

Madison Unruh

The Tragedy at Robin Hood Hills: How the Media, Witchcraft, and a False
Confession Imprisoned the West Memphis Three and Ultimately Led to Their
Freedom

I. Introduction

Beginning in the 1980s, America was plagued with a fear of Satanism and witchcraft. The establishment of Anton Lavey's Church of Satan, the expansion of the Wiccan religion, and cult leaders like Jim Jones and Charles Manson making headlines in the decades prior, culminated in national anxieties over occult practices. In the midst of the hysteria, three gruesome murders of young boys occurred in the small town of West Memphis, Arkansas. Unable to comprehend the shocking homicides, the community turned to witchcraft to explain the unexplainable.

This investigation amalgamates the work of existing scholarship in order to examine how media bias, fears of Satanism, and a false confession worked cohesively to find three presumably innocent teenagers guilty of grotesque murders and ultimately transformed to aid in their release from prison. Police and media reports asserted the homicides were a result of "satanic-ritual-abuse." This claim led the tight-knit, fundamental community to single out one man, Damien Echols, and his friends, Jason Baldwin and Jessie Misskelley, as the perpetrators of the murders due to their affinity for black trench coats and the Wiccan religion. It is the central thesis of this study that the media, witchcraft, and a false confession led not only to the imprisonment of Damien Echols, Jason Baldwin, and Jessie Misskelley but these factors also resulted in their release from prison.

II. Background

On the night of May 5, 1993, three eight-year-old boys, Christopher Byers, Stevie Branch, and Michael Moore, did not return home after school. One day later, police pulled their lifeless bodies out of a creek in their hometown of West Memphis, Arkansas.¹ Each of the

¹ Mara Leveritt, *Devil's Knot: The True Story of the West Memphis Three* (New York, Atria, 2002). 5-10

children was found nude and hogtied with their own shoestrings. Although the boys had similar injuries, unlike Stevie and Michael, Christopher's scrotum was gone and his penis was skinned. Stevie and Michael died from injuries consistent with drowning, but Christopher's cause of death stemmed from multiple wounds.²

The police issued little information regarding the brutal slayings the days following the trial. Police Chief Gary Gitchell did, however, give a statement in which he claimed that his team was not ruling out "gang or cult activity," but he was quick to add there was no evidence to support his notion. Gitchell created a profile for the killers not grounded in evidence, but instead, fear. As a result of this criminal profile, Damien Echols, 18, Jason Baldwin, 16, and Jessie Misskelley, 17, known collectively as the "West Memphis Three", were arrested after a confession from Misskelley. The West Memphis Three were charged with the murder of the three boys exactly one month after the deaths. The subsequent trials found Echols, Baldwin, and Misskelley guilty of capital murder. Misskelley was sentenced to life without parole for the murder of Michael and he received an additional twenty years each for the deaths of Stevie and Christopher. The jurors at Damien and Jason's joint trial believed Damien was the ringleader of the group; therefore, he was given the death penalty. Conversely, the jury viewed Jason as an accomplice, and as a result he was given a lesser sentence of life without parole for the three counts in the indictment.³

An unscheduled hearing on August 19, 2011, freed Damien, Jason, and Jessie from the cells they called home for eighteen years.⁴ The West Memphis Three entered Alford Pleas - a

² Leveritt, "Devil's Knot." 10-11, 158

³ *Ibid.* 14, 1, 92-93, 267,190, 275

⁴ *Ibid.* 348

legal maneuver that allows defendants to plead guilty while maintaining their innocence.⁵ Although the West Memphis Three are released from prison, they remain guilty in the eyes of the law.

III. Literary Review

This paper relies on existing scholarship in order to synthesize the three main elements that led to the imprisonment of the West Memphis Three: the media, a fear of Satanism, and Jessie Misskelley's coerced confession. Emily Battersby and Wolfgang G. Robinson argue that "the relationship between media and law is an amorphous, symbiotic one."⁶ Battersby and Robinson use their theory of the intersectionality of media and law as a microscope to examine how the community of West Memphis had preconceived ideas about who was guilty due to media headlines. "The Police Department found the 'killers' and the jury knew this," the authors assert, "not on the basis of personal experience, but on the vicarious experiences cultivated in the media."⁷ Dan Stidham, Haley Fitzgerald, and Jason Baldwin contend that 'Satanic Panic' – the phenomenon of using witchcraft to explain events⁸ - led to a modern day witch-hunt that resulted in the incarceration of three innocent teenagers.⁹ Finally, John H. Blume and Rebecca K. Helm acknowledge that the case against Misskelley relied "entirely on his confession" and without his statement "the prosecution's case could not have survived."¹⁰ Although these scholars address different circumstances surrounding the trials of the West Memphis Three, each are correct. The teenagers were victims of the media perpetuating undue fears of Satanism that led to increased

⁵ Sydney Schneider, "When Innocent Defendants Falsely Confess: Analyzing the Ramifications of Entering Alford Pleas in the Context of the Burgeoning Innocence Movement" (Winter 2013) 281-283

⁶ Emily Battersby and Wolfgang G. Robinson, "Paradise Lost: Media in Injustice and Injustice in Media," (Vol. 22, 2012) 32

⁷ *Ibid.* 49

⁸ Dan Stidham, Haley Fitzgerald, and Jason Baldwin, "Satanic Panic and Defending the West Memphis Three: How Cultural Differences Can Play a Major Role in Criminal Cases," (Summer, Vol. 42, 2012) 1068

⁹ *Ibid.* 1083-1086

¹⁰ John H. Blume and Rebecce K. Helm, "The Unexonerated: Factually Innocent Defendants Who Plead Guilty," (2014) 3

pressure on the West Memphis police force, resulting in a forced admission of guilt from one of the defendants.

Though media bias, unwarranted suspicions of satanic ritual killings, and a false confession contributed to the arrest of the West Memphis Three, this study argues that these elements were also crucial in their eventual release from prison. The 1996 documentary “Paradise Lost: Child Murders at Robin Hood Hills” followed the arrests and trials of Echols, Baldwin, and Misskelley. Joe Berlinger and Bruce Sinofsky, directors of the biopic, relied on footage from the trial and interviews with the suspects and their families as well as the relatives of the victims. Without narration, Battersby and Wolfgang resolve, “the film’s ultimate conclusion – that the West Memphis Three trials were miscarriages of justice – is never articulated.”¹¹ The documentary sparked a movement to “Free the West Memphis Three” and successfully changed public opinion in favor of the convicted teens. Battersby and Wolfgang make a case for the power of media in changing public perception of the convicts by concluding; “Absent these films [the Paradise Lost documentary trilogy], society, by and large, would not have formed an opinion about the West Memphis Three trials,”¹² following the intense media coverage. Furthermore, the fear of Satanism morphed into a fear of a modern-day witch-hunt. A nation that once feared satanic-ritual-abuse, now was terrified of a corrupt legal system that could use its power to incarcerate three teens for no other reason than they differed from societal norms due to their gothic lifestyles. Lastly, where Misskelley’s false confession led to the imprisonment of the West Memphis Three, a different sort of false confession led to their freedom, an Alford Plea.

¹¹ Battersby, “Media in Injustice,” 50

¹² *Ibid.* 53

IV. The Media Paints a Grisly Picture

International headlines reported the gruesome ‘ritual killings’ in West Memphis following the discovery of Moore, Branch, and Byers’s bodies. These reports created an environment of injustice in West Memphis. *The New York Times* reported that Echols, Baldwin, and Misskelley focused their art on “pentagrams, skulls, and snakes” and that they attended a football game “decked in black with black tears painted on their faces.”¹³ Despite acknowledging that there was no official motive for the case, *USA Today* informed readers “the three [boys] were sexually mutilated as part of some satanic ritual.”¹⁴ Attention-grabbing headlines aided in spreading the rumor that the killings were related to witchcraft. A caption for *Reuters News* declared, “Jury Selection Begins in ‘Satanic’ Murders Trial.” The article claims, “at least one of the defendants was active in a small ring of youthful Satan worshippers.”¹⁵ *The Commercial Appeal*, based in Tennessee, avoided the word ‘Satan,’ opting instead for the phrase “shadowy cult,” but the paper quoted Terry Hobbs, Stevie’s stepfather, stating “Satan worshippers... This is some of their work.”¹⁶ *The Ottawa Citizen* painted a grisly picture of Damien Echols. “Echols carried a cat’s skull, wrote satanic poems and called himself Damien [birth name is Michael],” the Canadian newspaper maintains, “he once told a minister he worshipped the devil.”¹⁷ The West Memphis police’s unwarranted killer profile permeated newspapers across the globe, vilifying the teens before they had their day in court.

News segments also hyped the aspect of devil-worship in their nightly news programs. KAIT 8 News, based in Little Rock, Arkansas, claimed that the community was not surprised the children were victims of a ritual killing. “Since the very beginning of the investigation, people all

¹³ “3 Teen-Agers Accused in the Killings of Three Boys,” *The New York Times*, June 6, 1993

¹⁴ Carol J. Castaneda, “2 Sides Emerge of Teens Accused in Slayings,” *USA Today*, June 7, 1993

¹⁵ “Jury Selection Begins in ‘Satanic’ Murders Trial,” *Reuters News*, January 20, 1994

¹⁶ Marc Perrusquia, “Parents of Slain Boys Face Own Trial of Grief,” *The Commercial Appeal*, January 28, 1994

¹⁷ William Thomas, “Arrests of Teens in Kids’ Killings Unleashes Father’s Fury,” *The Ottawa Citizen*, June 6, 1993.

around West Memphis have come forward with stories of satanic cults... One year ago Damien Echols told the church's youth minister he had a pact with the devil and he was going to Hell."¹⁸ Fear-mongering news stories such as this one engendered an atmosphere surrounding the case that was more concerned with religion than physical evidence.

The newspapers did not act alone in perpetuating the myth that the second-graders were offered as a sacrifice to Satan. As previously stated, the police planted the seed shortly after the discovery of the corpses by mentioning that they were looking into cult involvement. According to a case file of Dan Stidham, the defense attorney for the West Memphis Three, the "police leaked misinterpreted facts to the public via police scanners and later to the media itself."¹⁹ A community desperate for answers relied on hearsay and media fodder for details concerning the crime. The public, hungry for answers, was enthralled by the tales of a sadistic cult leader corrupting his friends into the dark realm of Satanism. These depictions of the suspects became the main source of information regarding the murders, causing the public to form false opinions about the teenagers.

On June 4, 1993, a day after police apprehended Echols, Baldwin, and Misskelley, Chief Gitchell held a press conference to inform the public the suspects were behind bars. Although Gitchell refused to comment on questions concerning motive, he did alert the media he was confident he had detained the killers. A reporter inquired, "On a scale of one to ten, how solid do you feel your case is?" To this, Gitchell smugly responded, "Eleven," before smiling to the applause that followed.²⁰ The media and Gitchell's sensational remarks added to the delusion that the boys were victims of a cult killing.

¹⁸ *Paradise Lost: The Child Murders at Robin Hood Hills*. Joe Berlinger and Bruce Sinofsky. June 22, 1996. HBO

¹⁹ Stidham, "Satanic Panic," 1067

²⁰ "Paradise Lost"

The media's obsession with the 'satanic killings' in a small Christian community in Arkansas rendered it impossible to find an unbiased jury. During voir dire for Misskelley's trial, a man was dismissed after admitting it would be difficult for him to not be persuaded by details he had heard concerning the case outside of court. Misskelley's confession was entered as evidence in his own trial, but he refused to testify against Echols and Baldwin, making the confession inadmissible in their subsequent hearing. However, defense attorneys for the case knew any potential jury pool would have heard the details in Misskelley's confession that implicated Echols and Baldwin considering the trials occurred in a short time span. On the first day of jury selection for the Echols and Baldwin trial, Judge Burnett asked the prospective jurors who in the room was not familiar with the details surrounding the case; no one raised their hands.²¹ The damage that the media created tainted the jury pool ensuring that the teens could not receive a fair trial.

V. Satan Takes Center Stage

The entire nation, not just West Memphis, feared satanic-ritual-abuse during the time that the brutal murders transpired. Throughout the 1980s and the 1990s, children accused adults, mainly teachers and parents, of abusing them during satanic rituals.²² Although many of these cases resulted in acquittal, some of the trials returned guilty verdicts. Further investigation found that in most instances, adult insistence caused the children to claim molestation by Satanists.²³ These paranoid delusions stemmed from an increase in satanic literature and an expansion of

²¹ Leveritt, "Devil's Knot," 157-212

²² Debbie Nathan, "Satan's Silence: Ritual Abuse and the Making of a Modern American Witch Hunt" (Authors Choice Press, Nebraska, 1995) 2-3.

²³ Nathan, "Satan's Silence," 2-3

beliefs that were subversive to Christianity.²⁴ America was in the midst of satanic panic resulting in the public and the courts to consider devil-worship as a motive for murder.

West Memphis was susceptible to crediting horrific events to demons and the devil due to the religious background of the community. The townsfolk fell victim to Demonology,²⁵ which caused the community to blame Satan for the unspeakable crime that occurred in Robin Hood Hills. Echols was an easy scapegoat for the crime due to his fascination with the color black and his collection of heavy metal music.²⁶

Following the arrests of the West Memphis Three, Damien Echols's name became synonymous with Satan. In a news interview with Pamela Hobbs, the mother of Stevie Branch, a reporter inquired if she believed that her boy was the victim of a satanic ritual killing, to which she responded that she did. When asked why she held this belief, Pamela answered, "Just look at the freaks! Just look at 'em. They look like punks."²⁷ Pamela was not alone in her perception that Damien and his friends stood out among others in West Memphis. Stidham notes that Echols was "West Memphis Weird" because he would "wear all black clothes year round" and read books from "an author named Stephen King" and "wrote dark poetry." Stidham concludes that these behaviors rattled the small community situated in the heart of the Bible Belt, whereas his gothic lifestyle would have been accepted in larger cities.²⁸ The police force attempted to connect the murders to the occult from the beginning of the investigation, and Echols's religious studies, drab garb, and love of Metallica made him a convenient target for the department.

²⁴ Demonology is the narrative, specific to every culture that identifies the ultimate evil threatening the group *Ibid.* 2-6

²⁵ *Ibid.* 33

²⁶ "Paradise Lost"

²⁷ *Ibid.*

²⁸ Stidham, "Satanic Panic," 1065

The suggestion that the second-graders were murdered as a sacrifice to the devil did not exist just in the media and the town of West Memphis - black magic found its way into the courtroom as well. During the trial for Echols and Baldwin, the prosecution bombarded Echols with questions about Satanism, witchcraft, and the occult. Investigators removed posters from Echols's bedroom, raided the local library for books checked out under his name, and put his journals on trial. State's Exhibit 116 was a skull found in Echols's bedroom. Concerning this evidence, the prosecutor questioned, "In addition, there was a skull of some kind - it looks like an animal skull... Are you familiar with this?" Echols replied, "It was a skull me and my stepdad...had found...it was a decoration for my room." Dissatisfied with the answer, the prosecutor prodded further probing if the skull had "any type of Satanic meaning" or "any type of cult meaning" and finally "any type of occult meaning;" each of these inquiries received a firm "no" from Echols.²⁹

Questions concerning Damien Echols's peculiar interests were prominent during his cross-examination. The state hurled questions at Echols such as, "Did you do a lot of reading about the Wicca religion?" "Did you like Metallica music?" "Did you ever use any of that material there [referring to spells found in a notebook of Damien's] to conjure up any evil or anything of that nature?" To each question regarding religious practices, Echols maintained that he was an avid reader of various religions including Wicca, Satanism, and Catholicism.³⁰ This tactic of putting Echols's religious studies on trial further influenced public opinion that he was a servant of Satan and steered not just the public, but also the jury into believing the legend that the killings were part of a ceremony for the devil.

VI. Misskelley's Coerced Confession

²⁹ Transcribed by Douglas O. Linder, University Of Missouri-Kansas City School of Law. *Famous Trials*

³⁰ Linder, "Famous Trials."

One month following intense media coverage on the morning of June 3, 1993, Detective Sergeant Mike Allen drove Jessie Misskelley to the police station for questioning regarding the murders at Robin Hood Hills. Detective Allen informed Misskelley that his father would have to sign papers to allow the police to interrogate him.³¹ During the ride to locate his father, Misskelley recalls, “While we was on the way, he told me if I knew anything, that there was a \$35,000 reward, and if I could help them out, we’d get the money.”³² The monetary aspect was significant to Misskelley since he and his father had little wealth.³³ Thus, the West Memphis Police manipulated the young Misskelley before the official interrogation began.

Unbeknownst to Jessie Misskelley during his interview, the West Memphis Police Department viewed him, Damien Echols, and Jason Baldwin as prime suspects in the massacres of Stevie Branch, Christopher Byers, and Michael Moore. Previously, police worked with Misskelley’s neighbor, Vicki Hutcheson, in an attempt to uncover new information about Echols, Baldwin, and Misskelley. Their efforts were futile, leading Gitchell and his team to bring Misskelley, an unaccompanied minor, into the police station for questioning. Detective Mike Allen gave Misskelley a ride to the police station at 9:45 A.M., where he remained for nearly twelve hours. While in custody, the detectives read Jessie his rights two different times. Allen, along with another officer from the department, Bryn Ridge, instructed Misskelley to sign the Miranda forms. Although Misskelley claimed to understand his rights, he was unable to sign his name in cursive.³⁴ Misskelley, a young and impressionable minor, was thrust into the middle of a murder investigation without proper representation.

³¹ Leveritt. 76

³² *Ibid.*

³³ Paradise Lost

³⁴ Leveritt, “Devil’s Knot,” 73-76

Next, the department's polygraph expert, Bill Durham, administered a polygraph examination to Jessie Misskelley. Of the experience, Misskelley recounts that Durham questioned him if he had ever used drugs three separate times in the course of the exam. Misskelley admitted to initially lying, but then confessed he had in fact used drugs in the past. According to Misskelley, Durham quipped back, "I know you have because I've seen you sell them." Misskelley adamantly denied any involvement with the distribution of drugs. It was then that Jessie recalled, "That's when he told me I was lying. He told me that my brain was telling him so." Misskelley, convinced Durham told him the machine had the capability to read minds, admitted he "didn't know what was going on" and did not understand how his "brain [could] be telling him that [he] was sitting there lying."³⁵ Misskelley's confusion regarding the process provides insight into how law enforcement was able to coax a confession from him.

By early afternoon, Gitchell conducted an unrecorded interview with Misskelley. During questioning, Misskelley expressed his desire to go home, to which Gitchell responded he could "go home in a minute" as he continued the interrogation. As Gitchell pressed for answers, Misskelley insisted the only details he knew concerning the case came from the press and town gossip. After relentless badgering from Gitchell, Misskelley, in an attempt to return home to his father, gave the chief the responses that he was desperately seeking. Unfortunately for the West Memphis police, however, Misskelley's responses did not align with the details of the crime. "They hollered at me until I got it right. So whatever he was telling me, I started telling him back," Misskelley reasoned, "I figured something was wrong, 'cause if I'd a killed 'em, I'd a known how I done it."³⁶ Jessie's account explains the many inconsistencies he told law enforcement during the unrecorded examination, including the time of death and what material

³⁵ *Ibid.* 78-82

³⁶ *Ibid.* 78 - 81

served as binding for the victim's arms and legs.³⁷ The West Memphis Police used Jessie's gullible nature to pressure him into implicating himself and their target suspects, Echols and Baldwin.

After hours of interrogation by police, Jessie Misskelley's account of events changed dramatically. The teenager who once proclaimed his innocence was now handing West Memphis Police their person of interest, Damien Echols, directly to them. By 2:20 P.M., Misskelley confessed to Gitchell that he had been at the crime scene during the murders.³⁸ It was only then that detectives decided to tape record the interrogation. Stidham notes that the detectives made a conscious decision to use a tape recorder instead of a video recorder because the detectives used pictures and body language to manipulate Misskelley's answers during the official interrogation.³⁹

Even with police priming, Misskelley's official testimony contained several factual errors. For example, Misskelley claimed that he, Echols, and Baldwin skipped school to murder the boys although this testimony did not match the evidence. Additionally, Misskelley asserted he and his friends bound the boys with rope, however; in actuality, shoestrings were used. Furthermore, dialogue between Misskelley and investigators indicate that police coached Misskelley with crime scene photographs during the interview.⁴⁰ Leading questions ensured Misskelley would provide police with information they wanted to hear. "Did anyone ever use – a stick and hit the boys?" Gitchell asked. Jessie had not previously mentioned a stick, but with prompting, he told police that Damien hit one boy with "kind of a big old stick."⁴¹ As further proof of police coercion, Misskelley's version of events aligned with Gitchell's interpretation of

³⁷ *Ibid.* 77-80

³⁸ Leveritt, "Devil's Knot," 80

³⁹ Stidham, "Satanic Panic," 1095

⁴⁰ *Ibid.* 1096

⁴¹ Leveritt, "Devil's Knot," 86

the evidence and not the medical examiner's report. Gitchell mistook the dilated anuses of the boys to be a sign of rape, when in actuality the swelling was consistent with the bodies being submerged in water. Moreover, Byers's penis was not skinned in the killings as first assumed, it was removed post-mortem by an animal.⁴² The unethical practices of the West Memphis Police Department made Misskelley, a naïve minor, a victim of police intimidation.

The police department's interrogation methods made Jessie Misskelley's susceptible to falsely confession because of his mental capacity. Misskelley scored a seventy-five on an IQ test a few years prior to the murders, placing him on the low end of normal. His verbal skills, however, were consistent with mental retardation. Despite these findings, the judge found Misskelley fit to stand trial.⁴³ In an examination following Misskelley's conviction, a psychologist determined that his IQ was not on the low end of average, but that Misskelley was in fact, mentally handicapped.⁴⁴ Misskelley, who has the reasoning capacity of a child, aimed to please the authority figures. The graphic photographs, eerie audio recordings, and the police manipulating Misskelley into believing he could not be reunited with his father at home until he correctly answered their questions, frightened Misskelley and left him vulnerable.⁴⁵ Gitchell, Allen, Ridge, and Durham latched onto Misskelley's economic and mental deficiencies in order to coerce a confession.

By today's standards, evidence that Jessie Misskelley's confession is false is compelling, but that was not the case in 1993. The psychology of false confessions substantially improved over the twenty years following Misskelley's trial. During the days leading up to the trial, Stidham realized that Misskelley's acknowledgement of involvement in the crime did not make

⁴² Stidham, "Satanic Panic," 1098

⁴³ "Paradise Lost"

⁴⁴ Stidham, "Satanic Panic," 1093

⁴⁵ *Ibid.* 1093-1096

sense, but the phenomenon of people falsely confessing to crimes was not understood at the time. Yet, Stidham, determined to find answers, began researching. “There were three to four people on the planet who knew and understood the dynamics and psychology of a false confession,” Stidham recalls, “I became the fifth or sixth.” Moreover, a confession is the most damning evidence that can be presented at a trial.⁴⁶ In order to win the case against Misskelley, his lawyers would have to convince the jury of the relatively new science behind false confessions. The prosecution’s case relied almost entirely on Misskelley’s confession.⁴⁷ Despite the inconsistencies in Misskelley’s confession to the evidence, ultimately, the jury was not persuaded that his profession of guilt was the result of police insistence.

VII. ‘Paradise Lost’ Changes Public Perception of the West Memphis Three

Following the release of ‘Paradise Lost: The Child Murders and Robin Hood Hills,’ the media that once vilified the ‘Satanic’ teens from West Memphis now embraced them. Newspapers that once speculated the teens were devil worshippers now viewed them as symbols of injustice, persecution, and an example of the failure of the American legal system. Concerning footage from the trial on the documentary, *USA Today* remarked, “The police have at best sketchy circumstantial evidence.”⁴⁸ In 1993, the public viewed the notion of a false confession as fantasy. Now, three years and one documentary later, the public understands the concept of a false confession and evidence of coercion is considered at trials. The *New York Times* described Jessie as the “shakiest of the three suspects” due to his “I.Q. of 72” and the fact that he “confessed to taking a minor part in the crime, then withdrew his confession.”⁴⁹ The lack of narration in “Paradise Lost” means the film’s ultimate conclusion is open to interpretation. The

⁴⁶ *Ibid.* 1090-1097

⁴⁷ Paradise Lost.

⁴⁸ Matt Roush, “Murder and Mayhem in a Grim ‘Paradise’,” *USA Today*, June 10, 1996.

⁴⁹ Walter Goodman, “3 Nightmarish Murders Followed by a Wave of Hate,” *New York Times*, June 10, 1996

Austin-American Statesmen concluded, “[The filmmakers] expose some troubling inconsistencies of criminal justice.”⁵⁰ These reports immediately following the release of the “Paradise Lost” showcased how public opinion was turning in favor of the West Memphis Three.

Not all newspapers, however, were willing to alter their perceptions of the convicted teenagers. The *Commercial Appeal*, a paper infamous for their portrayal of the ‘satanic’ teens, was not convinced. After expressing that the film has “nothing enlightening” and “much that offends,” the paper hypothesized, “When Joe Echols [Echols’s stepfather] asks what’s wrong with wearing black... what parent won’t wonder if it wasn’t just this sort of... irresponsible coddling of a kid who was already a juvenile delinquent that led Damien Echols from dabbling in the occult and drinking blood to murder?”⁵¹ The *Commercial Appeal* latched on to the sensationalism that disturbed teens sacrificed the children to Satan, despite the fact there are no proven instances of sexual-ritual-abuse in organized groups of Satanists.⁵² Although *Paradise Lost* changed the conversation surrounding the West Memphis Three, The *Commercial Appeal* refused to entertain the notion the teenagers may have been wrongly convicted.

“Paradise Lost” not only radically changed public perception of the West Memphis Three, but that of the directors of the biopic as well. Berlinger and Sinofsky’s original idea for the movie was to film the high-profile trial of three guilty and bloodthirsty teens, but upon interacting with the victims, the accused, their families, and the evidence, their views markedly transformed. “When we went down there, we were convinced that they'd done it, just based on what we read and because we met the victims' families first," Sinofsky told the *Austin American-Statesman*, “But then we met the boys' families and started digging, and it became more

⁵⁰ Anna Hornaday, “PROFILE: “Paradise Lost: The Child Murders at Robin Hood Hills,” *Austin-American Statesmen* March 7, 1996.

⁵¹ Bart Sullivan, “Film on W. Memphis is Depressingly Vivid and True,” *The Commercial Appeal*, June 9, 1996.

⁵² Stidham, “Satanic Panic,” 1081

difficult.”⁵³ This transformation of beliefs further illustrates how the media corrupted public opinion of the accused before they had their day in court.

The media reversed course after “Paradise Lost” highlighted the apparent injustice of three outcasts in a community of fundamentalists. Though the public once pressured the local police to find the perpetrator, citizens now declared that appellate courts should re-examine the evidence. Out of public interest, Sinofsky and Berlinger created a second documentary, “Paradise Lost 2: Revelations.” In addition to interviews with victim’s families and the West Memphis Three, the sequel focused on support groups that had formed following the initial film that raised funds and consciousness to the plight of the teens.⁵⁴ The “Paradise Lost” documentaries brought awareness to a group who might have otherwise lived out the rest of their days in prison.

Exposure to “Paradise Lost” caused the general public as well as celebrities to fight for the exoneration of the West Memphis Three. Johnny Depp, Metallica, Eddie Vedder of Pearl Jam, and Natalie Maines of the Dixie Chicks raised funds for the incarcerated and spread awareness about the lack of physical evidence.⁵⁵ The celebrity platform was beneficial to rallying support. In fact, whenever the media reported Depp’s involvement with the group, the public’s attention to the case boosted.⁵⁶ The general population likely would have lost interest after the trial ended without exposure from “Paradise Lost” and the celebrity platform.

VIII. West Memphis: A New Salem?

When the nude and broken corpses of three eight-year-old boys were pulled from a shallow creek bed in 1993, the nation feared satanic-ritual-abuse. However, as satanic panic

⁵³ Hornaday, “PROFILE.”

⁵⁴ *Paradise Lost 2: Revelations*. Bruce Sinofsky and Joe Berlinger, June 22, 2000.

⁵⁵ “Johnny Depp: Free the West Memphis Three,” *CBS News*, February 27, 2010.

⁵⁶ Battersby, “Media in Injustice,” 55

ceased and “Paradise Lost” premiered on HBO, the nation found a new fear: a modern day witch-hunt. Similarly to Salem, what happened in West Memphis was the result of an overly religious, tight-knit community that was susceptible to fears of subversion.⁵⁷ In both Salem and West Memphis, unspeakable tragedies unfathomable to the community resulted in demonology. The hysteria spread in Massachusetts and Arkansas, implicating citizens based on hearsay instead of physical evidence. By the end of the twentieth century, the public feared, more than any demon, a corrupt legal system that wielded the power to put Americans on death row for nothing more than social differences.

The comparisons of West Memphis to Salem were prevalent from the beginning of the trial. Perhaps a bit of foreshadowing, the Salem Witch Trials entered the courtroom during the cross-examination of Echols. As the state confronted Echols with books that he had checked out from the library, the prosecution drilled him concerning “a book on witchcraft by Cotton Mather.”⁵⁸ In an ironic twist, the prosecution failed to realize that Cotton Mather was a Puritan minister who did not celebrate Satanism, but in fact, warned about the dangers of witchcraft in his writings and celebrated the executions in 1692.

“Paradise Lost 2” used the notoriety from the original film as a tool to expose how the West Memphis Three were victims of a modern-day witch-hunt. For example, filmmakers interviewed Chris Worthington, a member of the “Free the West Memphis Three” support group. Expressing his concern for the failure of the judicial system, Worthington lamented, “This case is a travesty!...It is a case where someone is in prison right now because of prejudice.”⁵⁹ The prejudice Worthington speaks of is the same prejudice that existed in Salem against people who study beliefs that are seditious to Christianity.

⁵⁷ Stidham, “Satanic Panic,” 1072

⁵⁸ Linder, “Famous Trials.”

⁵⁹ Paradise Lost 2.

The fear of subversion mutated into a fear that America had regressed back to the age of the Salem Witch Trials. This transition from a fear of Satanists to a fear of a witch-hunt was essential to the eventual release of Echols, Baldwin, and Misskelley from prison. Where public opinion once corrupted the judicial process with tales of spells and sacrifices, concerned citizens once again aimed to influence the judicial process, but this time the goal was to “Free the West Memphis Three.” Support groups for the now adult men traveled to Echols’s appeals hearings in order to spread their message to anyone who would listen: the victim’s families, strangers, and the media. These justice-seeking persons sold t-shirts to raise money in an attempt to further spread the word. Not only did these members create a website and politic for the exoneration of Echols, Baldwin, and Misskelley, but they also corresponded with them in order to provide emotional support.⁶⁰ The documentaries, support groups, and concerned Americans effectively alerted the nation to the injustice that occurred in West Memphis in 1993. The horror of a corrupt legal process led to a national movement that culminated in Echols, Baldwin, and Misskelley pleading out of prison eighteen years after their conviction.⁶¹

VIII. The West Memphis Three Are Freed

Jessie Misskelley’s false confession was crucial in convicting the West Memphis Three in 1993, but a different kind of false confession, an Alford Plea, resulted in their freedom. The West Memphis Three entered an Alford Plea on August 19, 2011. Through this arrangement, Echols, Baldwin, and Misskelley pled guilty to lesser charges, and in exchange, the court gave ‘time served’ and an immediate release from prison to the West Memphis Three.⁶² The deal was contingent upon each of the three men accepting the plea bargain. If one of the men rejected the Alford Plea, the offer would have been withdrawn to the additional members. The opportunity

⁶⁰ *Ibid.*

⁶¹ Leveritt, “Devil’s Knot,” 348

⁶² *Ibid.* 4-5

arose in light of new DNA evidence - a hair found in the knot of Michael Moore's shoelaces - discovered in 2007 that did not implicate Echols, Baldwin, or Misskelley. Originally, Baldwin did not want to take the deal and instead go to trial in an attempt to become exonerated in the eyes of the law. Ultimately, Baldwin agreed to enter in the Alford Plea for his friend Damien Echols who faced execution by lethal injection if he lost at trial.⁶³ "This is not justice," Jason pronounced to the courts after pleading guilty, "However, they're trying to kill Damien, sometimes you just have to bite down to save somebody."⁶⁴ The West Memphis Three, although guilty on paper, were now free men.

Empirically, DNA evidence was not sufficient to overturn the West Memphis Three's guilty verdicts. Byers's corpse featured a mark on his forehead that was mistaken as a wound from a belt buckle during the original trials. Forensic scientists later determined the injury to be a bite mark. Like fingerprints, teeth indentions are unique. The court granted Echols a hearing based on the discovery and a dentist made molds of his, Baldwin's, and Misskelley's teeth. Their teeth molds did not match the impression on Byers's forehead. However, the prosecution brought to the stand a dentist who insisted the bite was not human. It is important to note, however, that he admitted he did not make a report or take notes concerning his investigation and he never billed the state for the examination.⁶⁵ This failure at appeal demonstrates how the hair may not have been effective in freeing the West Memphis Three. The follicle matched Terry Hobbs's DNA, the stepfather of Stevie Branch.⁶⁶ However the prosecution could easily claim Moore picked up the hair while at Hobbs's home, as he and Branch were friends. Therefore, it is

⁶³ Blume, "The Unexonerated," 6

⁶⁴ *Ibid.*

⁶⁵ Leveritt, "Devil's Knot," 315-334

⁶⁶ Shaila Dewan, "Defense Offers New Evidence in a Murder Case That Shocked Arkansas," *The New York Times*, October 30, 2007.

unlikely this DNA evidence would be the leading factor in the release of the West Memphis Three from prison.

Similarly to Jessie Misskelley's confession nearly two decades prior, the Alford Plea screamed of injustice. The judicial system made Echols, Baldwin, and Misskelley a deal they could not refuse, but the plea came with significant drawbacks. To begin, the West Memphis Three are likely innocent of the crime that they are legally guilty of committing. In turn, this means the victim's families will not see justice for the deaths of their sons since the courts view the murders as a closed case. Consequently, the West Memphis Three are unable to seek monetary retribution from the state for their imprisonment due to the fact that they were not exonerated.⁶⁷ Like many aspects of the case that transformed, a seemingly 'false' confession freed Echols, Baldwin, and Misskelley, although justice was hardly served.

Jason Baldwin recognized the irony of entering an Alford Plea after Misskelley's false confession eighteen years prior. "It took a false confession to put us in prison and it took a false confession to get us out," Baldwin remarked at a press conference following his release from incarceration.⁶⁸

IX. Conclusion

In the end, the three aspects of the trial that led to the convictions of the West Memphis Three progressed over nearly two decades and became the reasons for their release. First, the media played a large role in priming not only the jury, but also the prosecution, through their accepted narrative that Satanism and occultism causes crime. By focusing on the gossip, rumor, and hysteria surrounding the case, the media infiltrated the courtroom and prevented six youths from receiving justice. Second, Misskelley's low IQ, poor understanding of the legal system and

⁶⁷ Campbell Robertson, "Deal Frees 'West Memphis Three' in Arkansas," *New York Times*, August 19, 2011.

⁶⁸ Stidham, "Satanic Panic," 1101

his rights, and his financial status, made him an easy target for police coercion. These factors concerning Misskelley accompanied with the media narrative made the prosecution's case appear to be compelling. Finally, the continued existence of the Alford Plea in court cases deems possible innocent defendants guilty and closes off other investigations into the crime. Despite the fact that Echols, Baldwin, and Misskelley are no longer behind bars, they, as well as the families of the victims and the convicted, have yet to see justice in the case of Byers, Branch, and Moore and likely never will due to the problematic nature of the Alford Plea.

In this highly publicized case, nearly everything that could have gone wrong to prevent justice did. Although it is unlikely another case will be influenced by each of these elements simultaneously, grand media narratives, the vulnerability of certain populations to false confessions, and the Alford Plea system are still problems in the American judicial system. It is important to study each of these aspects in an effort to maintain impartiality within the courts.