

1 BY THE WITNESS:

2 A That's right.

3 Q How many other times besides May 6th did you attend DWI
4 school during the month of May?

5 A If you will look again, it was May 5th.

6 Q May 5th. How many other times besides May 5th did you
7 attend DWI school?

8 A I attended the whole month of May.

9 Q How many times?

10 A Four times.

11 Q During that time period, do you remember anything specific
12 about the other three occasions? Did you get out early on those
13 times?

14 A Yes, sir.

15 Q Every time?

16 A Yes, sir.

17 Q Remember what time?

18 A No, sir, I don't remember what time but it was out early
19 every time. We stayed at least an hour or sometime an hour and
20 fifteen minutes, hour and a half.

21 (WITNESS EXCUSED)

22 JIM McNEASE

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

25 DIRECT EXAMINATION

1 BY MR. STIDHAM:

2 Q Will you please state your name?

3 A James O. McNease, better known as Jim.

4 Q Can I call you Jim?

5 A Yes, sir, appreciate it.

6 Q Jim, where do you live?

7 A I live in West Memphis, Arkansas. Route Two, Box 119,
8 Marion.

9 Q What do you do for a living?

10 A I'm a mechanic for myself and I also do railroad --

11 Q Which railroad?

12 A UP Railroad in Little Rock.

13 Q Do you remember May 5th, 1993?

14 A Yes, sir, I sure do.

15 Q Why do you remember that date?

16 A I had to close my own shop and it kindly upset me.

17 Q Why did it upset you?

18 A Jessie had worked for me three or four years, and he always
19 opened and closed for me.

20 Q Are you talking about Jessie Senior?

21 A Yes, sir. I had to stay that day on account he had to go
22 to DWI school. At 5:30 he left the shop, and I had to close.

23 Q What time did you close up the shop?

24 A About 6:15.

25 Q So 6:15 P.M. you closed the shop up and then what did you

1 do?

2 A I went straight to the house.

3 Q How far do you live from the shop?

4 A Two blocks.

5 Q Did you walk or drive?

6 A I drove.

7 Q Did you happen to see the defendant Jessie Misskelley,
8 Junior that afternoon?

9 A Yes, sir. He was at the corner where I lived, my home.
10 Him and Dennis Carter was out -- coming down the road.

11 Q Did you talk to them at all?

12 A Yes, sir. I went out and asked them where they were
13 headed, and they said they were going to go practice wrestling.

14 MR. DAVIS: Your Honor, I object to anything the
15 witnesses may have said. This is hearsay. We would
16 ask that the jury be admonished not to consider.

17 MR. STIDHAM: You can't testify to what somebody
18 told you. Testify to what you saw or heard.

19 BY MR. STIDHAM:

20 Q What was the last time you seen Jessie?

21 A About 6:30.

22 Q Where was he at then?

23 A He was at the end of the street talking to the deputy
24 sheriff.

25 Q At 6:30?

1 A Yes, sir. They were called out and I walked out to the
2 edge of the road to see what was going on. Him and the other
3 kids was at the car talking to the deputy sheriff.

4 Q That was the last time you seen him on May 5th?

5 A Yes, sir.

6 Q You say that you seen Jessie and Dennis Carter out in the
7 street?

8 A Yes, sir.

9 Q Did you say anything to them?

10 A Yes, sir.

11 Q What did you tell them?

12 A I went out and was picking at them and he comes up -- he
13 always hugged me and he put his head on my chest and he got like
14 a crew cut. I said, what are fixing to do, and he said, I'm
15 going wrestling. I said, you're not big enough to go wrestling.
16 You're not big enough to fight the gnats off your ass much less
17 go wrestling, and that is exactly what I said.

18 CROSS EXAMINATION

19 BY MR. DAVIS:

20 Q You said Jessie had a crew cut at that time?

21 A Short hair. I called it a crew cut. I would not say it
22 was a professional crew cut but it was short hair.

23 Q You say when you saw him, you saw him at two different
24 times that evening?

25 A Yes, sir.

1 Q The first time where was he?

2 A Right around my house where the roads cross. I live on the
3 corner. When I turned into my driveway, him and little Dennis
4 was coming down the street.

5 Q Was there anybody else around?

6 A Just him and Dennis at that time.

7 Q So this is about what time?

8 A I closed at about 6:15. It was around 6:15 or 6:20.

9 Q Were there any police cars there then?

10 A No, sir.

11 Q So you've got him coming down the street with little Dennis
12 Carter?

13 A I saw him. Yes, sir.

14 Q Did you see any women out there or girls?

15 A Not at that particular minute, which I wasn't looking for
16 'em.

17 Q The next time you see him at 6:30 he's out talking to the
18 deputy sheriff?

19 A The deputy sheriff's car was sitting in this guy's
20 driveway. All the kids was around him talking to the deputy
21 sheriff.

22 Q How many cars were there there at that time?

23 A One deputy sheriff's car.

24 Q You said Jessie was down there talking with him?

25 A Yes, sir.

1 Q Detective Durham with the West Memphis Police Department
2 came out to talk to you back on June 11th of last year, correct?

3 A Who?

4 Q Detective Bill Durham of the West Memphis Police Department
5 attempted to take a statement from you --

6 MR. STIDHAM: Your Honor, may we approach the
7 bench?

8 (THE FOLLOWING CONFERENCE TOOK PLACE AT THE BENCH
9 OUT OF THE HEARING OF THE JURY)

10 MR. STIDHAM: We went through this before. I
11 think what he's trying to do is impeach the witness by
12 saying that Mr. Stidham told him not to talk to the
13 police. That matter has already been discussed twice,
14 and I think that objection has been sustained.

15 MR. DAVIS: He refused to talk to the police.

16 THE COURT: I'm going to allow him to develop it.

17 MR. STIDHAM: Would you note our objection?

18 THE COURT: Yes.

19 (RETURN TO OPEN COURT)

20 BY MR. DAVIS:

21 Q Members of the West Memphis Police Department came to talk
22 to you back in June just a few days after Jessie Junior was
23 arrested. Do you recall that?

24 A No, sir, he did not come to me.

25 Q Did he telephone you?

1 A Yes, sir.

2 Q When he telephoned you, he asked you what you might know
3 about Jessie's whereabouts?

4 A He asked me if I'd give him a statement and I said no, sir,
5 I will not over the telephone.

6 Q You never did give him any statement regarding any
7 information concerning Jessie Misskelley, Junior, did you?

8 A Nobody even came and approached me after that.

9 Q You've got one of these yellow ribbons on. What does that
10 stand for?

11 A That says Jessie Junior.

12 Q Have you ever made an attempt to go to the West Memphis
13 Police Department up until -- have you ever told a law
14 enforcement officer what you have testified to today?

15 A No, sir.

16 Q Have you ever made an attempt to go up there and do that?

17 A No, sir.

18 Q In fact when the officer contacted you, you told him you
19 were not going to give him a statement until you had talked to
20 Jessie Junior's attorney, correct?

21 A I told him I wasn't going to give nobody a statement over
22 the telephone.

23 Q And you told him you'd have to talk to Jessie's attorney
24 before you even talked to him, right?

25 A I told him I'd been advised that everything that we had

1 said had been used against little Jessie, and I was not going to
2 give them any statement unless I had an attorney present.

3 (WITNESS EXCUSED)

4 LOUIS HOGGARD

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

7 DIRECT EXAMINATION

8 BY MR. CROW:

9 Q Will you please state your name?

10 A Louis Hoggard.

11 Q What is your occupation?

12 A Eighteen wheeler owner-operator.

13 Q Drive your own truck?

14 A Yes, sir, over the road.

15 Q Where do you live?

16 A Highland Park in Crittenden County.

17 Q In relationship to Jessie Misskelley where do you live?

18 A Next door.

19 Q The building to the north?

20 A Next building to the north.

21 Q How long have you lived in the trailer park?

22 A Since August of 1987.

23 Q All that time have you heard about, seen or been advised of
24 any kind of cult activity?

25 A No, sir.