

1 side higher or where you're standing higher?

2 A I don't understand exactly what you're saying. The high  
3 bank would be the level -- the normal level of the ground, and  
4 it is going to be the same on both sides. There is a shelf on  
5 the east bank, and you would be looking at -- this high bank on  
6 the west side you're looking to the east. You're looking at a  
7 shelf that's low.

8 Q I understand there's several different levels. The diagram  
9 shows the flow elevation 207 point 5 and the shelf elevation is  
10 210, and the high bank elevation -- I assume would be -- the  
11 highest point on this side of the stream is 215?

12 A No, sir. It is not the highest point. That is what the  
13 engineer calls the high bank is the level of the ground on both  
14 sides of that point. It's the level ground. It is not the  
15 heaps of dirt that were used in order to dredge that ditch out.

16 (WITNESS EXCUSED)

17 SHANE GRIFFIN

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

20 DIRECT EXAMINATION

21 BY MR. FOGLEMAN:

22 Q Will you please state your name and occupation?

23 A Shane Griffin, narcotics detective, West Memphis Police  
24 Department.

25 Q I want to direct your attention to May 6, 1993. On that

1 date were you at that time also assigned to the narcotics unit?

2 A Yes, sir, I was.

3 Q Were you called upon to play some part in the search for  
4 Michael Moore, Steve Branch and Chris Byers?

5 A Yes, sir, I was.

6 Q When did you become involved in this search?

7 A I usually come to work around eight o'clock in the morning.  
8 They notified me on the radio that there were three young men  
9 missing. I started helping look for the boys.

10 Q Were other narcotics officers looking, too?

11 A There were several of us.

12 Q Where were you assigned to look?

13 A There was a field north of the interstate, north of 55 and  
14 40, that I was in or that I went and looked in initially.

15 Q If you could look at Exhibit 101 and tell us if that area  
16 is shown on there?

17 A It is this field right here and -- the trees and stuff like  
18 this. Somebody called on the radio and said there was a report  
19 that they might have been seen over in this area. It is a huge  
20 wooded area, lot of mud and water, so it took a lot of time.

21 Q Were you alone or with others?

22 A I started out alone. There were others riding three  
23 wheelers. Farther north there is a huge field out in that area.  
24 They were checking the field when I was in the woods.

25 Q About how long did you spend searching in that area?

1 A In that area approximately a couple of hours.

2 Q Where did you go after that?

3 A After that area, we got called in and we had a search  
4 warrant we had to execute.

5 Q That was related to your narcotics business?

6 A Yes, sir.

7 Q How long did that take to do?

8 A 30, 45 minutes.

9 Q After you did that, where did you go?

10 A Just as we were finishing up, that's when Inspector  
11 Gitchell called my captain on the radio and advised that they  
12 had been found.

13 Q Then where did you go?

14 A At that time we were called to the scene to assist.

15 Q I want to show you what has been marked for identification  
16 as State's Exhibits 56, 57 and 58 and ask if you can identify  
17 those?

18 A (EXAMINING) Yes, sir, I can.

19 Q Do those fairly and accurately portray the scene as it  
20 appeared to you that day?

21 A Yes, sir.

22 MR. FOGLEMAN: Your Honor, we would offer State's  
23 Exhibits 56, 57 and 58.

24 MR. STIDHAM: No objection.

25 THE COURT: They may be received without

1 objection.

2 (STATE'S EXHIBITS 56, 57 AND 58 ARE RECEIVED IN  
3 EVIDENCE)

4 BY MR. FOGLEMAN:

5 Q Would you step down and explain the photographs to the  
6 jury?

7 A In picture 58 we have a pipeline that runs across the Ten  
8 Mile Bayou, right here. Just north of the area here is the  
9 Robin Hood area. On this pipeline right here this is the east  
10 side. As we were looking, these were the bikes that were  
11 reported that the boys were riding that day. We found the bikes  
12 right here on the east side of the pipe about midways in the  
13 pipe, both of them right there close to each other.

14 Q What was the level of the water in relation to the pipe?

15 A The water was probably about three or four foot underneath  
16 the pipe.

17 Q At that time did you -- after the bikes were removed, did  
18 you take charge of the bikes?

19 A Yes, sir, I carried one and I don't recall who carried the  
20 other one and received them into evidence.

21 Q I want to show you -- let's do it on the big one. Look at  
22 State's Exhibit 101 and point to the jury the area where the  
23 bikes were found.

24 A This is the pipe. This area right here.

25 Q Take my pen and circle that area and put your initials

1 there.

2 A (MARKING)

3 Q Detective, I want to show you State's Exhibit 6 and 4. Do  
4 you recognize these?

5 A Yes, sir.

6 Q What do you recognize them to be?

7 A Those are the bikes that I pulled out of the bayou.

8 Q Did you also participate in doing some measurements for a  
9 crime scene diagram?

10 A Yes.

11 Q If you could look at State's Exhibit 13 and point out the  
12 areas that you measured and what those distances were and take  
13 this pen again and write on there the distances?

14 A Myself and Detective Durham took measurements from the area  
15 from where the victim's bodies were found. The trees on the  
16 east side and the tree on the west side of the bank were our  
17 reference points that we used to make the measurements from.

18 The first body was found 14 foot 7 inches southeast of the  
19 tree or southwest of the tree on the east side of the bank and  
20 10 foot 6 inches southeast of the tree on the west side of the  
21 bank.

22 Victim two was found straight down the ditch area 27 feet  
23 south of victim one.

24 Victim three was found 32 foot south of victim one in the  
25 ditch bank.

1 (WITNESS EXCUSED)

2 THE COURT: We are going to take an early recess  
3 with the usual admonition not to discuss the case with  
4 anyone, and it is particularly important at this point  
5 that you not read newspaper accounts, watch the TV  
6 accounts or listen to radio accounts or let anybody  
7 discuss the media coverage of the case with you or in  
8 your presence. It doesn't mean that you can't watch  
9 your favorite TV program and you can watch the news  
10 except when it relates to this case. And I think all  
11 of you understand the need and importance of that.  
12 You need to have your mind made up by the evidence  
13 that you hear in court and not from outside  
14 influences.

15 With that reminder, you're free to go until in  
16 the morning at 9:30.

17 CORNING, ARKANSAS, JANUARY 27, 1994, AT 9:30 A.M.

18 (THE FOLLOWING CONFERENCE WAS HELD IN CHAMBERS)

19 THE COURT: Let the record reflect that this is a  
20 hearing out of the presence of the jury.

21 MR. DAVIS: In regard to Michael Moore there's  
22 photographs -- the State intends to offer photographs  
23 59A, 62A, 60A, 61A, 64A, 63A, 71A, 70A, 69A, 68A, 67A,  
24 72A, 73A, 65A and 66A.

25 THE COURT: Let Doctor Peretti look at those