

1 A Uh-uh.

2 Q So before today you didn't know what the injuries were?

3 A No, other than at the time of the funeral I knew that his
4 face was messed up pretty bad.

5 Q That was because you could see his face?

6 A Yeah. On his face was the only thing I could tell.

7 (WITNESS EXCUSED)

8 MELISSA BYERS

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

11 DIRECT EXAMINATION

12 BY MR. FOGLEMAN:

13 Q Will you please state your name and where you live?

14 A Melissa Byers, 1400 East Barton, West Memphis, Arkansas.

15 Q Who do you live there with?

16 A My husband, John Mark Byers; my son, Shawn Ryan Clark; and
17 I used to live with my son, Chris Byers.

18 Q How old was Chris?

19 A He was eight years old when he was -- when he passed away.

20 Q What grade was he in?

21 A He was in the second grade.

22 Q Did he also go to Weaver?

23 A Yes, sir.

24 Q Do you know who his teacher was?

25 A Miss Jones.

1 Q I want to direct your attention to May 5th, 1993. After
2 school got out, first of all to save Mr. Stidham some time, did
3 Chris go to school that day?

4 A Yes, sir.

5 Q He didn't skip school?

6 A No, sir.

7 Q After school, when was the last time you saw Chris?

8 A On our carport.

9 Q About what time was that?

10 A Around five-thirty, quarter to six.

11 Q Did you later discover that he wasn't under the carport?

12 A Yes, sir.

13 Q How did you come to discover that?

14 A I went outside hollering for him and he was gone out of the
15 yard.

16 Q . What happened after you discovered that he wasn't under the
17 carport?

18 A I felt like he had just gone next door to play. My husband
19 got home. He had gone to pick Ryan up and when he got home, I
20 said -- we were going to go out to eat at Shoney's and I told
21 Mark, "Let's get in the car and ride around in the neighborhood.
22 We will pick him up and let's go eat."

23 Q Did you find him?

24 A No, sir.

25 Q After y'all drove around the neighborhood, did you also

1 look other places?

2 A We drove around the neighborhood and drove around the
3 neighborhood and drove around the neighborhood, and then we saw
4 a police officer that was parked up there where the old Family
5 Dollar Store is that's closed down, and he was parked by that
6 phone there and we pulled up there, and we told him we couldn't
7 find our eight-year-old and we were looking for him for a couple
8 of hours. "How do you go about getting the police involved to
9 help us look," and he told us to go home and call the police
10 department and file a missing child report, which is what we
11 did.

12 Q You went directly from there back home?

13 A Yes, sir.

14 Q Did an officer come out and take a report?

15 A Yes.

16 Q What time was that, approximately?

17 A Right around eight o'clock. It was getting dark.

18 Q After the report was made, what did y'all do?

19 A During the time the report was made Dana Moore came over
20 and she said --

21 Q She lives across the street?

22 A She lives across the street from me. She said, "They are
23 together. I saw them together earlier," and she said, "They are
24 all three together wherever they are at."

25 Q And after she came over, what happened?

1 A She told the -- we got pictures of the kids for the police
2 officer, and then we just continued to start looking, to look.

3 Q Where all did y'all look?

4 A Everywhere.

5 Q About how many of you were looking?

6 A Britt Smith, my son, another friend of Britt's, Patsy --
7 Britt's mother, Terry Hobbs, Pam Hobbs, my husband, myself, Dana
8 Moore.

9 Q Was the officer who had --

10 A And the officer -- well, she looked some, but she didn't go
11 -- and then Dana came and said that someone told her they had
12 seen them at the edge of Robin Hood. And that's when my husband
13 and Britt and Ryan went down in the woods and started looking
14 down there and Terry, too.

15 Q If you would -- I don't believe you have seen this before
16 -- but this is State's Exhibit Two. It's an area map of West
17 Memphis. Would you take this yellow marker and see if you can
18 locate where you live on there?

19 And if it will help you out, (INDICATING) this is Broadway,
20 this is the interstate, here's Barton, and this area has been
21 highlighted --

22 A 1398 East -- that's Dana. I live right here. (MARKING)

23 Q I want to show you what I have marked for identification as
24 State's Exhibit One and ask if you can identify that? (HANDING)

25 A (EXAMINING) Yes, sir.

1 Q Is that Chris?

2 A He's my baby.

3 MR. FOGLEMAN: Your Honor, we would offer
4 State's Exhibit One.

5 MR. STIDHAM: No objection, your Honor.

6 THE COURT: It may be received without objection.

7 (STATE'S EXHIBIT ONE IS RECEIVED IN EVIDENCE)

8 BY MR. FOGLEMAN:

9 Q Were you in the courtroom when I gave my opening statement?

10 A Yes, sir, I was.

11 Q Prior to today, were you aware of the specific injuries
12 that all the boys had?

13 A I don't -- I don't understand the question.

14 Q Did you know -- had we told you what the injuries were?

15 A No, sir.

16 Q Had anybody else told you?

17 A No, sir.

18 CROSS EXAMINATION

19 BY MR. STIDHAM:

20 Q Ma'am, you say that your son didn't skip school that day?

21 A No, sir, he did not.

22 Q He was there the entire day?

23 A Yes, sir.

24 Q Who picked him up from school?

25 A The school is -- where Miss Moore lives -- where Miss Moore

1 lives is like one house over. Chris walked home from school.
2 He walked one block through the crossing guard and he was home.

3 Q To your knowledge, no one picked him up that day?

4 A That day I was at work. One of our vehicles was broken
5 down. His daddy couldn't find him after school. He didn't come
6 straight home from school. So Ryan was at home. Mark said,
7 "Stay here wait for brother." No, he had to take -- excuse me.

8 Q It's okay. Take your time.

9 A I beg your pardon. He had to take Ryan to court. Ryan had
10 to go to court that day. So he had to run around court. He
11 still couldn't find Chris so he knew I was stranded in Memphis
12 on Hollywood Street, which is not a great area of town, so he
13 ran to pick me up from work and then run home to try to find
14 Chris.

15 Q Did you ask him when --

16 A When he went to go get Ryan to go back up to court to be
17 with Ryan, he left me at home in case Chris came home and that
18 is when he found Chris.

19 Q You didn't send anybody to pick him up that day or ask a
20 friend or relative to pick him up?

21 A No, sir. His daddy got him from school. His daddy was
22 home every day when Chris came home from school.

23 (WITNESS EXCUSED)

24 DEBRA O'TINGER

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