

IN THE CIRCUIT COURT OF CRITTENDEN COUNTY, ARKANSAS

STATE OF ARKANSAS

PLAINTIFF/RESPONDENT

vs.

Case No. 18CR-93-516

DAMIEN ECHOLS

DEFENDANT/PETITIONER

**RESPONSE TO MOTION**

State of Arkansas, for its response, states and alleges:

1. In this closed criminal case, Damien Echols filed his Motion. But for four reasons, this Court must summarily deny it. His Motion seeks civil—not criminal—remedies. So first, he’s failed to state facts upon which relief can be granted, and second, the Court lacks subject matter jurisdiction.<sup>1</sup> Third, the State of Arkansas has sovereign immunity against these civil claims.<sup>2</sup> And fourth, the Motion seeks relief from the City of West Memphis, so it’s a necessary party. But Echols doesn’t name the City as a party.<sup>3</sup>

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<sup>1</sup> Affirmative defenses of lack of jurisdiction over subject matter and failure to state facts upon which relief can be granted are claimed. Ark. R. Civ. P. 12(b)(1), (6).

<sup>2</sup> Affirmative defense of sovereign immunity is claimed. *Ark. State Med. Bd. v. Byers*, 2017 Ark. 213, 521 S.W.3d 459.

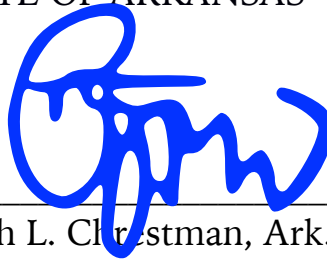
<sup>3</sup> Affirmative defense of the failure to join a party under Rule 19 is claimed. Ark. R. Civ. P. 12(b)(7).

2. State of Arkansas denies all allegations not otherwise admitted.
3. State of Arkansas also pleads, as additional affirmative defenses, insufficiency of process and insufficiency of service of process.
4. State of Arkansas reserves the right to plead further.

WHEREFORE, the State of Arkansas prays that the Motion for Declaratory and Injunctive Relief (filed 16 July 2021) be denied and for any and all other relief that, under the law, is just and proper.

STATE OF ARKANSAS

By:



Keith L. Chrestman, Ark. Bar No. 96098

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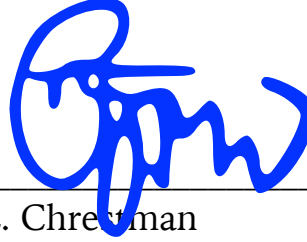
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## CERTIFICATE OF SERVICE

I hereby certify that, on the date stated below, a true and accurate copy of the foregoing was served upon the following by either first-class mail, by electronic mail, or through the Arkansas Judiciary's Electronic Filing System:

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Keith L. Chrestman  
Date: 30 July 2021