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Wednesday, October 10, 2012

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Hearing set in Hicks lawsuit



Associated Press

Pam Hicks, center, talks to media outside the Crittenden County Courthouse on Friday, June 22, 2012 in Marion, Ark. Hicks is suing the city of West Memphis and the West Memphis police department, demanding to see the belongings her son, Steve Branch, had with him the day he was killed 19 years ago. Branch is one of three Arkansas Cub Scouts brutally murdered 19 years ago. Also pictured are her lawyer, Ken Swindle, left, law student Danny Owens, and Mark Byers, right. (AP Photo/Adrian Sainz)

By George Jared, Sun Staff Writer

WEST MEMPHIS — The mother of a slain 8-year-old boy will have a hearing before Circuit Court Judge Victor Hill on Oct. 24 to determine if she can view evidence and items collected in the 1993 death of her son Stevie Branch.

Pam Hicks has fought for months to examine reports, articles and other evidence collected during the infamous West Memphis Three case. Hicks filed a lawsuit against the West Memphis Police Department and Prosecutor Scott Ellington's office after they refused the request earlier this year.

Hicks claims the police and prosecutor are violating the Arkansas Freedom of Information Act. Ellington has countered that he is willing to let Hicks view some of the items including her son's clothes and a bike found at the crime scene, but he wouldn't allow her to see all the investigative materials.

Even though the case is closed, Ellington said he's still reviewing new evidence as it's presented by defense attorneys, and he doesn't want items and documents tampered with in the event the case is re-opened.

Arkansas law mandates evidence collected in a murder case be kept by police.

Hill will review the claim during the hearing which is slated to start at 10 a.m., according to court documents.

Branch and two playmates, Michael Moore and Christopher Byers were last seen playing near their home May 5, 1993. Their nude, hogtied bodies were found the next day in a drainage ditch not far from where they were last seen.

Three teens — Damien Echols, Jason Baldwin and Jessie Misskelley Jr., — were convicted in the deaths. They made Alford pleas in August 2011, and were immediately released from prison 18 years later.

The men claim they are innocent of the crime, and many support them including Hicks.

Byers' adoptive father, John Mark Byers is also a fervent supporter of the men, known as the "West Memphis Three." John Mark Byers is included in the lawsuit against the West Memphis Police Department and the prosecutor's office.