

1 Q You say when the other three officers arrived, he's in
2 close proximity to their vehicles?

3 A I guess he was. I didn't see him at that police car.

4 Q According to your testimony he's relating things that went
5 on there?

6 A After the police officer left.

7 Q He would have been close enough to be within earshot. Is
8 that correct?

9 A Yes.

10 REDIRECT EXAMINATION

11 BY MR. CROW:

12 Q Has your child ever been slapped by Connie Molden before
13 this?

14 A No.

15 Q Since this?

16 A No.

17 Q Did your husband and Mr. Molden ever get into a fight or
18 almost get into a fight over your child being slapped other than
19 this day?

20 A No.

21 Q You are sure about that?

22 A Yeah, I would remember something like that.

23 (WITNESS EXCUSED)

24 JAMES DOLLAHITE

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

11037

1 and nothing but the truth, then testified as follows:

2 DIRECT EXAMINATION

3 BY MR. STIDHAM:

4 Q Will you please state your name and occupation?

5 A James Dollahite.

6 Q Where are you employed?

7 A Crittenden County Sheriff's Department.

8 Q Were you on duty on May 5, 1993?

9 A I was.

10 Q Do you remember being dispatched to the Highland Trailer
11 Park that evening?

12 A Yes, sir.

13 Q Do you remember what time that was?

14 A It was 6:30 P.M.

15 Q (HANDING) Do you recognize that document?

16 A (EXAMINING) Yes, it is a duplicate of that day's radio log.

17 Q It says that you were out at the Dedman residence in
18 reference to a complaint from the Dollars?

19 A I received a call, but I was not out at the Dollar
20 residence.

21 Q When that says, "Called by," is that your unit number?

22 A Yes, sir.

23 Q So you called in and told the dispatcher that you were
24 there at that time?

25 A Yes, sir.

163

1 Q What does 18:31 for somebody like me that doesn't know
2 anything about military time?

3 A 6:31.

4 Q Did you go out there a second time?

5 A Yes, sir, I did.

6 Q What time was it that you went back out?

7 A It was 6:31.

8 MR. STIDHAM: We'd like to offer the log sheet
9 for the dispatcher into evidence.

10 MR. FOGLEMAN: No objection, as long as it's the
11 complete log.

12 THE COURT: It may be received.

13 (DEFENDANT'S EXHIBIT FOUR IS RECEIVED IN
14 EVIDENCE)

15 BY MR. STIDHAM:

16 Q What happened the first time that you went out there?

17 A I arrived on the scene. I met with the complainants, a
18 Bobby Dollar and Stephanie Dollar, in reference to a complaint
19 that he was making on a subject by the name of Connie Molden in
20 reference to a battery complaint, which he alleges she pulled
21 his hair and pulled him off his bicycle.

22 Q Did you first go to the wrong place?

23 A No, sir.

24 Q Did you ever go to the Dollar trailer?

25 A No, sir.

1 Q How many squad cars were out there?

2 A Myself.

3 Q And the second complaint?

4 A Myself.

5 Q No other vehicles present?

6 A The third complaint.

7 Q How many were there then?

8 A Myself, two Marion police units.

9 Q You have told the West Memphis Police Department that you
10 don't remember seeing Jessie out there --

11 MR. FOGLEMAN: Your Honor, I have got to object
12 to leading.

13 THE COURT: Rephrase your question.

14 BY MR. STIDHAM:

15 Q Do you recall making a statement to the West Memphis Police
16 Department --

17 MR. FOGLEMAN: Your Honor, I object to leading.

18 MR. STIDHAM: Judge, I don't know how else to ask
19 the question.

20 MR. FOGLEMAN: He can ask whether or not the
21 person was there or not.

22 THE COURT: I'm going to allow you to ask him
23 about a previous statement, but you've got to first
24 give him an opportunity to admit or deny that he made
25 a statement. Are you just asking whether he made a

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1 statement --

2 MR. FOGLEMAN: What he's asking is not consistent
3 or inconsistent with anything the witness has said.

4 THE COURT: I understand that. I'm going to
5 allow you to ask, did you or did you not make a
6 statement. Go ahead.

7 BY MR. STIDHAM:

8 Q Do you need me to repeat the question?

9 A No. I submitted a handwritten statement to the West
10 Memphis Police Department.

11 Q What was the contents of the statement?

12 A Contents of the statement they requested whether or not I
13 saw Jessie Misskelley anytime in Highland Trailer Park.

14 Q While you were there on this call?

15 A On all three calls.

16 Q Do you remember seeing Jessie there?

17 A He was not there.

18 Q Is it possible that he was there and you just don't
19 remember it?

20 A No, sir.

21 Q How can you be so sure, Officer Dollahite?

22 A Ah --

23 Q Is it just that you want to be sure?

24 THE COURT: Let him answer the question.

25 BY THE WITNESS:

1 A No, sir. I did not see Jessie Misskelley there.

2 Q How can you be sure he wasn't there and you just didn't see
3 him?

4 A I'm not saying he wasn't in Highland Trailer Park. I'm
5 saying he wasn't where I was.

6 MR. STIDHAM: I would like to offer his incident
7 report in evidence as well.

8 THE COURT: Are you talking about the police
9 report?

10 MR. STIDHAM: Yes, sir, your Honor.

11 THE COURT: Are you objecting to it?

12 MR. DAVIS: Yes, sir, your Honor.

13 THE COURT: My same ruling.

14 CROSS EXAMINATION

15 BY MR. FOGLEMAN:

16 Q Deputy Dollahite, I want to show you what has been
17 introduced as Defendant's Exhibit Four and give you a
18 highlighter here. If you could highlight the times on here when
19 you went to Highland Park on May 5th?

20 A (MARKING)

21 Q Are all of these at Highland Park?

22 A Yes, sir. All of those are highlighted from the times the
23 calls were received --

24 Q I notice that what you have marked -- every one of them
25 show 619 except some of them show 619, 42 and 32. What is 619?

1 A 619 is my unit number.

2 Q And who is 42?

3 A That's a Marion city unit and the other one would be a
4 Marion city unit.

5 Q What time was the first time that you went out to Highland
6 Park on May 5th?

7 A I received a call at 6:17. I arrived on the scene at 6:27.

8 Q You received a call at 6:17 and beside that it says, "10 19
9 Bobby Dollar residence, Highland Park, re a battery complaint."
10 Does that mean that you were at the Bobby Dollar residence?

11 A No, sir.

12 Q What does the 1019 mean?

13 A Means acknowledged that I had received the call to go to
14 that residence at 6:17.

15 Q Did you start out that way when you got that call?

16 A Yes, sir.

17 Q Did you make it to the Bobby Dollar residence?

18 A No, sir.

19 Q If you would look at this map up here of Highland Park, if
20 you would circle -- this is West Memphis down here and Highland
21 Park up here -- if you could circle the general area where the
22 Bobby Dollar residence is located.

23 A Bobby Dollar residence is located somewhere in this area
24 here. (MARKING)

25 Q When you were going to -- responding to this call -- where

1 did you go? How did you go to get there?

2 A I came the service road which is adjacent to Interstate 55
3 north.

4 Q Take this pen and highlight the route you went and where
5 you turned into Highland Park.

6 A (MARKING) Came down this service road, turned into Highland
7 Park at the first entrance.

8 Q After turning into Highland Park at the first entrance,
9 where did you go?

10 A I stopped at the intersection here and met with the
11 Dollars.

12 Q On the map it shows that road kind of dead-ending there and
13 going to the left. Does it actually go all the way through?

14 A This --

15 Q This street right here.

16 A This would be the first entrance. The second entrance is
17 the entrance that dead ends.

18 Q We've got a first entrance and second entrance?

19 A Yes.

20 Q You met the Dollars right here on the corner?

21 A At the intersection with the stop sign, which is a through
22 intersection east and west, north and south.

23 Q Let me get this other map. Is this map accurate as opposed
24 to that one?

25 A This one shows two intersections.

11644

1 Q So is it more accurate that this street ought to go all the
2 way through to this one?

3 A This street should come here. The fourth one is the first
4 entrance.

5 Q So this is the fourth?

6 A Yes.

7 Q So this street ought to come out here, right?

8 MR. STIDHAM: I guess I ought to ask what the
9 relevance is.

10 MR. FOGLEMAN: Your Honor, he's asked him
11 questions about it. If the map of Highland Park
12 that's on it is not accurate, we ought to be able to
13 develop that.

14 MR. CROW: I don't have any objection to them
15 verifying that.

16 THE COURT: Go ahead.

17 BY THE WITNESS:

18 A There are two entrances in Highland Park.

19 Q We've got one here and one here?

20 A The dead end entrance is the last entrance. This map is
21 incorrect. (INDICATING) This entrance should be here.

22 Q After the -- how many streets from this entrance is it to
23 the last street on the north end?

24 A There are four cross ways here on this map which is the
25 layout of Highland Park.

1 Q Is this accurate on this map?

2 A Yes, it is.

3 MR. FOGLEMAN: Your Honor, can we offer this map
4 as State's 105B?

5 MR. STIDHAM: No objection.

6 THE COURT: It may be received without objection.

7 (STATE'S EXHIBIT 105B IS RECEIVED IN EVIDENCE)

8 BY MR. FOGLEMAN:

9 Q This one on 105B is Highland Park?

10 A Yes, sir.

11 Q Would you circle Highland Park with the red pen?

12 A (MARKING)

13 Q You came to the first entrance from the north. Is that
14 right?

15 A That's correct.

16 Q After you came to the first entrance from the north, you
17 turned off the service road and you went down to the first
18 intersection?

19 A First intersection.

20 Q Who did you meet there?

21 A Bobby and Stephanie Dollar.

22 Q Did you take a report there?

23 A Yes, sir, I did.

24 Q Is that when you were there at 6:27 which is the second
25 entry on Defendant's Exhibit Four?

1 A Yes, sir.

2 Q After taking this complaint, did you go back out there?

3 A Yes, sir, I received a second call.

4 Q What time was that?

5 A That was at -- received that call at 18:31 which would be
6 6:31.

7 Q Let me back up. On the first time you were there, did you
8 see the defendant?

9 A No, sir.

10 Q Are you acquainted with the defendant?

11 A Yes, sir.

12 Q On the second call when you got there at 6:31, did you see
13 the defendant?

14 A No, sir.

15 Q If he had been within five yards of your car, would there
16 have been anything to prevent you from seeing him?

17 A No, sir.

18 Q When did you go -- did you have another call there?

19 A Yes, sir. Received another call at 18:43, which is 6:43.

20 I arrived on the scene at 6:47, which is 18:47, according to the
21 radio log.

22 Q Who was there?

23 A Officer McCafferty and Officer Jason Oliver.

24 Q On this occasion did you see the defendant?

25 A No, sir.

1 Q Did you have any other calls out there?

2 A No, sir, that was the last call.

3 Q What is this one at 18:59?

4 A That is when I checked in service, the two Marion units
5 checked in service, completed --

6 Q Is that after completing what you were doing?

7 A Yes, sir.

8 Q Did you ever that day actually go to Stephanie Dollar's
9 residence?

10 A No, sir.

11 Q Did you even drive by her house?

12 A No, sir, I don't recall.

13 Q Were you acquainted with the defendant before May 5th?

14 A Yes, sir.

15 Q Do you know about how long you had been acquainted with
16 him?

17 A I've been knowing the family for approximately twenty-two,
18 twenty-three years.

19 Q Of course, you hadn't been knowing the defendant that long?

20 A No, sir.

21 Q Been acquainted with him during that period of time, too?

22 A Yes, sir.

23 Q The first time that you went out there and met with the
24 Dollars, when you were talking to them, how many other people
25 were around the car?

11/11/87

1 A Myself, Bobby Dollar and Stephanie Dollar.

2 Q There wasn't anybody else standing around the car?

3 A No, sir.

4 Q How about the second time?

5 A Myself, Connie Molden and several youngsters.

6 Q What age are you talking about?

7 A Ages three to maybe eight.

8 Q And the last time you went out there?

9 A I was -- myself, Connie Molden, her husband, her children,
10 several other neighborhood children.

11 Q But not the defendant?

12 A No, sir.

13 (WITNESS EXCUSED)

14 THE COURT: Ladies and gentlemen, with the usual
15 admonition not to discuss the case among yourselves or
16 with anyone, you may stand in recess until 1:15.

17 (RECESS)

18 JOSH DARBY

19 having been previously duly sworn to speak the truth, the whole
20 truth and nothing but the truth, then further testified as
21 follows:

22 REDIRECT EXAMINATION

23 BY MR. CROW:

24 Q Mr. Darby, you testified earlier this morning?

25 A Yes, sir.