1	how anything that occurs in the courtroom could affect
2	his opinion on the defendant's mental capacity.
3	MR. STIDHAM: Judge, what are they afraid of?
4	Are they afraid he's going to hear something that I
5	just want to make it clear that he should be able to
6	hear all the testimony and if there's anything that he
7	hears
8	THE COURT: I'm going to let him stay in. Is
9	that the only one?
10	MR. STIDHAM: Yes, your Honor.
11	THE COURT: Do you have any you want to stay in?
12	MR. FOGLEMAN: The victims' families, your Honor.
13	THE COURT: They'll be excused from the rule as
14	soon as they testify.
15	(RETURN TO OPEN COURT)
16	(OPENING STATEMENTS BEING MADE BY COUNSEL FOR THE
17	PARTIES)
18	(WITNESSES BEING SWORN BY THE CLERK; THE RULE IS
19	INVOKED)
20	DANA MOORE
21	having been first duly sworn to speak the truth, the whole truth
22	and nothing but the truth, then testified as follows:
23	DIRECT EXAMINATION
24	BY MR. FOGLEMAN:
25	Q Will you please state your name and where you live?

At the

```
1
           Dana Moore, 1398 East Barton.
 2
      Q
           What city?
           West Memphis, Arkansas.
      A
 3
 4
      Q
           Who do you live there with?
 5
      A
           With my husband and my daughter.
           Your husband's name?
 6
      Q
      Α
           Todd Moore.
 7
 8
           And your daughter's?
 9
      Α
           Dawn Moore.
10
      0
           How old is Dawn?
11
      Α
           Ten.
12
      Q
           What was your relationship to Michael Moore?
13
      A
            I'm his mother.
14
           At the time of Michael's death, how old was he?
      Q
15
      A
           Eight.
16
           Did he go to school?
      Q
17
      A
           Yes, sir.
18
           Where did he go to school?
      Q
19
      A
           Weaver Elementary in West Memphis.
20
           What grade was he in?
21
      A
           Second grade.
22
           Whose room was he in?
      Q
```

I want to direct your attention to May 5th, 1993.

time that Michael got out of school, were you home at that time?

23

24

25

Miss Miller's.

```
I arrived at about ten minutes after.
1
          After you got home after he had gotten out of school, did
2
3
     you see Michael?
          Yes, sir.
     A
4
          When was the first time you saw him after he got out of
5
     school?
6
           Right after I got home.
     Α
7
          Where was he?
8
          He was down on 14th street riding his bike.
     A
 9
10
      Q
          Was anybody with him?
          Steve Branch.
     Α
11
          Anybody else at that time?
12
      Q
     A
           No, sir.
13
           Did you later see him with somebody? First of all, what
14
15
      were they doing?
           They were riding around on their bikes.
16
17
           I want to show you what is marked for identification as
      State's Exhibit Six and ask if you can identify this?
18
           Yes, sir, it is Michael's bike.
19
      A
           Is this the bike that he was riding that day?
20
      Q
21
           Yes, sir.
22
                     MR. FOGLEMAN: Your Honor, we would offer State's
                Exhibit Six.
23
                     MR. STIDHAM: No objection.
24
```

THE COURT:

25

It may be received without objection.

```
1
                      (STATE'S EXHIBIT SIX IS RECEIVED IN EVIDENCE)
 2
      BY MR. FOGLEMAN:
            Later did you see him with somebody else besides Steve
 3
 4
      Branch?
 5
      A
           Yes, sir. Chris Byers.
 6
           Where did you see them at that time?
           Going north on 14th Street.
 8
           Were they walking or --
 9
           They were riding their bikes.
10
      Q
           How many bikes were there?
11
           There was two bikes.
           Who was on what bike?
12
      Q
13
      A
           Michael was on his. Chris was on Steve's, and Steve was on
14
      his.
15
      Q
           So Chris and Steve were on the same bicycle?
16
      Α
           Yes, sir.
17
      Q
           How far down were they from where you were?
18
      A
           Approximately six houses.
19
      Q
           What time of the day was it?
20
      A
           Six o'clock.
21
      Q
           Did you see him any after that?
22
      A
           No, sir.
23
           When you saw him going that way, did you tell your daughter
24
      to do anything?
25
           I asked her to go get him and tell him to come home.
```

```
For what reason?
1
      Q
 2
           To eat supper.
           Is there a particular time that Michael was supposed to be
      home?
      Α
           Yes, sir. Before the street light comes on.
 5
 6
           Now I want you to look at what I have got marked for
7
      identification as State's Exhibit Two.
8
                     MR. FOGLEMAN: Mr. Stidham, you've seen this.
 9
                you have any objection to this?
10
                     MR. STIDHAM: I have no objection.
11
                     MR. FOGLEMAN: Your Honor, by agreement may it be
12
                admitted?
13
                                 It may be received without objection.
                     THE COURT:
14
                     (STATE'S EXHIBIT TWO IS RECEIVED IN EVIDENCE)
15
      BY MR. FOGLEMAN:
16
      Q
           Do you recognize what that depicts?
17
           Yes, sir.
18
           What does that depict?
19
      A
           It is the aerial photograph of West Memphis.
20
           You said photograph?
21
      Α
           Well, map of West Memphis.
22
      0
           If you could, could you take this highlighter and show the
23
      jury where you lived or do live?
24
      A
           (MARKING) Right there.
25
           What you highlighted -- is that the address?
```

```
1 A Yes, sir, it is.
```

- 2 Q Does it point to the house?
- 3 A Yes, sir.
- 4 Q What is your address?
- 5 A 1398 East Barton.
- 6 Q Which side of the street, which corner is that? You told
- 7 me you had a problem with directions.
- 8 A It is the right side.
- 9 Q Is that the -- as you are facing it?
- 10 A It is the left side if I'm facing it.
- 11 Q Is that when you are facing north?
- 12 A Ah, yes, sir.
- 13 Q It would be the northwest corner?
- 14 A Yes, sir.
- 15 Q You mentioned that you had seen the boys riding on -- what
- 16 street was that?
- 17 A North 14th.
- 18 Q Could you step down and show the jury where that is in
- 19 relation to your house?
- 20 A (INDICATING) It is down this street.
- 21 Q So you live on the corner of 14th and Barton?
- 22 A Yes, sir.
- 23 Q I want to show you what I have marked for identification as
- 24 State's Exhibit Five and ask if you can identify that?
- 25 A That's Michael.

```
1
                     MR. FOGLEMAN: We would offer State's Exhibit
                Five.
 2
 3
                     MR. STIDHAM: No objection.
                     THE COURT: It may be received without objection.
                     (STATE'S EXHIBIT FIVE IS RECEIVED IN EVIDENCE)
 5
     BY MR. FOGLEMAN:
 6
7
          On the day that Michael disappeared, what was he wearing?
 8
          A Boy Scout shirt, a pair of blue pants, his scout hat, a
9
      little badge that had his name on it.
          When you say, "a little badge?"
10
11
     A
          A police badge.
12
      Q
          Like a star?
13
          Yes, sir.
14
          After you sent your daughter to get him for supper, how
15
      long after that was it when you started looking for him?
16
          Right after I went around the neighborhood and I thought he
     A
17
      just -- you know, I missed him.
18
          What did you do then?
19
           I went back home and waited for him to see if he would come
20
      back.
21
      Q
          What happened?
22
      A
          He didn't come back.
23
      Q
          Did you later have some contact with a police officer?
24
           Yes, sir.
25
           When was that the first time?
```

```
1
      Α
            About eight, eight-ten.
  2
            Where did you have contact with that officer?
 3
            At Mark Byers' house.
 4
      Q
            Was the officer there?
 5
            Yes, sir.
 6
            And you went over there?
 7
      A
            Yes, sir.
           Did you report to the officer that Michael was missing?
 8
 9
      Α
           Yes, sir.
10
           Did you subsequently do an official report?
11
           Yes, sir.
12
      Q
           Was that later?
13
           Yes, sir.
14
           Why was it later?
15
           The officer told me that she knew what Michael looked like
      and she knew -- I had stated that they all three were together
16
      so she knew that they were together and she would probably come
17
      back and give me a police report if they haven't found them yet.
18
19
           After you reported it to this officer, what did you do?
20
      Α
           I went riding around the neighborhood looking.
21
           Were other people looking, too?
      0
22
      A
           Yes, sir.
23
                              CROSS EXAMINATION
24
      BY MR. STIDHAM:
```

What time did your son get home from school?

25

```
1
            Three.
 2
            In the afternoon?
 3
      A
           Yes, sir.
           Did he skip school that day?
 4
 5
      A
           No, sir.
 6
           He went the entire day?
 7
      A
           Yes, sir.
 8
                               (WITNESS EXCUSED)
 9
                                   PAM HOBBS
      having been first duly sworn to speak the truth, the whole truth
10
      and nothing but the truth, then testified as follows:
11
12
                             DIRECT EXAMINATION
13
      BY MR. FOGLEMAN:
14
           Will you please state your name and where you currently
15
      live?
16
      A
                        I'm staying in Blytheville, Arkansas.
           Pam Hobbs.
17
           Who are you living there with?
           I'm staying with my parents for now.
18
      A
           Back in May of 1993, where were you living?
19
20
      Α
           In West Memphis, 1601 South McCauley.
21
           What is your relationship to Steve Branch?
      Q
22
      A
           I'm his mother.
23
           How old is Steve?
24
      A
           He was eight.
25
      0
           What grade was he?
```