

ARKANSAS BLOG

West Memphis Three lawyer reviews West Memphis police evidence in the case

by Max Brantley

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Patrick Benca, a lawyer for **Damien Echols**, the West Memphis Three defendant, was able to review West Memphis police evidence from the case Tuesday after a protracted legal effort.

The legal team wants to do additional DNA testing as part of the ongoing effort to exonerate the three in the slayings of West Memphis children in 1993. That process could take months.

Echols, who was sentenced to die, and Jason Baldwin and Jess Misskelley, were released from prison in 2011. They were wrongfully convicted, but as a condition of release had to accept the verdict as part of what was known as an Alford plea.

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A news release from the group working on the effort:

Little Rock attorney Patrick Benca, of McDaniel Wolff & Benca, today reviewed existing evidence in the West Memphis 3 case that was believed lost, damaged or destroyed. Echols' legal team was mysteriously misinformed and actually stonewalled for 18 months by the West Memphis Police Department and other law enforcement entities in Crittenden County.

After 18 months Echols' was informed that the evidence was likely not available, but after a state court order, Echols' team was invited to the West Memphis Police Department to review what evidence remained. What they discovered was a very organized, catalogued and intact body of evidence.

Patrick Benca said, "We are pleased that the evidence is intact. We are planning to move ahead and test this evidence using the latest DNA technology available to hopefully identify the real killer(s) of the three children in 1993, and exonerate Damien Echols, Jason Baldwin and Jesse Misskelley."

Echols submitted a **FOIA request** months ago seeking all records relating to the missing evidence in the WM3 case. That FOIA request had gone unanswered in violation of Arkansas state law. After being informed that evidence in the West Memphis 3 case had been inexplicably lost or destroyed, Damien Echols, who was freed from Death row ten years ago and was seeking to perform new DNA tests on the evidence, filed a complaint in the Circuit Court of Crittenden County asking the court to "declare that the WMPD violated its statutory obligation to respond to the FOIA request" and "direct the WMPD to respond to the FOIA request within three days."

Damien Echols said, "Ten years ago I had no choice but to take an Alford plea to get off death row. I needed to fight for my innocence, and that of Jason and Jesse, outside of the prison walls. And that is why I sought to test the evidence in the case to exonerate us and lead to the real killer(s). Once we made inquiries to the West Memphis Police to turn over the evidence in the case for advanced testing, we were told that the evidence disappeared.

"We did not give up, and hopefully now we can move ahead with all due haste to have this evidence DNA tested."

Echols' attorneys had filed a **Motion for Declaratory and Injunctive Relief** in the Circuit Court of Crittenden County First Division, as well as seeking an expedited hearing.

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