

ELROD & KOBBERMAN PREVAIL IN WEST MEMPHIS 3 APPEAL IN ARKANSAS SUPREME COURT

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Fayetteville, Ark. (April 19, 2024) - Conner & Winters attorneys Kerri Kobbeman and John Elrod have won an appeal in front of the Arkansas Supreme Court that grants the West Memphis Three the ability to try and prove their innocence using new DNA forensic technology.

On Thursday, the Arkansas Supreme Court handed down a 4-3 ruling that overturns a lower court's decision blocking the request for DNA analysis. Damien Echols, the most prominent of the three men known as the West Memphis Three, is seeking to prove his innocence using a 2001 Arkansas law, Act 1780, that allows those convicted of a crime to try and prove their innocence by using technologies that were not available when initially tried and convicted.

Over 15 months after filing the appeal, the appellate victory clears the way for Echols to request advanced DNA testing be performed on crime scene evidence, in hopes of identifying the real killer, proving the innocence of the West Memphis Three, and allowing the men to seek their exoneration.

"We are thrilled that the Arkansas Supreme Court recognized the error of the lower court's ruling, and have allowed the West Memphis Three to continue to try and prove their innocence," said Kobbeman about today's decision. "Allowing the evidence to be analyzed by new and advanced technologies not only helps correct the injustices these men have suffered, but also helps bring the families of the victims closer to the true justice they deserve."

Kobbeman and Elrod are both partners in the Fayetteville office of Conner & Winters, and they represent Echols in conjunction with Little Rock criminal defense attorney Patrick Benca and nationally-prominent litigation attorney Stephen Braga of Bracewell LLP.

In a case that gripped the entire nation, the West Memphis Three refers to three teenage boys who were charged with the brutal murder of three young boys who were found in a ditch in West Memphis, Arkansas in May of 1993. After being convicted and sent to prison (with Echols on death row), the members of the West Memphis Three were released in 2011, after new forensic evidence proved there was no physical evidence

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connecting the three to the crime scene. Further suspicions were raised about the fairness of the trial process after an award-winning HBO documentary series titled *Paradise Lost* garnered national attention. The three men entered into an Alford plea deal to secure their release, whereby they plead guilty but asserted their actual innocence of the crime.

All three members of the West Memphis Three have maintained their innocence, and have spent their time after prison trying to prove it by finding the real murderers. In June 2022, Echols was denied a request to examine physical evidence from the crime scene using the M-Vac™ Wet Vacuum System, a new state-of-the-art DNA testing technology. Crittenden County Circuit Judge Tonya Alexander denied the request, holding that Act 1780 only applied to those who are incarcerated since the statute is codified under the Habeas Corpus chapter of the Arkansas code (AR Code § 16-112-201). This was despite that fact that the plain language of the statute gives "a person convicted of a crime" the right to use new technologies that weren't available during their original trial.

In Thursday's 4-3 decision, the majority on the Arkansas Supreme Court overturned Judge Alexander's analysis, holding that the plain language of Act 1780 does not create any requirement that the petitioner be incarcerated as a prerequisite to seek relief.

Conner & Winters is a premier full-service business law firm serving the South Central region, with offices in Tulsa, Oklahoma City, Fayetteville, Dallas, Houston, and Washington, D.C. Serving a broad range of industries and clients of all sizes, the firm believes in doing things the right way to get the right results for clients, and the firm will forever advocate for improving access to justice for all.

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