

1 the Court not to discuss the case among yourselves or
2 with anyone, you may stand in recess until Monday
3 morning at 9:30.

4 (ADJOURNMENT)

5 CORNING, ARKANSAS, JANUARY 31, 1994, AT 9:30 A.M.

6 JERRY DRIVER

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

9 DIRECT EXAMINATION

10 BY MR. FOGLEMAN:

11 Q Will you please state your name and occupation?

12 A Jerry Driver. I'm the chief juvenile officer of Crittenden
13 County.

14 Q Are you acquainted with the defendant?

15 A Yes, I am.

16 Q Are you also acquainted with Damien Echols?

17 A Yes, sir.

18 Q And Jason Baldwin?

19 A Yes, sir.

20 Q If you recall, when was the first time that you saw these
21 three people together?

22 A Around November 15th of '92, I believe.

23 Q Where was this?

24 A This was at Lakeshore Trailer Park.

25 Q What were you doing there?

1 A I was out with a suspected drunk driver on a street in
2 Lakeshore, and the three of them walked by.

3 Q Who else was --

4 A Officer Dollahite of the Sheriff's Office.

5 Q Who did you say walked by?

6 A Damien, Jason and Jessie.

7 Q Was it day or night?

8 A Nighttime.

9 Q How were they dressed?

10 A They all had on long black coats and Damien had on a slouch
11 hat and they all had staffs.

12 Q What do you mean by "staffs?"

13 A Long sticks that they were walking with.

14 CROSS EXAMINATION

15 BY MR. STIDHAM:

16 Q What date was that on?

17 A Around the 15th of November.

18 Q What year?

19 A '92.

20 Q '92?

21 A Um-hum.

22 Q You say it was dark?

23 A Um-hum.

24 REDIRECT EXAMINATION

25 BY MR. FOGLEMAN:

1 Q That was the first time you had seen the three of them
2 together?

3 A Together. Yes, sir.

4 Q Have you seen the three of them together after that?

5 A Yes, I have.

6 (WITNESS EXCUSED)

7 MR. DAVIS: Your Honor, there's something we need
8 to take up with you before we proceed.

9 THE COURT: All right, ladies and gentlemen, you
10 may take a short recess with the usual admonition not
11 to discuss the case among yourselves or with anyone.

12 (THE FOLLOWING CONFERENCE WAS HELD IN CHAMBERS)

13 THE COURT: Let the record reflect this is a
14 hearing out of the presence of the jury.

15 MR. FOGLEMAN: We've got a problem that has
16 developed that may or may not affect what the
17 testimony is.

18 We have now had the second witness that has told
19 us one thing about incriminating information against
20 one of the other defendants -- the second one that has
21 now after the investigator talks to them all of a
22 sudden they see things in a whole new light and recant
23 everything they have told the police. This particular
24 witness that was to be called next has maintained
25 since before the arrests that Damien Echols told him