunsford.

5 MS. LUNSFORD: Yes.

6 THE CLERK: Aubrey Dicus.

7 MR. DICUS: Yes.

8 THE CLERK: T. J. Williams.

9 MR. WILLIAMS: Yes.

10 THE COURT: Any other questions, gentlemen?

11 MR. DAVIS: No, your Honor.

12 MR. STIDHAM: No, your Honor.

13 THE COURT: Alright, ladies and gentlemen, with the
14 thanks of the Court for your consideration of this case
15 you will be excused from further attendance and need not
16 report back in the morning at nine-thirty, and for that
17 matter, for the next two years. You'll be exempt from
18 jury duty.

19 I thank you very much for your consideration of a
20 difficult case and one that obviously had ramifications
21 that are not normally found in criminal cases. The
22 attention, the pressure I know you went through, and I
23 certainly appreciate your hard work and dedication. And
24 thank you very much.

25 I have been asked to inquire of you by the media

1 whether or not you want one of your member to be a
2 spokesman, whether or not you choose not to make any
3 statement whatsoever, and I want to point out to you
4 you're not obligated to say anything to anyone about your
5 deliberations. If you all would like to have a minute or
6 two to discuss that before you depart.

7 JUROR: We have discussed it.

8 THE COURT: You have discussed it? Alright, then
9 what is your pleasure in that matter.

10 JUROR: No comment.

11 THE COURT: Alright, then I'll certainly honor that
12 and I would expect everyone else to. And you're not
13 obligated to make any statement to anyone.

14 So with the thanks of the Court, you're free to go
15 and I really appreciate your consideration. If you would
16 like, I can have officers escort you to your cars and
17 you're free to go. I want everybody to remain in the
18 courtroom while the jury departs. Everyone please rise
19 while the jury leaves.

20 (JURY EXITING COURTROOM.)

21 THE COURT: Alright, you may be seated.

22 Alright, Mr. Misskelley, did you hear the jury's
23 finding in the reading of the verdict in your case?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Do you have any legal reason or cause to

1 tell the Court why sentence should not be imposed at this
2 time?

3 THE DEFENDANT: No, sir.

4 THE COURT: You're going to have to -- I heard you,
5 but you need to answer out a little bit louder.

6 THE DEFENDANT: No, sir.

7 THE COURT: Alright. It's my responsibility and
8 duty to tell you that you have a right to appeal your
9 convictions in these cases. You must give notice within
10 the statutory period of time. You have Court appointed
11 counsel that can consult with you and your family in that
12 regard, but you're notified that you do have a right to
13 appeal and you're entitled to a bond on these charges.

14 Do you gentlemen want an appeal bond fixed at this
15 time or do you -- 'cause it starts your time running --
16 or do you want to discuss that with Mr. Misskelley and
17 his family?

18 MR. STIDHAM: We would like to discuss that, your
19 Honor.

20 THE COURT: Alright. Is there anything you want to
21 say before sentence is imposed? You have a right to make
22 any statement you care to at this time.

23 THE DEFENDANT: No, sir.

24 THE COURT: You also have a right to have your
25 attorneys make any comment in your behalf that you want

1 them to. Do you understand that?

2 THE DEFENDANT: Yes, sir.

3 MR. STIDHAM: Your Honor, the one comment that we
4 would like to make is we respectfully request the Court
5 to run this concurrently as opposed to consecutively.

6 THE COURT: Alright, well, I understand your
7 statement in that regard and of course, that's a matter
8 that addresses itself to the discretion of the Court and
9 I'll consider that.

10 Now, is there anything else you want to say to **the**
11 Court, or do you have any questions you want to **ask the**
12 Court at this time?

13 THE DEFENDANT: No, sir.

14 THE COURT: Are you satisfied with the service and
15 advice of your attorneys through this trial?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Alright. Alright, based upon the jury's
18 verdict finding you guilty of first degree murder in the
19 death of Michael Moore, you'll be adjudicated guilty and
20 you'll be sentenced to the Arkansas Department of
21 Corrections for a term of life.

22 In the count involving the death of Steven Branch,
23 the jury having found you guilty of second degree murder,
24 you'll be adjudicated guilty and be sentenced to an
25 additional term of twenty years in the Arkansas

1 Department of Correction.

2 Then in regard to the death of Christopher Byers the
3 jury having found you guilty of second degree murder,
4 you'll be adjudicated guilty of second degree murder and
5 be sentenced to an additional term of twenty years in the
6 Arkansas Department of Corrections.

7 It'll be the finding of the Court that all of those
8 sentences will run consecutively. That is you will
9 receive a life sentence plus forty years, and that will
10 be the judgment of the Court.

11 You'll be remanded to the custody of the Sheriff for
12 immediate transportation to the Department of
13 Corrections.

14 Mr. Sheriff, you'll be directed to forthwith take
15 him to the Arkansas Department of Corrections and
16 delivered to the proper custodian.

17 And that will be the judgment of the Court and this
18 Court will be in recess until February the twenty-second.

19 (ADJOURNMENT.)

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