

Witness for the Prosecution

February 28, 1994

FOGLEMEN: Call Mike Allen

THE COURT: Were you sworn before?

ALLEN: Yes sir.

FOGLEMEN: Would you state your name and occupation for the jury?

ALLEN: Mike Allen. I'm a detective sergeant with the West Memphis Police Department.

FOGLEMEN: Detective Allen, I want to direct your attention to uh - May the 6th, 1993. Uh - did you participate in the search for Michael Moore, Stevie Branch, and Chris Byers on that date?

ALLEN: Yes sir.

FOGLEMEN: Alright. Explain for us the circumstances about how you got involved in this search.

ALLEN: Uh - that morning upon coming to work to West Memphis Police Department, uh - our offices are upstairs, we normally have a morning meeting at uh - 8:00, uh - that morning uh - we get there a few minutes early - but that morning, uh - we went in to sit in the morning meeting and Inspector Gitchell advised us that three eight year old boys were missing and that we needed to get out and start looking for 'em.

FOGLEMEN: And how many of you are there in the detective division, that participated in this search?

ALLEN: That morning, there were probably seven or eight of us - that morning, that showed up to the meeting that went out. Some other officers assisted also.

FOGLEMEN: Alright. And upon leaving the station, do you know about what time you uh - started your search?

ALLEN: Uh - it - approximately 8:00. I'm saying we got there at - around that time frame, I don't know exactly, it was real near the 8:00 hour.

FOGLEMEN: And after you checked in service, what did you do?

ALLEN: Uh - Inspector Gitchell advised uh - me to go around and check vacant houses in the area.

FOGLEMEN: Alright. And uh - was that in the neighborhood where the boys were?

ALLEN: Yes sir.

FOGLEMEN: Alright. If you would step down and refer your attention to state's exhibit 101. If you could step over to the side and show the jury the area that are shown in the photograph where you searched.

ALLEN: Uh - this area right here is 7th street, uh - mainly the vacant residents, which would be our northeast section of West Memphis, which is uh - this area to the city limits uh - which would be going east uh - the residential area is out towards Club road - out towards truck stops and then Broadway street, which would be south from here, which runs east and west, which is not shown in this aerial photo but uh -

FOGLEMEN: Well, let me stop you. Let me put up the uh - state's exhibit 2 and ask if you can take this red marker and draw off the area where this search - your search was concentrated.

ALLEN: This right here is 7th street uh - here, I call this the northeast section of West Memphis - we're kind of in wards. Uh - this would be the northeast ward. This here's Broadway street. Uh - I concentrated my search in vacant houses in this area, east of 7th street. Uh - the area in which the boys lived in and uh - north of Broadway. This area here.

FOGLEMEN: You can retake the stand. During your search, were you aware of other people searching?

ALLEN: Yes sir.

FOGLEMEN: Alright. And besides the uh - detective division of the West Memphis Police Department, uh - what other groups were you aware of searching?

ALLEN: The uh - Crittenden County Search and Rescue, uh - other uniform officers of the West Memphis Police Department, uh - we also had some members of the uh - West Memphis Utility Department uh - out searching also.

FOGLEMEN: Ok. At some point during your search, did you have an occasion to go to the area where the - what's called Robinhood, the wooded area near Blue Beacon?

ALLEN: Yes sir, I did.

FOGLEMEN: Alright. And about what time was that?

ALLEN: It was approximately 1:30.

FOGLEMEN: And when you arrived at that area uh - did you - what, if anything unusual did you see?

ALLEN: Uh - I was directed by an officer of the Crittenden County Search and Rescue that they had found a uh - tennis shoe floating in a ditch, which was you know - in a patch of woods uh - north of the Ten Mile Bayou. Uh - and I went to that location.

FOGLEMEN: And when you went to that location, what did you yourself see?

ALLEN: I observed a tennis shoe uh - floating in - on top of the water.

FOGLEMEN: Let me show you what has been marked for identification purposes as state's exhibit 9. Ask if you can identify that.

ALLEN: Yes sir.

FOGLEMEN: Does that photograph fairly and accurately portray the scene as it appeared to you at that time?

ALLEN: Yes sir.

FOGLEMEN: Your Honor, we would offer state's exhibit 9.

PRICE: No objection.

THE COURT: Alright, it may be received without objection.

FOGLEMEN: I also want to show you state's exhibit - for identification purposes - 10, 11, 12, and 31. If you would look at those Officer, see if you recognize those.

ALLEN: Uh - yes sir.

FOGLEMEN: And do those photographs fairly and accurately portray the scene as it appeared to you at that time?

ALLEN: Yes sir.

FOGLEMEN: Your Honor, we would offer state's exhibits 10, 11, 12, and 31.

FORD: No objection.

PRICE: No objection.

THE COURT: Alright, they may be received.

FOGLEMEN: Your Honor, may the officer step down and exhibit to the jury?

THE COURT: Yes.

FOGLEMEN: I'll tell you what, I'm gonna let you just hold it and we can do it that way. Refer to 'em by exhibit number and if you would step all the way in front of the jury, try to make sure all the jury sees that.

(mumble)

FOGLEMEN: Go ahead.

ALLEN: Uh - this first photograph uh -

FOGLEMEN: Exhibit number.

ALLEN: - here, exhibit number 9 is marked on the back. This is an aerial shot of the area they call Robinhood Hills, uh - this is Ten Mile Bayou here, this section north and south of the interstate. The Blue Beacon truck wash is here.

FOGLEMEN: Ok. What is this area right here?

ALLEN: This is a trail leading uh - from West McAuley going to a pipe that crosses the Ten Mile Bayou here, the trail that leads up

(mumbling)

THE COURT: You can take that down.

FOGLEMEN: If you would Officer Allen, if you would point with the pointer on state's exhibit 101 the area that the aerial photograph just introduced - what area that shows, in particular the woods at Blue Beacon and Blue Beacon.

ALLEN: This is the pipe that I was talking about that crosses the Ten Mile Bayou here. Uh - when I came in, I parked my car there and walked in this way - over where the pipe uh - which is heading north here in this photograph, uh - walked up this trail here and was directed into the woods by another officer uh -

FOGLEMEN: And where is the Blue Beacon?

ALLEN: The Blue Beacon is right here. This is the Blue Beacon truck wash here.

FOGLEMEN: Alright. And what is - what is this right here?

ALLEN: This is interstate - actually interstate 40 and interstate 55, they split off uh - to the east and west of this location, but this is the interstate.

FOGLEMEN: And what is this business right here?

ALLEN: This business right here is um - Luv's country store/truck stop.

FOGLEMEN: Alright. And this larger area?

ALLEN: This is the 76 truck stop and parking lot here and this is 7th street here.

FOGLEMEN: And in this area of Blue Beacon, Luv's, and 76 truck stop what are the lighting conditions there?

ALLEN: Uh - there are lights uh - big towers - well, towers here uh - lighting uh - nearly every one of these buildings with flood lights. There's numerous lights. Flood lights in this area here and the parking was - the parking lot at night is pretty well lit up.

FOGLEMEN: Alright. And how about Blue Beacon?

ALLEN: Uh - Blue Beacon, there's a little median right here uh - there's flood lights there and flood lights in this area here and there's also flood lights on the building that shine outward. A pretty well lit up area here, at night, real lit up. Even on the back here, it's a lit up area.

FOGLEMEN: Alright. Now if you would, take the next photograph - i believe it's state's exhibit 10. And if you would, step out to the jury and make sure all the jury can see.

ALLEN: Ok. This is in the wooded area of Robinhood Hill. Uh - there's a ditch within this woods that runs uh - down this way that - it runs into the Ten Mile Bayou. This is - this photograph here reflects uh - me crossing this ditch to get on the other side, there's the tennis shoe that I observed was uh - there's like a cliff right here and it was where I had to go down to cross to get on the other side to get closer to where I could uh - observe the tennis shoe.

FOGLEMEN: Is that prior to discovering any of the victims?

ALLEN: Yes, that's when I first got into this area.

FOGLEMEN: Alright. And were you able to make it across without getting into the water?

ALLEN: No sir, I uh - fell into the water here uh - in exhibit 11, and came up the bank here and around over to the area where the tennis shoe was, up the ditch here.

FOGLEMEN: Go ahead Officer.

ALLEN: Exhibit 12 uh - represents the location where I found the first body.

FOGLEMEN: How did you come to find him after you went over the tree there and got back in the water, how did you come to find him?

ALLEN: Yes. Uh - down in this direction, where they - other photograph that you just looked at uh - was that - over in this area, I walked around the tree and right down this bank here and stepped off into the water here and was reaching uh - for the tennis shoe and with my feet I could feel an object and I raised up and uh - I discovered this body.

FOGLEMEN: And who else is in the photograph?

ALLEN: This photograph was uh - taken when Detective Ridge uh - got to the scene.

FOGLEMEN: Alright. In uh - state's exhibit 31, what are you pointing at in that photograph?

ALLEN: This is the location - this is - uh - this photograph was probably taken before that photograph, but this is the photograph where I located the first body here.

FOGLEMEN: Are you pointing to the area where in the water the body -

ALLEN: Yes. At this point, I had already discovered the body and got back up on this bank here. The body, at the time this photograph right here was taken, was still uh - sunken in the water there.

FOGLEMEN: You can retake the stand. Alright, in the photo - I believe it's state's exhibit 31 where you discovered uh - the first body, are you familiar with which victim that was?

ALLEN: Yes sir.

FOGLEMEN: And who is that?

ALLEN: It was uh - Michael Moore.

FOGLEMEN: Alright. And uh - are you familiar with whether the uh - with whether Stevie and Chris were discovered upstream or downstream from uh -

ALLEN: It was downstream.

FOGLEMEN: And what difference if any did you note in the surface of the water in the area where Michael Moore was discovered as oppose to downstream in the area where Stevie and Chris were found?

ALLEN: The area that Michael Moore was located was a uh - was - the water was uh - the surface of the water was cleaner in a sense that uh - it was murky as far as muddy water, but the debris on top floating on top of the water there was a lot more debris in the location in where uh - the other two boys were found.

FOGLEMEN: And in the uh - area uh - in the general area where you were standing in exhibit 31 and pointing into the water, uh - did you note - or what if anything did you note about the conditioning of the bank?

ALLEN: The condition of the -

FOGLEMEN: Bank.

ALLEN: - bank, it was - from looking at the whole picture, you - uh - it was more - the bank was slicked, but it was like - like some scuffs in the bank. Uh - the surface uh - no leaves, absence of leaves, uh - in an area just over and a lot of the other area, there were leaves and things of that nature. This area uh - looked a lot cleaner than the other area.

FOGLEMEN: I don't have any further questions at this time.

PRICE: Officer Allen, at the crime scene did y'all find a boot print on the bank?

ALLEN: A boot print?

PRICE: A boot print that was 18 inches out of the water, 3 foot to the north of the first body.

ALLEN: A boot print?

PRICE: A boot print, yes sir.

ALLEN: Uh - no sir.

PRICE: Ok. Did y'all take a cast of some type of footprint or shoe print out at the scene?

ALLEN: Yes sir.

PRICE: Ok. Do you recall if that was a cast of a - was that a boot print or a shoe print or a tennis shoe print or a - do you recall what kind of cast that was?

ALLEN: I - it appeared to me as maybe a tennis shoe type print.

PRICE: And this was something that uh - one of the officers there at the crime scene, did y'all use some kind of plaster Paris to actually make a cast out of that particular print?

ALLEN: I did not do that, but we did have a crime scene officer that did do that.

PRICE: Ok. Do you recall who the one - who the officer that did that was?

ALLEN: Uh - Bryn Ridge and uh - Tony Anderson assisted with that.

PRICE: Ok. Do you recall if they took this cast of this tennis shoe print uh - on May the 6th, the day that y'all found the bodies?

ALLEN: It was the day that we found the bodies.

PRICE: Alright. Besides that tennis shoe print that y'all took a cast of, were there other footprints that y'all found out at the scene?

ALLEN: At that - at that particular given scene?

PRICE: Yes sir, at that - where the bodies were found out at the Robinhood area.

ALLEN: Uh - not what you would call any impressions, nothing visible as far as impressions. Uh - in the slicked off area, uh - a lot of scuffing. Uh - nothing, no visible impressions that were still there when we got there.

PRICE: Ok. Do you recall if y'all ever found a barefoot print out at the scene?

ALLEN: I don't recall that.

PRICE: Ok. Are you aware that barefoot samples were taken of my client, Damien Echols' foot during this investigation?

ALLEN: I don't have - I have hearsay knowledge of that.

PRICE: Ok.

ALLEN: I don't -

PRICE: To your knowledge, did the footprint that was taken - the barefoot print that was taken of my client ever match up anything out at the crime scene?

ALLEN: From the information I gathered, there would - and I'm not an expert in latent prints, but there was not enough ridge characteristics to have matched - to have matched uh - where a person could positively say whether or not that was any particular person's.

PRICE: Ok.

ALLEN: - print.

PRICE: Was there some - to your knowledge, was there some type of print that was found in the mud that y'all - one of the officers made a, some kind of box around at the scene?

ALLEN: I think you're - that must have been - that was what I was referring to, I don't know that - you're talking about the same impression that was in the mud that was taken as uh - I don't think there were 2 different prints.

PRICE: There weren't 2 different impressions?

ALLEN: No. We're -

PRICE: This is the same impression.

ALLEN: - talking about the same impression.

PRICE: Ok.

ALLEN: And it was unknown whether or not it was a - made by a footprint or fingerprint, whatever.

PRICE: Ok.

ALLEN: I don't -

PRICE: Alright, at - on uh - do you recall approximately how long you stayed out at the crime scene on May the 6th?

ALLEN: Yes sir.

PRICE: About what time did you leave?

ALLEN: It was roughly after 8:00 that evening.

PRICE: Ok.

ALLEN: It was between 8 and 8:30.

PRICE: Ok. At approximately 9:00 pm, did you and Detective Ridge go to the Bojangles restaurant?

ALLEN: Yes sir, I believe.

PRICE: Ok. And did you talk to a - the manager at the Bojangles restaurant, a Marty King?

ALLEN: Yes sir.

PRICE: Ok, was this -

ALLEN: If that was his name.

PRICE: Ok. Was this in reference to a report that Regenia Meek had taken the night before about a black man going to Bojangles with blood on him?

ALLEN: Uh - I would - yes sir.

PRICE: And during the conversation that you had with Marty King, did Marty King give you and Officer Ridge a pair of sunglasses that was left by the bleeding black man?

ALLEN: I don't recall any sunglasses, I remember him telling about some sunglasses that the man had left, but to my knowledge uh - we did not receive any sunglasses from him.

PRICE: Ok. Do you recall either you or Officer Ridge taking blood samples from the ladies bathroom at the Bojangles restaurant?

ALLEN: I believe Officer Ridge did that.

PRICE: Ok.

(next audio begins)

PRICE: - ask Mr. King if you could take the pair of sunglasses that was left by the bleeding black man?

ALLEN: I think he said that they were uh - just from - uh - he said he had cleaned the blood up and that uh - I think they were trashed.

PRICE: Did Mr. King indicate that he trashed the sunglasses? Is that your testimony?

ALLEN: I don't know who he said cleaned the blood up or cleaned the - cleaned it up.

PRICE: One moment, Your Honor.

(tape flipped)

PRICE: - at the Bojangles restaurant talking with the manager uh - do you recall if the manager - if you asked the manager what type of mud that the uh - bleeding black man had on him the night before?

ALLEN: Uh - what kind of mud he had on?

PRICE: Yes sir.

ALLEN: Um - my notes - I - I - I think he said the guy was dirty, I don't know uh -

PRICE: Do you recall asking the manager of Bojangles if the person had mud on him similar to the mud that you had on your pants, your shoes?

ALLEN: No sir, I don't remember that question.

PRICE: Ok. Out at the crime scene, did y'all ever find any goats' heads?

ALLEN: No sir.

PRICE: Did you find any animal carcasses?

ALLEN: Not to my knowledge.

PRICE: Did you find any evidence of any fires where the bodies were found?

ALLEN: There had been some fires out there in the past from - from some signs that we could see.

PRICE: Ok. Now is this in your notes that you took at the crime scene? Or did you do a report about what you did there at the crime scene?

ALLEN: No sir.

PRICE: Ok. Do you recall finding any beer bottles there where the - were beer cans there where the bodies were found?

ALLEN: No, there - the only - in that wooded area, nothing as far as any fresh beer cans or anything of that - everything that was out there looked like it had been in the sun for a long, long time.

PRICE: Ok.

ALLEN: Mostly -

PRICE: Do you recall -

(talking over)

PRICE: Oh, I'm sorry. Do you recall, was there a bag - some kind of duffle bag, overnight bag that may have had some items in it that was found sort of near the crime scene?

ALLEN: I'm not familiar with that.

PRICE: Ok. Do you recall seeing any kind of a circle in the area - that flattened area that you said near where the bodies were found?

ALLEN: That area had been um - just scuffed up, it -

PRICE: But did you see any evidence of a circle in that area?

ALLEN: No, nothing stuck out at me.

PRICE: Was there any visible blood found at the crime scene?

ALLEN: Any visible blood, um - not on the ground.

PRICE: Not on the ground.

ALLEN: Had lots of it in the water, but none on the ground.

PRICE: To your knowledge, was there any semen found at the crime scene, on the ground?

FOGLEMAN: Your Honor, I object to that question where an expert can answer that question, I don't believe Mr. Allen can detect further any semen.

PRICE: Judge, I don't recall any experts being at the crime scene. Any evidence that would have been there, the officers would have had to collect that and sent that to the experts to be tested. That's -

THE COURT: Did you collect any items to be sent to the lab?

ALLEN: Detective Ridge uh - took the children's clothes, bagged them up and sent them to the lab and I'm - and -

PRICE: Ok. To your knowledge, were there any knives found at the crime scene where the bodies were located?

ALLEN: No sir.

PRICE: Ok. To your knowledge, were there any fingerprints found at the r where the bodies were located?

ALLEN: In a wooded area, uh - other than the impression, some - whatever the impression was that - I'm not a - like I said, I'm not a fingerprint expert but there was an impression that was left but to my knowledge it was uh - uncomparable.

PRICE: Alright. One moment, Your Honor. No further questions.

THE COURT: Alright ladies and gentlemen, you can stand at recess for fifteen minutes with the usual admonition not to discuss the case.

(mumbling)

(audio turned off, starts abruptly)

ALLEN: No, not really.

FORD: Ok. I believe you told uh - this jury that Inspector Gitchell just came in and said, "We've got three eight year olds missing" and "Go get - go look for 'em."

ALLEN: He had the offense reports uh - there that he had made copies of and uh -

FORD: Did y'all spend any time developing any strategy as to how you were gonna go about this search?

ALLEN: Uh - I assume, Inspector Gitchell, he advised me to - to check these vacant houses, so -

FORD: Ok, so you had - alright, not to cut you off, but you - when you left, you had specifically assigned duties?

ALLEN: When I left, I had a specific assigned duty.

FORD: Ok. And tell me again what that was.

ALLEN: That was to check vacant houses in the area. Myself and, I think, Diane Hester took some of them too. We went to the utility department uh - later on that morning, we checked - started checking vacant houses and we were - there were some houses where you couldn't tell

whether or not they were vacant or not, they kind of looked like they were vacant. So we went and uh - we went and got Brian Weatherspoon, who works for the city to run up a computer check on vacant houses and we went by and picked one of those up.

FORD: Alright. About what time was that?

ALLEN: I have no earthly idea, I know I was in that area searching and riding - it probably was, I don't know - 10 - hell, I'd just be guessing.

FORD: Ok. You can't see this can you?

ALLEN: No sir.

FORD: Let me turn it a bit, now can you see it?

ALLEN: Yes sir.

FORD: Can you all see that too? This is 7th street here, correct?

ALLEN: Yes sir.

FORD: Ok. And is this the area that you were checking vacant houses on?

ALLEN: No sir.

FORD: Ok, I thought that's - tell me where you were in - was it in the residence -

ALLEN: It was - I was in the residential area which is considered the northwest, I mean, the northeast part of West Memphis, which is basically uh - the area, the residential area east of 7th street, south of the interstate, north of Broadway which crosses east and west through West Memphis and from about Club road back west. This - it's a section there of residence and all three of the boys lived within that area.

FORD: Ok. What is this street right here?

ALLEN: Um - if I could get down here.

FORD: Yes, fine, go ahead.

ALLEN: (mumbling) This right here is a mini storage, this would be corner grocery, this would be East Barton here.

FORD: That's East Barton.

ALLEN: And on down East Barton this way uh - at 14th and Barton is where they - the Byers lived on the northeast corner and the Moores lived on the northwest corner of this street right

here on down. This is the residential neighborhood that we were searching. From here, backwards.

FORD: Ok. So these young boys uh - Michael, Chris, and Stevie, they don't live in any of these homes that are on this -

ALLEN: No sir, they were supposedly last seen in that area of Robinhood, was all we had.

FORD: Ok. Now this - this area here, where all these little trails are, is this known - that's considered Robinhood?

ALLEN: I don't know -

FORD: Right here.

ALLEN: Uh -

FORD: Or is it only this section here?

ALLEN: I think - I don't know exactly what - I know that they call that Robinhood Hills because that's got some sloping hills and the other area has got some - I don't know. It's something - it's not anything, I don't think, that the city named. It was - I don't know, if the residents maybe have named that uh - and it's just a name that carried on. I - I didn't grow up in that area and I don't really know what they uh - call that particular area over there with the trails.

FORD: Ok.

ALLEN: Maybe they call it all Robinhood.

FORD: This is McAuley -

ALLEN: That's West McAuley there in front of - that runs in front of Mayfair Apartments, which runs uh - it runs north and south.

FORD: Ok.

ALLEN: And it dead ends into -

FORD: This is -

ALLEN: Mayfair Apartments.

FORD: Mayfair Apartments. And this is north and south.

ALLEN: That's north and south.

(talking over each other)

FORD: This is north.

ALLEN: That's north up there.

FORD: This is south.

ALLEN: Yes.

FORD: So, to get our bearings straight, we really are more like this if we're looking north, south, east, and west. That's right? Is that right?

ALLEN: I don't see an aerial indicator on north, but it's basically - yes.

FORD: Ok. This is the northern part and this is the southern part.

ALLEN: Yes.

FORD: Ok.

ALLEN: I don't know how square that is, but -

FORD: Ok.

ALLEN: - yes sir.

FORD: Ok. But that is it as far as -

ALLEN: Yes sir.

FORD: Now, around 10:00, you and Detective Hester were checking empty houses. Or at least that's what time you picked up this computer printout, is that right?

ALLEN: I - like I said, I'm not sure what time it was. Sometime between 8:00 that morning and when I found the boys. I was in that area checking vacant houses and -

FORD: At what point did you, if you can Sergeant, tell me when you went from checking the vacant houses to going in these woods? What caused you to change your described duties?

ALLEN: There was a call that came out over the radio that was directed to 249, which is George Phillips a officer with the West Memphis Police Department - a uniformed officer, um - I don't really remember anything other than they wanted George Phillips uh - dispatch called and asked that George Phillips meet a county officer at the dead end of West McAuley, which is the area uh - which is - which is this area -

FORD: Mark where McAuley street is. Alright. Would you put your initials there, M.A., Mike Allen. And is that where you - you heard the radio call to go to that location?

ALLEN: No, I was in this area and I heard the radio call to go to this location and uh - I got out - parked my car at the dead end here and walked in and was met by one of the deputies and George Phillips was -

FORD: Who - who was there with you when - who did you meet there who were law enforcement officers at that location?

ALLEN: Uh - Denver Reed, which is a uh - Deputy Sheriff also on the Crittenden County Search and Rescue, was coming out of the woods. Uh - I met him as I was going into the woods. Uh - Steve Jones who is a juvenile officer was at the location that uh - had observed the shoe and I guess him and Denver were in that area at that time searching.

FORD: Ok.

ALLEN: Uh -

FORD: So there's George Phillips -

ALLEN: George Phillips -

FORD: - Steve Jones, and Denver Reed and yourself - those four individuals?

ALLEN: I think Denver had - was leaving out as we were - we were coming in. Uh - as I recall, when I found the first body, uh -

FORD: Who was there with you?

ALLEN: Uh - Diane Hester had came in about that time, George Phillips was still there, and Steve Jones was there. Now, when I found the first body, Steve Jones left in a rather hurry fashion - sick.

FORD: Ok.

ALLEN: Uh - George Phillips, which is a uniformed officer, uh - got back, I know that. He was - they were up on the hillside and he got back, I mean uh -

FORD: And what about Detective Hester?

ALLEN: Now, Detective Hester uh - got on the radio and contacted Inspector Gitchell at that time.

FORD: Did she have a portable radio with her?

ALLEN: Yes.

FORD: Ok. So when you walked into the woods and you were walking across this bank, you're out there with Detective Hester, Patrolman Phillips, and Steve Jones, and yourself. Anyone else?

ALLEN: Uh - Diane came in - probably walked in behind me.

FORD: Ok. But was she there when you were trying to cross the ditch?

ALLEN: Yes, she's the one that took that photograph I believe. I don't - I would assume she did. She was there.

FORD: Now, let's start with state's exhibit number 10. Who took that photograph?

ALLEN: Well, it wasn't me. It was uh - I believe it was uh - Sergeant Hester or George - oops, I don't know. I -

FORD: You don't know who took that picture?

ALLEN: Well, I'm not in a position to really tell, but I think it was Diane Hester.

FORD: Ok. Well, who - who had the camera out there between the four of you?

ALLEN: (sigh) Must have been Diane Hester. Diane Hester, I would think. I wouldn't think George -

FORD: Diane Hester. And did Diane take that picture, which is state's exhibit number 11?

ALLEN: I would assume she did.

FORD: Ok. And state's exhibit number 31, who took that photograph?

ALLEN: That, I don't know uh - I don't - around this time period, when she got on the radio - I don't know, this would have been after I had already discovered the body and I was pointing downward uh - and at this time, I had rubber gloves on, so this picture would have been taken - I would imagine Inspector Gitchell would have arrived at that time uh - the camera bag was - another camera bag from the police department was brought in that time, that's what's beside me right there, so I don't know who took this photograph. This was taken from up on a - up on a bank and they were - a couple of officers up there, I don't know who was taking the photograph.

THE COURT: You need 'em?

FORD: Yes sir, I'm not done with 'em. And do you know who took that photograph, state's exhibit number 12?

ALLEN: No sir.

FORD: You do not, ok.

ALLEN: I know it wasn't me or Bryn Ridge, but as far as that, I do not know. It was the furthest thing from my mind at that time.

FORD: Look at state's exhibit number 11, what color is the face on your watch?

ALLEN: It's the same watch I have on right here.

FORD: Black? A black face?

ALLEN: Yes, it's the same watch I've got on right here.

FORD: And what color is the watch face you have now?

ALLEN: It's black, it's the same color.

FORD: Show you state's exhibit number 10, what color is the face on that watch?

ALLEN: This is -

FORD: It's white, isn't it?

ALLEN: I have not changed watches. (giggle)

FORD: It's white, isn't it?

ALLEN: It's like a reflection, I'm sure.

FORD: You're saying - is it - does it appear white in that photograph?

ALLEN: Does it appear white in this photograph?

FORD: Yes sir.

ALLEN: It appears as a reflection, yes. But I -

FORD: When you and Officer Hester were walking into the woods, were y'all just clicking photographs one right after the other, one right after the other trying to catch each and everything that y'all did? So she just happened to catch you leaning across the ditch, just happened to catch you falling in the ditch - just by luck, when nobody even knew that you were going to find anything - nothing significant had occurred, but y'all just happened to be taking photographs - is that correct?

ALLEN: Diane Hester uh - at that point was before we realized that we had a tragedy of this - of this nature and at that time, I think she took those photographs 'cause she was poking fun at me because I was fixin' to fall uh - in the water.

FORD: Ok.

ALLEN: Uh -

FORD: So these two pictures were taken as a joke, state's exhibit number 10 and state's exhibit number 11.

ALLEN: That was what I call - at that point, those photographs were taken -

FORD: Because she thought you were fixin' to fall in the water, right? She thought you were fixin' to fall in the water so she said "Well I'll just take a picture, this may be funny"

ALLEN: Yeah, I did fall -

FORD: Is that what she was doing?

ALLEN: - in the water.

FORD: That's right. And she knew that was going to happen and she thought it was funny, is that right?

ALLEN: I assume.

FORD: Did you go back Sergeant, after this was - later, and take these photographs - stage these photographs? With different watches on.

ALLEN: (giggle) No sir. That's absurd.

FORD: Alright. That's absurd.

ALLEN: That's absurd.

FORD: And now, look at these other two photographs, state's exhibit number 31 and state's exhibit number 12 and look at your left hand - it appears in each one of those photographs, and tell me - do you have your watch on?

ALLEN: Well, I really can't tell. I've got a set of rubber gloves on at this point here.

FORD: Does it appear in that photograph, do you have your watch on?

FOGLEMAN: Your Honor, I believe the witness answered the question, he really couldn't tell because of the rubber gloves.

FORD: Can you not tell whether there's a watch on or not in that picture?

ALLEN: If I would have put those rubber gloves on -

FORD: No, no.

ALLEN: - I would have taken my watch off.

FORD: Answer - answer my question. Can you -

ALLEN: I can not tell -

FORD: - tell whether or not you have a watch on in that picture?

ALLEN: No sir, I can not tell.

FORD: You can't tell. You can't tell.

ALLEN: Let me look real close, I want -

FORD: Look again, see if you can tell 'cause I mean - I want you to be careful - and tell me whether or not you can tell or whether you're undecided after looking at that photograph whether you've got your watch on or not. See how good your observations are.

(pause)

ALLEN: With these rubber gloves, I - I just would assume that I would have taken my watch off at that point.

FORD: Ok. Did Officer Hester take this photograph? State's exhibit number 31.

ALLEN: That, I do not know.

FORD: You don't know.

ALLEN: No.

FORD: State's exhibit number 11 and state's exhibit number 31, are they at the same location?

ALLEN: No sir.

FORD: They're not?

ALLEN: They're in the same - this is -

FORD: Not the same -

ALLEN: - if you could take these photographs to right here and put those photographs - say like this - they may be in the same location, but I mean, this - this is where the body was found and this is where I crossed just a little bit down stream, right here - down the creek.

FORD: Alright.

ALLEN: Come up around this here.

FORD: Now, when you were trying to cross the ditch in state's exhibit number 10, you were trying to cross the ditch to get to a tennis shoe - right?

ALLEN: Yes sir.

FORD: Can you find that tennis shoe in that picture that you were trying to get to? If you can, show it to me please.

ALLEN: No sir.

FORD: Ok. So the tennis shoe that you were trying to get to, you don't see in that picture - is that right?

ALLEN: That's correct.

FORD: Tennis shoe's not in that picture.

ALLEN: Tennis shoe is not in that picture, no sir.

FORD: That's all I have, thank you Mike.

PRICE: I've got some questions, Judge.

FOGLEMEN: I've got redirect -

(talking over each other)

FOGLEMEN: Detective Allen, I believe you previously testified in this, but - in regards to state's exhibit 11, where in relation to the crossing was the tennis shoe?

ALLEN: It was - this uh - this would have been what I call the west bank, where I crossed here was the only place really to cross within - because you've got to imagine, there's a high bank on this side - I crossed here because uh - without walking all the way back up and around the interstate and around the ditch and around the other side, I uh - I thought I could easily cross in that area, it was the easiest area for me to cross. And uh -

FOGLEMEN: But where in relation to where you are in that dict -

ALLEN: This is - the water is flowing in this direction this way - it is slight, but this is what I would call down stream from where the tennis shoe is up - up in this area.

FOGLEMEN: So the tennis shoe would have been like back toward me or the other direction?

ALLEN: Back up - back up this way 'cause I came up around this tree and around.

FOGLEMEN: Ok. So back toward me?

ALLEN: Yes, yes, yes.

FOGLEMEN: Ok.

ALLEN: Back up towards you.

FOGLEMEN: I don't have any further questions.

PRICE: Officer Allen, out at the crime scene was one of uh - Sergeant Hester's duties to write up the notes about what y'all were finding there at the scene?

ALLEN: Um - Inspector Gitchell and um - Lt. Hester and those other officers, one of them were - I'm sure was taking notes. I don't know. I don't know who took the notes. Uh - Officer Ridge could might be able to tell you that, or one of the other officers.

PRICE: Alright. If Sergeant Hester's notes of the crime scene indicate that Sergeant Allen recovered a partial shoe print, west side bank where the second body was located - do you recall?

ALLEN: That was the one that they casted later that day.

PRICE: That's the same print that we talked about earlier?

ALLEN: Yes sir.

PRICE: Ok. And uh - soon after y'all reco - located the first body, did y'all put some kind of uh - crime scene evidence tape or some type of something around the whole area there at the Robinhood to keep out anybody else from coming in there?

ALLEN: Where you're at - I - I - they - when I came out that evening, they had crime scene tape. When I brought evidence out uh - that evening uh - they - when we came out that evening, they had crime scene tape around. I wasn't there, out doing that.

PRICE: Ok.

ALLEN: There was someone else.

PRICE: Ok. Uh - do you recall if you or some of the other members of the criminal investigation division came back to the crime scene the next day, which would be May the 7th?

ALLEN: We did come - we came back and we did a uh - what they call a grid search.

PRICE: Ok. And for the next 3 or 4 days would y'all have come back to the crime scene uh - looking for different types of evidence?

ALLEN: Um - other officers would have uh -

PRICE: Ok. Do you recall um - nothing further. Judge, I would like to approach the bench to

(Bench Conference)

PRICE: Judge, I would like to ask the officer if on May the 12th and May the 13th he was back out at the crime scene. I do not want to ask him the cause of - exactly what he was doing, but -

THE COURT: Then don't -

PRICE: Just a minute, the relevance is the fact that the officer was at the crime scene looking for evidence. I'll limit it to that, obviously The Court has already made uh - ruled on motion of limity. I'm not going to ask the specific -

THE COURT: What difference would it make if he was out there when you can't ask him what he was doing there -

PRICE: Well, I want to establish the fact that he was there also on the 12th and the 13th.

FOGLEMAN: Well, this is a problem for us Judge. Once they get done putting him out there, we're going to have to explain why he was out there twiddling his thumbs.

PRICE: Well, I'm not going to imply that he was twiddling his thumbs, Judge. I'm not going to ask him -

THE COURT: What are you going to imply then?

PRICE: Well, we ask if he was out there at the crime scene on the 12th and the 13th and that's the only -

THE COURT: Well, what's the relevance?

PRICE: The relevance is to establish that the officers were out there during the approximate - within the - pretty much every day within the whole week from when the bodies were found. I've already asked him and he said that for the 7th and 8th and a couple of days after, the officers were there. That's approximately a week after the bodies were found. That's the only question that I want to ask.

THE COURT: I don't see where it's relevant, but I'll let you go ahead and ask it.

PRICE: Alright.

FOGLEMAN: And we're not going to be allowed to establish why they were out there?

PRICE: I'll let him tell - were he and the other officers looking for evidence.

THE COURT: Because they were to look for evidence.

PRICE: And that's all I'll ask him.

FOGLEMEN: But not the results of what they found or didn't find.

THE COURT: Well, you can't introduce the luminol if that's what you mean.

FOGLEMEN: Well that's what I'm saying. I'm saying that and if we can't go into what they did -

THE COURT: I don't see whether it makes one bit of difference one way or the other. They've been asking what kind of watch you had on and who took the pictures - what difference does any of it make? Pictures were taken. Go ahead and ask him.

PRICE: Ok.

(Open Court)

PRICE: Officer Allen, were you and other officers out at the crime scene on May the 12th and May the 13th looking for evidence?

ALLEN: I - I would have to look at the notes of - of something in regards to that. I don't know what particular days. Uh - I was back out at the crime scene after - we have gone out there numerous times.

PRICE: Can I approach the witness to show him the dates to refresh his recollection - just on the dates?

DAVIS: We object.

FOGLEMEN: You're showing him another person's document and I -

PRICE: I'll be glad to ask it of any other officer, if he has any recollections of being out there on the 12th and 13th.

THE COURT: You better be careful what you ask him.

PRICE: Your Honor -

THE COURT: It's suddenly gonna become relevant and admissible.

PRICE: Judge, I asked him a very specific question - if he was out at the crime scene on May the 12 and May the 13th.

THE COURT: Alright.

DAVIS: Your Honor, may I approach?

THE COURT: Yes.

DAVIS: (whispering)

PRICE: That's my only question.

DAVIS: (whispering)

THE COURT: I can't possibly understand why it's relevant. I mean, you can ask him if he was out there numerous times investigating.

PRICE: I'll tie it up later.

DAVIS: Judge, if he asks what I think he's gonna ask, we object.

THE COURT: I don't know what he's going to ask.

PRICE: That's my only question.

DAVIS: (whispering)

PRICE: No, I'm not going to do that, Your Honor. I'm asking him a specific question about a date and a date only.

THE COURT: Ok. You're going to keep on to where you're going to open the door to let them -

PRICE: I've asked him a specific question, he's refreshing his recollection.

THE COURT: Alright.

DAVIS: Well Judge -

THE COURT: Mike, don't answer what you were doing there.

PRICE: Officer Allen, do you recall being there at the crime scene on May the 12th and May the 13th?

ALLEN: I was out there on May the 12th.

PRICE: Alright. No further questions.

FOGLEMAN: Were you out there all day?

ALLEN: I believe that was -

FOGLEMAN: Or was that at night?

ALLEN: I believe that was in the evening.

FOGLEMEN: After dark?

ALLEN: I don't remember if it - yes it was, it was definitely dark at that time.

PRICE: Nothing further, Your Honor.

ALLEN: On May the 12th. I was not out there on the 13th.

THE COURT: Anything else?

FORD: Yes sir. Sergeant, this steep bank that you (someone coughing over) to Mr. Fogleman in the redirect questions, was that this same steep bank that's cleared off?

ALLEN: No sir, that steep bank - it's not a bank in itself, it's like a cliff - washout cliff uh - it's almost as straight down as this right here other than it's about - I would say about 15 foot or so high and straight down. It's the side of a straight down hill. A cliff like area.

FORD: So that's not the bank that you were referring to that was all cleaned off?

ALLEN: No. The cliff area bank that I'm talking about is on the west side. The flat plateau area is on the east side of the ditch.

FORD: Ok.

ALLEN: I crossed over to that area.

FORD: You crossed over to the plateau area?

ALLEN: To the plateau area from the - from the uh - I guess the southside of this - the little area where I could cross downward.

FORD: So, the plateau would be back in this direction?

ALLEN: No sir. The plateau would be - if you're taking this photograph - this is a photograph shot at a southward direction.

FORD: Ok.

ALLEN: Uh - this is down stream with the flow of water uh - going downward and around this tree here uh - there is a flat plateau area - say like if this picture was laid out, it would be over like in this area.

FORD: Ok. Do you have a photograph of that?

ALLEN: I -

FORD: Do you know of one? Have you ever seen a photograph of that plateau?

ALLEN: If you'll show me all those other photographs, I'll show you the area. This is the - this area right here is this - is this bank uh - flat uh -

FORD: Now tell me the number on the back so we can keep it straight.

ALLEN: Number 31.

FORD: Ok. And that's the - this is the bank that was cleaned off?

ALLEN: That is on the east side of that ditch.

FORD: Ok. And -

ALLEN: And the uh - south here would be where I crossed over.

FORD: Ok.

ALLEN: Uh - the first body was found here, the other 2 bodies were found south - up here, right here.

FORD: Ok.

ALLEN: I believe 27 feet.

FORD: Let's flip this around so maybe we can all see. Where was the first body found?

ALLEN: About where I'm pointing in this water right here.

FORD: Ok. And where did you cross?

ALLEN: Up here.

FORD: Ok. How far away -

ALLEN: Came back down about right there. Uh -

FORD: I thought you found the body when you fell in the water?

ALLEN: No, not in this photograph here at all - this is not the area.

FORD: That's not what you said?

ALLEN: The -

FORD: That you didn't -

ALLEN: I came off of this area right here. No, you're -

FORD: You got back in the water - got out and got back in?

ALLEN: I crossed over to the other side to walk around to this - to this area where the tennis shoe was up - up the little stream up the ditch.

FORD: So you got back in the water again -

ALLEN: Yes.

FORD: - looking for the body?

ALLEN: No. Looking to reach over and grab the tennis shoe.

FORD: Ok. That's all, thank you.

THE COURT: You can stand down, Mike.

FOGLEMEN: I want to -

THE COURT: Wait a minute.

FOGLEMEN: - show you uh - state's exhibit 13.

(pause)

(mumbling)

FOGLEMEN: I think I got a little confused listening to all that.

(giggles)

FOGLEMEN: If you would step down - Your Honor, we would offer state's exhibit 13.

PRICE: No objection.

THE COURT: Alright, it may be received.

DAVIS: Your Honor,

(mumbling)

FOGLEMEN: If you could take this pointer and point to the areas where you're talking about and where the plateau is.

ALLEN: Ok. This - let me get my bearings straight here. I came in here, this pipe. Ok. I came across this pipe. Came up and into the woods. Um - here is what I'm calling the west bank. This here is what I'm calling the east bank. Um - I crossed - I'm not sure where these reference points are because I didn't take 'em, but I crossed - there's a high bank right through here and I crossed

to the south of this high bank where there was - in the photographs - to this side and came around a little steep, there's a little bit of a bank here, came around to this flat plateau where the tennis shoe was found.

FOGLEMEN: Is that flat plateau that area that's in white in there and the green and blue?

ALLEN: I would assume, I hadn't - yes. Uh - reference to trees - I know that they - yes, that would be because I remember they spray painted this tree right here that was on this side uh - spray painted it as a reference point for measurements and that would be the flat bank there.

FOGLEMEN: Ok. Alright.

ALLEN: The flat bank that's -

FOGLEMEN: I don't have any further questions.

PRICE: Nothing further, Judge.

FORD: May I look to determine whether I've got a question or not?

(pause)

FORD: That's all I have.

THE COURT: Alright, you may stand down. Call your next witness.

FOGLEMEN: Call Bryn Ridge.

March 2, 1994

FOGLEMEN: Detective Allen, you're the same Detective Allen that has previously testified?

ALLEN: Yes, sir.

FOGLEMEN: Detective Allen, I want to direct your attention to sometime in October, early November. Were you asked to make contact with some property owners at Lakeshore Trailer Park and also get with the Arkansas State Police dive team?

ALLEN: Yes, sir, I was.

FOGLEMEN: And, specifically directing your attention to November 17th, 1993, did you take some action in relation to this case?

ALLEN: Yes, sir, I met with Sergeant Tommy Wicker of the Arkansas State Police and numerous other members of the dive team, including Joel Mullins and Lieutenant Yancey was also assisting them with the Shelby County Sheriff's office.

FOGLEMEN: That's Tennessee?

ALLEN: Yes, sir.

FOGLEMEN: And after meeting with Tommy Wicker and the other members of the dive team what did y'all do?

ALLEN: We went to the area of Lakeshore, the lake itself, and we had two particular areas that the divers were gonna check in the lake, it was in the, it would be the southwest corner of the lake.

FOGLEMEN: I'm gonna show you what's marked for identification purposes as State's Exhibit 79 and ask if you can identify that?

ALLEN: This is a map of--that was done by Castros there in West Memphis, of the areas that we searched, the lake.

FOGLEMEN: If you could, your Honor, I think without objection, I hope I'm not presuming too much, but I think without objection we would offer State's Exhibit 79.

(WADLEY?): No objection.

PRICE: No objection.

DAVIDSON: No objection.

THE COURT: All right, it may be received without objection.

FOGLEMEN: If you would take this blue marker highlighter and along the edge and into the area where the lake is, so the jury will understand where the water is.

ALLEN: Yes, this, this is the lake area here, these are the property lines, uh, down through here, and the lake front, this would be the property lines, and this would be the lake itself here, this area.

FOGLEMEN: Ok. Make some markings on there.

ALLEN: This would be the lake here, this whole area here, would be, this whole area

FOGLEMEN: I want you to lay it down, take that highlighter, and draw a line all the way along on both property lines. And then do some diagonal lines there too. Ok that's probably good. I think they'll get the picture. All right, and this up in here is water, right?

ALLEN: Yes, the lake is almost square.

FOGLEMEN: And are you familiar with the location of the residence where Jason Baldwin resided at the time that he was arrested?

ALLEN: Yes, sir.

FOGLEMAN: All right, take this red marker and outline around that particular lot. All right, fine. All right now, after going to that area, what did you do?

ALLEN: We assembled with the team of divers at two locations in the lake. The, one team of divers went into, through lot number 244 which is the lot to the west, one lot next to the Baldwin residence. They went through this lot here to the bank and dove in this area. The other, I'd say half of the divers, dived over in this corner, which was a vacant lot, on this side of the lake, that was also--

FOGLEMAN: All right, do you know which lot was the vacant lot? You have notes of that?

ALLEN: I have--I should have my notes, let me refer to them, I'll tell you in a minute. (Pause) Should be lot 37 and 36, here.

FOGLEMAN: If you can take this marker and outline those lots.

(mumbling)

ALLEN: 37 and 36. The lot 36 was a vacant lot. 37 was the, owner of lot 36.

FOGLEMAN: So there is a residence on 37?

ALLEN: There was a trailer on 37. and the guy that lived in that trailer owned lot 36, which was a vacant lot. Which was a vacant lot, a vacant area.

FOGLEMAN: All right, along 37, just so we don't get confused, write trailer on there. And 36 was a vacant lot?

ALLEN: Yes, sir.

FOGLEMAN: And if you could take, that pen and just draw in general the area that was searched, in, approximately lot 36 in general without—

ALLEN: In general as a—

(pause)

FOGLEMAN: All right. And, was a similar area searched in relation to lot 45, which was the residence of the defendant Jason Baldwin at the time of his arrest?

THE COURT: Gentlemen, approach the bench just a minute.

(Bench Conference)

THE COURT: Shouldn't I make another cautionary instruction?

(Unidentified?): Not necessarily, Judge.

THE COURT: A cautionary instruction about who it relates to.

(Unidentified): I don't have a problem with that—(mumbling)

THE COURT: Ok, fine. That's what I wanted to know.

(mumbling)

PRICE: Are they saying they're going to use this against us?

FOGLEMAN: Your Honor, there's a particular witness who may testify later who has said she has seen Damien with a knife like this.

THE COURT: All right. All right, go ahead, you may proceed.

FOGLEMAN: All right, and what did the divers do, or what did you see done? I know you couldn't run under the water with them but what did you see done?

ALLEN: The divers, uh, one diver on each location, and there was a diver, I guess a safety diver that stayed on the bank in case the other diver got in trouble because of the cold water at that time. There was another diver, or helper, that manned some ropes and they used some kind of pattern of search to where they went, or the diver would hold the rope and they would go, I guess make a sweep, and go to another section of the rope and make a sweep.

FOGLEMAN: All right. You had people manning ropes?

ALLEN: We had people manning ropes.

FOGLEMAN: All right, and after a period of time of searching, do you know whether any items were recovered?

ALLEN: Yes, sir.

FOGLEMAN: All right. I wanna show you what has been marked for identification purposes as State's Exhibit 77, and ask if you can identify that?

ALLEN: Yes, uh, I can identify this by my, uh, 11-17 of 93, M Allen. That I put here for future reference for identification on the handle on this knife.

FOGLEMAN: When did you place your, uh, M Allen and the date? When was that placed on there?

ALLEN: Upon getting back to the police department with this object that same day.

FOGLEMAN: All right, and where did you receive that item? Where did you get the knife?

ALLEN: I got this knife from Joel, uh, diver with the State police.

FOGLEMEN: Would you like to check your notes?

ALLEN: Joel Mullins is his name.

FOGLEMEN: And where did you obtain the knife?

(BLANK AUDIO)

ALLEN: --the knife, I had a, uh, I took it there and Yancey, Lieutenant Yancey with the Shelby County Sheriffs Department advised me that I needed to put it in something that would hold water to keep it preserved because he was informed, he'd evidently done that type of, getting things out of the water before where the evidence wouldn't be disturbed, put it in the same water.

FOGLEMEN: So you got something to contain--

ALLEN: I got a container. And placed, put some lake water in the container and placed the knife in there and transported it.

FOGLEMEN: All right, now, did you also participate in making some measurements?

ALLEN: I was present when the measurements, I was a recorder of the measurements--

FOGLEMEN: Did you--

ALLEN: --so I was present at that time.

FOGLEMEN: And what items were used to measure from?

ALLEN: The grouping of trees that is in the property line between the Baldwin residence and the lot there, there's a grouping of trees and a satellite dish which is on the next permanent structure that we could find, there weren't any, look like a permanent structure was used, the satellite dish which was one property over, that was mounted

FOGLEMEN: All right. And what did you record as the distance from the trees to the location where the knife was found?

ALLEN: Forty-seven, forty--

FOGLEMEN: You can check your notes.

ALLEN: Ok. Forty-seven foot from the grouping of trees from this tree that was, that would be on this side here from the outside of it to the location that the, located the knife here.

FOGLEMEN: Ok. And how far was it from the location where the knife was found to the satellite dish?

ALLEN: It was one hundred feet, six inches.

FOGLEMEN: All right. Now, was, did somebody give you a degree of the angle?

ALLEN: Yes, sir.

FOGLEMEN: All right. And what angle did they give you to record?

ALLEN: Uh, they advised me to record, to write down 30 degree heading.

FOGLEMEN: All right. Detective Allen, I want to show you two aerial photographs marked for identification as State's Exhibit 75 and 76. (Pause) See if you can identify those photographs.

ALLEN: Yes, sir, these are aerial--

FOGLEMEN: Wait a minute. Can you identify them?

ALLEN: Yes, sir.

FOGLEMEN: Do they fairly and accurately portray the scene as it appeared to you?

ALLEN: Yes, sir.

FOGLEMEN: All right. Your Honor, we would offer State's Exhibits 75 and 76.

WADLEY: We don't have any objection.

DAVIDSON: No objection.

THE COURT: All right, they may be received without objection. You may exhibit.

FOGLEMEN: Your Honor, may Detective Allen step down?

THE COURT: Yes.

FOGLEMEN: Detective Allen, if you would, starting with State's Exhibit 75, if you could exhibit to the jury and uh, point out to the jury the items that you have referred to in your testimony.

ALLEN: Ok. As, this trailer here is the Baldwin trailer.

FOGLEMEN: All right, let me ask you a question. What is this item right there?

ALLEN: This is a fishing pier.

FOGLEMEN: All right, could you circle that? All right. All right and then if you could, point out the grouping of trees that were used to measure.

ALLEN: This is the grouping of trees, which is, as you see there's a chain link fence down the property line here and the grouping of trees right here. This is the grouping of trees that was point of measure here.

FOGLEMEN: All right, and is the satellite dish visible in--

ALLEN: In this photograph I -- it's visible here behind this white fence over back at this lot here.

FOGLEMEN: Could you circle, could you circle the satellite dish? Ok, and circle the--

ALLEN: The tree--

FOGLEMEN: Yeah. And if you could, point out again which of the trailers was the Baldwin residence?

ALLEN: Baldwin residence is the trailer here with the gray car parked out here in the front, this one with the fishing pier directly behind it.

FOGLEMEN: All right, now if you could go to State's Exhibit 76. You can do the same thing. Now, is this taken from a little bit different angle?

ALLEN: This is taken from, uh, this is taken from a different angle, this photograph right -- taken from a different angle getting the other, in this photograph, this would be the fishing pier which was referred to in this other photograph. Here would be the, uh, the other side of the bank that the divers also searched and this vacant lot here. This would be the trailer that was referred to, circled where the guy here owned this lot here. And the divers went off of this bridge here and the diver--

FOGLEMEN: Could you again circle the pier behind Jason Baldwin's residence? All right, now, if you would in referring to the diagram again where the jury can see the, take the pointer if you would, and point those items out again.

ALLEN: This right here is the grouping of trees that you see in those photographs that I have circled. In this diagram here the fishing pier is not there, but it's, it comes off right in this area right here, and comes out, and the satellite dish is photographed, I mean it's drawn in here. 106-- 100 foot, 6 inches from the satellite dish to the location. And from the grouping of trees, forty-seven feet.

FOGLEMEN: All right. You can retake the stand Officer. Detective Allen, if you would, take that red marker and just put a red dot in that location where the knife was located. Ok. I don't have any further questions at this time, your Honor.

DAVIDSON: I just have a couple for you, Detective Allen. Now, this diagram, State's number 79 that's just a part of the lake, is that correct?

ALLEN: That is the southwest corner.

DAVIDSON: And the lake is actually much bigger than the portion depicted on this exhibit, is that correct?

ALLEN: Yes, sir.

DAVIDSON: How many trailer lots are there out there?

ALLEN: I have no idea.

DAVIDSON: Don't have any idea?

ALLEN: No, sir.

DAVIDSON: How many docks are there out there?

ALLEN: Uh, I'd be guessing, I don't know, probably, I don't know, thirty.

DAVIDSON: How many boat ramps are there out there?

ALLEN: I've been in Crittenden County since '81 and, I've never seen a boat on that lake, I've seen--

DAVIDSON: How many boat ramps?

ALLEN: Boat ramps?

DAVIDSON: Yes.

ALLEN: Don't believe they have any.

DAVIDSON: I'm handing you an item, can you look on there and see if you can determine if there's a boat ramp out there?

ALLEN: In this photograph, there's a boat ramp.

DAVIDSON: And is that--

ALLEN: In this drawing.

DAVIDSON: And did that drawing come out of your police investigation file?

ALLEN: This was one when they set up from the, I understand when they first incorporated this area. This is what the drawing was--

DAVIDSON: And--

ALLEN: --to my knowledge.

DAVIDSON: How many lots are out there in that particular subdivision, how many trailers?

THE COURT: Are you asking him how many trailers or how many lots?

DAVIDSON: How many trailers and how many lots, I'll ask it that way.

ALLEN: I have no earthly idea.

DAVIDSON: Ok, so these pictures that you just introduced, that the jury has, that's just showing a small portion of that area, is that correct?

ALLEN: That's correct.

DAVIDSON: Do you know how many people live out there?

ALLEN: I don't have any idea.

DAVIDSON: That's all I have.

WADLEY: Detective, so I can see you... Do you have the photographs or do the jury still have that?

THE COURT: Yes.

WADLEY: Your Honor, if I may I'd like to wait until they--

THE COURT: All right.

(mumbling)

THE COURT: There are two of them.

DAVIDSON: Your Honor, may I ask him one more thing before, so I don't go out of order here. Did you all drag the whole lake, or did the divers search the whole lake or just a certain portion of that lake?

ALLEN: A certain portion of that lake.

DAVIDSON: And so, even after you discovered something you didn't continue to look through the whole lake?

ALLEN: They continued to look in that given area from around where the knife was located.

DAVIDSON: But the whole lake was not dragged, was it?

ALLEN: No, sir.

DAVIDSON: And the divers didn't even go over the entire lake, did they?

ALLEN: No, sir.

DAVIDSON: Now, what day were these individuals charged? What day did y'all charge Damien Echols with this crime?

ALLEN: It was, I'm not sure the particular date, it was like a month after the, uh, I don't have the particular date in my mind.

FOGLEMEN: Your Honor, we'll stipulate they were charged, I believe it was June the third.

DAVIDSON: Was it June the third?

ALLEN: Yes, sir.

DAVIDSON: And what day was it that you were out there searching this lake?

ALLEN: This was on 11-17 of 93.

DAVIDSON: November 17th of 1993?

ALLEN: Yes, sir.

DAVIDSON: That's all.

THE COURT: you ready?

WADLEY: I was waiting for one of the photographs, Your Honor. May I approach, Your Honor? Detective, you made some markings on state's exhibit number 75. If you would uh-- would you draw where the knife was found on this photograph, or have you already done that?

ALLEN: Uh--without, uh--I can give you a general uh--

WADLEY: Where do you think it was? Give me a idea--draw on there and put your initials.

ALLEN: It was a hundred--a hundred foot, six inches from this location and thirty-seven foot--

WADLEY: You have other markings on there, Detective, so mark on there where you think that was.

ALLEN: Let me get my other drawing here.

(pause)

(mumbling)

WADLEY: Put your initials by that. Now--now, Detective, the day that you were--the day--I tell ya, step down and show the jury where you have marked on this photograph where you believe by this photograph where this knife was. Can you show them where on this photograph where you believe it to be?

ALLEN: It was out uh--now this is not--we had an engineer with the drawings and the--

WADLEY: I'm asking you where you believe it to be on this photograph.

ALLEN: If you're standing at the group of trees, it's directly--almost directly straight out.

(mumbling)

THE COURT: You've got an objection?

Davis: He may have done what I asked, but Mr. Wadley was cutting off his explanation, at one point I'm sure--

WADLEY: Judge, we sure don't want to do that.

THE COURT: Please don't.

WADLEY: I sure don't want to do that.

THE COURT: Alright, go ahead.

WADLEY: Can you show them where you've marked, Detective?

ALLEN: This is roughly the area, I'm pointing at.

WADLEY: Right here, is that correct?

ALLEN: Yes sir.

WADLEY: Ok. And where is the Baldwin trailer?

ALLEN: Baldwin trailer, is right here.

WADLEY: It's which one?

ALLEN: This is the fishing pier right here, this is the Baldwin trailer, and this is--I believe, uh--Mr. Nelly's car, which is Baldwin's mother's--

WADLEY: Ok, this is the Baldwin trailer, is that correct?

ALLEN: Yes, it is.

WADLEY: Ok. Now, did you know what--Detective, I'm sorry, take a seat. Do you know the depth of that water where the knife was found?

ALLEN: No sir, I have no idea.

WADLEY: Was it deep enough where they had to go out there and actually--could a man walk out there--straight out there and look?

ALLEN: From just--from all I know, from what I've heard--no sir.

WADLEY: Well, you were out there, right?

ALLEN: Yes sir.

WADLEY: And based on what you know, a person couldn't walk out there and retrieve it and come back out?

ALLEN: From what I gather from talking to one of the divers, no sir.

WADLEY: As a matter of fact, you had to have a diver--is that right?

ALLEN: Yes sir.

WADLEY: Ok. Now, when did this search take place?

ALLEN: When did this search take place?

WADLEY: Yes sir.

ALLEN: Uh--11/17 of '93.

WADLEY: Ok. Was this photograph taken on the same day?

ALLEN: No sir, it was not.

WADLEY: When was this photograph taken?

ALLEN: Uh--I did not take the photograph. It was taken after 11/17 of '93, but, uh--Lt. Sudbury took that photograph with a--in a Memphis helicopter.

WADLEY: So, y'all didn't take any photographs the day you were out there did you?

ALLEN: Yes sir.

WADLEY: Did you?

ALLEN: Yes sir.

WADLEY: Ok. Now, before I get into some particularities, Detective, are you telling this jury that this knife is the murder weapon? Is that what you're telling this jury?

ALLEN: No sir, I'm not telling the jury that.

WADLEY: Ok. Now that we got--now that we understand that. You would agree with me, Detective, that this lake is open to anyone--would you agree with that?

ALLEN: I don't know--I don't know what their rules are out there. I know the old--

WADLEY: You know they have--I'm sorry, go ahead.

ALLEN: I know they have people that own lots that--I would say--I don't know.

WADLEY: Do you know if they have any rules as to where you can fish or who can go where or whatever?

ALLEN: No, not particularly.

WADLEY: You don't know that, do you? Do you know how many people out there fish?

ALLEN: Uh--no sir.

WADLEY: Did you go door to door at this trailer park and say--knock on the door and say, "Ma'am, do you fish--sir, do you fish--do you go down to the bank and fish?" Did you ask anyone that?

ALLEN: No sir.

WADLEY: Did you ask them where they go fish?

ALLEN: I would assume they go fishing from their back pier.

WADLEY: Did you go door to door in this trailer park and ask people whether or not they own knives like this?

ALLEN: No.

WADLEY: Did you ask anybody?

ALLEN: No sir.

WADLEY: Did you go door to door at the trailer park and ask them, "Sir, we're conducting an investigation, have you lost a knife in the last--whenever? Have you ever lost a serrated knife out there" Did you ever ask anybody that?

ALLEN: No sir.

WADLEY: Never made that inquiry at all, did you?

ALLEN: No sir.

WADLEY: Now, you got the--the knife was handed to you, correct?

ALLEN: Yes sir.

WADLEY: And you were very careful on how took care of that knife once it was handed to you, correct?

ALLEN: Yes sir.

WADLEY: And the reason that you were very careful is because you wanted to make sure that if there was anything on that knife it could be sent off to the crime lab, correct?

ALLEN: Yes sir.

WADLEY: And in fact, it was sent off to the crime lab, is that correct?

ALLEN: I hand carried it to the crime lab, no.

WADLEY: Ok. Detective, there were no finger prints found on that knife, were there?

ALLEN: No sir.

WADLEY: There was no blood found on that knife, was there?

ALLEN: No sir.

WADLEY: There was nothing found on that knife, is that correct?

ALLEN: To the best of my knowledge, that's correct.

WADLEY: Ok. Now, we any other tests performed on this knife? Other than what I described to you.

ALLEN: Uh--I would assume, yes sir.

WADLEY: Let me ask you this question, was any tests conducted on this knife to determine the age of it?

ALLEN: The age of that knife?

WADLEY: Yes sir.

ALLEN: How old the knife was?

WADLEY: Yes sir. Was that ever done?

ALLEN: We determined about when that knife was distributed.

WADLEY: Do you know the age of this knife?

ALLEN: Around--roughly, '85--'86. 1985--1986 is when it was distributed.

WADLEY: Distributed?

ALLEN: Distributed. You asked me the age of it, I don't know when it was made in Japan, but--

WADLEY: Did you do any metallurgy tests on this knife?

ALLEN: Any--no sir, if the crime lab did--

WADLEY: You know what that is, don't ya?

ALLEN: What kind of test?

WADLEY: Metallurgy.

ALLEN: Metallurgy?

WADLEY: To determine the age of that knife--the metal.

ALLEN: Uh--no sir, I don't work for the crime lab.

WADLEY: Ok. You don't know how old that knife is, do you?

ALLEN: How old that knife is?

WADLEY: Yes sir.

ALLEN: The best of my knowledge, it was made--like I told you, in '85 or '86 is when--

WADLEY: '85 or '86.

ALLEN: Is when that knife came out.

WADLEY: Ok. Now, do you know how long that lake has been where it is?

ALLEN: No sir. It's been there as long as I've lived in Crittendon county.

WADLEY: It's been there a long time, hasn't it?

ALLEN: I don't know.

WADLEY: Do you know who lived in that trailer before Jason lived there?

ALLEN: No sir.

WADLEY: You don't have any idea?

ALLEN: No sir.

WADLEY: Ok. And are you trying to tell this jury that the only person that had access down there to where this knife was found was Jason Baldwin? Is that what you're trying to tell these folks?

ALLEN: No, I'm not trying to tell this jury that.

WADLEY: You've told us that knife--you think the age of it is--what, '85 or '86?

ALLEN: The knife was distributed in '85--'86 from the information I've been able to nail down on it.

WADLEY: So knowing that Detective, then we could make this assumption--couldn't we--we could assume that that knife could have been in that water in 1986, couldn't we? Couldn't we?

ALLEN: Uh--

FOGLEMEN: Your Honor, we will stipulate, he could assume anything.

WADLEY: Judge, I can ask the witness the question.

FOGLEMEN: Well, I was trying to speed things up--we can assume it had been there from '85--'86--'87--

WADLEY: I don't want to speed anything up, Your Honor. I can ask those questions.

(mumbling)

THE COURT: I think you've established that anybody could have thrown it there at any time from 1985 forward.

(mumbling)

THE COURT: Well, you can ask in that fashion.

(mumbling)

WADLEY: Detective Allen, that knife could have been in that lake back in 1986, couldn't it? Could have been, couldn't it?

ALLEN: I would assume.

WADLEY: It could have been in that lake the day before y'all went out there, couldn't it? Isn't that possible?

ALLEN: From what I've talked to the divers, uh--

WADLEY: No, I'm--do you know?

ALLEN: Do I know?

WADLEY: Yes. Do you know?

ALLEN: Do I personally know?

WADLEY: Yeah.

ALLEN: No, I don't know.

WADLEY: After this knife was brought out of the lake, you stopped your search at that time, is that correct?

ALLEN: No sir. They were uh--in fact, they concentrated the search from the other area over into that area more, when they brought--

WADLEY: But in that area right there, you stopped--right?

ALLEN: Where they found the knife at?

WADLEY: Yes sir.

ALLEN: No. I believe Yancey, that is here today, came over--

WADLEY: I'm asking you.

ALLEN: No, he was there and he came over there and dove in that particular area--they saturated more in that area at that time.

WADLEY: Correct.

ALLEN: Yes sir.

WADLEY: Any other place looked at?

ALLEN: Besides the other area of the--

WADLEY: Yes.

ALLEN: --vacant lot and that, that day--that's it.

WADLEY: That's it?

ALLEN: Yes sir.

WADLEY: Ok. Now--if I could ask for just one minute, Your Honor.

(pause)

WADLEY: That's all I have, Your Honor.

FOGLEMEN: Detective Allen, uh--were--did any of the other defendants live in Lakeshore?

ALLEN: The--

FOGLEMEN: Did any of the other defendants live in Lakeshore?

ALLEN: No sir.

FOGLEMEN: Other than the defendant, Charles Jason Baldwin?

ALLEN: Charles Jason Baldwin was the only defendant that lived in Lakeshore.

FOGLEMEN: Alright. Now, why was this area near the vacant lot searched?

ALLEN: That was an accessible point to a girlfriend of Damien Echols--Domini Teer who lived uh--across, down from that location.

FOGLEMEN: Across the street from?

ALLEN: On Westlake Drive. Uh--that was the only accessible vacant lot that uh--that we would--that we searched because of the connection with the residence of Domini Teer.

FOGLEMEN: Now this uh--state's exhibit 79, that was drawn by the engineer--is that correct?

ALLEN: Yes sir.

FOGLEMEN: Alright. And the measurements are exact, is that correct?

ALLEN: Yes sir. They're done by--they were done by an engineer.

FOGLEMEN: And your marking on the photograph, is more of a guesstimate, is that correct?

ALLEN: More of a guesstimate.

FOGLEMEN: Now this tree that was used as a reference point, uh--can you describe that tree for the jury?

ALLEN: Well, it was just a--like a--it was just--several trees that came out of, like a--there was a grouping of like three trees--

FOGLEMEN: Ok.

ALLEN: --That came up.

FOGLEMEN: Approximately how tall was it?

ALLEN: I--

FOGLEMEN: Well, was it --

(talking over)

ALLEN: I would guess like uh--it would be uh--I would just be guessing--uh--to the ceiling here in the courtroom.

FOGLEMEN: Ok.

ALLEN: I don't--

FOGLEMEN: Alright. Uh--Now, Mr. Wadley--I believe it was--asked you about the number of fishing piers out there and all that. Who's fishing pier was closest to where the knife was found?

ALLEN: Uh--the fishing pier behind the Baldwin residence.

FOGLEMEN: I don't have any further questions, Your Honor.

WADLEY: Do you know who may have been on that fishing pier June of '93, July of '93 or August of '93?

ALLEN: On the Baldwin fishing pier?

WADLEY: Yes.

ALLEN: No sir, I have no idea.

WADLEY: No idea. Now, I'm handing you again, a sheet that uh--I believe you looked at earlier--does that sheet show all of the uh--lots as you know them to be out there at the trailer park, rather than just a view in a small corner?

ALLEN: I would assume--I would assume, yeah.

WADLEY: Could you uh--first of all, could you tell us the dimensions of this entire lake?

ALLEN: The dimension of it?

WADLEY: Yes

ALLEN: Uh--no. I mean--

WADLEY: Roughly, how much area was searched?

ALLEN: I explain that just the areas uh--I don't know how many feet or how many--you know, how far they went out. They just made these circular motions with their ropes. They would be more apt to be able to tell you underwater how far they went out there and what they searched.

WADLEY: You don't know how long their ropes were?

ALLEN: I have no idea.

WADLEY: Uh--

ALLEN: I know they were at least uh--a hundred foot, six inches that they measured from with those ropes--I believe.

WADLEY: Ok. Could you take a uh--this blue pen and mark on there roughly the area that was searched out of the entire lake.

ALLEN: Now, this would be just--this would be very rough, ok.

(pause)

ALLEN: What were the lot numbers on the--8637

(mumbling)

WADLEY: Is this fairly and accurately--you circled the area first of all that you say was searched, is that correct?

ALLEN: Roughly.

WADLEY: Roughly?

ALLEN: Yes sir. The divers were underwater and I don't know where they're going--you know, I--you know, there's not like a bubble trail or whatever, I don't know exactly--what exactly they searched and how much they searched and they're underwater.

WADLEY: But you were out there and watched as they searched and you pretty well know where they went.

ALLEN: I saw when they came up in different areas and--

WADLEY: Ok.

FOGLEMEN: I don't have any objections, Your Honor.

WADLEY: Your Honor, we would seek to introduce this as Echols number--(mumbling)--
Echols number 7.

THE COURT: Alright, it may be received without objection.

(pause)

THE COURT: Anything else?

WADLEY: One other question. Could I distribute this to the jury?

THE COURT: Ok.

WADLEY: Thank you.

THE COURT: You can give it to 'em.

WADLEY: One other question, Officer. How many other people that you talked with in this investigation live at Lakeshore Trailer Park?

ALLEN: Uh--that I talked to personally myself, uh--

WADLEY: Or that you have knowledge of within this investigation. How many other people that you all talked to regarding this, live there?

ALLEN: I have--I don't know--I don't have a number.

WADLEY: How many other suspects lived out there?

ALLEN: Uh--I don't have a number--I don't really know.

WADLEY: Would you agree with me that there were several?

ALLEN: You may have to probably ask Inspector Gitchell that--I don't--I interviewed some witnesses out there, but as far as suspects other than uh--I don't have a number.

WADLEY: Ok. We'll ask him. Thank you.

(pause)

WADLEY: Detective, Prosecutor Fogleman showed you this photograph and asked you, uh--
the pier uh--behind the Baldwin trailer, is that right?

ALLEN: Yes sir.

WADLEY: Is it your testimony that from the only place out there, this knife could have been thrown in the water is from that pier? Is that your testimony?

ALLEN: If it was thrown, uh--I would say it would have been thrown from an area on that side within a given--whatever that person had on his arm reach.

WADLEY: So, you're saying--you're saying that you know it was thrown? Is that what you're telling this jury?

ALLEN: No, no. I said that if it was thrown, then that would be--

WADLEY: Let me ask you something--

ALLEN: That would be--on that side of the lake, that would be an area which I would say in--with common sense--it would show--

WADLEY: Detective Allen, you--are you saying the only place that that knife could have been placed in the water or the only way that knife could have been placed in the water would be from that pier? Is that what you're saying?

ALLEN: No sir.

WADLEY: You're not saying that at all, are you?

ALLEN: No sir.

WADLEY: That knife could have been put out there--

FOGLEMEN: Your Honor, could he complete his answer?

WADLEY: He just finished.

FOGLEMEN: He was trying to talk and Mr. Wadley was talking--

THE COURT: Give him--

WADLEY: I want him to talk, Judge.

THE COURT: Alright.

ALLEN: Go ahead and ask the question.

WADLEY: I thought you had talked, are you not going to finish talking?

THE COURT: Go ahead and ask him the question.

WADLEY: Detective, that--you're not--you would agree with me that that knife could have been put in that water from anywhere, correct?

ALLEN: I wouldn't say from anywhere. I would--it would make good sense--it would just make common sense that the knife uh--if it was dropped out of a boat, if it was thrown, uh--but as far as when you said while ago, "would that knife been thrown just from the Baldwin residence", I said it would make good sense that side of the bank.

WADLEY: I'm asking you--

ALLEN: It would be too far from any other sides of the bank.

WADLEY: I'm asking you, Detective, that knife could have been placed in there--that's not the only place that knife could have been placed in--isn't that right? Isn't that right?

ALLEN: That's correct.

WADLEY: It could have been put in there from a number of places, couldn't it?

ALLEN: I wouldn't say a number of places.

WADLEY: And as I've asked you before, you're not telling this jury that knife was tossed from that pier, are you? You're not saying that, are you?

ALLEN: I wasn't there--the--I don't know how the knife got to that location. I don't know if it was thrown--I don't know.

WADLEY: You don't know how it got there, do you?

ALLEN: That's exactly right.

WADLEY: That's what we do know, isn't it?

ALLEN: Yes sir.

WADLEY: Ok. How long did this search take place?

ALLEN: How long?

WADLEY: Yes sir.

ALLEN: We got there about 10--uh--let me refer to my notes, excuse me. We got out there around 10:30 that morning and uh--I guess we were out there roughly, 2--2 and half hours that day.

WADLEY: You got out there--what time did you get out there?

ALLEN: It was around 10:30AM on 11/17 of 1993.

WADLEY: And when did they start to go into the water? After you got there, when did they actually start going into the water?

ALLEN: I wrote down in my notes, started search at 10:30AM. Uh--from memory, I'm thinking it was about 10:30AM is by time they got suited up and started to look.

WADLEY: And quit--quit when?

ALLEN: They located the--knife at 11:35AM

WADLEY: That's all I have.

ALLEN: Or 11:30--11:35AM

WADLEY: About an hour?

ALLEN: About an hour and a ha--you know.

WADLEY: That's all I have.

FOGLEMEN: Now, Detective Allen, about how long did they continue to search after they found the knife?

ALLEN: Uh--they pulled up numerous items from the lake--they, uh--old shoes, bowling ball, uh--all kinds of other things. They run into mattress springs, a lot of stuff in the water.

FOGLEMEN: Did they find--number one, any other knives?

ALLEN: No sir.

FOGLEMEN: So, exhibit 77 for identification purposes, was the only knife found there?

ALLEN: The only knife that they found.

FOGLEMEN: Of any kind?

ALLEN: Of any kind.

FOGLEMEN: And uh--at who's direction was this search made?

ALLEN: To me, it was Inspector Gitchell that instructed me to get with Tommy Wicker of the state police.

(pause)

FOGLEMEN: I don't have any further questions, Your Honor.

WADLEY: Nothing further.

THE COURT: You may stand down.

(mumbling)

THE COURT: Call your next witness.

FOGLEMAN: Call Joel Mullins.