

The Wrongful Conviction of Jamie Snow – EYEWITNESS ID ISSUE

CASE SUMMARY:

In 2001, Jamie Snow was wrongfully convicted for the 1991 murder of a gas station attendant during an apparent robbery in Bloomington, Illinois. He is currently serving a life sentence without the possibility of parole in Stateville prison in Joliet, Illinois. In 2008, his case was accepted by the University of Chicago's Exoneration Project. We are currently appealing the denial of his post conviction petition.

There is no physical evidence linking Jamie Snow to this crime, although there IS physical evidence in the form of bloody shoeprints, fingerprints, and bullets. The Courts have denied our requests to have this evidence tested.

Although there are many twists and turns to this case, this wrongful conviction hinged primarily on the testimony of a "star witness" who attended a physical line up shortly after the crime occurred, and failed to identify Jamie. As well as numerous photo arrays over the years which included Jamie's picture, in one notable occasion, choosing two suspects and expressing "It's between these two" neither of which were Jamie Snow. It wasn't until nearly 10 years later that the "star witness" suddenly identified Jamie in a private meeting with the state's attorney's office, from (ironically), a photo of the original line up.

Jamie's co-defendant was tried first, and she was found not guilty. The case was primarily built on proving Jamie was the "trigger man." In that trial, the "star witness" claimed he was "85 percent sure" it was Jamie Snow that he saw, months later in Jamie's trial, the "star witness" claims he was "100 percent" sure it was Jamie Snow that he saw.

Additionally, Jamie was convicted based on a litany of jailhouse informants, each with a different accounting of Jamie's "confession." Many of whom have since recanted their testimonies and admitted to police pressure or seeking deals.

In 2004, Jamie went pro se, and gained access to discovery of his case. A taped police interview from the first officer on the scene completely contradicted the "star witness" testimony. This was the first time that Jamie heard this interview. It was not presented in court. Additionally, Jamie passed a lie detector test, however, there were two jailhouse informants that took lie detector tests concerning this case, but the state refuses to give us the results. Apparently, they stopped giving the tests after these two.

ID WITNESS ISSUE

There were three eyewitnesses to the crime.

- 1) **Gutierrez** reported that he had gone into the gas station to pay for gas, and there was someone standing by Bill Little (the victim), and that Little's hands were shaking so badly that he dropped the change when he tried to hand it back to him. He described the man beside him as having a thin face, earring, and chin scar. After he returned home he said he heard about the shooting and returned to the station to tell police what he had seen. They used Gutierrez' composite to

circulate on flyers. Gutierrez attended the physical line up as well as reviewed mug books. He never identified Snow as the suspect.

- 2) **Luna** was a 14 year old boy at the time of the crime. He was reportedly looking out his window from approximately 200 ft. away when the suspect came out of the store. He described him as a white male, 5'11", black baseball cap, long black trench coat, blue jeans and white shoes, and stated that he didn't see anyone else around him. He stated when the suspect turned the corner; he saw lights and heard sirens. He was also asked during the trial if he knew the "star witness" Danny Martinez. He answered yes, and also testified that he did not see Martinez at the scene. Luna was the only witness that picked Snow out of the line up. In his testimony, he said, "I just imagined everyone of them doing it and he came to mind and he fit the picture." Luna has since recanted his identification in a sworn affidavit. In Luna's affidavit, he stated, "*As a 14 year old boy I thought the police had caught the right person, because of this I identified Jamie Snow.*" There were 6 people in the line up, where would he have gotten the idea that Jamie Snow was the "right person" unless it had been suggested to him? The sketch artist would not even use Luna's description for a sketch because he couldn't provide enough detail.
- 3) **Martinez** was the "star witness" in this case. He testified that he was putting air in his tires and when he was done, started walking towards the store and saw someone coming out. He said he heard what he thought was his car backfiring, thought it was going to die so he turned around, decided it wasn't going to die, and turned around quickly and almost ran into the suspect. He said they were both surprised because they almost ran into each other. He described the person as being a white male, baseball cap, thin, 5'8", white tennis shoes, short brown spring jacket. That was his initial description, but it changes slightly over the years. For example, in Claycomb's trial, he said the suspect had on dark tennis shoes.

We will focus on Martinez because he is basically the only eyewitness left. Below are inconsistencies in his statements and testimony:

- Martinez identified Snow 8 years after the crime. After he had been presented with Snow's picture numerous times:
 - o **04/01/91** - Photo book - the day after the crime, in which he did not pick Snow, but picked two others and stated "it's between these two." (*It's notable that Gutierrez also picked one of the same photos that Martinez picked*)
<http://www.freejamiesnow.com/docs/betweenthesetwo.jpg> (only recently obtained from a FOIA request)
http://www.freejamiesnow.com/docs/PR_MartinezID1.pdf
 - o **06/21/91** - In person lineup - in which Snow participated (#6), Martinez asked for #3 and #4 to move forward, and said that '#3 looked like the person, but was not positive.' (*It is also notable that Innocence Project recommends that the detectives on the case should NOT be the ones to conduct the physical line ups, as they may unknowingly suggest a suspect. The officers that conducted the line up were the ones investigating the case.*)
http://www.freejamiesnow.com/docs/PR_linup062191.pdf

- **10/22/91** - Photo book , again, he did not pick Snow, but picked another photo.
http://www.freejamiesnow.com/docs/PR_MartinezID2.pdf
 - **11/03/93** - Photo books in which he did not pick anyone.
http://www.freejamiesnow.com/docs/PR_MartinezID3.pdf
- On March 4, 1999 Martinez was interviewed again – this was shortly **before** Snow’s arrest. This interview was taped.
- The first officer on the scene (Pelo) was also interviewed on tape two days before, on March 2, 1999, and it completely contradicted Martinez’ account of events. Snow only became aware of the officers interview well after his conviction, in 2004 when he went *pro se* and received the discovery.
 - Martinez Taped Interview (**3/4/99**):
http://www.freejamiesnow.com/docs/INT_Martinez030499.pdf
 - **Martinez:** At that time I was putting air in my tire I heard my car backfired, what I heard, backfire and I end up putting uh finishing putting air in my tire and I start walking to the gas station to get my pop or whatever I was gonna go in the gas station for and at that turned i saw a individual come out of the gas station backwards. I had uh walked maybe a couple steps and I heard my car was about to die. I heard it backfire and **I turned around and when I turned around to go back to the gas station I had ran into a, someone and he was kind of uh shocked to see me there.** Um, and then he walked around the corner and I, I was going toward the building and I heard someone say hey back up and I turned around and it was an officer across the street at the credit union and uh he said did you see anybody and I said yes I just saw someone right there and then uh another person went around the building. He had yelled out to a person was with a black truck next door to the building and told the gentleman to get in his truck and get out of here and that gentleman did and he asked me, I told him where I lived and he said just back up your car and go on home.
 - Pelo Taped Interview (**3/2/99**): http://www.freejamiesnow.com/docs/Int_Pelo.pdf
 - **Pelo:** In the Clark station parking lot was a older car, blue, with a male putting air in the tires as I was watching it I was watchin the front of the station. There was no, couldn't see any movement or anything inside. Ran the license plate number of the blue vehicle that was in the lot. One of the dispatchers was givin me a hard time about runnin the plate cuz leads was down, and **the male walks from his car towards the station stops looks back towards his car; turns walks towards the station some more; stops and turns around and goes back to his vehicle got in it,** can't remember if he was backin out of the lot or did a little u-turn and drove off the lot.

- Pelo states several times in this interview that he never saw anyone around Martinez, and he never spoke to Martinez. He is asked this over and over, and it is repeated several times in this interview. It was never used in court. Even though the interviews were taped only 2 days apart, they did not use the police officers interview, but did use Martinez' interview in court, even though his witness ID is very questionable.
- In the Martinez 1999 taped interview (**before** Snow's arrest) Detectives mentions by name "Jamie Snow" 5 times in 8 questions. (*This goes to the "suggestive tactics" from the Innocence Project recommendations*)

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Detective Katz: Ok. Do you know a person by the name of **Jamie Snow**?

Martinez: Oh no. I never met the person, but I've heard the name around town.

Detective Katz: You've never seen his face that you're aware of?

Martinez: That I'm aware of I have never seen his face.

Detective Katz: You just heard his name.

Martinez: I've seen I don't know if uh Detective Crow had shown me pictures of him or uh if uh he was one of the guys in the lineup that I had uh, uh done but uh otherwise I as far as my memory...

Detective Katz: If a person walked in here light now you would not be able to tell me if that's **Jamie Snow** or not?

Martinez: No.

Detective Katz: Ok.

Detective Barkes: So you, prior to this incident happening at tire Clark station you didn't know **Jamie Snow** from Mary Blue?

Martinez: No.

Detective Katz: So you would have never told any police officer or any detective or anybody that would have asked you about this person that you saw at the gas station you wouldn't have said well that's, it could have been **Jamie Snow** because I know **Jamie Snow**.

Martinez: That's correct, but with me I know people by their faces but not by their name.

Detective Katz: Ok did you know this face?

Martinez: No. Not at all.

- In the Martinez 1999 taped interview (**before** Snow's arrest) Detective Barkes admits to giving victim's mother the witness's telephone number.

- o **PAGE 14:**

Martinez: And another thing I wanted to say is that **I don't know who called Mrs. Little to have her call me I mean that was I mean**, I mean I know that her son was involved and uh I know Easter's comin around the corner and she's goin through a hard time right now I mean coulda returned your phone call towards me and you know mentioned something to me...

Detective Barkes: **And I, and I, and I did and I tried doin that and I'll have to take responsibility for that and I'll explain to you a little bit later about what transpired there**, but I did remember somethin I wanna talk to you about. I wanna show you 3 drawings and what I would like you to do is look at these 3 drawings and tell me if you had to pick 1 of these 3 drawings as being the person you saw now granted 2 of 'em has some kind of a hat on and 1 of 'em doesn't, but if you had to pick which would you say, this is the person I saw?

- After being contacted by Snow in 2007, Pelo wrote Snow a letter stating "You are correct. I did not see anyone inside the Clark Station nor did I see anyone backing out of the station, nor did I see Martinez come face to face with anyone in the parking lot. I did see Martinez walk toward the station after he paused to look back at his car there was no one around him." http://www.freejamiesnow.com/docs/Letter_Pelo.pdf
- And finally, Pelo submitted a written affidavit affirming these facts. http://www.freejamiesnow.com/docs/Aff_Pelo.pdf
- Martinez did not identify Snow until shortly before the trial. In fact, he did not even testify at the grand jury for the indictment. He testified that he recognized Snow from a picture in the newspaper **AFTER** his arrest. But that he didn't tell anyone but his wife. Ten months later, he identified Snow in a private meeting at the states attorney's office, from a picture of the original line up in which he attended shortly after the crime.
- In Snow's co-defendants trial, Martinez testified that he was "85%" sure who he saw was Snow. In Jamie Snow's trial, Martinez testified that he was "100%" sure who he saw was Snow. His co-defendant was found not guilty, based on the fact that they would have had to prove Snow committed the crime.