

## Testimony of Mike Allen in Misskelley trial Feb 1994

### DIRECT EXAMINATION

BY MR. FOGLEMAN:

Q: Officer Allen, would you state your name and occupation for the jury?

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

Q: How long have you been with the West Memphis Police Department?

A: Since May of '88.

Q: And how long have you been in law enforcement total?

A: Total, since 1981.

Q: Detective Allen, I want to direct your attention to May the 6th, 1993. What part, if any, did you play in the search for Michael Moore, Stevie Branch, and Chris Byers?

A: The morning of the 6th, we had a meeting at the detective division and, soon as we sat down for our morning meeting, we were informed of the missing youths and we, at that time, were given photographs and some general information on them, and we went out looking. I, in particular, was assigned to check vacant houses and that was my duties for that day.

Q: Alright. And were various detectives given various duties as far as certain responsibilities...

A: Different areas - different areas of search. Yes, sir.

Q: Alright. If you could, do you recognize state's exhibit 2?

A: Yes, sir.

Q: Alright. If you could... take this corner, and if you could show the jury the areas where you searched that day.

A: The areas I searched was what we call our North-East section of West Memphis.

Q: Detective Allen, if you could step back a little bit so that the jurors down here would be able to see better...

Burnett: And speak up a little bit too, if you wouldn't mind.

A: This area right here is the general North-East section of West Memphis. The three boys that were reported missing lived in this general area. And so I searched vacant houses in the North-East section of West Memphis that day.

Q: Alright. What is that area bounded by - what major streets bound that area?

A: We make up from Broadway North...

Q: And where's Broadway on the map? The jurors...

A: Broadway...

Q: ... may not be familiar with that.

A: Broadway is this, uh, in the center of this... this darker line in the center here that runs East and West. This is Broadway Street here.

This right here is 7th Street that runs, runs North and South here.

This area in here is considered the North-East section of West Memphis on the board (?) map here.

Q: Alright. And what areas, again, did you search in that area?

A: I searched this... this major area here is made up of... it's residential neighborhoods in the North-East section of town, and I searched abandoned houses, storm drains, just drove over this area here.

Q: Okay. You can retake the stand. Detective Allen, about what time did you begin your search efforts that morning approximately?

A: Approximately a few minutes after 8 o'clock.

Q: Okay. And, at some point in your searching, did you receive some dispatch of some need to go to another area?

A: I was informed to go to the area of the end of... it's West McCauley. The North end of West McCauley, the dead end.

Q: Let me put the state's exhibit 101 back up again. If you could, again, take the corner and show the jury the area where you then began to search.

A: I was informed, uh... I was informed by an officer over the radio to come to this area in regards to something that had been found.

Q: Alright. What area are you referring to?

A: This is, right here, this street right here is West McCauley. I heard an officer check out on the very North end of West McCauley, which would be right here - this is the Ten Mile Bayou here - this larger ditch here, drainage ditch. I was, uh, heard another officer check out right there at the dead-end of McCauley that, that they had some information from somebody that was on foot.

Q: Okay. After you got there, where did you go?

A: I walked in behind another officer across this, there is this pipe right here, right across this pipe.

Q: Alright. Lemme stop you right there. Now, to get to the pipe what - I mean is it just flat, level ground, or how is it to get to the pipe?

A: There is a - from the road here you go over a little - there's like a mound of dirt then there's a - this is a, a sloping hill here on the side of the ditch.

Q: Down to the pipe?

A: Yes, sir.

Q: Alright.

A: Then the pipe goes over the Ten Mile Bayou here where I was shown an area in the woods here.

Q: Okay. Is that the area of the woods, for the record, immediately East of the Blue Beacon and that pond there?

A: This is Blue Beacon here. Uh, this is a pond behind Blue Beacon. And directly East in this location right about here, approximately here.

Q: Alright. You can retake the stand. When you got to that area what, if anything, unusual did you see in the creek?

A: I was pointed out a - I observed what appeared to be two small tennis shoes floating in the creek.

Q: Now, after seeing these tennis shoes, what did you do?

A: I went, uh, we were on top of a bank there, I would say ten to fifteen foot down to where the creek was. I went to an area where I felt I could cross which I crossed and went around to the area where the tennis shoes were in the water.

Q: Alright. And, uh, did you get in the water?

A: Yes, sir. I did.

Q: Okay. And after getting in the water, what did you find?

A: My intentions were to get into the water and reach for the tennis shoe at which time, when I got into the water, I felt, uh, I felt an object in the water. I raised my right foot up, and a body floated to the surface of the water.

Q: Now, after making this discovery, what did you do?

A: I got back out of the water, stood right there. The other investigator that showed up at that time called for Inspector Gitchell and the rest of the detectives to come to that area.

Q: Alright. And then was a crime scene search done of that area that afternoon?

A: Yes, sir.

Q: Alright. And how long were you there at the scene?

A: It was about 1:00 - it was, I would say, I think the radio log reflects 1:14. I was roughly there from 1:14 until approximately 8:30 that evening.

Q: Alright. I want to show you a photograph that's been marked, for identification purposes, as state's exhibit 9, and ask if you recognize that photograph.

A: Yes, sir.

Q: Does that photograph fairly and accurately portray the area at the time this occurred?

A: Yes, sir.

Fogleman: Your honor, we would offer state's exhibit 9.

Stidham: No objection, your honor.

Burnett: Alright. It may be received without objection. You may exhibit.

Fogleman: Your honor, may Detective Allen step down and exhibit for the jury.

Burnett: Yes.

Q: Detective Allen, if you would - if you would show on the photograph, to the jury, the pipe that you crossed and the trail.

A: This, right here is the very North end of West McCauley where I parked my unit. I walked down this little trail here. There's a little embankment here, across this pipe...

Q: Mike, if you could, hold the photograph in front of you and turn it so the all the jurors can see it and then point to it like that, so they can all see.

Burnett: Don't turn it like that.

A: Uh, I'm looking at it upside down... This, can everybody see this? This is West McCauley. This is, this is the trail that leads to the pipe that crosses the Ten Mile Bayou. There's another trail that runs up along this patch of woods and I was directed into the woods through about, uh, right in through there to where I walked a little ways in to the woods to this creek that runs more or less in this direction here. It's in the woods covered with trees in this aerial photograph.

Fogleman: Okay. You can retake the stand. May I exhibit to the jury, your honor?

Burnett: Yes you may.

Q: Now I want to show you two photographs marked, for identification purposes, as state's exhibits 10 and 11, and ask if you can identify those photographs.

A: Yes, sir.

Q: Alright. Do those photographs fairly and accurately portray the scene as it appeared to you that day?

A: Yes, sir.

Fogleman: Alright. Your honor, we would offer state's exhibits 10 and 11.

Stidham: No objection, your honor.

Burnett: Alright. They may be received without objection.

Q: Beginning with state's exhibit 10, Detective Allen - was that picture taken before or after the boys were found?

A: This was, was taken before.

Q: Alright. Now, what are you doing there?

A: At this point, I was attempting to cross this small creek/ditch. And I had leaned the, I had leaned over to that tree, thinking I could grab a hold of that tree and pull myself over. I didn't make it.

Q: Is that state's exhibit 11?

A: Yes. I ended up in the water there. This is...

Fogleman: Your honor, may I exhibit to the jury?

Burnett: Yes, you may.

Q: Now, I want to hand you what I've marked, for identification purposes, as state's exhibit 12 and ask you if you can identify that.

A: This is the...

Q: Can you identify it?

A: Yes, sir.

Q: Does that photograph fairly and accurately portray the scene as it appeared to you that day?

A: Yes, sir, it do.

Fogleman: Your honor, I would offer state's exhibit 12.

Stidham: No objection, your honor.

Burnett: Alright. It may be received without objection.

Q: And what is depicted in state's exhibit 12?

A: This is the first body that I, that I discovered at the scene.

Q: Is that Michael Moore?

A: Yes, sir.

Fogleman: May I exhibit to the jury, your honor?

Q: I want to show you what's marked, for identification purposes, as

state's exhibit 31 and ask if you can identify that photograph.

A: Yes, sir.

Q: Does that photograph fairly and accurately portray the scene as it appeared to you that day?

A: Yes, sir.

Fogleman: Your honor, we would offer state's exhibit 31.

Stidham: No objection, your honor.

Burnett: Alright. It may be received without objection.

Q: Alright. Detective Allen, is that your hand and feet?

A: Yes sir, it is.

Q: And what are you pointing to in the water?

A: That's the location that I had found the first body.

Q: Alright. Now in - was there anything... Alright. Where the first body was found, were the other bodies found upstream or downstream?

A: Downstream.

Q: Downstream. And was there anything about the surface of the water that was different upstream from - or where the first body was found in upstream as opposed to downstream?

A: It was clear in this area, in this photograph here than it was downstream.

Q: Alright. What do you mean "clear?"

A: The surface of the water was clear. It was a lot - as you can see on down here it's a lot thicker with debris and sticks, bark, just uh leaves.

Q: Leaves, things like that?

A: Debris... yes.

Q: Alright. When you arrived on the scene in the... Lemme back up...

On the, where you found the, uh, Michael Moores body, did the bank on both sides - How did the bank do on both sides of the creek?

A: The bank?

Q: The bank. I mean, was it continuously, from top to bottom sloping down or was it...

A: No, sir. On the side which...

Q: You can say Blue Beacon or Memphis side.

A: On the, on the Blue Beacon side, it was a steep bank. What I mean by steep, I mean straight up steep on the side. On the other side there was a, like a, like a plateau, or, or, uh, flat, flat side.

Q: Alright. And where was this flattened area in relation to where

Michael's body was found?

A: It was right off of the flat area - into the ditch.

Q: Was there - did you - was there anything unusual about that flattened off area? Did you observe?

A: It appeared to be - it was clean. It was...

Q: When you say it was clean, what do you mean?

A: It looked as if, uh, say you just, you had a big area of, of, of dirt. It appeared that just a lot of scuffing marks, like someone's feet were just doing this number. But there was no impressions of, that you could actually see of any particular shoe or anything in this given area here. It appeared that, it appeared that it had been smoothed, uh, like watered down with a water hose. It just was, it was clean to be in that, to be in that section of the woods.

Q: Now, was there some grass on this flattened area?

A: In parts of it, yes, sir.

Q: And did you notice anything about the grass?

A: Just that, the mud on the grass.

Q: Mud on the grass?

A: Yes, sir.

Q: Was the grass stained with mud?

A: It was, to the best of my knowledge, it looked like mud had been, it was on top of the grass. It was like smooshed down.

Q: Okay. Now the, did you, was there some additional crime scene search done the next day or late that afternoon?

A: Yes, sir.

Q: Alright. What was done in the, in that entire wooded area?

A: There were, there were numerous things done. There was a search made, um, I say inch by inch, there was a search.

Q: How was that conducted when you say it was done "inch by inch?" What does that mean?

A: Well, I - it's quite a large area. We took all the detectives out in that area, uh, we started roughly from the interstate, the patch of woods next to the interstate. We walked it shoulder to shoulder, uh about, we walked within hand's distance. We kinda lined up where we were actually touching each other's hands down a row and we walked into the woods. We walked from the, from one side of the woods to the other side and then we got and kinda made a chain down another section hand to hand and we walked back. We basically...

Q: Did you do that for the entire...

A: The entire wooded section.

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

## CROSS EXAMINATION

BY MR. STIDHAM:

Q: Officer Allen, who all was out there that day, when you discovered the first body - how many officers were there?

A: When I first discovered the body was, there was, uh, I'm trying to think of his name. Steve Jones, a juvenile officer, Denver Reed with Search and Rescue, George Phillips with the West Memphis Police Department, and Lieutenant Diane Hester of the West Memphis Police Department.

Q: There was just one search...

[TAPE FLIPPED]

A: ... sand-bagged off and...

Stidham: May I approach the witness, your honor?

Burnett: Yes.

Q: Officer Allen, uh, make sure I'm pointing at the right thing... and that is the Blue Beacon Truck Wash, is that correct?

A: Yes, sir.

Q: And this is the pipe that children in the neighborhood used to cross over the bayou, is that correct?

A: There's a pipe across the bayou...

Q: Is this approximately where the bodies were recovered?

A: If... let the jury see there...

Q: Okay, I'm sorry.

A: This - from the aerial shot, I assume that this is the ditch that we are referring to that's showing through the trees that you might be able to see a little bit of. It's heavily wooded but it would be, uh, I'd say roughly somewhere in this given area. This...

Q: Okay.

A: From the aerial shot that's my best...

Q: These little things here, those are semi trucks, eighteen wheeler rigs, tractor trailer rigs?

A: Yes, they are.

Q: And could you estimate - I know it would be an estimate - about how far it is from, say, the bayou to the interstate in yards, in football

fields?

A: In football fields I would say, roughly 200 yards, a little more

Q: How 'bout this side of this field to this side over here to the truck wash? How far would you say that is? I know it's an estimation.

A: 70... I'd just be guessing... 75 yards, I don't know how much.

Q: You can take your seat, thank you. We're not talking about a real huge area are we of wooded area?

A: It's fairly good size.

Q: About 500 yards... About 100 yards... about 200?

A: Wide, I'm, I don't... I'm trying to compare it with a football field as you mentioned and it, uh...

Q: But for the jurors

A: It may be...

Q: These being eighteen wheel trucks, they can sorta get an idea of how far the distance is too?

A: Yes, sir.

Q: If you didn't, if you didn't know these were eighteen wheel trucks you'd probably wouldn't be able to make that... I guess these things here are trucks moving down the interstate?

A: Yes, yes, sir.

Q: Thank you, Officer Allen. I have no further questions.

## REDIRECT EXAMINATION

BY MR. FOGLEMAN:

Q: Detective Allen, I neglected to ask you a question. On that flattened off area that you described, about the slicked off area, were there leaves on that?

A: No, sir.

Q: Or were there leaves like there were other areas?

A: No. There might have been several but it was not, it did not look as if as the other parts of the woods looked.

Fogleman: Okay. I don't have anything futher.

Stidham: Nothing further your honor.

Mike Allen Testimony for 9/03 case chat

Q=John Fogleman

A=Mike Allen

DS= Dan Stidham

## DIRECT QUESTIONING

Q: Are you the same Mike Allen who testified yesterday?

A: Yes, sir.

q: Detective Allen, I want to direct your attention to June the 3rd, of 1993. On that date- the first thing that Detectives do in the morning, what do you all do?

a: We have a morning meeting.

q: About what time does that start?

a: Uh, 8 o'clock

q: Eight o'clock?

a: Yes sir.

q: In general, what takes place in those meetings?

a: In the general morning meetings, uh, you're referring to during the time we were investigating this homicide?

q: Yes

a: Every morning when we went into the morning meeting, uh, Inspector Gitchell, uh, would have, we would go over what was done the day before, uh, up to that point, then at that point we would talk about who was going to do what that day and people that we were going to talk to that day, or, or whatever needed to be done that day was discussed and assigned out that morning.

q: And on June the 3rd, did you have an assignment to locate a particular person?

a: Yes, sir, I did.

q: All right, and what was your assignment to do?

a: My assignment was to contact Jessie Misskelly, Jr.

q: Ok, and, um, at that time was the defendant a suspect?

a: No, sir.

q: All right, if he was not a suspect, why were you assigned to contact him?

a: He was, it as explained in the morning meeting, he was a friend with uh, friends with Damien Echols and Jason Baldwin.

q: And did you locate the defendant?

a: Yes, sir.

q: And what did you do to locate him?

a: That morning I left the police department and went to the area of Highland trailer park where I understood Jessie Misskelly Sr. and Jr. lived. Went to the, first went to the residence of Jessie Misskelly Sr. Knocked on the door, a lady came to the door, uh, Lee Rush, talked with her, and she, uh, told her I was looking to, needed to talk to Jessie Misskelly Jr. She told me that he wasn't there, that I could go down to Jims Diesel shop which is located there in highland Trailer Park and talk to Jessie Misskelley Sr and he would know where Jessie Misskelley Jr was, so I went to Jims Diesel shop and contacted Jessie Misskelley Sr. and inquired to the whereabouts of Jessie

Misskelley Jr.

q: All right, let me stop you just a minute. What time did you leave the police department?

a: According to the radio log that morning it was 9:13.

q: All right, you left the police department and you went where?

a: I went to Highland Trailer Park.

q: And where is that in relationship to West Memphis?

a: This is in between Marion and West Memphis just off I-55, north of West Memphis.

q: I want to direct your attention to states exhibit 2 and ask if Highland Park is located on that map?

a: This is West Memphis here, this is the interstate, this is Interstate 40, this is Interstate 55. Interstate 55 north here from West Memphis. This, uh, its north of this railroad here, so this is Highland Park subdivision, and that trailer park, what we call, here.

q: All right, would you highlight where it says Highland Park? All right, thank you, you can retake the stand. (pause) Now you went to, where you understood the Defendant lived, and you talked to who now?

a: A female, later IDd as Lee Rush.

q: And after speaking to her you went to Jims Diesel.

a: Yes sir.

q: And then at Jims Diesel, who did you talk to?

a: Jessie Misskelley, Sr.

q: All right, after you talked to Mr. Misskelley Sr., what happened?

a: He in turn, went to get Jessie Misskelley, Jr.

q: All right.

a: He left in his, a vehicle, it was a pickup truck.

q: And then what happened after he left?

a: He came back with Jessie Jr.

q: Ok, and when he returned, uh, what did you say to the defendant?

a: I asked him if he could come to the WMPD to talk to me about 2 individuals that lived out in Lakeshore.

q: All right, the best you can remember, if you can, be as specific as you can, and as precise about exactly what you said to him.

a: I asked him if he would, if he could uh, I said uh, would you mind coming up to the police department to talk to me about some friends of yours out at Lakeshore?

q: Ok, and then what happened?

a: He said Sure and then I said, Jessie Misskelley, Sr. was there and I said do you want to drive him down there or he can ride with me and I can bring him back?

q: All right and what happened?

a: He, uh, I assumed his father was working, and told him to ride with me.

q: Ok, you told him, or what? Who told him?

a: I dont uh, it was uh, I told him I would give him a ride and he indicated to me that he would

ride with me.

q: Ok, and uh, when he rode with you, where did he ride in the car?

a: I have a, my car is an unmarked Ford LTD, it doesnt have a cage or anything in it, and he rode in the front seat with me.

q: All right, was he handcuffed or anything like that?

a: No sir.

q: About what time did you get back to the police department?

a: Um, it was around the 10 oclock that morning.

q: And after getting back to the police department, uh, what did you do?

a: Uh, went to the detective division, which is up-, located upstairs of the police department, and uh, started talking to Mr. Misskelley.

q: Before you started talking to him, what did you do?

a: Well, I filled out a subject description form, but I was talking to him during the time period.

q: What kind of info do you get on a subject description form?

a: Um, just basic information, your name, sex, race, date of birth, um, education, um, mother & fathers names, relatives names, home telephone number. We have a standard form at the police department to, that we fill out.

q: Your Honor, could I have just a minute? I seem to have misplaced that form.

The Court: Yes, sir. (pause) Was it previously offered?

Q: I think a copy was offered in a previous matter. It was on that same day.

A: Thats it there.

Court: Just remark it.

Q: Mark it twice?

The Court: Yeah.

q: Is that gonna mess you up Barbara?

(unintelligible)

The Court: If you wanna leave the original number on it, itd be all right.

Barbara: Ill have to

The Court: Mark it twice, mark it on the back with that sticker. 308, is that what the next number is?

q: Your Honor, this is gonna be 104. I want to show you what Ive marked for identification purposes with the gray states exhibit sticker. States exhibit 104 and ask if you can identify that?

a: This is a uh, subject description form that was filled out by me at the WMPD on June the 3rd of 1993.

q: And what time did you fill that out?

a: This was uh, 10am.

q: All right, and did you also make some...

a: Yeah, there is also some, uh, some information that I filled out on the back.

q: Now, is the entire form in your handwriting?

a: No sir, the uh, scars, marks, tattoos was filled out by Det. Bryn Ridge.

q: Your honor, at this time we would offer at this time for identification States exhibit 104.

The Court: All right, it may be received for identification purposes.

q: Now after completing the SD form, um, did you talk to the Defendant?

a: Yes, sir I did.

q: And, uh, who else was present?

a: Det. Ridge.

q: And after talking to the Defendant for a while, did you decide you needed to advise him of his rights?

a: Yes, sir

q: All right, and why was that?

a: Uh, I felt that, that everything that he was telling me, wasnt, wasnt the truth.

q: I want to show you what Ive marked for ID purposes States exhibit 74 and ask if you can identify that?

a: This is a standard Rights sheet the WMPD that I typed up on that day that was advised to Jessie Lloyd Misskelly Jr. and witnessed by myself and Det. Bryn Ridge, signed by Jessie Misskelley, Jr.

q: All right, now did you use any force, promises, threats or coercion to get him to sign the form?

a: No sir.

q: How did you go about advising him of his rights?

a: Verbally, I advised him of each one of these rights, read this form to him, and when we got down to the part where i advised him you have the right to remain silent, do you understand that right? and he stated that he did. I read the next one, anything-

q: Let me stop you, did he have any problem understanding that?

a: No sir.

q: And when he said that he understood it, did he signify his understanding in some way?

a: Yes.

q: How did he do that?

a: Either by acknowledging, either shaking his head Yes, or saying yes.

q: Well, did he signify it on the form some how?

a: Yes, by his initials on each, each one of these rights, that he understood them.

q: Did you use any force, promises or threats or coercion to get him to place his initials on the form?

a: No sir.

q: Did you follow the same procedure in advising him of each of his rights?

a: Yes sir.

q: And then did you ask him to sign the form?

a: Yes sir

q: Did you see him sign the form?

a: Yes sir.

q: Did you use any force, promises, threats or coercion to get him to sign the form?

a: No sir.

q: Your Honor we would offer States Exhibit 74.

(break in audio-tape flipped?)

q: Now after you, um, oh wait, does the form show what time you advised him of his rights?

a: Yes, sir.

q: And after you advised him of his rights , um, did you and the Defendant go somewhere else?

a: We, yes, sir, we did.

q: All right, and uh, where did you go?

a: We went to get a permission form signed by his father.

Stidham: Your Honor, may counsel approach the bench?

(partly inaudible)

DS: ...thought he was going to hold on to that.

COURT: Well hes not I hope.

DS: ...do they want the jury to think they got permission from his father, is he out of his mind?...

The Court: Where are you going with it John?

JF: There had to be some kind of explanation for why he went to see the father.

The Court: Ill allow it to that extent, but then go on. Ok.

q: About what time did you go to find the defendants father?

a: It was approximately 11 oclock or right afterwards.

q: And, what happened?

a: We went and got into my unit, and

q: And where was he sitting this time?

a: In front of the police department.

q: No, where was he sitting in the car?

a: Oh, Im sorry. He was sitting in the passenger side.

q: Was he handcuffed?

a: No sir.

q: All right, and then what did you do?

a: We went up Missouri street toward where, which is in the direction toward Highland Trailer Park.

q: Why dont you take this marker and show with the marker, the general area of the police department and where Missouri street is?

a: This, you see this U shaped driveway here, this is the WMPD here, assume this little mark here is the police department, U , I parked my vehicle in front here, we got in the vehicle, went down Broadway to Missouri St. Up Missouri St. to, we got to...I dont see Shop Around here, anyways, its uh, we got around the McDonalds on Missouri St. where at that time we saw Jessie

Misskelley, Sr. in a , I cant remember if it was a wrecker or some kind of work truck from Jims Diesel, coming south on Missouri St. and Jessie said theres my Dad and we flagged him like, uh-

q: You said we flagged him what did Jessie Jr. do?

a: Well, I, he said, theres my dad, and anyways, we, he pointed like he was gonna pull over.

q: Who pointed?

a: Jessie Misskelley Sr.,

q: OK

a: And we turned around, I believe at the Exxon service station, turned around and followed him back down Missouri St. to Cheebottle (?) park which is located on Missouri St.

q: All right, and when you got to uh, the auto parts place, did you have a brief conversation with the Defendants father?

a: Yes sir I did

q: And did the defendant stay in the car, get out of the car, what did he do?

a: We got out of the car, where me and his father were talking.

q: All right, now after this conversation, what did you all do?

a: Then we got back in my car and went back to the police department, myself and Jessie Misskelley Jr.

q: And after returning to the police department, did, um, what further involvement did you have with the defendant?

a: None at that time.

q: I dont have any further questions at this time.

#### CROSS EXAMINATION BY STIDHAM

DS: Det. Allen, you said that on the morning of June 3rd, 1993 you had a Detectives meeting about 8 oclock?

a: yes sir, thats correct.

DS: And who all was present during that meeting?

a: Um, Im not sure how many detectives were present at the meeting. Myself , Insp. Gitchell, Bryn Ridge, Bill Durham was there, um, there was uh, probably Det. Hester, uh, Im not sure that morning whether the 13 or 14 , uh I don't know how many of those 13 or 14 of the detectives we had working on this case were in that morning meeting. It was a room full.

DS: Det. Ridge was there, Det. Gitchell were there though.

a: Yes, sir.

DS: Ok. You told the prosecutor your assignment that morning was to contact Jessie Misskelley Jr?

a: Yes sir.

DS: Can you tell the jury why you were asked to go make contact with him?

a: His name had came up as being a person that was friends or, knew or friends with Damien

Echols, and...

DS: And youre telling the court and the jury that he wasnt a suspect on the morning of June the 3rd?

a: Thats correct.

DS: Ok. Now youve stated that uh, uh, you took Mr. Misskelly, Jr. down to the station house and filled out the basic questionnaire on subject, uh description?

a: Yes sir.

DS: What was the name of the form again?

a: Its a subject description form.

DS: And then um, I assume you asked him certain things, is that correct?

a: Yes sir.

DS: Do you remember what you asked him,?

A: Are you talking about during the subject description form being filled out?

DS: Oh, no, after that.

a: Uh, we talked about Damien Echols at that time.

DS: OK

A: And what he knew about Damien Echols or his friendship with him.

DS: Did he tell you that he was friends with Damien or did he tell you that he knew Damien?

a: He said he knew Damien.

DS: Ok. And what else did he tell you about Damien?

a: Um, he told me that he knew that it, that it, he had been around Damien and Jason - one point, he said that Jason had got into a fight and Damien had taken his finger and wiped blood off of his nose and then licked the blood, uh, things like, things of that nature, uh, Ive highlighted in some notes that I made, that I dont have in front of me , some of the things that we talked about.

DS: May I have just a second your Honor, Im retrieving those notes?

(pause)

Officer Allen, did you ask Mr. Misskelly whether or not he knew anything about the murders?

a: I asked him if he had heard anything about the murders, um, I asked him questions, my questioning of him was based on what he knew about Damien Echols and what he could, if he saw Damien Echols the day of the murder, you know things of that nature. If he, if he knew anything about Damien Echols.

DS: And what was his response?

A: Um, he told me some things about Damien Echols, um, um, he didnt know anything about the murders. What he told me at that time.

DS: Did you also ask him where he was on May the 5th, the day of the murders?

A: We talked about, we were talking about-this was- now youve got to understand this is a month later , on which, almost a month later after the murders, and I asked him in reference to , if he remembered that Wednesday, I believe it was, that the little boys come up missing because he had talked about something that he had told someone about seeing one of the boys on a bicycle and we were trying to get to that date and, and during that time period he said well I

worked with Ricky Dees, I think he said Tues. Wed and Thurs. or something he said 3 days that week until 5 o'clock each evening.

DS: So he told you he was working on May the 5th.

A: Yes sir.

DS: Ok, Now you stated earlier in your testimony Off. Allen that for some reason you didn't believe him when he was telling you these things. is that correct?

A: From the information that I had at that time, from other officers, some of the things he was saying, uh, did not agree with what they had said, and, and I didn't know at that point who was telling the truth.

DS: Ok. Did you make any attempt on June the 3rd, 1993 to call Mr. Dees and see if in fact he was working that day?

a: No sir.

DS: Ok. Are you aware of the fact that Mr. Misskelly has a mental handicap?

A: No sir, I was not.

DS: Do you have any specialized training in dealing with people who are mentally handicapped?

A: I have dealt with mentally handicapped people before, but I did not know that he was mentally handicapped at that time, or if he is mentally handicapped. I have no knowledge of that.

DS: So this information that you're suggesting that you didn't believe, you had cause to not believe Mr. Misskelly was something about this cult stuff, right?

A: Repeat that question again?

DS: You said you had reason to believe Mr. Misskelly wasn't being truthful with you, and my question is, is that the information about the cult? That you were aware of?

A: That was some information, yes sir.

DS: So the police department had received information that Mr. Misskelly had been to a cult meeting or something to that effect?

A: Yes, sir.

DS: So, did the WMPD believe at this time that this was a cult related killing?

a: At this point, we were investigating this murder and we had no knowledge at that point of what we, exactly what we had. We, that had been one aspect of the investigation.

DS: Ok, well, tell the jury what information you had that made you want to go pick up Jessie Misskelly that morning.

A: Insp. Gitchell of the WMPD assigned me to go pick him up because of some information that he was associated or friends with Damien Echols. We picked up, everyone else had assignments to go pick up different people in regards to other individuals and he was the person I was assigned to pick up.

DS: At a previous hearing, Off. Allen, you testified that Damien Echols was a subject from the beginning in this case. That's correct, isn't it?

A: To the best of my knowledge, I don't know exactly from the very beginning what point or

what day afterwards, but I know he was a suspect, one of the suspects during this time period.

DS: On June the 3rd, Off. Allen, did you ever talk to Jessie or Jessie Sr. about the 30 thousand dollar reward that was being offered?

A: Um, before when we had this conversation, I do not remember, I rem- if it was asked of me how much the reward was, I would have probably said something , but uh, that, it does not ring a bell with me as far as whether or not that conversation was brought up about a reward with Jessie Misskelley, Sr.

DS: It could have happened but you just dont recall?

A: If someone, during that time period, if someone would have asked me I would have told them, if I, whatever the reward was , I would have told them yea theres a reward available.

DS: You also testified at an earlier hearing that you couldnt remember exactly all the questions you asked Mr. Misskelly that morning, is that true?

a: Thats true.

DS: So your notes dont reflect everything that was asked?

A: Generally, what the questions the highlight or whatever of the conversation , my notes reflect the basic things that I wrote down while I was talking to them.

DS: How many people would you estimate Off. Allen that the WMPD rounded up and asked about their association or any contact they had with Damien Echols?

Q: Are you talking about before or after the arrest?

DS: Im talking about before.

A: I have no knowledge on numbers. I know we, during this course of this investigation we talked to probably hundreds of people.

DS: May I have just a moment, your Honor?

Nothing further, your Honor.

REDIRECT BY FOGLEMAN

Q: Mr. Stidham asked in regard to any alleged reward and of course you responded the way you did, did you ever bring up anything about a reward?

A: No sir.

Q: Now, uh, Mr. Stidham also um, asked about uh, how many people were rounded up? Friends, supposed friends of Damien Echols, you responded youd talked to literally hundreds or yall had literally talked to hundreds of people...

A: Not necess- I dont know many people in regards to Damien Echols, I know we talked to hundreds of people in regards to numerous suspects that we had.

Q: Was Damien Echols-I think you just answered my question, but was Damien Echols the only suspect you had?

A: No sir.

Q: I dont have any more questions.

RE CROSS BY STIDHAM

DS: Was Damien Echols your prime suspect on June the 3rd?

A: I dont know if you could - there were several suspects , uh, things seemed to turn , a lot of things that seemed to turn back toward him, but we had a, there were other suspects - Im not sure at that given time but during the course of this investigation there were numerous suspects.

DS: Was he in the top 3?

A: Uh, I would, I would say yes.

DS: Now, Off. Allen, Mr. Misskelley was 17 years of age on June the 3rd , is that correct?

A: Um, yes sir.

DS: Did you at any time get his fathers permission to waive his Miranda warnings? His constitutional rights?

A: No sir.

DS: No further questions.

Q: I dont have any further questions.

The Court: You may stand down.