

SNOW NOTES

THE WRONGFUL CONVICTION OF JAMIE SNOW AND HOW THEY GOT AWAY WITH IT

Detective Russell Thomas's Perspective

Grand Jury Proceedings, Freedom Oil Station Robbery, April 26, 1991

Thomas testified that his department responded to an armed robbery call at the Freedom Oil Station on February 18, 1991. He continued to investigate the case on the detective division. Jamie was arrested on April 24, 1991. The next day, he and Detective Crowe drove him back to Illinois. When they got to the station, Detective Crowe went home, and he interviewed Jamie in the Bloomington police station with Sargent Bernardini. He reported Jamie allegedly said he didn't do the armed robbery and couldn't discuss it until he had assurances from them, but they did not have the authority to grant him any assurances.

Claycomb Trial, August 21, 2000

Russell Thomas via Charles Reynard:

Thomas stated he has been a Bloomington Police officer for 22 years (p 33, line 14).

He stated that in April 1991, he and Detective Crowe picked up Jamie from Missouri and transported him to Illinois after he was arrested at his sister's house (p 33, lines 17-24 & p 34, lines 5-7).

He stated that shortly after making contact with Jamie in the processing center, he allegedly had a conversation with him in the back seat of the squad car on the way back to Bloomington, while Detective Crowe was driving. (p 35, lines 12-24 & p 36, lines 1-2)

He described Jamie as nervous, and claimed he began asking questions about the murder in Bloomington, and allegedly asked what he knew and why he was wanted for it (p 36, lines 6-14).

He verifies that Jamie was not arrested for the murder and he knew it (p36, lines 15-19).

He said Jamie did not seem too upset about the robbery charge he was arrested for and did not talk about that case, only the murder case, during the first 10-15 minutes of the ride. He said he told Jamie they would not discuss the case in the car and to wait until they got back to Bloomington, but Jamie allegedly inquired about the case two more times (p 37, lines 10-15 & 18-23, p 38, & p 39, lines 1-2).

He said when they arrived at the Bloomington police department, he and Agent Bernardini interviewed Jamie. They read him his rights in the interview room. He said they discussed both the murder and armed robbery cases (p 39, lines 7-14 & 19-23 & p 40, lines 5-9).

He reported he was present for the June 21, 1991 in-person line-up with Jamie as a participant. He reported Jamie was not cooperating and did not stand calmly during the line-up like everyone else (p 41, lines 8-12, p 42, & p 43, lines 4-5).

He said Carlos Luna asked for number six, Jamie, to stand forward, and he said he looked like the person, that his face and hair were similar. He said Crowe told him he did not have to pick anyone, and Luna confirmed he was sure he looked like the person he had seen (p 44 & p 45, lines 1-2).

Russell Thomas via Steve Skelton:

Thomas states that in 1991, he was a detective for two years and carried his equipment on him at all times, including Miranda rights warning on a card in his billfold, that he used for other cases. (p 45, lines 16-24 & p 46, lines 1-5).

He admits he had it on him in the car with Jamie during his transportation, but didn't read it, he preferred to wait until they were at the station (p 46, lines 6-11).

He claims Jamie said a Missouri police officer who arrested him made a concerning comment to him with the term murder (p 46, lines 14 – 24 & p 47, line 1).

He admits that by this time, it was 25 days into the Bill Little murder case he was also working on, and that it was high priority (p 46, lines 9-16).

He states that Jamie was considered a suspect after his interview at the police station (p 48, lines 19-22).

He confirms he was present during the line-up and helped select volunteers (p 53, lines 16-20).

He states the lighting was adequate and visually estimates that the distance between the individuals and the witnesses was seventeen feet. He concedes that the room the witnesses were standing in was only 7 feet in depth though (p 55, lines 13-24, p 56, lines 7-10).

He confirms he was present when Luna asked for number six, Jamie, to step forward, and when Martinez asked for numbers three and four to step forward (p 57, lines 6-11).

He states that Jamie appeared uncooperative during the viewing phase (p 58, lines 2-5).

He confirms that Luna made three statements about Jamie during the line up; that he looked like the person he saw, his hair and the shape of his face were similar, and he thinks he is the person (p 62, lines 4-18).

Redirect via Charles Reynard:

During a side bar, Reynard argues that he should be able to ask Thomas about the conversation he claimed Jamie had with him, and he intends “to show that he wasn’t talking only about what the Missouri police officer said to him, but he was asking questions independent of that of this officer, of Detective Thomas what – what if I know something about this murder, what would happen to me, which is clearly not limited to just responding to what the Missouri police officer was saying to him.” The judge allows this questioning (p 64, lines 17-24 & p 66, lines 3-16).

Reynard asks Thomas if Jamie asked him any questions in the car on the way back from Missouri. Thomas stated Jamie was nervous and allegedly asked what would happen to him if he had information about the murder, and he replied that they could not discuss it in the car because he would read him his Miranda rights at the station. (p 70, lines 9-24, p 71, lines 1-2)

Recross via Steve Skelton:

Thomas admits that he did not perceive the need to use force at any point in time (p 72, lines 8-11).

Snow Trial, January 8, 2001

Russell Thomas via Charles Reyanrd:

Thomas states he has been a Bloomington police officer since 1970, and investigated the Clark station robbery murder from the night of the crime (p 117, lines 1-9).

He states that the Lead Detective, Crowe, retired in 1997 but they worked on the case together (p 117, lines 10-14).

He states that on April 24, 1991, he went to Missouri with Crowe to bring Jamie back to Bloomington, after his arrest for a charge not involving the Clark station (p 117, lines 15-24 & p 118, lines 1-7).

He said he first made contact with Jamie in the county jail and he was nervous and fidgety (p118, lines 8-21).

He said Crowe drove them back to Bloomington in a squad car, while he sat in the back with Jamie. He said Jamie was getting more nervous. Jamie allegedly asked him why he was looking at him for the murder case, although he was not under arrest for murder. He said Jamie did not try to talk to him about the case he was arrested for, just the murder case. He allegedly asked him what would happen to him if he knew something about the murder. He reported that he told Jamie to relax, they were not going to talk about it until they got back to Bloomington. He claimed Jamie did not relax, and periodically questioned him about the murder case, but he again told him they would not talk about it until back in Bloomington, because he did not want to question him in the car. (p 120 & 121).

He states the reason he did not read Jamie his Miranda rights in the car was because he felt it could be considered a coercive environment (p 122, lines 1-2).

He reports that when they got back to Bloomington, he told State Police Sargent Bernardini that Jamie wanted to talk about the murder (p 122, lines 8-17).

He reported that Bernardini read Jamie his rights and they interviewed him for up to two hours. He said they told him they would be discussing the armed robbery he was arrested for and the Clark station murder. He reported Jamie said he had information and wanted to cooperate. He said Jamie had mood swings, going from calm to agitated to nervous, being most intense when talking about the murder, and at one point jumped out of his chair (p 125, 126 & 127).

He claimed Jamie specifically asked how he could be charged with the murder when he didn't have a gun, and Bernardini explained accountability laws to him (p 128, lines 2-13).

He claimed Jamie also asked what would happen to him if he knew something and asked for guarantees or deals, and they responded they could not make any guarantees (p 128, lines 20-24).

He said Jamie asked, "What do you want me to say?" and they responded with, "the truth," and Jamie allegedly said he was afraid of what would happen to him if he said what he knew, that if he told the truth he would incriminate himself (p 129, lines 21-24 & p 130, lines 1-15).

He said they ended the conversation with Jamie saying he was still willing to cooperate, but he was scared and needed some time (p 130, lines 18-20)

Thomas stated he observed the line-up one month later (p 132, lines 11-16).

He stated that Jamie refused to participate in the line-up and had to be physically put into the line-up. He said Jamie was sufficiently cooperative so he did not have to be held (p 133, lines 18-19 & p 134, lines 1-4).

**Russell Thomas via Frank Picl:
(pronounced *Pit-sul*)**

Thomas verified he is now a patrol officer, not a detective, and Picl says he will address him as an officer (p 134, lines 16-20).

He agreed that in the evidence photo of the line-up, Jamie appears to be standing the same as the other five individuals (p 135, lines 3-7).

He confirmed Jamie was not under arrest for the robbery and murder at the Clark station when he picked him up from Missouri (p 136, lines 4-7).

He admitted that during his 1991 interview, Jamie did not make any admissions to him regarding accountability for the Clark crime in which he could be arrested for (p 138, lines 17-24).

He said he did not tape record his interview with Jamie because it was not standard procedure at the time, even though it was up to his own discretion, but there was no equipment available to tape (p 139, lines 1-19, p 140, lines 1-5).

He admitted he did not write his own police report regarding the interview because his task force partner Bernardini said he would write it (p 140, lines 6-9).

He verified that the interview report Bernardini wrote is accurate and complete (p 141, lines 4-20).

He reiterated he did not want to interview Jamie in the car before they arrived in Bloomington, because he had not been Mirandized and he was armed in a moving car, sitting feet away from him (p 142, lines 8-16).

Thomas confirmed that after he Mirandized Jamie in the April 24, 1991 interview, he was not only being questioned about the Clark station robbery and murder. He admitted he received no information from Jamie about the crimes under investigation and no usable admissions (p 146 & p 147, lines 1-2).

Thomas claimed Jamie made implications during the interview. He explained implications were hypothetical questions about what would happen to him if he told him about the murder case, and he interpreted that to mean he had knowledge or involvement in the case, although he never directly said he had any involvement in the Clark station murder (p 147, lines 15-24 & p 148, lines 1-6).

He claimed Jamie did say he had knowledge of the Clark station murder, but would not reveal his source or what he knew, but said he wanted guarantees because he was afraid (p 148, lines 7-20).

Thomas stated that at the time of the interview, he and Bernardini both believed Jamie shot and killed Bill Little (p 149, lines 22-24 & p 150, lines 1-6).

Picl asked Thomas to agree that since he did not see who committed the murder, that his belief it was Jamie might be wrong, and Thomas refused to agree (p 150, lines 19-24 & p 151, lines 1-4).

Thomas said that the agitated and tense behavior he observed from Jamie during his interview gave him the implication he was involved or had knowledge of the crime. Picl asked why the interview report did not contain those observations, but Reynard objected over lack of foundation, and Picl withdrew (p 151, lines 9-24 & p 152, lines 1-7).

Picl gave Thomas the interview report, and asked him if the term murder is used in the report, and Thomas admitted it was not (p 152, lines 11-20).

Thomas confirmed he has had formal training in interpretation of a person's behavior during an interview, but agreed he did not record Jamie's behavior in the interview report (p 152, lines 22-23 & p 153, lines 1-17).

Thomas reported he did not record any implications Jamie made to the murder during his interview, because it was his own opinion, and he does not "put opinions in reports" (p 153, lines 12-24).

Thomas claimed Jamie specifically used the term murder when describing information he had about the crimes, and admitted he still did not put the term murder into the report (p 154, lines 4-20).

Redirect Via Charles Reynard:

Thomas reiterated that he did not put his opinions in the interview report because they are not factual, and that Jamie was most sensitive to the topic of the Clark murder (p 155, lines 1-15).

He alleged Jamie said he did not have a gun, so he assumed that meant he was involved (p 155, 16-19)

He stated his supplemental report is not intended to include all of the details of the two-hour interview (p 156, lines 1-3).

He insisted that Jamie was talking about the Clark murder when he was sitting in the backseat of the squad car with him when he allegedly said, "what will happen if I tell you about the murder?" (p 156, lines 13-16).

**Recross via Picl:
(pronounced *Pit-sul*)**

Thomas agreed that Jamie allegedly only said, “how could I be charged if I didn’t have a gun?” and did not indicate that statement was made in regard to murder, but he continued to insist it was said during a conversation about the murder (p 158, lines 1-11).

Thomas agreed if he had recorded the interview, then every detail would be available to the court now, and everyone would know for sure (p 158, lines 15-20).

Thomas relented that Jamie did not tell him in the car that he was somehow involved in a murder (p 159, lines 3-7).