

Testimony of James Dollahite in Misskelley trial Feb 1994

STIDHAM: Would you please state your name for the Court?

DOLLAHITE: James Dollahite.

STIDHAM: And where are you employed Officer Dollahite?

DOLLAHITE: Crittenden County Sheriff's Department.

STIDHAM: Okay, were you on duty on May the 5th of 1993?

DOLLAHITE: I was.

STIDHAM: Okay. Do you remember being dispatched to the Highland Trailer Park that evening?

DOLLAHITE: Yes, sir.

STIDHAM: Do you remember what time that was?

DOLLAHITE: It was 6:30pm.

STIDHAM: May I approach the witness, Your Honor?

The Court: Yes.

STIDHAM: Do you recognize that document, Officer?

DOLLAHITE: Yes sir, that's a duplicate of that day's radio log.

STIDHAM: Umm, it says umm, if i am reading this correctly, that you were out at the Dedman residence for reference to a complaint from Dollars?

DOLLAHITE: I received a call down there yes sir, but I was not out at the Dollar residence.

STIDHAM: Okay, now when that says called by 619 is that your unit number?

DOLLAHITE: That's my unit number, yes sir.

STIDHAM: Okay, so that means that you called in and told the dispatcher that you were there at

that time?

DOLLAHITE: Uhh.. yes, sir.

STIDHAM: Okay. What does 18:31 mean for somebody like me that doesn't know anything about military time?

DOLLAHITE: 6:31.

STIDHAM: Okay. Now did you go out there a second time, Officer?

DOLLAHITE: Yes sir, I did.

STIDHAM: And what time was it that you went back out the second time?

DOLLAHITE: It was 6 uhh...31.

STIDHAM: 6:31? Okay.

STIDHAM: Your Honor, we'd like to offer the log sheet from the dispatcher into evidence.

FOGLEMEN: No objection as long as it's a complete log sheet.

THE COURT: Alright, it may be received.

STIDHAM: I believe that's number four correct?

FOGLEMEN: I don't have any objection.

STIDHAM: Your honor, that's our fourth exhibit, let me mark it as such. May I exhibit it to the jury?

THE COURT: Yes.

STIDHAM: Tell the Court and the jury please what happened the first time that you went out there.

DOLLAHITE: At uhhh....I arrived on the, uhh, scene, I met with the complaintants, a Bobby Dollar and a Stephanie Dollar in reference to a complaint that he was uhhh...making on a subject by the name of Connie Molden in reference to a battery complaint

which he alleges she pulled his hair out and pulled him off his bicycle.

STIDHAM: Okay. When you first got out there, did you go to the wrong place - the first time?

DOLLAHITE: No sir.

STIDHAM: Okay. Did you ever go to the Dollar trailer?

DOLLAHITE: No sir.

STIDHAM: Okay. How many squad cars were out there that ummm...

DOLLAHITE: That first complaint? Myself.

STIDHAM: And the second complaint?

DOLLAHITE: Uhh....myself.

STIDHAM: No other vehicles present? No other squad cars?

DOLLAHITE: The third complaint.

STIDHAM: How many were there then?

DOLLAHITE: There was myself, uhh, 2 Marion police units.

STIDHAM: Okay. Now you told the uhh, West Memphis police department that you don't remember seeing Jessie out there while you were there, is that correct?

FOGLEMEN: I've got to object to leading.

THE COURT: Rephrase your question.

STIDHAM: Do you recall making a statement to the West Memphis police department?

FOGLEMEN: Your honor, I object to leading.

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

FOGLEMEN: You can ask whether or not the person was there or not.

THE COURT: Well, I'm gonna allow you to ask him about a previous statement but you've gotta first, uhh, give him an opportunity to either admit or deny that he made a statement. Can you just ask him whether or not he made a statement, is that what you're asking?

FOGLEMEN: At this point, what he is asking is not consistent or inconsistent with anything the witness has said.

THE COURT: Well, I understand that, but I'm gonna allow him to say "did you or did you not make a statement."

STIDHAM: That's what I was asking, Your Honor.

THE COURT: Alright, go ahead.

STIDHAM: Do you need me to repeat the question, Officer?

DOLLAHITE: No sir. I submitted a handwritten statement to the West Memphis police department, yes sir.

STIDHAM: What was the contents of that statement?

DOLLAHITE: The contents of that statement, uhh, they requested whether or not I saw Jessie Misskelley any time, uh, in Highland Trailer Park.

STIDHAM: While you were there on this call?

DOLLAHITE: No, on all three calls.

STIDHAM: Okay. And do you remember seeing Jessie there?

DOLLAHITE: He was not there.

STIDHAM: Is it possible that he was there and you just don't remember it?

DOLLAHITE: No sir.

STIDHAM: How can you be so sure Officer Dollahite?

DOLLAHITE: Uhhhh

STIDHAM: Is it just that you want to be sure or that you are sure?

THE COURT: Let him answer the question.

DOLLAHITE: No sir, I did not see Jessie Misskelley there.

STIDHAM: Well, how can you be sure that he wasn't there and you just didn't see him?

DOLLAHITE: If he was in... I'm not saying he wasn't in Highland Trailer Park. I'm just saying he was not where I was.

STIDHAM: Your Honor, before I pass the witness over, I would like to offer his incident report into evidence as well. We talked about that previously in your chamber.

THE COURT: Are you talking about the police report?

STIDHAM: Yes, Your Honor.

THE COURT: Are you objecting to it?

DAVIS: Yes sir, Your Honor.

THE COURT: Alright, my same ruling.

FOGLEMEN: Did he pass the witness?

STIDHAM: Yes, I'm sorry.

FOGLEMEN: Detective Dollahite, I'm going to show you to mark, or introduce this Defendant's exhibit 4 and uhh, give you a highlighter here, and if you could highlight the uhh, times on here when you went to Highland park on May the 5th.

(DOLLAHITE MARKING)

FOGLEMEN: Okay. And are all of these at Highland Park?

DOLLAHITE: Yes sir, all of those I highlighted are uh, the, uh times and calls they were received and that I got on the scene.

FOGLEMEN: I notice that what you've marked is that every one of them show 619 except some of them show 619 and 42 and 32 what is this 619?

DOLLAHITE: The 619 is my unit number.

FOGLEMEN: Okay. And uhh, and who's 42?

DOLLAHITE: That's Marion city unit and the other one would be a Marion city unit too.

FOGLEMEN: That 32 would be a Marion city unit too?

DOLLAHITE: Yes sir.

FOGLEMEN: Alright, and what time is the first time that you went out to uhh, Highland Park on May the 5th?

DOLLAHITE: I received a call at uhh, 6:17.

FOGLEMEN: At 6:17...

DOLLAHITE: I arrived on the scene at 6:27...

FOGLEMEN: Alright, let me stop you right there and ask you a question about that. Alright, you received a call at 6:17 and beside on defendant's exhibit 4, it says 1019 Bobby Dollar residence Highland Park rate of battery complaint, does that mean that you are at the Bobby Dollar residence?

DOLLAHITE: No sir.

FOGLEMEN: Alright, what does the 1019 mean?

DOLLAHITE: The 1019 means, acknowledged that I had received a call to go that residence at 8:17.

FOGLEMEN: Alright, and did you start out that way when you got that call?

DOLLAHITE: Yes sir.

FOGLEMEN: Alright, now did you make it to the Bobby Dollar residence?

DOLLAHITE: No sir.

FOGLEMEN: Alright, if you'll look on this map up here of Highland park, you can take my red pen and circle, of course, this is West Memphis down here and Highland Park right here, if you can circle the general area where the Bobby Dollar residence is located.

DOLLAHITE: The Bobby Dollar residence is located somewhere in this area here.

FOGLEMEN: Alright, and when you were going to, uhh, responding to this call, where did you go, how did you to go to get there?

DOLLAHITE: I came the service road which adjacents Interstate 55 north.

FOGLEMEN: Okay, and if again, if you can take this yellow marker and highlight the route that you went and then where you turned into Highland Park.

DOLLAHITE: Okay, I came down the service road and turned into Highland Park at the first entrance.

FOGLEMEN: Okay, and after turning into Highland Park at the first entrance, umm, where did you go?

DOLLAHITE: I stopped at the intersection here and met with the Dollars.

FOGLEMEN: Alright, now on the map, it shows that road kinda dead ending there and going to the left did it actually go all the way through?

DOLLAHITE: This uhh,

FOGLEMEN: This street right here.

DOLLAHITE: Your map has gotten me confused cause it doesn't show the entrance, this would be the first entrance, the second entrance is the entrance that dead ends.

FOGLEMEN: Okay, we got a first entrance and then a second entrance?

DOLLAHITE: Yes sir, there are two entrances into Highland Trailer Park.

FOGLEMEN: Okay. And, but you met the Dollars right here on the corner?

DOLLAHITE: I met them at the intersection, at the stop sign. And you can go through the intersection east and west, north and south.

FOGLEMEN: Okay, and this, let me get this other map. Is this map accurate as opposed to that one?

DOLLAHITE: Yes sir. this one shows one intersection, this one right here is the intersection.

FOGLEMEN: Alright, is it more accurate that this street ought to go all the way through this one?

DOLLAHITE: This street should come here.

FOGLEMEN: Let me look, let me see. 1, 2, 3, 4... 1, 2, 3, 4 to the first entrance ...is that right?

DOLLAHITE: The fourth one is the first entrance.

FOGLEMEN: This is the fourth one right? So, this street ought to come on out here, right? And this street ought to come on to this one.

(inaudible)

FOGLEMEN: Well, your honor, he's asking questions about it and if the map of Highland Park that's on this is not accurate, we ought to be able to develop that.

CROW: I don't have any objection, Your Honor.

THE COURT: Alright, go ahead.

DOLLAHITE: There are two entrances into Highland Park.

FOGLEMEN: I've got one here, and one here, right?

DOLLAHITE: The dead end entrance is the last entrance. This map is incorrect, this entrance should be here.

FOGLEMEN: Alright, after the uhh, how many streets from this entrance is it to the north, to the last street on the north end?

DOLLAHITE: There are four crossways.

FOGLEMEN: Alright, 1, 2...

DOLLAHITE: Here on this map, which is the layout of Highland Trailer Park.

FOGLEMEN: Alright, is this the accurate, on this map?

DOLLAHITE: Yes, uh huh on this map it is, yes sir.

FOGLEMEN: Alright, Your Honor, can we offer this map?

(mumbling)

CROW: I don't have any objection, Your Honor.

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

(MARKING EXHIBIT)

FOGLEMEN: Alright, I'm going to mark this 105B. Alright, so the map up here isn't exactly accurate is it?

DOLLAHITE: No sir, it is incorrect.

FOGLEMEN: Alright, but this one on 105B is Highland Park?

DOLLAHITE: Yes sir, it is.

FOGLEMEN: Would you circle the Highland park area with that red pen so the jury won't have...okay...alright, now you came to the first entrance from the north, is that right?

DOLLAHITE: That's correct.

FOGLEMEN: Okay... Alright, you can let go of it now. Alright, will you retake the stand please? Alright, after you came to the first entrance, from the north, uhh, you turn off the service road and you went down to the first intersection?

DOLLAHITE: The first intersection.

FOGLEMEN: Alright, and who did you meet there?

DOLLAHITE: Bobby and Stephanie Dollar.

FOGLEMEN: Alright. And did you take a report there?

DOLLAHITE: Yes sir, I did.

FOGLEMEN: Alright. And is that when you were there at 6:27, which is the second entry on defendant's exhibit 4?

DOLLAHITE: Yes sir.

FOGLEMEN: Alright, now after taking this complaint, did you go back out there?

DOLLAHITE: Yes sir, I received a second call.

FOGLEMEN: Alright, what time was that?

DOLLAHITE: That was at uhh, received that call at 18:31 which would be 6:31.

FOGLEMEN: Okay. Now let me back up, on the first time you were there, did you see the defendant?

DOLLAHITE: No sir.

FOGLEMEN: Alright, are you acquainted with the defendant?

DOLLAHITE: Yes sir.

FOGLEMEN: Okay. On the second call, when you got there at 6:31, did you see the defendant?

DOLLAHITE: No sir.

FOGLEMEN: Was, if he had been within 5 uhh, yards of your car would there have been anything to prevent you from seeing him?

DOLLAHITE: No sir.

FOGLEMEN: Alright, when did you go, did you have another call there?

DOLLAHITE: Yes sir, received another call at 18:43, which is 6:43, I arrived on the scene at 6:47, which would be 18:47 according to the radio log.

FOGLEMEN: Okay, and uhh, who was there at that time?

DOLLAHITE: It was myself, Officer McCafferty, and officer, uhh, Jason Oliver.

FOGLEMEN: Okay. Now, on this occasion, did you see the defendant?

DOLLAHITE: No sir.

FOGLEMEN: Alright, and did you have any other calls?

DOLLAHITE: No sir, that was the last call.

FOGLEMEN: Alright. What is this one at 18:59?

DOLLAHITE: That's when I checked into service, uhh, the two Marion units checked into service.

FOGLEMEN: Okay, is that after completing what you were doing at the time?

DOLLAHITE: Yes sir.

FOGLEMEN: Alright. Alright now. Did you ever that day go, actually go to Stephanie Dollar's residence?

DOLLAHITE: No sir.

FOGLEMEN: Alright, did you even drive by her house?

DOLLAHITE: No sir, I don't recall.

FOGLEMEN: Were you familiar and acquainted with the defendant before May the 5th?

DOLLAHITE: Yes sir.

FOGLEMEN: Do you know about how long you've been acquainted with him?

DOLLAHITE: I've been knowing the family for approximately 22-23 years.

FOGLEMEN: Okay. But of course you hadn't been knowing the defendant that long obviously.

DOLLAHITE: No sir.

FOGLEMEN: But been also acquainted to him during that period of time too?

DOLLAHITE: Yes sir.

FOGLEMEN: Oh, uhhh the first time that you went out there and met with the Dollars, when you were talking to them, how many other people were around the car?

DOLLAHITE: Myself, Bobby Dollar, and Stephanie Dollar.

FOGLEMEN: Okay, there weren't anybody else standing around the car that you saw?

DOLLAHITE: No sir.

FOGLEMEN: Alright, how about the second time you went out there?

DOLLAHITE: It was myself, Connie Molden, and several youngsters.

FOGLEMEN: Okay, when you say youngsters, how old, about what age are you talking about?

DOLLAHITE: Ages uhh, 3 to maybe 8.

FOGLEMEN: Okay. And the last time that you went out there?

DOLLAHITE: It was myself, Connie Molden, her husband, uhh, her children, uhh, several other neighborhood children.

FOGLEMEN: But not the defendant?

DOLLAHITE: No sir.

FOGLEMEN: I don't have any further questions your honor.

STIDHAM: Nothing further, Your Honor.

THE COURT: Alright, you may stand down. Is there any reason to keep him in attendance?

FOGLEMEN: No sir.

SECOND TESTIMONY:

FOGLEMEN: Are you the same Deputy Dollahite who testified previously?

DOLLAHITE: That's correct sir.

FOGLEMEN: Okay. Uhhh, Officer, I want to show you what I've marked for identification purposes as state's exhibit 2A and ask if you can identify that?

DOLLAHITE: Yes sir I can.

FOGLEMEN: And what is that?

DOLLAHITE: That's the layout diagram lot plot for Highland Trailer Park.

FOGLEMEN: First of all, if you would, on this uhh, well Your Honor, I'd offer state's exhibit 2A.

STIDHAM: No objection.

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

FOGLEMEN: If you would, take my pen and label where the service road is. Just write 'SR' or... yeah, just write 'SR' that would be...

(dead space-tape flipped)

FOGLEMEN: ...entered Highland Park, if you could take this pen, uhh marker, and mark the entrance that you entered to Highland park to, and then where you went in Highland park...alright, and is that where you stopped?

DOLLAHITE: That's where I stopped on the first complaint, on the initial complaint call.

FOGLEMEN: Okay, alright, and did you ever go anywhere else on any of the other ones?

DOLLAHITE: Yes sir.

FOGLEMEN: Alright, where did you go then? Okay, the jury of course couldn't see that, but you turned the corner, on the first complaint, you stopped there on the corner?

DOLLAHITE: Yes sir, there at the stop sign.

FOGLEMEN: And then the second or third...

DOLLAHITE: The second and third complaint

FOGLEMEN: You turned...

DOLLAHITE: I turned right at the stop sign.

FOGLEMEN: And went another maybe 50 feet or so...

DOLLAHITE: That's correct sir.

FOGLEMEN: Okay, now if you would, could you take this blue marker and mark uhh, the, where Stephanie Dollar's residence is. Okay, and if you could again, take my pen and if you could just write across the top here S. Dollar...and are you aware of where the defendant lived?

DOLLAHITE: Yes sir.

FOGLEMEN: Alright, if you can, show the general area where the defendant lived. Okay...if you could...ok...alright, and when you went the first time, were you with other officers or alone?

DOLLAHITE: I was alone.

FOGLEMEN: Alright, uhh, did other officers later come?

DOLLAHITE: On the third call.

FOGLEMEN: On the third call? And who were those officers?

DOLLAHITE: Officer McCafferty and Officer uhh, Rob - Jason Oliver.

FOGLEMEN: Alright, and on any of these trips did you ever uhh, see the defendant?

DOLLAHITE: No sir.

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

STIDHAM: No questions Judge.

THE COURT: Okay, you may stand down.