

1 Mr. Middleton.

2 (Witness excused.)

3 THE COURT: You may call your next witness.

4 MR. LAURANS: Yes. Can we approach briefly?

5 I think I got my last few.

6 Judge, I'd ask that 23 and 26 --

7 MR. KELLY: No objection.

8 THE COURT: Exhibits 23 and 26 are received.

9 MR. LAURANS: And I believe that's it, other

10 than affidavits, which I have a witness.

11 THE COURT: I understand.

12 MR. LAURANS: Judge, my next witness will be

13 Cliff Middleton.

14 Would you please stand and be sworn, please.

15 CLIFTON LEE MIDDLETON, being sworn by the Court, testified:

16 DIRECT EXAMINATION by MR. LAURANS:

17 Q Could you please state your name and address for the

18 record?

19 A Clifton Lee Middleton.

20 Q Are you related to Ken Middleton?

21 A Yes, I'm his son.

22 Q Mr. Middleton, prior to February 12, 1990, had you been

23 in your father's house?

24 A Yes.

25 Q Was there a telephone in the dining room?

1 A Yes.

2 Q Was there a boot print on a wall?

3 A Yes.

4 Q Can you tell me where the boot print was?

5 A Right next to the door, up on the wall.

6 Q Which door?

7 A The back door.

8 Q Was that boot --

9 A It was actually the phone was here and the door -- you

10 know, I'm just -- for example, was over here, and it

11 was just off of it there.

12 Q All right.

13 A There was like a plant and a statue there.

14 Q If you're facing the wall, the phone was on the left,

15 correct?

16 A Correct.

17 Q And the boot print was a little bit to the right?

18 A Exactly.

19 Q About how -- what was the distance between the phone

20 and the boot print?

21 A Just guessing, I would say if the phone was here, it

22 was in here somewhere.

23 Q About four to five feet away?

24 A Yeah. Four feet, I would say.

25 Q Was the boot print there prior to February 12, 1990?

1 A Yes, it was.

2 Q I'm sorry. February 11, 1990?

3 A Yes, February 12.

4 Q All right. It was there prior?

5 A Yes.

6 Q About how long prior? Do you remember?

7 A At least two weeks, because I was there in mid to late

8 January and it was there then.

9 Q Did you notice the boot print then?

10 A Yes.

11 Q Did you inquire about it?

12 A Yeah, I asked my dad. I was on the phone and I had

13 noticed it. I said, "What happened here?" And he said

14 that someone played a joke on him and he had kicked the

15 wall.

16 Q What was the joke? Do you remember?

17 A My dad's always been afraid of snakes, and at the time

18 I just assumed that someone had threw a stick or a

19 snake type object at him and scared him and he jumped.

20 Q Did you ever tell Mr. Duncan about the phone?

21 A Yes.

22 Q Did you ever tell Mr. Duncan about the boot print?

23 A Yes.

24 Q Were you available to testify at that trial?

25 A Yes, I was.

1 Q Did you ever tell Mr. Duncan that you didn't want to  
2 testify?  
3 A No, I didn't.  
4 MR. LAURANS: I don't have any further  
5 questions.  
6 THE COURT: Cross?  
7 MR. KELLY: No, Your Honor.  
8 THE COURT: Very well. Can this witness be  
9 excused?  
10 MR. LAURANS: Yes, Your Honor.  
11 MR. KELLY: Yes, Your Honor.  
12 THE COURT: Thank you. You may step down.  
13 You are excused.  
14 THE WITNESS: Thank you.  
15 (Witness excused.)  
16 MR. LAURANS: My next witness is William  
17 Scott, Your Honor.  
18 THE COURT: Yes, sir. Would you please raise  
19 your right hand to be sworn.  
20 WILLIAM SCOTT, being sworn by the Court, testified:  
21 DIRECT EXAMINATION by MR. LAURANS:  
22 Q Could you please tell us your name and where you're  
23 from?  
24 A William Scott, from Jasper, Arkansas.  
25 Q Mr. Scott, are you related to Ken Middleton?