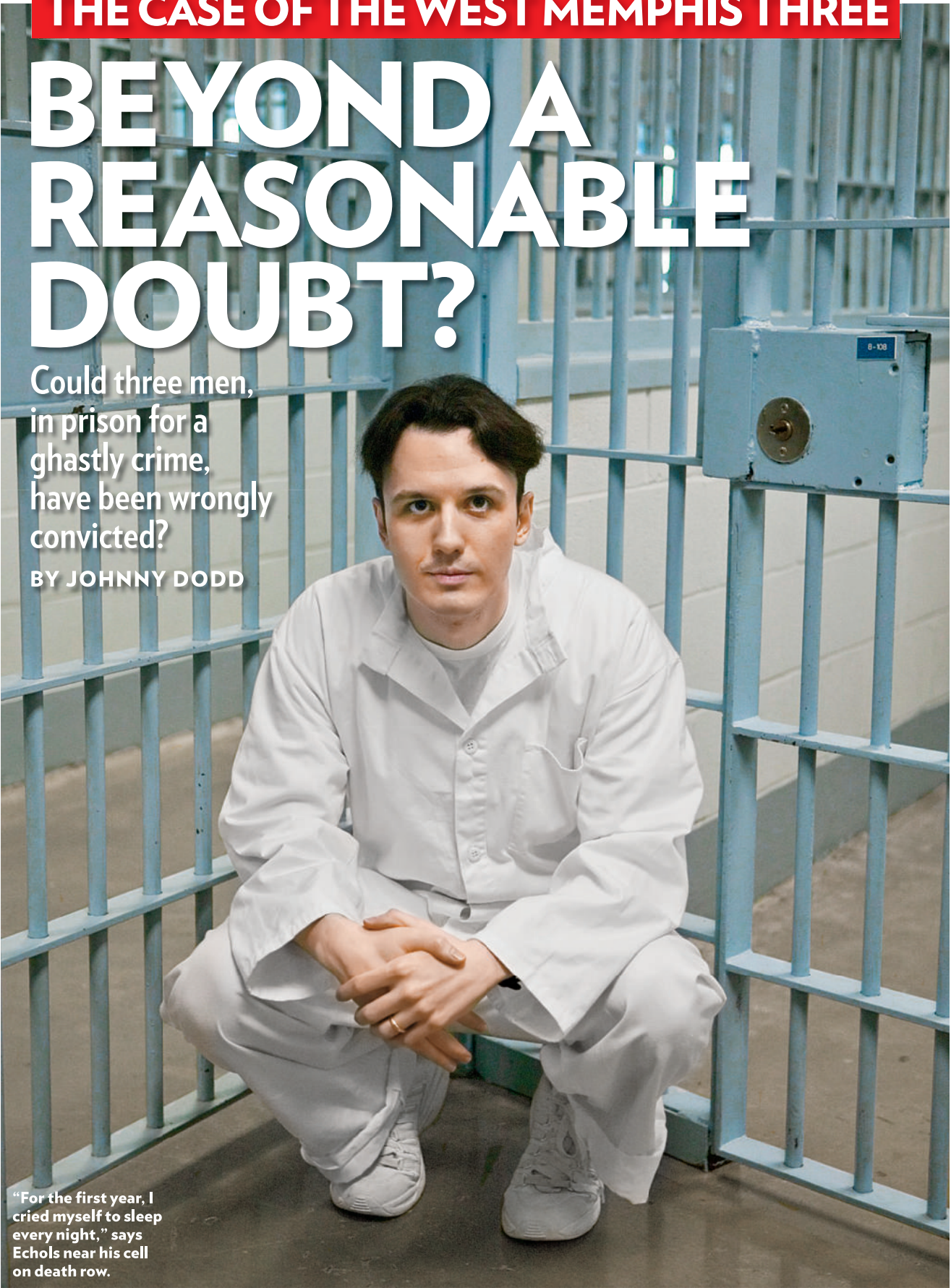


**THE CASE OF THE WEST MEMPHIS THREE**

# BEYOND A REASONABLE DOUBT?

Could three men, in prison for a ghastly crime, have been wrongly convicted?

BY JOHNNY DODD



"For the first year, I cried myself to sleep every night," says Echols near his cell on death row.

GROVE/ASHLEY/ONYX



"I needed someone to hate in order to survive," says John Mark Byers.

## THE VICTIM'S FATHER

**F**or years John Mark Byers believed he knew who the devil was. After the naked, hog-tied bodies of his 8-year-old son Christopher and two of his friends were pulled from a drainage ditch not far from his home in West Memphis, Ark., Byers used to drive into the countryside with a pistol and blast watermelons. With each shot he fantasized that he was pumping lead into the three teenagers who were eventually convicted of the 1993 triple homicide, which police contended was part of a macabre Satanic ritual. But in a startling change of heart, Byers has come to believe that the three men he assumed were guilty of one of the most horrific crimes in Arkansas history are actually innocent. "I was fooled for 14 years," says Byers. "But now I know an injustice was dealt upon these boys by the State of Arkansas."

Increasingly, others—including the mother of one of the murdered boys—have come to share that view. At the 1994 trial, the prosecution's case was almost entirely circumstantial: No

credible physical evidence was ever presented to the jury linking Damien Echols (who got the death penalty) and codefendants Jason Baldwin and Jessie Misskelley (both received life sentences) to the crime. But since their conviction, HBO has devoted two documentaries to the case of the so-called West Memphis Three. The case has become a cause celebre, with supporters including Johnny Depp, Eddie Vedder, Tom Waits, Winona Ryder and Dixie Chick Natalie Maines. More important, in October Echols' high-powered defense team filed a motion disclosing new forensic evidence in the case. The Arkansas Attorney General has declined to comment on the new findings until an earlier appeal now working its way through state courts has been settled.

The latest twist in the case makes Echols, gaunt after spending more than a third of his life on death row, smile from behind the inch-thick plate of Plexiglass at Varner Supermax state prison in Grady, Ark. But a moment later, Echols' expression turns somber when his visitor asks, "Did you do it?"

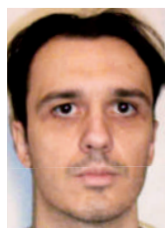
The 33-year-old inmate just shakes his head. "Even after all this time, it still feels like someone has kicked me in the stomach when I hear that question," he replies in a soft southern drawl.

Life was forever changed in West Memphis shortly after lunch on May 6, 1993. The previous night, second graders Christopher Byers, Stevie Branch and Michael Moore, best friends who were last seen on their bicycles, were reported missing. When police pulled their severely beaten bodies from a drainage ditch in a wooded area not far from their home the next day, their wrists and ankles had been tied with shoelaces. Peculiar-looking cuts covered their bodies, and one victim's genitals had been removed by what investigators believed was a knife.

Investigators initially focused on Echols as a possible suspect when a juvenile parole officer suggested that the long-haired 18-year-old with a penchant for black clothing, a love of heavy-metal music and a fascination with the occult could be the killer. At the time Echols, who lived five miles from the crime scene, had had several

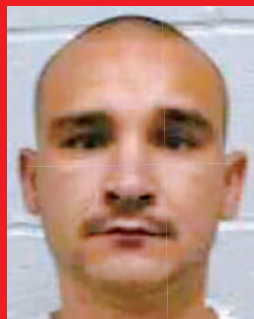


**THE VICTIMS** (From left) Michael Moore, Steve Branch and Chris Byers were last seen entering the woods near their homes around 6 p.m. on May 5, 1993.



## HOPE ON DEATH ROW

The fluorescent lights in Damien Echols' 8-by-11-ft. cell in the Varner Supermax state prison come on at 4:30 each morning, a typical wakeup time in many prisons. To pass the time, Echols—who hasn't felt sunlight for five years—practices yoga, meditates, reads, writes poems and essays, cranks out pushups and sometimes runs in place for hours. He only leaves the cell to attend mass or for weekly visits with wife Lorri Davis, a landscape architect who moved to Little Rock from New York City after seeing a documentary on the case. They were married in 1999. "Lorri's my strength," he says. "She's kept me from being swallowed up by the bitterness that threatens to eat me alive in here."



**HARD TIME** Jason Baldwin (left) bears no ill will toward Jessie Misskelley, whose confession sent him and Damien Echols to prison 15 years ago.

CLOCKWISE FROM TOP: LEFT: MATTHEW GRAIG/HBO; COURTESY HBO; (3) ARKANSAS DEPARTMENT OF CORRECTIONS/ARF (3)



**"I'm amazed these guys are still in prison," says Natalie Maines (right, with Lorri Davis).**



**Cards from supporters lined the steps of the Arkansas State Capitol building during a Dec. 19 rally.**

minor run-ins with police, including attempts to run away from home with his girlfriend. When investigators showed up at the trailer the ninth-grade dropout shared with his parents and sister, Echols denied having anything to do with the murders.

The slayings consumed this bedroom community, which lies across the Mississippi from Memphis, Tenn., and police were under intense pressure to make an arrest. A month later they interrogated Jessie Misskelley, a borderline-retarded 17-year-old who was an acquaintance of Echols and his best friend Jason Baldwin, 16. After nearly five hours, Misskelley told investigators that he, Echols and Baldwin attacked the boys. Misskelley, who quickly recanted his error-filled confession, claimed he was under the impression that he would get a reward and return home if he told police what he thought they wanted to hear.

Despite being offered a reduced sentence, Misskelley refused to testify against Echols and Baldwin. With precious little credible evidence linking them to the murders, the prosecution focused on the teens' lifestyle, using lyrics from their Metallica CD collection, along with expert testimony from an occult expert who admitted that his doctoral degree came from a now-defunct mail-order college. "If they'd found 10 black T-shirts in my dresser and I didn't have an alibi," says attorney David Rees, whose firm represented Baldwin, "I'd have been convicted too." In February 1994 Echols was sentenced to death by lethal injection; Baldwin got life without parole. (In a statement the attorney general's office says it "recognizes the importance" of the case

but deferred further comment.)

Over the years efforts to get new trials for the West Memphis Three failed. But last year supporters helped raise enough cash for a new defense team, made up of more than a dozen of the nation's top forensic scientists and attorneys. "I've never seen a case where someone was sent to death without a single piece of credible evidence," says San Francisco appellate attorney Dennis Riordin, who has helped spearhead efforts to overturn Echols' conviction.

In October the group filed a 500-page motion that undercut prosecutors' allegations that a knife was used to mutilate one of the victims. "[The mutilation] was from animal predation," says Dr. Werner Spitz, regarded as one of world's leading forensic pathologists, who reviewed the case files. "There is no question in my mind."

The report also found that no genetic material from Echols, Baldwin or Misskelley was present at the crime scene. But according to court documents, two hairs discovered at the crime scene—previously untested by police—bore DNA traces consistent with Terry Hobbs, stepfather

of Stevie Branch, and one of Hobbs' friends. (Through his attorney Hobbs "unequivocally" denied any involvement with the killings.)

In December Dixie Chicks singer Natalie Maines addressed nearly 200 West Memphis Three supporters on the front steps of the Arkansas Capitol building. "It's not a debate about opinion. It's science and it's overwhelming," Maines told the crowd before delivering hundreds of letters to Arkansas Gov. Mike Beebe's office, hoping to persuade him to re-evaluate the 1994 convictions. Meanwhile John Byers, who says the new findings convinced him the three were innocent, has written the governor to call for their release. But when asked if he were contemplating pardoning the three or commuting their sentence, Beebe told reporters, "No. Absolutely not."

Echols, whose execution date has yet to be set, confesses that he's guardedly optimistic about the turn of events. "They thought they could pin these murders on some poor white trash," he says. "But I have hope now. I catch myself thinking that by next Christmas I could be out of here." ●