

WASHINGTON COUNTY, ARK
JAMES VOLLMAYER
CIRCUIT CLERK

IN THE CIRCUIT COURT OF WASHINGTON COUNTY, ARKANSAS

STATE OF ARKANSAS

PLAINTIFF

VS.

No. 5066

WALLACE PETER KUNKEL

DEFENDANT

NOTION FOR BILL OF PARTICULARS

Comes now the defendant, Wallace Peter Kunkel, and for his Motion states and alleges as follows:


(1) That the State should be required to furnish him with a Bill of Particulars setting forth the following information:

- (a) The exact time and place of the murder alleged in the information.
- (b) The exact type of murder weapon used and whether or not there was any fingerprints or other evidence which tends to connect defendant with said weapon.
- (c) The exact manner and means engaged and employed in the perpetration of the alleged murder, including the number of wounds on body of alleged victim, the location of the said wounds, the wounds which caused death, and the manner in which they caused death.

(2) The above and foregoing information is possessed by the Prosecuting Attorney, which information this defendant does not have nor is he able to obtain by diligent inquiry and the information is necessary to prepare a proper defense to the charges.

WHEREFORE, the defendant requests that the Court enter its Order ordering the Prosecuting Attorney to submit his Bill of Particulars setting forth the information as requested in the above Paragraphs A, B, and C.

WALLACE PETER KUNKEL, Defendant

BY 
 Richard Hipp of
 NIBLOCK AND HIP
 Attorneys at Law
 Box 182

CRIMINAL DOCKET

plus

CASE No.

NAME OF PARTIES

ATTORNEYS

CRIME OF

DATE

STATE OF ARKANSAS

DeLeon

Murder 1st degree

MONTH

PLTF.

per

VS.

Wallas Peter Kunkel

Richard H. Hipp + Niblock

DATE OF ORDERS

ORDERS OF COURT

ARRAIGNMENT

PLEA:

~~*Defendant plea of not guilty.*~~

Defendant postponed at request of

~~*4/12/71*~~

4/16/71

4/16-71

Motion to quash information and arrest - Hipp

4/19-71

Motion for Bill of Particulars - Hipp

4/19-71

Motion for Discovery & Inspection - Hipp

4/20-71

Amendment to Motion to quash - Hipp

4/22/71

Motion to quash & Demeris overruled. By order of court. Prosically required to furnish by copy of reports & other physical evidence in possession for inspection. By order of court. plea of not guilty.

4-20-71

Demeris of Sept - Hipp

FILED

DEC 22 PM 3:43

CLERK OF COURT
WASHINGTON COUNTY, ARK.
COURT HOUSE
FAYETTEVILLE, ARK.

IN THE CIRCUIT COURT OF WASHINGTON COUNTY, ARKANSAS

STATE OF ARKANSAS

PLAINTIFF

VS.

5066

WALLACE PETER KUNKEL

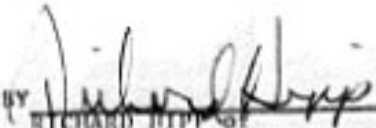
DEFENDANT

PETITION FOR WRIT OF HABEAS CORPUS

Comes now Wallace Peter Kunkel and shows to this honorable Court that he is unlawfully detained in the custody in the Fayetteville City Jail upon an Information issued by the Prosecuting Attorney for the Fourth Judicial District, Hon. Mahlon G. Gibson; that said defendant has been detained and incarcerated since April 12th, 1971, at approximately 10:30 P.M., and deprived of his liberty; that he is entitled to a preliminary hearing which has not been tendered, and further, that he is entitled to bail, which has not been tendered, and further, that he is entitled to bail, and he respectfully submits that he is entitled to a Writ of Habeas Corpus.

WHEREFORE, the Petitioner prays that a Writ of Habeas Corpus be issued, commanding the Sheriff of Washington County, Arkansas, to produce the body of Wallace Peter Kunkel before this honorable court to the end that he be discharged from custody, or permitted to give bail, to insure his presence at the call of this Court, and for such further and proper relief to which he may by law be entitled.

WALLACE PETER KUNKEL, Defendant

BY 
RICHARD HIPPI OF
NIBLOCK AND HIPPI
Attorneys for Defendant
Box 182
Fayetteville, Arkansas

FILED

APR 25 1971
CITY CLERK
CLERK

IN THE CIRCUIT COURT OF WASHINGTON COUNTY, ARKANSAS

STATE OF ARKANSAS
VS. *5066*
WALLACE PETER KUNKEL

PLAINTIFF
DEFENDANT

WRIT OF HABEAS CORPUS

The State of Arkansas, to the Sheriff of Washington County:

You are commanded to have the body of Wallace Peter Kunkel, detained in your custody, as it is said, together with the day and cause of his being taken, before me at the Courthouse in Fayetteville Ark on the 25th day of April, 1971, at the hour of 1 PM o'clock in the forenoon, and then and there state in writing the term and cause of his imprisonment, and produce your authority for so doing. And hereof you are not to fail under the heavy penalties denounced by the law against those who disobey this writ, and to submit to and receive all those things which shall then and there be adjudged in this behalf.

Given under my hand this 20 day of April, 1971.

Walter D. [Signature]
Circuit Judge

IN THE CIRCUIT COURT OF WASHINGTON COUNTY, ARKANSAS

STATE OF ARKANSAS

PLAINTIFF

VS.

No. 5066

WALLACE PETER KUNKEL

DEFENDANT

AFFIDAVIT OF ATTORNEY IN SUPPORT
OF MOTION FOR PRODUCTION

Comes now the undersigned, Richard Hipp, attorney at Law and being first duly sworn states as follows:

(1) That the affiant is the attorney for the defendant, Wallace Peter Kunkel.

(2) That this affiant has knowledge that on the night of April 12, 1971, this defendant was taken into custody by local police authorities, and that said police authorities removed the clothing of defendant, namely the defendant's coat, shirt, and trousers, and that the Prosecuting Attorney of Washington County, Arkansas, or police authorities caused said articles of clothing to be delivered to the ANL Laboratory of Fayetteville, Arkansas for the purpose of determining whether or not there was blood on said clothing and if so the type of said blood.

(3) That after said clothing was delivered to said ANL Laboratory, certain washings of the clothing was made to extract samples of said blood for the purpose of typing the blood.

(4) That the said articles of clothing were thereafter sent to the State Medical Examiner or State Medical Laboratory for further and more extensive tests and that certain blood samples were removed from the said clothing.

(5) That both the ANL Laboratory and the State Medical Laboratory have in its possession the said washings of blood samples removed from said clothing.

(6) That a certain sharp instrument has been discovered which

allegedly may be the murder weapon and that certain laboratory tests have been performed on said instrument.

(7) That as attorney for defendant, it is necessary and essential that I have access to the blood samples removed from said clothing and that I be allowed to examine said articles of clothing and have laboratory tests performed on said articles of clothing and also have laboratory tests performed on the alleged murder weapon.




RICHARD HIPPO
Attorney for Wallace Peter Kunkel

VERIFICATION

STATE OF ARKANSAS)
) SS
COUNTY OF WASHINGTON)


I, Richard Hipp, attorney for the defendant herein, state that I have read the above and foregoing Motion and Affidavit and that the facts, statements, and allegations therein contained are true and correct to the best of my knowledge and belief.

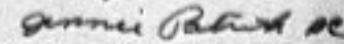
19 IN WITNESS WHEREOF I have hereunto set my hand and seal this
day of April, 1971.



Richard Hipp

Subscribed and sworn to before me this 19th day of April, 1971.



Notary Public


My Commission Expires:

No.

WASHINGTON CIRCUIT COURT
BENCH WARRANT

STATE OF ARKANSAS

Vs.

STATE OF ARKANSAS, }
County of Washington }

I hereby certify that I have this 16
day of April 19 71
duly served the within Warrant by ar-
resting the within defendant and tak-
ing \$ bond for his appearance
of the Term 19 ..
of the Washington Circuit Court.

Bill Long Sheriff.

D. S.

FEEES—	Service	- - \$	<u>2.00</u>
	Mileage	- - \$	<u>60</u>
	Return	- - \$
	Total	- - \$	<u>2.60</u>

Filed this day of 19 ..

..... Clark.

By D. C.

CASE NO. 5066

BENCH WARRANT

THE STATE OF ARKANSAS,

To any Sheriff, Constable, Policeman or Marshall of this State:

YOU ARE COMMANDED forthwith to arrest Kellens Daleo Kunkel

and bring him before the Washington Circuit Court to answer an information in that Court against him for

Murder in the First Degree

or if the Court be adjourned for the term

that you deliver him to the jailor of Washington County, Arkansas.

WITNESS my hand and seal of said Court, this 16th day of April 19 31

Alvin L. Sawyer Clerk

D. C.

The defendant may give bail in the sum of \$..... and the same may be taken by the Sheriff of the County in which he may be arrested, or by the Sheriff of Washington County.

..... Clerk

D. C.

APR 16 1931
POLICE DEPARTMENT
WASHINGTON COUNTY
ARKANSAS

*Filed 10:44 am
Apr 20, 1971
Clara K. Kallalizer
Circuit Clerk, Washington Co.
By: Ruth [unclear] D.C.*

IN THE CIRCUIT COURT OF WASHINGTON COUNTY, ARKANSAS

STATE OF ARKANSAS

PLAINTIFF

VS.

No. 5966

WALLACE PETER KUNKEL

DEFENDANT

DEMURRER

Comes now the defendant, Wallace Peter Kunkel, and for his Demurrer to the Information filed herein by the State and states as follows:


(1) The Information fails to describe and particularize the alleged violation of the laws of the State of Arkansas, made the basis of the Information, with sufficient definiteness and certainty to inform defendant of the precise act or acts which it is alleged he did in violation of the laws of the State of Arkansas. There is such vagueness and indefiniteness in the statement of alleged acts in violation thereof that defendant is not so informed of the nature and cause of the accusation as to enable him to prepare his proper defense.

(2) The Information and each count and allegation thereof are so vague, general and indefinite that it violates the rights guaranteed to the defendant by the Fifth and Sixth Amendments to the Constitution of the United States, and is couched in such general terms and language that not only is defendant unable to prepare its defense, but he could not plead an acquittal or conviction in bar of any other proceedings against him, based on the matters or things, or any of them, on which said Information is based.

(3) The allegations of the Information, purporting to charge and describe are mere conclusions.

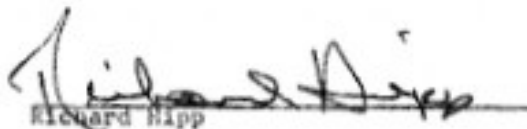
WHEREFORE, defendant Wallace Peter Kunkel asks that the
Information filed herein by the State of Arkansas be dismissed.

WALLACE PETER KUNKEL, Defendant

BY 
Richard Hipp of
NIBLOCK AND HIPP
Attorneys at Law
Box 182
Fayetteville, Arkansas

CERTIFICATE OF SERVICE

I, Richard Hipp, one of the attorneys for the defendant herein,
state that I have caused to be deposited in the U. S. Mails, postage
prepaid, a true and correct copy of the above and foregoing Demurrer,
to Hon. Mahlon Gibson, attorney for the plaintiff herein, at his
office address in the City of Fayetteville, Arkansas on this 25
day of April, 1971.


Richard Hipp

IN THE CIRCUIT COURT OF WASHINGTON COUNTY, ARKANSAS

STATE OF ARKANSAS

PLAINTIFF

VS.

No. 8866

WALLACE PETER KUNKEL

DEFENDANT

DECURRER

Comes now the defendant, Wallace Peter Kunkel, and for his Decurrer to the Information filed herein by the State and states as follows:

(1) The Information fails to describe and particularize the alleged violation of the laws of the State of Arkansas, made the basis of the Information, with sufficient definiteness and certainty to inform defendant of the precise act or acts which it is alleged he did in violation of the laws of the State of Arkansas. There is such vagueness and indefiniteness in the statement of alleged acts in violation thereof that defendant is not so informed of the nature and cause of the accusation as to enable him to prepare his proper defense.

(2) The Information and each count and allegation thereof are so vague, general and indefinite that it violates the rights guaranteed to the defendant by the Fifth and Sixth Amendments to the Constitution of the United States, and is couched in such general terms and language that not only is defendant unable to prepare its defense, but he could not plead an acquittal or conviction in bar of any other proceedings against him, based on the matters or things, or any of them, on which said Information is based.

(3) The allegations of the Information, purporting to charge and describe are mere conclusions.

WHEREFORE, defendant Wallace Peter Kunkel asks that the
Information filed herein by the State of Arkansas be dismissed.

WALLACE PETER KUNKEL, Defendant

BY

Richard Hipp of
NIBLOCK AND HIPPI
Attorneys at Law
Box 182
Fayetteville, Arkansas

CERTIFICATE OF SERVICE

I, Richard Hipp, one of the attorneys for the defendant herein,
state that I have caused to be deposited in the U. S. Mails, postage
prepaid, a true and correct copy of the above and foregoing Deurrer,
to Hon. Mahlon Gibson, attorney for the plaintiff herein, at this
office address in the City of Fayetteville, Arkansas on this _____
day of April, 1971.

Richard Hipp

CERTIFICATE OF SERVICE

I, Richard Hipp, one of the attorneys for the defendant herein, state that I have caused to be deposited in the U. S. Mails, postage prepaid, a true and correct copy of the above and foregoing Motion for Bill of Particulars, to the Hon. Mahlon Gibson, attorney for the plaintiff herein, at his office address in the City of Fayetteville on this 17 day of April, 1971.


Richard Hipp

FILED
APR 19 1972
WASHINGTON COUNTY, ARK
ALVIN HOLMEYER
CLERK

IN THE CIRCUIT COURT OF WASHINGTON COUNTY, ARKANSAS

STATE OF ARKANSAS
VS.
WALLACE PETER KUNKEL

No. 5066

PLAINTIFF
DEFENDANT

MOTION FOR DISCOVERY
AND INSPECTION

Comes now the defendant, Wallace Peter Kunkel, and for his Motion states as follows:

(1) That the Washington County Coroner should be ordered to produce and supply all official records of his office pertaining to the death of Pauline Stormont on or about the 12th day of April, 1971.

(2) That the Prosecuting Attorney should be ordered to supply to defendants attorney the results of the blood tests made by ANL Medical Lab of Fayetteville.

(3) That ANL Laboratory of Fayetteville, which has purportedly made and performed certain tests on the blood specks allegedly found on defendants clothing, should be ordered to produce samples of the washings of the blood removed from the said clothing.

(4) That the Prosecuting Attorney should be ordered to produce all the garments of clothing and any other evidence taken from defendant when arrested or thereafter for inspection and testing by defendant.

(5) That the Prosecuting Attorney should be required to produce the alleged murder weapon for inspection by defendant.

(6) That the State Medical Laboratory should be ordered to produce and supply all official records and findings made by it pertaining to the death of Pauline Stormont. Further, that the

State Medical Laboratory, which allegedly performed certain tests on blood found on defendants clothing, should be ordered to produce samples of the washings of the blood removed from the said clothing. That this information and samples are very relevant to defendant's preparation of his defense.

(7) Defendant further moves the Court to order the Prosecuting Attorney to furnish a list of witnesses that the Prosecuting Attorney intends to use at the trial herein, and further that upon discovery of additional witnesses the Prosecuting Attorney should be required to supplement the list within three days or immediately if the discovery comes within three days of a trial of this cause.

WHEREFORE, defendant prays that the Court enter its order as requested in Paragraphs one through seven above and for any and all further relief to which defendant may be entitled.

WALLACE PETER KUNKEL, Defendant

BY: 

Richard Hipp of
NIBLOCK AND HIPPE
Attorneys at Law
Box 182
Fayetteville, Arkansas

FILED

APR 27 1971
WALLACE PETER KUNKEL
A. J. HIBLOCK & RICHARD HIPP
ATTORNEYS AT LAW
FAYETTEVILLE, ARKANSAS

IN THE CIRCUIT COURT OF WASHINGTON COUNTY, ARKANSAS

STATE OF ARKANSAS

PLAINTIFF

VS.

No. 5066

WALLACE PETER KUNKEL

DEFENDANT

AMENDMENT TO MOTION
TO QUASH

Comes now the defendant Wallace Peter Kunkel and for his Amendment to his Motion to Quash filed herein on April 16, 1971 and states as follows:

(1) That the defendant affirms and adopts each and every paragraph of the previous said Motion to Quash.


(2) That additionally defendant states as follows:

That the detention and custody of the defendant prior to formal charges being filed was in violation of Arkansas law and in violation of Constitutional due process requirements provided under the 14th Amendment to the Constitution of The United States.

WHEREFORE, defendant, Wallace Peter Kunkel, requests that the purported arrest and Information filed herein be quashed, set aside and that defendant, Wallace Peter Kunkel, be released from custody forthwith.

WALLACE PETER KUNKEL, Defendant

BY


Richard Hipp of
HIBLOCK AND HIPP
Attorneys at Law
Box 182
Fayetteville, Arkansas

CERTIFICATE OF SERVICE

I, Richard Hipp, one of the attorneys for the defendant herein, state that I have caused to be deposited in the U. S. Mails, postage prepaid, a true and correct copy of the above and foregoing Amendment to Motion to Quash, to Hon. Mahlon Gibson, Prosecuting Attorney, at his office address in the City of Fayetteville, Arkansas on this 20th day of April, 1971.



FILED

APR 16 PM 3:16

WASHINGTON COUNTY, ARK
L. S. MEYER
CLERK

IN THE CIRCUIT COURT OF WASHINGTON COUNTY, ARKANSAS

STATE OF ARKANSAS

PLAINTIFF

VS.

5066

WALLACE PETER KUNKEL

DEFENDANT

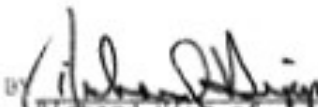
NOTION TO QUASH
INFORMATION AND ARREST

Comes now the defendant, Wallace Peter Kunkel, and for his Motion to Quash states as follows:

- (1) That the arrest of defendant was without probable cause.
- (2) That the information filed herein against this defendant was filed without probable cause.
- (3) That the said information was not issued and served in the form and manner required by law.

WHEREFORE, defendant, Wallace Peter Kunkel, requests that the purported arrest and information filed herein be quashed, set aside and that defendant, Wallace Peter Kunkel, be released from custody forthwith.


WALLACE PETER KUNKEL, Defendant

BY 

Richard Hipp of
HIBDOCK AND HIPP
Attorneys for Defendant
Box 182
Fayetteville, Arkansas

CERTIFICATE OF SERVICE

I, Richard Hipp, one of the attorneys for the defendant herein, state that I have caused to be deposited in the U. S. Mails, postage prepaid, a true and correct copy of the above and foregoing Motion to Quash, to Hon. Mahlon Gibson, Prosecuting Attorney, at his office address in the City of Fayetteville, Arkansas on this 16th day of April, 1971.


Richard Hipp

NO. _____

State

Plaintiff

W. Peter Kunkel

Defendant

STATE OF ARKANSAS

County of Washington

} ss.

I hereby certify that I have this day served the within by reading the same and stating the substance thereof to the within named

*Sherry Long, Chief, Spencer
Capt. Robinson, Sgt. Stutchen
R.D. Arnold, P. Hinley
M. Phelan, Marvin Blankin*

By Sh.

This *20th* day of _____ 19____

Bill L Long Sheriff
Betty Jo Coffey D.S.

FEEES

Service	\$	<i>9.00</i>
Mileage	\$	<i>4.50</i>
		<hr/>
		<i>13.50</i>

C-2

4-16-71

File in front of Civil
Case Files

No 5066

STATE

vs.

Wallace Peter Kuebel

CRIMINAL

Washington County,

ARKANSAS

INFORMATION

IN THE WASHINGTON COUNTY CIRCUIT COURT

STATE OF ARKANSAS, Plaintiff

vs.

Wallace Peter Kunkel

No. 5066

Defendant

FILED

1971 APR 15 AM 10:43

WASHINGTON COUNTY, ARK

ALBERT KOLLMEYER

CIRCUIT CLERK

Comes, Mahton G. Gibson, the Prosecuting Attorney of the 4th Judicial

District of the State of Arkansas, and upon his official oath, in the name and by the authority of the State of Arkansas, upon information, accuses Wallace Peter Kunkel

of the crime of Murder in the First Degree committed as follows, to-wit:

The said Wallace Peter Kunkel

in said Washington County, State of Arkansas, on or about the 12th day of

April, 1971.

did unlawfully, feloniously, wilfully, with malice aforethought and with premeditation and deliberation kill and murder one Pauline Storment, by stabbing her with a sharp instrument, causing the death of said Pauline Storment,

5065
4/20/71
3:02 P.M.

Subpoena in the Circuit Court

STATE OF ARKANSAS
COUNTY OF WASHINGTON

WIT

The State of Arkansas to the Sheriff of Washington County—Greeting:

WE COMMAND YOU TO SUMMON Celeste Johnson

APR 21 1971
CLERK OF COURT

to appear before the Circuit Court of Washington County, Arkansas, on the 20th day of April
at 11, forthwith to testify and the truth to speak, on behalf of Plaintiff _____ Defendant _____ in a cause
now pending in said court whereas the State of Arkansas is Plaintiff
_____ is defendant and have you then and there this writ, with a return
thereon showing in what manner you may have executed the same.

WITNESS my hand and seal as Clerk of said Court, this 20th day of

April 19 71

Alma Hollmeyer Clerk
Kathleen Hollmeyer D. S.

SUBPOENA IN THE CIRCUIT COURT

5065
MPP
4/19/71
4:36 P.M.

STATE OF ARKANSAS }
COUNTY OF WASHINGTON } ss.

The State of Arkansas to the Sheriff of Washington County—Greeting:

WE COMMAND YOU TO SUMMON Sheriff Bill Long, Fayetteville Chief of Police,
Hollis Spencer, Captain Gek Glen Higgins of Fayetteville Police Dept.,
Sgt. Clint Hutchens, Officer R. E. Arnold, 443-2140 Richard Finley, 521-1435 Michele Phelan,
Officer Gaines, Officer Ronnie Haskins, both of Fayetteville Police Dept.
442-5082 521-3172

to appear before the Circuit Court of Washington County, Arkansas, on the 20th day of April
1971 at 10:00 A.M., forthwith to testify and the truth to speak, on behalf of Plaintiff Defendant X. in a cause
now pending in said court whereas the State of Arkansas is Plaintiff

W. Peter Kunkel is defendant and have you then and there this writ, with a return
thereon showing in what manner you may have executed the same.

WITNESS my hand and seal as Clerk of said Court, this 19th day of
April, 1971

Alma Kolmeyer Clerk
D. C.

VERIFICATION

STATE OF ARKANSAS)
) SS.
COUNTY OF WASHINGTON)

Comes now Wallace Peter Kunkel, petitioner herein, and states that the above and foregoing statements and facts and allegations are true and correct as he verily believes.

Witness my hand on this 16th day of April, 1971.



WALLACE PETER KUNKEL

Subscribed and sworn to before me on this 16th day of April, 1971.



NOTARY PUBLIC

My Commission Expires:

6-1-74