

Witness for the Prosecution

January 27, 1994

FOGLEMEN: Inspector Gitchell, would you state your name and occupation for the Court?

GITCHELL: My name's Gary Gitchell. I'm the Inspector for the West Memphis Police Department, Criminal Investigative Division.

FOGLEMEN: Inspector Gitchell, how long have you been with the West Memphis Police Department?

GITCHELL: Umm, nineteen and a half years.

FOGLEMEN: Inspector Gitchell, I want to direct your attention to June the 3rd, 1993. On that date, did you have an occasion to have a conversation with the defendant, Jessie Misskelley, Jr.?

GITCHELL: Yes sir, I did.

FOGLEMEN: And was, was that, who was present when you had this conversation?

GITCHELL: Myself and Detective Ridge.

FOGLEMEN: And approximately what time did you begin talking to him?

GITCHELL: Uh, let's see, that was approximately 12:40pm.

FOGLEMEN: And during the course of your conversation, uhh, with this defendant, uh, initially, uh, were you doing anything to preserve the conversation? Yourself?

GITCHELL: Uh, the -- no sir.

FOGLEMEN: Alright. Was Detective Ridge?

GITCHELL: Uh, no sir. Not that I know of. He may have been taking some notes.

FOGLEMEN: Okay. Why were you not taking notes at that time?

GITCHELL: Well, when I talk with someone I usually do not like to, for the purpose, I like to key on and be able to listen and have my complete attention as to the conversation.

FOGLEMEN: Alright. Now, during the course of this conversation, um, was there, um, let me ask you this way. Was there a photograph shown the defendant?

GITCHELL: Yes sir, it was.

FOGLEMEN: Alright. Uh, was there a small portion of a tape played for the defendant?

GITCHELL: Yes sir, there was.

FOGLEMEN: And was there something about a circle?

GITCHELL: Yes sir.

FOGLEMEN: Alright. Now was that done before or after you started tape recording?

GITCHELL: That was before we started tape recording.

FOGLEMEN: And do you recall the sequence of what took place when?

GITCHELL: Uh, during Detective Ridge and I's, uh conversation with Mr. Misskelley, uh there was a, I believe -- I hope this is right -- there was a, the diagram which I did, and then the picture and then the tape.

FOGLEMEN: Alright. Were they one behind the other or were things in between?

GITCHELL: Uh, there was some in between from the diagram, was the first thing. Then some time passed. And then there was the picture, um, just a few minutes passed from that point to the tape.

FOGLEMEN: Okay. Now on the diagram, describe to the jury what this, what this was, this diagram.

GITCHELL: Okay, um, a lot, I'm assuming a lot of people may be familiar with um a term, straddling the fence.

FOGLEMEN: Um-hmm.

GITCHELL: And that was sort of along the lines that I was thinking uh, when talking to someone that you do not feel is telling you the complete truth. Uh, quit straddling the fence, be on one side of it or the other. Uh, I did something a little different, in so much as I drew a circle, and I had several dots within that circle and several dots outside.

FOGLEMEN: Okay.

GITCHELL: And I asked, which side is he going to be on, on this outside or the inside.

FOGLEMEN: Alright. Now who's inside the circle?

GITCHELL: Uh, no one in particular. No one named or, um, but I, I indicated that law enforcement was on the outside of the circle.

FOGLEMEN: Alright. In general, what was on the inside?

GITCHELL: Uh, in general, uh, just who was responsible for these crimes.

FOGLEMEN: Alright. When you did this diagram, did you say these dots inside represent a particular named individual or individuals?

GITCHELL: No sir.

FOGLEMEN: Alright. And what did you do with the circle and the dots?

GITCHELL: Uh, you mean afterwards or? Just pretty much like I did then, just did it on a piece of paper and that was it.

FOGLEMEN: (interrupting) Alright.

GITCHELL: And, of course, showed that to Jessie 'cause he was right there.

FOGLEMEN: Alright. And when you showed it to him, what happened, what did you do?

GITCHELL: Uh he, he immediately said that uh, he wanted to be on the outside of the circle with the law enforcement.

FOGLEMEN: Okay. And, um, and then I take it you had some more conversation.

GITCHELL: Yes sir.

FOGLEMEN: And then what took place?

GITCHELL: Uh, a short time later, uh, I stepped out of the room, uh...

FOGLEMEN: (inaudible) before you, alright is that when you got the picture --

GITCHELL: (interrupting) Yes sir --

FOGLEMEN: -- when you stepped out of the room? Okay.

GITCHELL: I stepped out of the office that we were talking to Jessie in, and um, got this picture, and then also I remembered a recording, uh, of a phrase, just only a phrase, I believe probably a four to five second phrase within that recorded statement that I wanted to play for Jessie.

FOGLEMEN: Alright. And the voice on this tape, without naming names uh, how old of a person was this on the tape?

GITCHELL: Uh, eight years old.

FOGLEMEN: Okay. And are you aware of whether or not the defendant, uh, knew, knew the person whose voice it was?

GITCHELL: The information that we had was that he is familiar with the eight-year-old boy.

FOGLEMEN: Alright. Now, when you came back in the room, uh, I want to show you State's Exhibit 76 and ask if you recognize that?

GITCHELL: Yes sir, this is the, um, photograph that I showed Jessie. It has the number 3 on the front of the photograph, and on the back it's number 107.

FOGLEMEN: Okay. And what was the response to the photograph?

GITCHELL: When I showed Jessie this photograph and he took it into his hand, and he just, he just went back in his chair like this. And, and he just locked in on it, fixed in on the photograph, and just kept staring at it and staring at it. And I could tell that he just was -- I didn't know how long he was going to do that. So I, I took it from his hand, and set it on the table that we were working on.

FOGLEMEN: Okay. And then what happened?

GITCHELL: Briefly, just a few minutes after that, of course I um had the tape, which I do have that tape with me at this time --

FOGLEMEN: Alright. Your Honor --

GITCHELL: -- and I played this small portion of that tape.

FOGLEMEN: Your Honor, we would ask permission to play that portion of the tape.

THE COURT: Alright. You will be permitted to do so.

GITCHELL: This may take a little, you know, problems I had.

(squeaky speeding up of tape noise)

TAPE: Nobody knows what happened but me, out of all -- (clicked off)

GITCHELL: Should I do that again, your Honor?

THE COURT: I think so.

TAPE: Nobody knows what happened by me, out of -- (clicked off)

FOGLEMEN: Okay, what, what did he say for the jurors that didn't pick it, catch it?

GITCHELL: He said, "Nobody knows what happened but me."

FOGLEMEN: Okay. Alright. And when you played this tape, what was the defendant's response?

GITCHELL: He, he immediately stated that he wanted to tell us about it, at that point.

FOGLEMAN: Alright. And um, at some point thereafter did Detective Ridge leave the room?

GITCHELL: Yes sir, he did.

FOGLEMAN: Alright. And uh, while Detective Ridge was out of the room, what took place?

GITCHELL: Uh, at that point, uh, Jessie indicated to me that uh, he was present during that time that the boys were murdered.

FOGLEMAN: Okay. Now was there (cough) had there been some statement, uh, or what statements if any did the defendant make in your presence about having been, uh, at the scene?

GITCHELL: He, he had stated earlier that he had been at the scene, um, that um, also that he had gone back to the scene...

FOGLEMAN: Alright, you said gone back. Were those his words?

GITCHELL: Yes.

FOGLEMAN: Alright. Did he say that before or after, uh, he admitted being there when it took place?

GITCHELL: Uh, let's see. I, it may have been before.

FOGLEMAN: Okay.

GITCHELL: It, it does get a little confusing, even for me.

FOGLEMAN: Alright. What did he say about when he went back to the scene?

GITCHELL: That, uh, he went out into the woods, where this occurred, the murders, and he set out and cried.

FOGLEMAN: Alright. And uhh, after he admitted to you that he had been there, um, or I may be jumping ahead of myself. Now tell me again what he said to you while he was, while Detective Ridge was out of the room.

GITCHELL: That uh, he was, he was present when the, the boys were murdered.

FOGLEMAN: Alright. And after he admitted to you that he was present, what was the defendant's response?

GITCHELL: Uh, basically, uh, I stopped him at that point.

FOGLEMAN: Alright.

GITCHELL: And uh, then I wanted to make sure it, it was obvious at this time we had more than just uh, a person that we were trying to get information from as to other parties. Uh, it was obvious to us that uh, we had a person here that uh, was involved.

FOGLEMEN: Was there any kind of emotional response?

GITCHELL: Uh, from Jessie?

FOGLEMEN: Yes.

GITCHELL: Uh, well he was emotionally upset, you could tell that, uh, it was an emotional time for myself also.

FOGLEMEN: Alright, when you say it was emotional for him and you could tell it, what told you that --

GITCHELL: Well he had, he had tears coming down his eyes.

FOGLEMEN: Alright. Had y'all yelled at him or been mean to him or --

GITCHELL: No sir.

FOGLEMEN: -- threatened him or promised him anything, done any of those things?

GITCHELL: None of those things happened whatsoever.

FOGLEMEN: Alright, now after he admitted to being there, what did you do in order to preserve the conversation?

GITCHELL: Okay, uh, I instructed that uh, Detective Ridge, I went out to the room said we need to get a tape recorder which is, this is the identical tape recorder that was used. Uh, the tape recorder was brought into the room, myself and Detective Ridge at that point, we advised him of his rights for the third time that day.

FOGLEMEN: Alright. Now before you go on, I want to hand you what I've marked for identification purposes as State's Exhibit 75A and ask if you can identify that?

GITCHELL: Yes sir, this is a uh typed transcript of that taped interview.

FOGLEMEN: And does that transcript fairly portray what it said on the tape?

GITCHELL: Yes sir.

FOGLEMEN: Your Honor, we would offer uh 75A and we would -- do you have the tape too, by the way?

GITCHELL: Yes sir, uh, I believe your table has the tape.

FOGLEMEN: Oh, I see. Let me show you what's marked State's Exhibit 75 and ask if you can identify that.

GITCHELL: This package is one in which, uh, I did fill the information out on this package. It has the date on it, the case file number, Jessie Misskelley Jr., uh stating that this is the original tape. And it has Ridge and Gitchell for the interviewers of that. And this tape is also marked on the outside.

FOGLEMEN: Is that the tape of your conversation from the time that Jessie first admitted that he was present, uh, up until there was a break?

GITCHELL: Yes sir.

FOGLEMEN: Alright. Your Honor, we would offer State's Exhibit 75.

THE COURT: Alright, it may be received.

FOGLEMEN: Your Honor, on 75A, was that admitted?

STIDHAM: Your Honor, that's just the front page of the transcript.

FOGLEMEN: That's the, that's the transcript.

STIDHAM: (inaudible) the entire transcript?

FOGLEMEN: To aid and assist the jury as they listen along. I've got copies for them all.

STIDHAM: Your Honor, may I approach the bench?

THE COURT: Yes.

BENCH CONFERENCE

STIDHAM: Your Honor, we want to object to the statement being introduced into evidence because we think it's involuntary

THE COURT: Well, you've already made that objection.

STIDHAM: I just want to make sure that we don't waive that objection

THE COURT: (interrupting) Well, you don't waive that objection. You're not waiving any -- I'm going to allow you to do it in the manner you, you're gonna have to collect copies and one copy will be received in evidence and you may...

FOGLEMEN: Your Honor, may I distribute them to the jury?

THE COURT: Yes, you may.

(DISTRIBUTING)

TAPE: This is Detective Bryn -- (clicks off)

(MUMBLING, FUSSING WITH RECORDER LOCATION)

FOGLEMAN: Your Honor --

THE COURT: Well, that'll be alright, if he wants to stand down there, put it there. I think this one is an amplifier.

GITCHELL: Yes, this one is --

THE COURT: Well put it there, he won't have to hold it.

FOGLEMAN: Probably don't need it that close, do we?

TAPE STARTS: This is Detective Bryn...

(beginning of taped statement of Jessie Misskelley Jr.)

DETECTIVE RIDGE: This is Detective Bryn Ridge of the West Memphis Police Department, currently in the West Memphis Police Department conducting an investigation in, into the Triple Homicide, Case File Number 93-05-0666. Currently in the office we have Jessie Lloyd Misskelley, Jr., birthdate: 7-10 of 75, education at the 9th grade, the place, we're in the Detectives Division, today's date is 6-3 of 93, the time now is 2:44 pm. Present in the interview will be Inspector Gary Gitchell and Jessie Misskelley. Jessie, in front of me I have a rights form, and it's got your signature at the bottom of it, is that your correct (clear?) your signature?

***A01 MISSKELLEY:** Yes sir

DETECTIVE RIDGE: Okay, we are informing you that we are Detective Seargent Mike Allen, and Detective Bryn Ridge, and Detective Seargent Mike Allen is the one that read this form to you earlier, is that correct?

***A02 MISSKELLEY:** Yes sir

DETECTIVE RIDGE: And I was here when he read it to you.

***A03 MISSKELLEY:** Yes sir

DETECTIVE RIDGE: Alright, police officers of the West Memphis Police Department, we are conducting an investigation for the offense of Capitol Felony Murder, which was committed on or about 5-5 of 93, before we ask you any questions, you must know and understand your legal rights, therefore, we warn and advise you, that you have the right to remain silent, do you understand that?

***A04 MISSKELLEY:** Yes sir

DETECTIVE RIDGE: And those are your initials on the line in front of that statement?

***A05 MISSKELLEY:** Yes, it is

DETECTIVE RIDGE: Okay, anything you say can be used against you in court, do you understand that?

***A06 MISSKELLEY:** I do

DETECTIVE RIDGE: And those are your initials?

***A07 MISSKELLEY:** Yes, it is

DETECTIVE RIDGE: Alright, you have the right to talk to a lawyer for advice before we ask you any questions, and to have him with you during questioning, do you understand that?

***A08 MISSKELLEY:** Yes, I do

DETECTIVE RIDGE: And those are your initials?

***A09 MISSKELLEY:** Yes, it is

DETECTIVE RIDGE: If you cannot afford a lawyer, one will be appointed for you before any questions, if you wish, at no cost to you, do you understand that?

***A10 MISSKELLEY:** Yes, I do

DETECTIVE RIDGE: And those are your initials?

***A11 MISSKELLEY:** Yes, it is

DETECTIVE RIDGE: If you decide to answer questions now without a lawyer present you will still have the right to stop answering at any time, do you understand that?

***A12 MISSKELLEY:** Yes, I do.

DETECTIVE RIDGE: And those are your initials?

***A13 MISSKELLEY:** Yes, it is.

DETECTIVE RIDGE: You're up here on your own free will (sounds like Misskelley was affirming this), you came up here to answer some questions, and basically we found out some information during those questionings, is that correct?

***A14 MISSKELLEY:** Yes sir, I did

DETECTIVE RIDGE: Okay, at the bottom of the form is a Waiver of Rights, it says that I've read this statement of my rights, and I understand what my rights are, I am willing to make a statement, and answer questions, I do not want a lawyer at this time, I understand and know what I am doing. No promises or threats have been made to me, and no pressure or force has been used against me, is all of that correct?

***A15 MISSKELLEY:** Yes

DETECTIVE RIDGE: Okay, and you signed the bottom of the form?

***A16 MISSKELLEY:** Yes, I did

DETECTIVE RIDGE: Witnessed by Michael Wayne Allen and myself, Detective Bryn Ridge. Okay, Jessie, let's, let's go straight to that date, 5-5 of 93, a Wednesday, early in the morning. You received a phone call, is that correct?

***A17 MISSKELLEY:** Yes, I did

DETECTIVE RIDGE: And who made that phone call?

***A18 MISSKELLEY:** Jason Baldwin

DETECTIVE RIDGE: Alright, what occurred, what did he talk about?

***A19 MISSKELLEY:** He called me and asked me could I go, uh, go to West Memphis with him and I told him, no, I had to work and stuff. And then he told me that he had to go to West Memphis so, him and Damien went and then I went with them.

DETECTIVE RIDGE: Alright, when?

***A20 MISSKELLEY:** Wednesday

DETECTIVE RIDGE: Alright, when did you go with them?

***A21 MISSKELLEY:** That morning

DETECTIVE RIDGE: At 9 o'clock in the morning?

***A22 MISSKELLEY:** Yes, I did.

DETECTIVE RIDGE: Okay.

***A23 MISSKELLEY:** I went with them and then I

DETECTIVE GITCHELL: Now, were you in a car? Whose car were you all in?

***A24 MISSKELLEY:** We walked

DETECTIVE GITCHELL: You all walked?

***A25 MISSKELLEY:** Right, we walked and then uh,

DETECTIVE RIDGE: Where did you go?

***A26 MISSKELLEY:** We went up to the Robin Hood

DETECTIVE RIDGE: You went to the Robin Hood, explain to me where those woods are.

***A27 MISSKELLEY:** By uh, Blue Beacon Truck Wash.

DETECTIVE RIDGE: Just a little patch of woods

***A28 MISSKELLEY:** A little patch of woods

DETECTIVE RIDGE: Behind Blue Beacon?

***A29 MISSKELLEY:** Behind it, right back there behind it.

DETECTIVE RIDGE: Okay, what occurred while you were there?

***A30 MISSKELLEY:** When I was there, I saw Damien hit this one, hit this one boy real bad, and then uh, and then he started screwing them and stuff and then uh,

DETECTIVE RIDGE: Alright, you got in front of you a picture, that was taken out of the newspaper I believe, it's got three boys and these are the three boys that were killed on that date in Robin Hood Woods, okay. Which one of those three boys is it you say Damien hit? The third picture (Jessie seems to be affirming this in the background), which will be

***A31 MISSKELLEY:** Michael Moore

DETECTIVE GITCHELL: This boy right here,

***A32 MISSKELLEY:** Yeah,

DETECTIVE GITCHELL: Alright, that's uh the Byers boy,

***A33 MISSKELLEY:** Christopher

DETECTIVE GITCHELL: That's who you are pointing at?

***A34 MISSKELLEY:** Mm-hmm.

DETECTIVE RIDGE: If you read the captions, the grisly slain from left, 8 year old Michael Moore, Steven Branch and Christopher Byers. (Jessie seems to be echoing these names as Ridge speaks). Okay, so you saw Damien strike Chris Byers in the head?

***A35 MISSKELLEY:** Right

DETECTIVE RIDGE: What did he hit him with?

***A36 MISSKELLEY:** He hit him with his fist and bruised him all up real bad, and then um Jason turned around and hit Steve Branch

DETECTIVE RIDGE: Okay

***A37 MISSKELLEY:** And started doing the same thing, then the other one took off, Michael uh Moore took off running, so I chased him and grabbed him and held him, til they got there and then I left.

DETECTIVE RIDGE: Okay. Alright, when you get the boys back together, where you at from the creek?

***A38 MISSKELLEY:** I was up there by the uh Service Road

DETECTIVE RIDGE: Up by the Service Road?

***A39 MISSKELLEY:** (The transcript here says yes. I could not find a response.)

DETECTIVE RIDGE: Okay, now when this, when he hits the first boy, where are they at when he, when he hits him, are you in the woods, you're on the side of big bayou, you're out in the field, where you at?

***A40 MISSKELLEY:** I was in the woods.

DETECTIVE RIDGE: In the woods. Okay, you've been down there in those woods before.

***A41 MISSKELLEY:** Yes, I have.

DETECTIVE RIDGE: Can you describe to me what in those woods, what's the location where you were?

***A42 MISSKELLEY:** Uh,

DETECTIVE RIDGE: Is there a path that you go down?

***A43 MISSKELLEY:** Uh, down a little path

DETECTIVE RIDGE: Alright, where does that path go to?

***A44 MISSKELLEY:** It leads out there close to the uh field, close to the interstate.

DETECTIVE RIDGE: Okay

***A45 MISSKELLEY:** That's where I was at.

DETECTIVE RIDGE: Alright.

***A46 MISSKELLEY:** I was close by the interstate.

DETECTIVE RIDGE: When he hits the first boy and then Jason hits another boy, and one takes off running,

***A47 MISSKELLEY:** And the other takes. . .

DETECTIVE RIDGE: Where does he run to?

***A48 MISSKELLEY:** That one, he runs out, going out the, out the park and I chased him and grabbed him and brought him back.

DETECTIVE RIDGE: Which way does he go, I mean, does he go on back towards where the houses are

***A49 MISSKELLEY:** He goes on back. . .

DETECTIVE RIDGE: He's going to Blue Beacon, is he going out towards the fields,

***A49 MISSKELLEY:** He's going. . .

DETECTIVE RIDGE: Where's he running to?

***A50 MISSKELLEY:** Towards the houses.

DETECTIVE RIDGE: Towards the houses?

DETECTIVE GITCHELL: Where the pipe is that goes across the water?

***A51 MISSKELLEY:** Yeah, he's running out there and I caught him and brought him back, and then I took off.

DETECTIVE RIDGE: Okay, when you came back a little bit later, and all three boys are tied?

***A52 MISSKELLEY:** Mm-hmm.

DETECTIVE RIDGE: Is that right?

***A53 MISSKELLEY:** Mm-hmm, and then I took off and run home.

DETECTIVE RIDGE: Alright, have they got their clothes on when you saw them tied?

***A54 MISSKELLEY:** Un-uh, they had them off.

DETECTIVE RIDGE: They had already gotten them off. When he first hit the boy, when Damien first hit the first boy, did they have their clothes on then?

***A55 MISSKELLEY:** Mm-hmm.

DETECTIVE RIDGE: Alright, when did they take their clothes off?

***A56 MISSKELLEY:** Right after I, they beat up all three of them, beat them up real bad

DETECTIVE RIDGE: Beat them up real bad, and then they took their clothes off?

***A57 MISSKELLEY:** Mm-mm.

DETECTIVE RIDGE: And then they tied them

***A58 MISSKELLEY:** Then they tied them up, tied their hands up, they started screwing them and stuff, cutting them and stuff, and I saw it and I turned around and looked, and then I took off running, I went home, then they called me and asked me, how come I didn't stay, I told them, I just couldn't.

DETECTIVE RIDGE: Just couldn't stay (stand?) for that.

***A59 MISSKELLEY:** I couldn't stand to see what they were doing to them.

DETECTIVE RIDGE: Okay, now when it's going on, when it's taking place, you under. . . you saw somebody with a knife. Who had a knife?

***A60 MISSKELLEY:** Jason

DETECTIVE RIDGE: Jason had a knife. What did he cut with the knife? What did you see him cut or who did you see him cut?

***A61 MISSKELLEY:** I saw him cut one of the little boys

DETECTIVE RIDGE: Alright, where did he cut him at?

***A62 MISSKELLEY:** He was cutting him in the face.

DETECTIVE RIDGE: Cutting in the face. Alright, another boy was cut I understand, where was he cut at?

***A63 MISSKELLEY:** At the bottom

DETECTIVE RIDGE: On his bottom? Was he face down when he was cutting on him, or

***A64 MISSKELLEY:** Mm-hmm.

DETECTIVE GITCHELL: Now you're talking about bottom, do you mean right here?

***A65 MISSKELLEY:** Mm-hmm.

DETECTIVE GITCHELL: In his groin area?

***A66 MISSKELLEY:** (Note: there is no audio register for an answer here. Is it possible that Misskelley nodded?)

DETECTIVE GITCHELL: Okay

DETECTIVE RIDGE: Do you know what his penis is?

***A67 MISSKELLEY:** Mm-hmm, that's where he was cut at.

DETECTIVE RIDGE: That's where he was cut.

DETECTIVE GITCHELL: Which boy was that?

***A68 MISSKELLEY:** That right there.

DETECTIVE GITCHELL: You're talking about the Byers boy again?

***A69 MISSKELLEY:** Mm-hmm.

DETECTIVE GITCHELL: Okay

DETECTIVE RIDGE: Are you sure that he was the one that was cut?

***A70 MISSKELLEY:** That's the one that I seen them cutting on.

DETECTIVE RIDGE: Alright, you know what penis is?

***A71 MISSKELLEY:** Mm-hmm.

DETECTIVE RIDGE: Alright, is that where he was cutting?

***A72 MISSKELLEY:** That's where I seen them going down at, and he was on his back. I seen them going down right there real close to his penis and stuff and I saw some blood and that's when I took off.

DETECTIVE GITCHELL: Was uh, were you all close to the creek at that point?

***A73 MISSKELLEY:** Yes sir

DETECTIVE GITCHELL: Where was the little boy actually at?

***A74 MISSKELLEY:** He was close

DETECTIVE RIDGE: Alright, now you know where the bayou is?

***A75 MISSKELLEY:** Right

DETECTIVE RIDGE: Alright, and you know where the little creek is that goes out to the expressway, and it doesn't have a lot of water in it, but it's got some water in it, and it's flowing through there, which side of that creek were you on, were you on the Memphis side of the creek or were you on the Blue Beacon side of that creek?

***A76 MISSKELLEY:** Blue Beacon.

DETECTIVE RIDGE: On the Blue Beacon

***A77 MISSKELLEY:** Yes

DETECTIVE RIDGE: So, there is like a tall bank, were you, where were you at on that bank?

***A78 MISSKELLEY:** I was up there standing up there on the top.

DETECTIVE RIDGE: Alright, where were they at?

((My audio tape is missing the next several lines. These stand as previously transcribed.))

***A79 MISSKELLEY:** They were at the bottom.

DETECTIVE RIDGE: On which side?

***A80 MISSKELLEY:** Memphis side

DETECTIVE RIDGE: They were on the Memphis side.

***A81 MISSKELLEY:** I was on

DETECTIVE RIDGE: Alright, we're going to correct that even further, that's the east side, Memphis side is the east side and you were standing at the top of the bank on the west side, were you looking down at what was going on?

***A82 MISSKELLEY:** I was looking down, and after I seen all of that, I took off

DETECTIVE RIDGE: Okay, and when you left, ((My audio tape begins again.)) did you hear any more hollering or anything?

***A83 MISSKELLEY:** No.

DETECTIVE RIDGE: Alright, you went home and about what time was it that all of this was taking place?

***A84 MISSKELLEY:** They call me up about

DETECTIVE RIDGE: I'm not saying when they called you. I'm saying what time was it that you were actually there in the park?

***A85 MISSKELLEY:** Probably about 12

DETECTIVE RIDGE: About noon?

***A86 MISSKELLEY:** Mm-hmm. (There is an audible "ffff" at this point.)

DETECTIVE RIDGE: Okay, was it after school. . . had let out?

***A87 MISSKELLEY:** I didn't go to school

DETECTIVE RIDGE: Well, these little boys

***A88 MISSKELLEY:** They skipped school

DETECTIVE RIDGE: They skipped school?

***A89 MISSKELLEY:** They's going to catch their bus and stuff, and they's on their bikes and so,

DETECTIVE RIDGE: Alright, they were on their bikes, where were the bikes at?

***A90 MISSKELLEY:** They, they laid their bikes down when they come out to the, I mean, when they hollered for them to come, come out there

DETECTIVE RIDGE: Where did they lay their bikes down at, that's what I'm asking?

***A91 MISSKELLEY:** I don't know where they laid their bikes down at, cause I was, I was behind Damien and nem, way, way behind them.

DETECTIVE RIDGE: Okay

***A92 MISSKELLEY:** When they hollered, when they seen them boys

DETECTIVE RIDGE: The little boys came on over?

***A93 MISSKELLEY:** Mm-hmm.

DETECTIVE RIDGE: Had Damien seen these boys before?

***A94 MISSKELLEY:** Mm-hmm. (faint)

DETECTIVE RIDGE: Has he done things with them before? Or has he just been watching them?

***A95 MISSKELLEY:** He's been watching them.

DETECTIVE RIDGE: Has he had sex with them before?

***A96: MISSKELLEY:** He's been watching them.

DETECTIVE RIDGE: Has he ever had sex with them before?

***A97 MISSKELLEY:** No, he's been watching them

DETECTIVE RIDGE: He's been watching them. You mentioned earlier that, at one of the meetings you went to with this cult thing, they had some pictures. Describe those pictures for me.

***A98 MISSKELLEY:** They had. . . had some houses, and trees and stuff

DETECTIVE RIDGE: Okay, had somebody taken pictures of these boys?

***A99 MISSKELLEY:** Mm-hmm.

DETECTIVE RIDGE: Were they in the houses or were they in these trees when they took those pictures?

***A100 MISSKELLEY:** They's, they's in the houses

DETECTIVE RIDGE: At the houses? Did they take like one picture of one boy

***A101 MISSKELLEY:** They was in a group.

DETECTIVE RIDGE: All these three?

***A102 MISSKELLEY:** There was a group of pictures of all three of them.

DETECTIVE RIDGE: All three of them would generally be together?

***A103 MISSKELLEY:** Mm-hmm.

DETECTIVE GITCHELL: How many pictures did you see, altogether?

***A104 MISSKELLEY:** I just saw one.

DETECTIVE GITCHELL: Okay, and it has these same three boys in it?

***A105 MISSKELLEY:** Mm-hmm.

DETECTIVE RIDGE: You're certain of that?

***A106 MISSKELLEY:** Mm-hmm.

DETECTIVE GITCHELL: Now, did you say that the boys skipped school that day? These little boys did?

***A107 MISSKELLEY:** Mm-hmm,

DETECTIVE GITCHELL: Are you sure?

***A108 MISSKELLEY:** They was going to catch the, going somewheres and like I said, Damien, Damien and nem left before I did, I told them I'd meet them there and stuff, I had to get ready, and I meet them there and it was early in the morning and so, they went ahead and met, met me, they went ahead went up there and then I come up, you know, later on behind them.

DETECTIVE GITCHELL: What time did you get there?

***A109 MISSKELLEY:** I got there about 9.

DETECTIVE GITCHELL: In the morning?

***A110 MISSKELLEY:** Mm-hmm.

DETECTIVE GITCHELL: Of Wednesday morning?

***A111 MISSKELLEY:** Mm-hmm. (Heavy throat clearing--seems to be Gitchell)

DETECTIVE GITCHELL: And when. . .

DETECTIVE RIDGE: What time is it right now?

***A112 MISSKELLEY:** Right now?

DETECTIVE RIDGE: Yeah, you don't know what time it is?

DETECTIVE GITCHELL: Do you not wear a watch?

***A113 MISSKELLEY:** It's at home, my dad. . .

DETECTIVE RIDGE: So

***A114 MISSKELLEY:** My dad woke me up this morning.

DETECTIVE RIDGE: So, your time period might not be exactly right, what you're saying?

***A115 MISSKELLEY:** Right

DETECTIVE RIDGE: That is, it was like early in the day, but you don't know exactly what time. Okay, cause we got, I've got some real confusion with the times you're telling me, but now, this 9 o'clock in the evening call that you've got, explain that to me.

***A116 MISSKELLEY:** Well after, all of this stuff happened that night, that they done it

DETECTIVE RIDGE: Okay.

***A117 MISSKELLEY:** I went home about noon, then they called me at 9 o'clock at night, they called me.

DETECTIVE RIDGE: Okay. And what did they tell you on the telephone?

***A118 MISSKELLEY:** They asked me how come I left so early and stuff. Then I told them that I couldn't stand there watching it no more so, I had to do something to get out of there.

DETECTIVE RIDGE: Okay, who called you?

***A119 MISSKELLEY:** Jason

DETECTIVE RIDGE: And you mentioned that you heard some voice in the background?

***A120 MISSKELLEY:** I heard some of Damien.

DETECTIVE RIDGE: And what else, I think you said that he made the call from his house?

***A121 MISSKELLEY:** He made the call from his house and Damien was hollering in the background saying, we done it, we done it, what are going to do if somebody saw us, what are we going to do?

DETECTIVE RIDGE: Okay, now the knives, was there one knife, two knives, was your knife there?

***A122 MISSKELLEY:** Un-uh.

DETECTIVE RIDGE: Did somebody take it and use your knife? Do you have a knife?

***A123 MISSKELLEY:** I have one knife

DETECTIVE RIDGE: Where is it at?

***A124 MISSKELLEY:** At home.

DETECTIVE RIDGE: Okay, the knife that you said Jason was using?

***A125 MISSKELLEY:** Mm-hmm.

DETECTIVE RIDGE: Where is it?

***A126 MISSKELLEY:** Uh, I don't know what he done with it, cause after I left then that's when, I don't know what they done with, after I left I don't know what they done with.

DETECTIVE RIDGE: He didn't tell you he hid it somewhere?

DETECTIVE GITCHELL: I've got a feeling here, you're not quite telling me everything, now we're, you know we're recording everything, so this is very, very important to tell us the entire truth. If you were there the whole time, then tell us that you were there the whole time, don't leave anything out. This is very, very important, now just tell us the truth.

***A127 MISSKELLEY:** I was there until they tied them up and then that's when I left, after they tied them up, I left.

DETECTIVE GITCHELL: But, you saw them cutting on the boys,

***A128 MISSKELLEY:** I saw them cutting on them, and then they, they

DETECTIVE GITCHELL: So, what else, what else left is there, after that?

***A129 MISSKELLEY:** Then they laid the knife down beside them and I saw them tying them up and then that's when I left.

DETECTIVE RIDGE: Were the boys conscience (sic) or were they

***A130 MISSKELLEY:** They were unconscious then

DETECTIVE RIDGE: Unconscious

***A131 MISSKELLEY:** And after I left they done more.

DETECTIVE RIDGE: They done more.

***A132 MISSKELLEY:** They started screwing them again.

DETECTIVE RIDGE: Okay, how were they screwing them when you saw them?

***A133 MISSKELLEY:** They, Jason stuck his in one of them's mouth and Damien was screwing one of them up the ass and stuff.

DETECTIVE RIDGE: Okay, and the one that they were cutting the penis off of, did any of them, or cutting the penis or whatever was being done, did they have sex with him at all?

***A134 MISSKELLEY:** No

DETECTIVE RIDGE: Did any one of them?

***A135 MISSKELLEY:** Jason did

DETECTIVE RIDGE: Jason did?

***A136 MISSKELLEY:** Jason was screwing him while Damien stuck his in his mouth and got a blow job.

DETECTIVE RIDGE: Okay, how did he have sex with that one?

***A137 MISSKELLEY:** Damien, he was holding him down like, and Jason had his legs up in the air and that little boy was kicking, saying, 'don't, no' like that.

DETECTIVE RIDGE: Okay, he had his legs up in the air. Alright, what was to keep these little boys from running off? If just their hands are tied, what's to keep them from running off?

***A138 MISSKELLEY:** They beat them up so bad so they can't hardly move. They hadn't tied, had their hands tied down and he just sit on them.

DETECTIVE RIDGE: You said that they had their hands tied up, tied down, were their hands tied in a fashion to where they couldn't have run? You tell me.

***A139 MISSKELLEY:** They could, they could run, they just had them tied, when they knocked them down and stuff, they could hold their arms and stuff, and just hold them down like, where he couldn't raise up and the other one picked his legs up.

DETECTIVE RIDGE: Okay, so they had them under control. You were there the whole time that was taking place?

***A140 MISSKELLEY:** I was there.

DETECTIVE RIDGE: Okay, none of them was cut on the face real bad, is that what you said?

***A141 MISSKELLEY:** Mm-hmm.

DETECTIVE RIDGE: And one of them was being cut on his penis?

***A142 MISSKELLEY:** Yes sir.

DETECTIVE RIDGE: Alright,

DETECTIVE GITCHELL: Did you ever use, did anyone use a stick and hit the boys with?

***A143 MISSKELLEY:** Damien had kind of a big old stick when he hit that first one, after he hit him with his fist and knocked him down and then he got him a big old stick and hit him.

DETECTIVE GITCHELL: What did the stick look like, I mean was it like a, a, a big log like that or is it, is it a stick?

***A144 MISSKELLEY:** It, I would say it was about that, about that big around, I would say about that long.

DETECTIVE GITCHELL: Okay

DETECTIVE RIDGE: About the size of a baseball bat, maybe just a little bit bigger around?

***A145 MISSKELLEY:** Mm-hmm. That's about right.

DETECTIVE RIDGE: That's what you're describing with your hands, right?

***A146 MISSKELLEY:** Right

DETECTIVE RIDGE: Okay. How long was the knife that Jason was using?

***A147 MISSKELLEY:** About that long (faint).

DETECTIVE RIDGE: Alright, you're describing a knife that would be about 6 inches long, is that right?

***A148 MISSKELLEY:** Mm-hmm.

DETECTIVE RIDGE: And, what kind of blade did it have on it?

***A149 MISSKELLEY:** Mm, like a regular, just a regular knife blade

DETECTIVE RIDGE: Was it a knife that you fold up, or was it a, like a hunting knife?

***A150 MISSKELLEY:** It was

DETECTIVE RIDGE: Just one piece

***A151 MISSKELLEY:** Just a fold up knife

DETECTIVE RIDGE: It was a folding knife?

***A152 MISSKELLEY:** Mm-hmm.

DETECTIVE RIDGE: Okay, uh. Does Damien have a knife?

***A153 MISSKELLEY:** No

DETECTIVE RIDGE: He doesn't have one, he didn't have one that night?

***A154 MISSKELLEY:** He didn't have one that night

DETECTIVE RIDGE: Did he borrow yours?

***A155 MISSKELLEY:** No, he didn't borrow mine.

DETECTIVE RIDGE: Okay.

DETECTIVE GITCHELL: Did they have a briefcase with them?

***A156 MISSKELLEY:** Un-uh.

DETECTIVE GITCHELL: Didn't, you didn't see a briefcase?

***A157 MISSKELLEY:** I didn't see a briefcase, not unless they left it there at that day before it happened, not unless they left it there and knew about it, but I didn't see it that day.

DETECTIVE GITCHELL: Have you ever seen them with a briefcase before?

***A158 MISSKELLEY:** I've seen them once that one night, I seen them with it that night.

DETECTIVE GITCHELL: Okay, what is kept inside of that briefcase?

***A159 MISSKELLEY:** They had some cocaine, and, and a little gun.

DETECTIVE GITCHELL: Is that when you first saw the pictures of the little boys?

***A160 MISSKELLEY:** Mm-hmm, out there in Lakeshore.

DETECTIVE GITCHELL: And you saw the pictures in the briefcase?

***A161 MISSKELLEY:** Mm-hmm, I think when we had that cult.

DETECTIVE GITCHELL: Okay, now you have participated in this cult, right?

***A162 MISSKELLEY:** Yes

DETECTIVE GITCHELL: And how long have you been involved in it?

***A163 MISSKELLEY:** I've been in it for about three months.

DETECTIVE GITCHELL: Okay, what is, tell me some of the things you all do typically in the woods, in, as being in this cult.

***A164 MISSKELLEY:** We go out kill dogs and stuff and then carry girls out there.

DETECTIVE GITCHELL: What do you all do with the girls when you're out there?

***A165 MISSKELLEY:** We screw them and stuff

DETECTIVE GITCHELL: Does just everybody take turns?

***A166 MISSKELLEY:** Everybody, mm-hmm, and we all have an orgy and stuff like that.

DETECTIVE GITCHELL: Okay

DETECTIVE RIDGE: When you kill a dog, what do you do with it?

***A167 MISSKELLEY:** We usually skin it, then a little bonfire and eat it and stuff

DETECTIVE RIDGE: Okay, when you're initiating somebody new to come into it, to come into a cult, what actually is done to initiate that person into a cult?

***A168 MISSKELLEY:** We usually, we usually, you know, kill the animal, you know, to see if he knows, knows how to handle the meat and stuff, after we kill it to see if he knows, if he can't handle it, then he don't get in.

DETECTIVE RIDGE: Okay, so he kills an animal. You mentioned earlier that he may have to eat part of that animal, what part of the animal would he eat?

***A169 MISSKELLEY:** Uh, part of the, uh, the meat off his leg.

DETECTIVE RIDGE: The meat off his leg.

***A170 MISSKELLEY:** If he, if he can't eat it, then he don't, he don't get in.

DETECTIVE RIDGE: Doesn't get into the club?

***A171 MISSKELLEY:** Un-uh.

DETECTIVE RIDGE: Now, on these, these meetings, have they ever been violent, anybody get mad and got into a fight?

***A172 MISSKELLEY:** No

DETECTIVE RIDGE: Okay, the night you were in these woods, uh had you all been in the water?

***A173 MISSKELLEY:** Yeah, we've been in the water, we were in it that night, playing around in it.

DETECTIVE RIDGE: You were playing around in the water? Alright, what were you doing in the water?

***A174 MISSKELLEY:** Just

DETECTIVE RIDGE: Besides just playing, the little boys, had they been in the water? Did they get into the water with you all?

***A175 MISSKELLEY:** No, they didn't get into the water with us

DETECTIVE RIDGE: Okay, what were you doing in the water?

***A176 MISSKELLEY:** We were just sitting there, throwing stuff at each other.

DETECTIVE RIDGE: Okay, were you all having sex?

***A177 MISSKELLEY:** No. I wasn't

DETECTIVE RIDGE: You weren't?

***A178 MISSKELLEY:** No.

DETECTIVE RIDGE: Was Damien and Jason having sex?

***A179 MISSKELLEY:** They, they take turns going up under the water.

DETECTIVE RIDGE: Going under the water, what were they doing up under the water?

***A180 MISSKELLEY:** I don't know. They, they's sitting so far away, they, they's go for the water sitting, about, I would say about five to ten seconds, then come up and then the other one would go down

DETECTIVE RIDGE: Okay, so they were just messing around in the water. They called for these boys to come over there?

***A181 MISSKELLEY:** Yeah, they, they seen them boys and then they hollered, Damien hollered, said, hey, and the little boys come up there.

DETECTIVE GITCHELL: Did they call them by name?

***A182 MISSKELLEY:** Un-uh, they just hollered at them, and they, they slowed up.

DETECTIVE GITCHELL: Where did the boys put their bikes?

***A183 MISSKELLEY:** Close to right where there before you come in and they laid them down right there, and I don't know, after I left I don't know what they done with the bikes.

DETECTIVE GITCHELL: You didn't do anything to the bikes at all?

***A184 MISSKELLEY:** No.

DETECTIVE GITCHELL: Are you sure?

***A185 MISSKELLEY:** Positive.

DETECTIVE GITCHELL: You didn't touch the bikes?

***A186 MISSKELLEY:** I didn't touch them.

DETECTIVE RIDGE: You've been back to this place since that murder?

***A187 MISSKELLEY:** Mm-hmm.

DETECTIVE RIDGE: Since it took (unintelligible) place. What did you do while you were there? And be truthful.

***A188 MISSKELLEY:** I went down there, I just sit there, and after what they did to the boys, I just sit there

DETECTIVE RIDGE: And did what?

***A189 MISSKELLEY:** Just thought, what they, what happened to them real bad, I just thought.

DETECTIVE RIDGE: Okay.

***A190 MISSKELLEY:** And then I left and stuff.

DETECTIVE RIDGE: And stuff?

***A191 MISSKELLEY:** Left and walked home.

DETECTIVE GITCHELL: When did you go back there? Out.

***A192 MISSKELLEY:** Two or three days after it happened, and I left.

DETECTIVE RIDGE: You were there by yourself?

***A193 MISSKELLEY:** I was there by myself.

DETECTIVE RIDGE: Did you go there with some more boys once?

***A194 MISSKELLEY:** Me, David and (hard to hear, sounds like Bill).

DETECTIVE RIDGE: To that particular place?

***A195 MISSKELLEY:** No, not to that place.

DETECTIVE RIDGE: Are you willing to go down there with us and us have a camcorder and you show us where these things took place? Would you do that? (3 seconds of silence) Wouldn't have any problem with that?

***A196 MISSKELLEY:** Not that I know of, I wouldn't.

DETECTIVE RIDGE: Huh?

***A197 MISSKELLEY:** Not that I know of, I wouldn't have a problem with that.

DETECTIVE RIDGE: But you would be able to point out where these things took place?

***A198 MISSKELLEY:** Mm-hmm.

DETECTIVE RIDGE: Which way the boys came from

***A199 MISSKELLEY:** Mm-hmm.

DETECTIVE RIDGE: And where you all were when he hollered for the boys and stuff like that, you wouldn't have any problem with that?

***A200 MISSKELLEY:** After, after, after the murder and stuff, I would say about two or three days later after it happened, I went down there and thought about it and I haven't been there ever since.

DETECTIVE RIDGE: Okay, let me ask you something, now this is real serious and I want you to be real truthful, and I want you to think about it before you answer it, don't just say yes or no, real quick. I want you to think about it. Did you actually hit any of these boys?

***A201 MISSKELLEY:** No.

DETECTIVE GITCHELL: Now, tell us the truth.

***A202 MISSKELLEY:** No.

DETECTIVE RIDGE: Did you actually rape any of these boys?

***A203 MISSKELLEY:** No.

DETECTIVE RIDGE: Did you actually kill any of these boys?

***A204 MISSKELLEY:** No.

DETECTIVE RIDGE: Did you see any of the boys actually killed?

***A205 MISSKELLEY:** Yes.

DETECTIVE RIDGE: Okay, which one did you see killed?

***A206 MISSKELLEY:** That one right there.

DETECTIVE GITCHELL: Now, you're pointing to the Byers boy again?

***A207 MISSKELLEY:** Mm-hmm.

DETECTIVE RIDGE: How was he actually killed?

***A208 MISSKELLEY:** He did, he choked him real bad like.

DETECTIVE RIDGE: Choked him? Okay, what was he choking him with?

***A209 MISSKELLEY:** His hands, like a, like a stick, he had a big old stick, and he's kind of holding it over his neck.

DETECTIVE RIDGE: Okay, so he was choking him to the point where he actually went unconscious, so at that point, you felt like he was dead?

***A210 MISSKELLEY:** Yeah

DETECTIVE RIDGE: Okay, did any of the other two boys, were you there when they were actually killed?

***A211 MISSKELLEY:** I don't know.

DETECTIVE RIDGE: You say that you got sick, from what you were seeing, did you throw up or anything?

***A212 MISSKELLEY:** Mm-hmm.

DETECTIVE RIDGE: Where did you throw up at?

***A213 MISSKELLEY:** I got a little bit ways out there. I took Seven up and then about a half a mile up the road, is when I threw up, and I had to quit running and (unintelligible) I threw up.

DETECTIVE RIDGE: When you left from there, did you leave running?

***A214 MISSKELLEY:** Mm-hmm.

DETECTIVE RIDGE: Were you hiding?

***A215 MISSKELLEY:** Un-uh. (faint)

DETECTIVE GITCHELL: Did you have some blood on your clothes?

***A216 MISSKELLEY:** I didn't have no blood on them, I wasn't, I didn't get close to them.

DETECTIVE GITCHELL: Were your clothes wet still?

***A217 MISSKELLEY:** Mm-hmm, they were damp.

DETECTIVE GITCHELL: Muddy?

***A218 MISSKELLEY:** Mm-hmm.

DETECTIVE RIDGE: Alright, Inspector Gitchell touched on a point, real, real close, now what clothes were Jason wearing that day? That night?

***A219 MISSKELLEY:** He was wearing some blue jeans and boots, like army boots like,

DETECTIVE RIDGE: Army boots? And what kind of a shirt, you know everybody wears a special shirt for different things.

***A220 MISSKELLEY:** He was wearing a, a Megadeth shirt.

DETECTIVE RIDGE: A Megadeth.

***A221 MISSKELLEY:** Or maybe it was a Metallica

DETECTIVE RIDGE: Metallica shirt, alright, was he wearing a cap, anything like that?

***A222 MISSKELLEY:** No, he wasn't wearing anything like that

DETECTIVE RIDGE: Alright, Damien, what was Damien wearing?

***A223 MISSKELLEY:** Damien had some black pants on, some boots and a black t-shirt.

DETECTIVE RIDGE: Was anything on his shirt?

***A224 MISSKELLEY:** No.

DETECTIVE RIDGE: No kind of design or anything?

***A225 MISSKELLEY:** No, just black.

DETECTIVE RIDGE: These blue jeans that Jason was wearing, were they designer jeans, or were they old jeans, wore out, holes?

***A226 MISSKELLEY:** They were wore out.

DETECTIVE RIDGE: What did they look like?

***A227 MISSKELLEY:** They had holes in them and the knees and stuff.

DETECTIVE RIDGE: Holes in the knees. What color is Jason's hair?

***A228 MISSKELLEY:** Blonde.

DETECTIVE RIDGE: Bright blonde, or like a sandy reddish type blonde, you know the difference?

***A229 MISSKELLEY:** It's like a sandy colored blonde.

DETECTIVE RIDGE: Sandy colored blonde. Okay, he's wearing blue jeans, he had on a Metallica shirt, now this is a shirt that's got Metallica across the front of it spelled out, and a man's name, or something under it, or a picture, is that right? You tell me.

***A230 MISSKELLEY:** They have pictures.

DETECTIVE RIDGE: A picture of somebody.

***A231 MISSKELLEY:** Different shirts, uh, you know, different Metallica shirts have different pictures.

DETECTIVE RIDGE: Well, which one did he have?

***A232 MISSKELLEY:** He had that uh, like a, uh that scratched skull on it something like.

DETECTIVE RIDGE: A skull?

***A233 MISSKELLEY:** Yeah

DETECTIVE RIDGE: Okay, what were you wearing that day?

***A234 MISSKELLEY:** I was just wearing regular blue jeans, my shoes and. . .

DETECTIVE RIDGE: What kind of shoes were you wearing?

***A235 MISSKELLEY:** My uh, Adidas.

DETECTIVE RIDGE: Adidas tennis shoes?

***A236 MISSKELLEY:** Mm-hmm.

DETECTIVE RIDGE: Okay, what kind of shirt were you wearing?

***A237 MISSKELLEY:** I was just wearing a regular one of my old greasy up t-shirt.

DETECTIVE RIDGE: Okay, was it a designed shirt, like this bull-run type shirt, or was it just a plain white. . .

***A238 MISSKELLEY:** Plain white

DETECTIVE RIDGE: Old t-shirt. Where are these shoes at now?

***A239 MISSKELLEY:** A friend of mine, he borrowed them

DETECTIVE RIDGE: Who is that?

***A240 MISSKELLEY:** Buddy Lucas.

DETECTIVE RIDGE: Buddy Lucas?

***A241 MISSKELLEY:** He borrowed them from me.

DETECTIVE RIDGE: The boots that Damien had on, are they army type boots too, or what kind of boots were they?

***A242 MISSKELLEY:** Close like army type, not quite.

DETECTIVE RIDGE: Okay, they are black, is that right, lace up?

***A243 MISSKELLEY:** Mm-hmm.

DETECTIVE RIDGE: Okay, and Jason's black, lace up?

***A244 MISSKELLEY:** Jason's was black up to, about three quarters high.

DETECTIVE RIDGE: Oh, they come way up on him?

***A245 MISSKELLEY:** Mm-hmm.

DETECTIVE RIDGE: Okay, Damien's didn't come up that far?

***A246 MISSKELLEY:** Un-uh.

DETECTIVE RIDGE: Okay. They killed the boys, you decided to go, you went home, how long after you got home before you received the phone call? 30 minutes, an hour?

***A247 MISSKELLEY:** An hour.

DETECTIVE RIDGE: An hour after you got home. Okay, so they were there for a lot longer?

***A248 MISSKELLEY:** Mm-hmm.

DETECTIVE RIDGE: When he called you on the phone, did he say that he had just got in?

***A249 MISSKELLEY:** He, he, he did, he called me, when he first got, called me, he said, how come I, how come I left, and said, I couldn't stand it, I had to do something else.

DETECTIVE RIDGE: Okay.

***A250 MISSKELLEY:** And then Damien. . .

DETECTIVE RIDGE: You couldn't stand it.

***A251 MISSKELLEY:** And then Damien, I heard Damien in the background saying we done it, we done it, what we going to do now, what if somebody saw us?

DETECTIVE RIDGE: Okay. Did anybody see you leaving?

***A252 MISSKELLEY:** No.

DETECTIVE RIDGE: That you know of.

***A253 MISSKELLEY:** That I know of.

DETECTIVE RIDGE: Did anybody see Damien and Jason?

***A254 MISSKELLEY:** I don't know, I left before them.

DETECTIVE RIDGE: But have you heard anybody say that they saw Damien and Jason?

***A255 MISSKELLEY:** No.

DETECTIVE RIDGE: You haven't heard anybody?

***A256 MISSKELLEY:** Un-uh.

DETECTIVE RIDGE: Okay. Now these initiations, you said that they eat part of the leg muscle?

***A257 MISSKELLEY:** Muscle. Yes.

DETECTIVE RIDGE: Leg meat.

***A258 MISSKELLEY:** Yes.

DETECTIVE RIDGE: Would that involve eating part of the penis of the animal?

***A259 MISSKELLEY:** Un-uh.

DETECTIVE RIDGE: Just the meat?

***A260 MISSKELLEY:** Just the meat.

DETECTIVE RIDGE: Okay. Has Jason and Damien talked to you since this happened?

***A261 MISSKELLEY:** Un-uh.

DETECTIVE RIDGE: They haven't talked to you about this?

***A262 MISSKELLEY:** They, they, they hadn't said nothing around me, cause I'm around some of my friends, they don't say nothing.

DETECTIVE RIDGE: When you've been by yourself, and I'm sure in the last three weeks you've been by yourself with them sometime.

***A263 MISSKELLEY:** You know Damien he just, he keeps on asking me how come I left and stuff and hadn't anybody said anything to me about it.

DETECTIVE RIDGE: Okay, what did he say to you about when you came to the police department, that boy, you seeing that boy in the woods? Up there behind the Goodyear place? What did he say about that?

***A264 MISSKELLEY:** He doesn't know about that.

DETECTIVE RIDGE: He doesn't know that.

***A265 MISSKELLEY:** Un-uh.

DETECTIVE RIDGE: Okay. What about when you get with Jason by himself?

***A266 MISSKELLEY:** He, he just, he keeps on asking me what are we going to do next, I told him, I can't do nothing now cause I go to work with my daddy everyday. I made that excuse to him.

DETECTIVE RIDGE: So, they are scared, is that right?

***A267 MISSKELLEY:** They are scared cause after what they did, I told them that I have that excuse (unclear) that I was going to work with my daddy, I got to do something, I got to do something.

DETECTIVE RIDGE: So, what do you think ought to be done to them for killing these boys?

***A268 MISSKELLEY:** I think they need to be put away for awhile,

DETECTIVE RIDGE: Put away for a while. Do you think they are sick or just mean?

***A269 MISSKELLEY:** I think they are sick.

DETECTIVE RIDGE: They are sick. Okay. Is there anything else that you want to add to this statement?

***A270 MISSKELLEY:** No.

DETECTIVE RIDGE: Why did you not come forward with this information?

***A271 MISSKELLEY:** Cause I was scared

DETECTIVE RIDGE: Scared of Damien? or scared of the police?

***A272 MISSKELLEY:** Scared of the police.

DETECTIVE RIDGE: Are you scared of Damien now?

***A273 MISSKELLEY:** No.

DETECTIVE RIDGE: Are you scared of the police now?

***A274 MISSKELLEY:** Un-uh (faint)

DETECTIVE RIDGE: You are not, so we've treated you well?

***A275 MISSKELLEY:** Mm-hmm (faint)

DETECTIVE RIDGE: Alright, I am going to conclude this interview, the time is 3:18.

("confession" tape ends)

FOGLEMEN: Alright, Inspector Gitchell, in the uh, tape there's a place where there's some reference to some pictures from a newspaper?

GITCHELL: Yes sir.

FOGLEMEN: Alright. What was going on then?

GITCHELL: Umm, he was naming or attempting to name the boys as far as the injuries and uh, at that, at that point we had a picture that was I believe either on the wall or on the table. It was a um, copy of a newspaper article. I don't recall which paper, but uh, I believe I retrieved that and um, possibly the court reporter has that picture.

FOGLEMEN: Anyway, what did you do with it?

GITCHELL: Um, he was pointing out which boys and which one had what damage done to the boys.

FOGLEMEN: Alright, well, I noticed on the tape that um, Detective Ridge says something about, he's asking about which boy did he hit and he says the third picture and says Michael and...

GITCHELL: (interrupting) Yes, he, he was pointing to the one and he'd say like well that third one or this one. He was pointing to them --

FOGLEMEN: (interrupting) Alright.

GITCHELL: -- And that's why Detective Ridge went ahead, and then after he pointed out those names, we, he read the caption underneath that picture at that time.

FOGLEMEN: Alright. What I'm referring to is after he's uh, this may be before he uh, read the caption. Uh, Detective Ridge uh, referred to the newspaper article and asked which one of the three boys is it that you say Damien hit and then he says the third picture, which will be Michael, and then, then you say this boy right here and then he says yes and then you say that's Byers.

GITCHELL: (interrupting) Umm humm.

FOGLEMEN: What was happening there?

GITCHELL: Uhh he, he named one boy, but what he did I believe he named the incorrect boy as far as uh, their names. He picked out the right boy who was castrated --

FOGLEMEN: (interrupting) Alright.

GITCHELL: -- He, he, he picked out the right boy but he called him by the wrong name.

FOGLEMEN: Alright, well, let me... (asks someone else) Do you have that picture? (pause) Do you recognize that?

GITCHELL: Uh, yes sir. This is the uh, photo, photostatic copy that I mentioned.

FOGLEMEN: Alright. I want to refer you to page 4 in the transcript of Exhibit 75A. This is before we get to the part about the castration, begins right here, if you would just read that over to yourselves.

(Pause)

GITCHELL: Okay.

FOGLEMEN: Alright. And I note that uh, apparently Stevie was in the middle. Is that correct?

GITCHELL: Yes sir, that's right, Stevie Branch.

FOGLEMEN: Alright. What was going on with uhh, uhh, in that particular sequence right there?

GITCHELL: Alright, what uh, what he mentioned was, he said the third boy. You count 1, 2, 3 --

FOGLEMEN: (interrupting) Okay.

GITCHELL: -- And he mentioned the third boy and pointed to this boy. And that was in response to the question of uh, of the three boys that you said Damien hit and he points to uhh, the Byers boy. And at that point, that's when I wrote first and then Damien above that picture.

FOGLEMEN: Okay.

GITCHELL: And then he went on through.

FOGLEMEN: Alright. Your Honor, I suppose we ought to make that an exhibit.

THE COURT: Alright. It may be received.

FOGLEMEN: That will be Exhibit uh, 104. Which was that one numbered?

COURT REPORTER: (inaudible)

GITCHELL: 76.

COURT REPORTER: (inaudible)

FOGLEMAN: 105.

(mumbling)

FOGLEMAN: And for the record, it'll be State's Exhibit 105 on the grey sticker. (pause) Now, when um, the defendant is telling you about these injuries, is he gesturing in any way or demonstrating anything?

GITCHELL: Uh, yes sir uh, in particular about the uh, Christopher Byers, when we asked uh, where he was cut and at that point he was, he was pointing like here.

FOGLEMAN: Umm humm.

GITCHELL: Pointing to himself. And that's where you know, it's hard to, hard to see someone pointing on cassette tape so that's why we mentioned are you speaking of the groin area.

FOGLEMAN: Alright, is that after he said at the bottom?

GITCHELL: Yes sir.

FOGLEMAN: Okay. (pause, flipping pages) Alright now, what time did this uh, the tape recorded session end?

GITCHELL: It was completed at uh, 3:18PM.

FOGLEMAN: Now after the tape recorded session ended at 3:18PM, did a period of time elapse and then you went back and talked to the defendant some more?

GITCHELL: Uhh, yes sir it did uhh...

FOGLEMAN: (interrupting) Alright. Uh, let me ask you this, between the time was the follow-up conversation recorded also?

GITCHELL: Yes sir, the follow-up was.

FOGLEMAN: Alright. Between the time when you uh, ended at 3:18 and you started the follow-up, was, did you have any conversation uh, with the defendant uh, that was not tape recorded?

GITCHELL: No sir, I did not.

FOGLEMEN: Alright. Alright, in the tape also there was some reference to him going out and with a camcorder and showing things, why was that not done?

GITCHELL: Well, during that time, there was uh, a very large media coverage uh, of that area, of the police department uh, there were many times my investigators would go out and they were pretty much followed. So uh, for security of the case, we felt it would be better uh, not to take Jessie to that location because we knew he would be seen and that could hinder any chances we would have upon making arrests on other suspects.

FOGLEMEN: Also in the uh, tape recorded conversation the defendant mentions Jason Baldwin and uh, the clothes he was wearing. I want to show you State's Exhibit 99 and ask if you can identify that.

GITCHELL: Yes sir, this is a picture of Jason Baldwin uhh --

FOGLEMEN: (interrupting) Wait, wait, just, don't show it yet.

GITCHELL: Alright.

FOGLEMEN: Does it fairly and accurately portray the defendant at the time of his arrest?

GITCHELL: Yes sir, I took that picture.

FOGLEMEN: Your Honor, we would offer State's Exhibit 99.

THE COURT: Alright. It may be received.

STIDHAM: Judge, I don't think it's relevant.

THE COURT: Overruled.

STIDHAM: What does it fairly and accurately depict?

FOGLEMEN: The defendant's appearance at uh, the defendant Jason Baldwin's appearance at the time of his arrest.

STIDHAM: Your Honor, what does that have to do with this case?

FOGLEMEN: He has, the defendant has said, your Honor, that Jason Baldwin was one of the people involved and I think the jury ought to be able to see his appearance. Also your Honor, that --

THE COURT: I allowed it in, into evidence.

FOGLEMEN: Alright. Thank you your Honor. May I exhibit to the jury?

THE COURT: Yes, you may. (pause) Don't question me again.

STIDHAM: Your Honor, I never even got a chance to respond.

THE COURT: Well, if you want to state an objection, I'll allow that but don't ask me to respond to a ruling. Alright?

STIDHAM: Yes, your Honor.

THE COURT: Alright. You want to make an objection?

STIDHAM: I'd like to make an objection for the record, your Honor.

THE COURT: Alright.

STIDHAM: To preserve the record --

THE COURT: (interrupting) Well, hold the picture just a minute. Go ahead.

STIDHAM: Your Honor, he asked, the statement that Mr. Misskelley gave, the question was what was he wearing on May the 5th. What he's wearing on June the 3rd, the day of his arrest, has no relevancy whatsoever and I wasn't trying to be uh, improper to the Court I was just trying, I never got a chance to respond before your Honor admitted it.

THE COURT: Alright. Approach the bench.

BENCH CONFERENCE

THE COURT: (pause) The relevancy here with the picture is not, and I didn't understand you to say what was he wearing on June the 5th, is that what you said?

FOGLEMAN: No, your Honor, in this tape he said what he was wearing --

THE COURT: (interrupting) And then you ask him to identify that picture and you said that's what he was wearing on the date of his arrest, is that the way it went?

STIDHAM: That's what I was trying to do, your Honor. (Note: this might be Fogleman, hard to tell)

THE COURT: Well, the relevancy, it should be quite obvious that if uh, if (inaudible) Jessie is saying in the statement that it is similar to relevant evidence as to what the boy was wearing, uh I mean, clothing is similar in nature and type. Also it could be irrelevant as to...I think I know what you're getting at....

STIDHAM: Your Honor, can we have time to --

THE COURT: Yeah, sure, okay.

RETURN TO OPEN COURT

THE COURT: Alright, ladies and gentleman, you may stand in recess for 5 to 10 minutes with the usual admonition not to discuss the case.

GITCHELL: May I step down?

THE COURT: Yeah.

RECESS

RETURN TO OPEN COURT

FOGLEMEN: Inspector Gitchell, after you ended the uh, tape at 3:18 uh, at some point later, was I summoned to the police department?

GITCHELL: Yes sir.

FOGLEMEN: And uh, after I got there, at my request did you have some further conversation with the defendant?

GITCHELL: Yes sir, I did.

FOGLEMEN: Alright. And was this conversation tape recorded as well?

GITCHELL: Yes sir, it was.

FOGLEMEN: I want to show you State's Exhibit 77 and ask if you can identify that.

GITCHELL: Uh, yes sir, this is the uh, envelope which I marked uh, Jessie Misskelley, showing that this is a follow-up tape taken after the first confession.

FOGLEMEN: Alright. And I want to show you also State, what I have marked for identification purposes as State's Exhibit 77A and ask if you can identify that.

GITCHELL: Yes sir, this is a transcript of that tape.

FOGLEMEN: Your Honor, we would offer State's Exhibit 77 and 77A and ask permission to play the tape and distribute copies of the transcript to the jury.

STIDHAM: No objection.

THE COURT: Okay, it may be received subject to the previous rulings of the Court.

FOGLEMEN: Hang on just a moment.

CROW: Mr. Fogleman, do you have an extra copy of that?

FOGLEMEN: Oh, I think I do.

(mumbling)

(setting up recorder at microphone-preparing to play tape)

(June 3rd 'clarification' tape follows)

DETECTIVE GITCHELL: Just sit there. Jessie, uh, when when you got with the with the boys and with Jason and Baldwin when you three were in the woods and then the little boys come up, about what time was it? When the boys came up to the woods?

***B01 MISSKELLEY:** I would say it was about it was about five or six, five or six.

DETECTIVE GITCHELL: Now, did you have your watch on at the time?

***B02 MISSKELLEY:** Un-uh.

DETECTIVE GITCHELL: You didn't have your watch on?

***B03 MISSKELLEY:** Un-uh.

DETECTIVE GITCHELL: Uh, alright you told me earlier around seven or eight or, which time is it?

***B04 MISSKELLEY:** It was seven or eight.

DETECTIVE GITCHELL: Are are you sh-

***B05 MISSKELLEY:** I remember it was starting to get dark.

DETECTIVE GITCHELL: Ok, it

***B06 MISSKELLEY:** I remember it was starting to get dark.

DETECTIVE GITCHELL: Ok, well that clears it up. I didn't know, that's what I was wondering, was it getting dark or, or what.

***B07 MISSKELLEY:** We got up there at six but the boys come up when it was starting to get dark.

DETECTIVE GITCHELL: Ok, so you and Jason and Baldwin uh, Damien, you all got there right at six?

***B08 MISSKELLEY:** About six, yeah

DETECTIVE GITCHELL: Is that, is that a normal time that you all meet? At six?

***B09 MISSKELLEY:** Yeah.

DETECTIVE GITCHELL: Ok, when you do your cult stuff, is six, does six mean something, I mean is that a time you normally do meet?

***B10 MISSKELLEY:** Mm-hmm. (close to mm-mm)

DETECTIVE GITCHELL: Ok, so you all met out there at six and, and then the boys come up about what time?

***B11 MISSKELLEY:** About seven.

DETECTIVE GITCHELL: About seven o'clock, okay. So you all were out there with the boys and all this stuff going on and until you noticed it starting getting dark. Is that correct?

***B12 MISSKELLEY:** Mm-hmm.

DETECTIVE GITCHELL: Okay. Now are, you're sure about that?

***B13 MISSKELLEY:** Yes.

DETECTIVE GITCHELL: Okay, okay, um, okay. Hold on just a minute. (Tape stops and then restarts.) Ok Jessie uh, I asked you about your clothing and you said that uh, what, what were you wearing?

***B14 MISSKELLEY:** I was wearing uh, blue jeans, and, uh, a white shirt, had some kind of basketball deal on it. Some tennis shoes, Adidas.

DETECTIVE GITCHELL: Alright, your shirt was it a, uh, what kind of shirt was it?

***B15 MISSKELLEY:** It was a white shirt with, uh, basketballs all around it.

DETECTIVE GITCHELL: Is it a shirt like you got on now?

***B16 MISSKELLEY:** Mm-hmm.

DETECTIVE GITCHELL: What kind of shirt is it like you got on now? That's a, that's a what, a t-shirt?

***B17 MISSKELLEY:** Mm-hmm.

DETECTIVE GITCHELL: Ok. So you had a white t-shirt with a basketball design on it? (22 second pause) Ok, uh, what about shoes. What kind of shoes did you have on?

***B18 MISSKELLEY:** White and blue Adidas.

DETECTIVE GITCHELL: White and blue?

***B19 MISSKELLEY:** Mm-hmm.

DETECTIVE GITCHELL: And who has those shoes now?

***B20 MISSKELLEY:** Buddy Lucas.

DETECTIVE GITCHELL: And how old is Buddy?

***B21 MISSKELLEY:** He's about 18 or 19.

DETECTIVE GITCHELL: Why, why does he have your shoes?

***B22 MISSKELLEY:** We went, we was coming home one day and it was raining and he didn't have nothing else to wear so he put on one of my shoes.

DETECTIVE GITCHELL: Ok, and where does he live at?

***B23 MISSKELLEY:** In Lakeshore.

DETECTIVE GITCHELL: Is there a . . .

***B24 MISSKELLEY:** By, uh a church.

DETECTIVE GITCHELL: Is there a street or anything?

***B25 MISSKELLEY:** There is a street but it ain't got no names on it though.

DETECTIVE GITCHELL: What street is the church on?

***B26 MISSKELLEY:** On uh, as soon as you get off of Cherry Street. Uh, Cherry Street, right in front of it.

DETECTIVE GITCHELL: Off of Cherry Street?

***B27 MISSKELLEY:** Mm-hmm.

DETECTIVE GITCHELL: Okay, there, are there any vehicles around close by that I could recognize that trailer?

***B28 MISSKELLEY:** It should be, uh, a green truck and a brown van and there is a basketball goal right there by right where the green truck's at, there's a basketball goal.

DETECTIVE GITCHELL: Alright, who tied the boys up?

***B29 MISSKELLEY:** Uh, Damien.

DETECTIVE GITCHELL: Did Damien just tie them all up or did anyone help Damien or

***B30 MISSKELLEY:** Jason helped him.

DETECTIVE GITCHELL: Ok, and what did they use to tie them up?

***B31 MISSKELLEY:** A rope.

DETECTIVE GITCHELL: Ok. What color was the rope?

***B32 MISSKELLEY:** Brown.

DETECTIVE GITCHELL: Did you ever see the boys in the water?

***B33 MISSKELLEY:** (unintelligible, yawn?) Uh, yep, down by the water.

DETECTIVE GITCHELL: Alright, how did the boys get in the water?

***B34 MISSKELLEY:** They um, pulled pulled them in there, to the water.

DETECTIVE GITCHELL: Alright, when you say they who, who is it that pulled them into the water?

***B35 MISSKELLEY:** Jason and uh, Damien.

DETECTIVE GITCHELL: Do you wear a belt?

***B36 MISSKELLEY:** Nope.

DETECTIVE GITCHELL: Does Jason where a belt?

***B37 MISSKELLEY:** Un-uh.

DETECTIVE GITCHELL: Does Damien wear a belt?

***B38 MISSKELLEY:** Yep.

DETECTIVE GITCHELL: What kind of belt does he wear?

***B39 MISSKELLEY:** A black leather belt with uh, beads around it uh, like little beads around it.

DETECTIVE GITCHELL: With beads around it?

***B40 MISSKELLEY:** Like little beads you know stubbies, little.

DETECTIVE GITCHELL: Ok, about how thick is the belt?

***B41 MISSKELLEY:** About four inches.

DETECTIVE GITCHELL: Now, do you know what four inches looks like?

***B42 MISSKELLEY:** About like that, the belt was about like that. (Original transcript said: Using hands to show width)

DETECTIVE GITCHELL: Ok, I don't, I don't think that's quite four inches, but uh, probably about three something like that?

***B43 MISSKELLEY:** Mm-hmm. (sounds like mm-mm)

DETECTIVE GITCHELL: Which, which boys were raped?

***B44 MISSKELLEY:** Uh, the Byers and the. . . the Branch.

DETECTIVE GITCHELL: Ok, so you know them by, by name and face, well enough to call them by name?

***B45 MISSKELLEY:** Mm-hmm.

DETECTIVE GITCHELL: Ok, did you, did you see the Moore boy, was he raped?

***B46 MISSKELLEY:** No.

DETECTIVE GITCHELL: Alright, who raped those two boys?

***B47 MISSKELLEY:** Jason and Damien.

DETECTIVE GITCHELL: Do you know which one raped which boy, or how did that happen?

***B48 MISSKELLEY:** Damien raped the Myers by himself and and Jason and Damien raped uh the Branch.

DETECTIVE GITCHELL: Alright, give that to me again now.

***B49 MISSKELLEY:** Damien raped uh the Myers by himself and Jason and Damien raped the Branch.

DETECTIVE GITCHELL: (13 second pause) Did anyone have oral sex with the boys?

***B50 MISSKELLEY:** Yes, Damien and Jason.

DETECTIVE GITCHELL: How many of them did they do that to?

***B51 MISSKELLEY:** Just two, Branch and Myers.

DETECTIVE GITCHELL: (17 second pause) How did they keep the boys quiet?

***B52 MISSKELLEY:** Put their hands over their mouths.

DETECTIVE GITCHELL: Did they do anything else other than put their hands over their mouths? How did they finally keep them from being quiet, cause they the boys bound to have been hollering?

***B53 MISSKELLEY:** They stick their hands over their mouths first, and then they stick their shirts to their mouth.

DETECTIVE GITCHELL: Ok, did they do anything else to them to make them be quiet?

***B54 MISSKELLEY:** They stuck their thang in their mouth.

DETECTIVE GITCHELL: Ok, did they, were they hitting them before that or afterwards?

***B55 MISSKELLEY:** Before and after, just trying to keep them off of them.

DETECTIVE GITCHELL: Just all of the time?

***B56 MISSKELLEY:** Just trying to keep Jason and Damien off of them.

DETECTIVE GITCHELL: Now they put their, whose shirts did they put in their mouth?

(My tape is missing this next line and a half)

***B57 MISSKELLEY:** Damiens.

DETECTIVE GITCHELL: Ok, alright hold on just a minute. (original transcript said pause, another tape pause?) Let me ask you something else, Jessie, I'm sorry, I keep coming back and forth, but I got people that want me to ask you some other questions, uh talking about oral sex, did you see, you know we had talked earlier about (my tape continues) how Jason and uh Damien do each other, have sex with each other. Did they, did they have any oral sex on the boys?

***B58 MISSKELLEY:** Yeah, they, they, one of them stuck their thang in one of the boys mouth while the other one got the other one up the butt and stuff.

DETECTIVE GITCHELL: Ok, but did, did anyone go down on the boys and and and maybe suck theirs or something?

***B59 MISSKELLEY:** Not that, I didn't see nothing, neither one of them do that.

DETECTIVE GITCHELL: You didn't see that?

***B60 MISSKELLEY:** Un-uh.

DETECTIVE GITCHELL: Ok, did, did they pinch their penis in anyway? Or were rough with it or anything like that?

***B61 MISSKELLEY:** I didn't see nothing like that, not rough with them, I just seen um

DETECTIVE GITCHELL: But you, you didn't see anyone go down on the boys?

***B62 MISSKELLEY:** Un-uh.

DETECTIVE GITCHELL: Are you sure?

***B63 MISSKELLEY:** Yep.

DETECTIVE GITCHELL: Ok. (Tape cuts off. Original transcript says: pause. Gave Jessie a Coke) That Coke was kind of cold huh?

***B64 MISSKELLEY:** Mm-hmm.

DETECTIVE GITCHELL: I tell ya it tasted pretty good to me, though. Um, Jessie when, now the boys hands were tied up right?

***B65 MISSKELLEY:** Right.

DETECTIVE GITCHELL: How did, how did, they force these boys to have oral sex on them? How did they have a hold of them?

***B66 MISSKELLEY:** One of them had them, had them by the arms while the other one got behind them and stuff.

DETECTIVE GITCHELL: Did he ever hold him up here or

***B67 MISSKELLEY:** Uh, the one that was holding him up there at the front grabbing him by his headlock.

DETECTIVE GITCHELL: Had him in a headlock? Did he, did he have him any other way?

***B68 MISSKELLEY:** He was holding him like this by his head like this and stuff. (Original transcript said: Note: was indicating the victims being held by their ears)

DETECTIVE GITCHELL: Could he have been holding him up here like that?

***B69 MISSKELLEY:** He was, I was too far away he was holding him right there by his head like this (Original transcript said: Note: showed the same as above)

DETECTIVE GITCHELL: So, so

***B70 MISSKELLEY:** And he was pulling him.

DETECTIVE GITCHELL: Ok, so who, was one of them doing that or both of them was doing it? Was Jason?

***B71 MISSKELLEY:** Jason was holding him while Damien did it and then they took turns.

DETECTIVE GITCHELL: So, they both did it to all three of the boys?

***B72 MISSKELLEY:** Just them two as far as I know.

DETECTIVE GITCHELL: Just the two of them?

***B73 MISSKELLEY:** Yeah.

DETECTIVE GITCHELL: But they, they both Jason and Damien did it to two of the boys and they took turns?

***B74 MISSKELLEY:** Mm-hmm.

DETECTIVE GITCHELL: And they would hold, you, tell me again about their hands on, I mean I know you're, you're holding it up here.

***B75 MISSKELLEY:** It was up here by their heads and stuff and was just pulling and stuff.

DETECTIVE GITCHELL: Alright, so they are up here, had their hands

***B76 MISSKELLEY:** By their ears and pulling them and stuff.

DETECTIVE GITCHELL: Alright, okay, say, say that again for me now.

***B77 MISSKELLEY:** Hold them by their head, by the ears and pulling

DETECTIVE GITCHELL: Okay, okay.

('clarification' tape ends)

FOGLEMAN: Alright. Inspector Gitchell, when uh, Jessie said uh, after you'd asked him about how they would uh, force them to do this, and he said he was holding 'em like this by his head like this and stuff, was Jessie doing anything to demonstrate?

GITCHELL: Yes sir. He was uh, demonstrating to me, he was, they were holding the boys by their ears and forcing, uh, oral sex.

FOGLEMAN: Alright, that's why he was showing you?

GITCHELL: Yes sir. By the ears and pulling down.

FOGLEMAN: Alright, in the tape, there's obviously places where you stopped the tape recorder. What happens then?

GITCHELL: I, I stopped the tape to walk out of the room to confer with you.

FOGLEMAN: Okay. And um, from the time that you first started taping any of the conversations with Jessie um, at 2:44PM until you completed the follow-up conversations with

him, were there any conversations that you or anybody else had with the defendant that were not tape recorded?

GITCHELL: No sir. We, we did not talk with him whatsoever.

FOGLEMAN: Alright. Between the time that uh, the original tape ended at 3:18 um, well first of all. Approximately what time did the follow-up conversations begin?

GITCHELL: Um, it's probably around 5, maybe a little bit before.

FOGLEMAN: Alright. Between 3:18 and 5, what were you and your men doing?

GITCHELL: I had, uh, ordered some food for everyone and um, I believe Jessie was also eating, himself.

FOGLEMAN: Alright. And, you do anything else?

GITCHELL: Uh, well, we were in preparation for, uh, getting papers together, copies for getting affidavits and warrants.

FOGLEMAN: Okay. I don't have any further questions at this time, your Honor.

THE COURT: Dan, you asked to reserve your cross-examination 'til tomorrow morning?

STIDHAM: That is correct, your Honor.

THE COURT: I'll, I'll permit that.

FOGLEMAN: May he step down?

THE COURT: Yes, you may stand down.

GITCHELL: Thank you, your Honor.