

The Wrongful Conviction of Jamie Snow

<http://www.FreeJamieSnow.com>

(Updated 7-2-2104)

In 2001, Jamie Snow was wrongfully convicted for the 1991 murder of a gas station attendant during an apparent armed robbery at the Clark Super 100 Station located at 802 E. Empire St. in Bloomington, Illinois. Jamie was home with his family on the other side of town when the crime occurred. He is currently being represented by the University of Chicago's Exoneration Project. This will be his 15th year residing in Stateville Prison in Joliet, Illinois.

STATISTICS

- Incident Date: March 31, 1991
- Jurisdiction: McLean County, Illinois
- Charge: Murder/Intent to Kill/Injure
- Year of Arrest: 1999
- Year of Conviction: 2001
- Contributing Causes: Jailhouse Informants, Faulty Eyewitness ID, Ineffective Assistance of Counsel, Prosecutorial Misconduct
- Representation: University of Chicago's Exoneration Project
- Case Status: DNA Motion before McLean County Court, Successive Post Conviction Petition before McLean County Court, Federal Habeas in abeyance until circuit court matters are settled

ORGANIZATIONS THAT SUPPORT JAMIE SNOW'S INNOCENCE

- The Exoneration Project: <http://www.ExonerationProject.org>
- Investigating Innocence: <http://www.InvestigatingInnocence.org>
- Committee to Free Jamie Snow: <http://www.facebook.com/freejamiesnow>
- Injustice Anywhere: <http://www.Injustice-Anywhere.org>
- Justice for Illinois Wrongfully Convicted: <http://www.JIWC.org>
- The Freedom Fighters: <https://www.facebook.com/groups/343227239096173/>

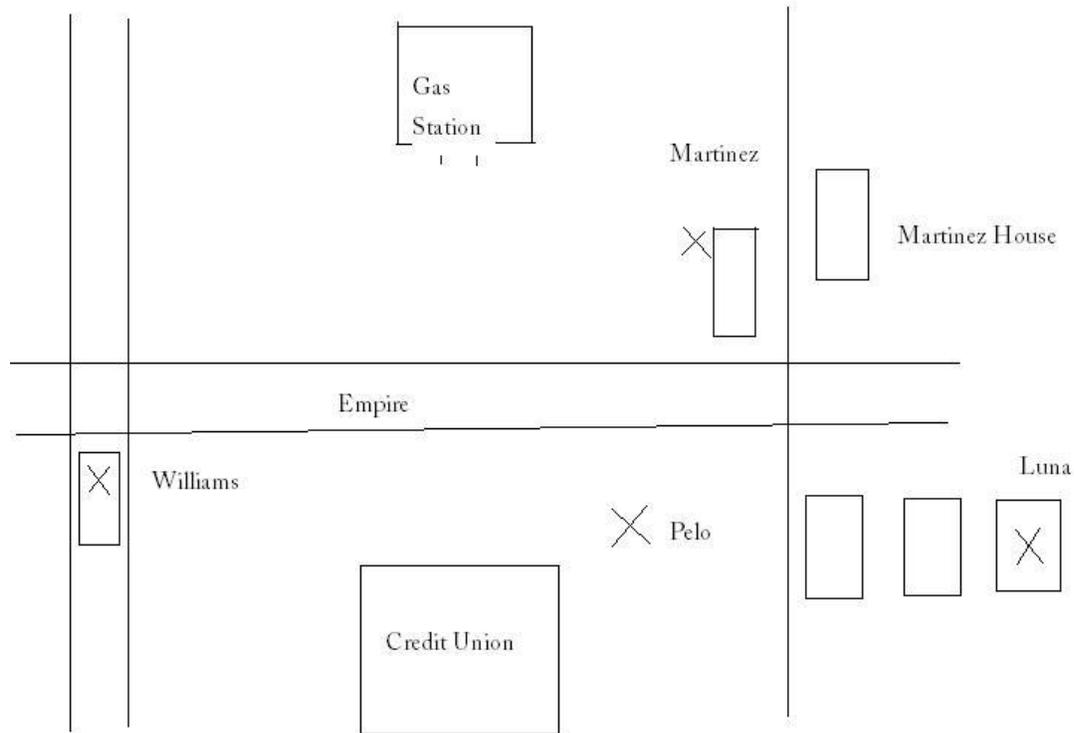
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CASE SUMMARY

At 8:18pm on March 31st, 1991 a silent alarm was triggered at the gas station. The first officer to respond was Jeff Pelo. He parked south of the credit union on the street, and approached on foot.



At that time, he observed an older car, blue, with a male putting air in the tires as he was watching the front of the station. He didn't see any movement inside. He ran the license plate number of the blue vehicle that was on the lot, but the database was down. At that time he observed the male walk from his car towards the station, stop and look back towards his car, turn and walk toward the station some more, stop and turn around and go back to his vehicle, get in it, and drive off the lot. He can't recall whether he backed up or did a u-turn, but he did state the vehicle drove west bound on Empire street afterwards, and that he (the officer) started walking across Empire Street on the east side of the lot as he was watching the gas station. As he was doing this, a pickup truck with 2 white males pulled up and started to get out of their truck. He told them to get in the truck and go across the street, and they became a little argumentative. That's when he noticed a tennis shoe sticking out from behind the counter. He then ordered the 2 to get in the truck and go across the street and wait, and drew his weapon. He then cleared the store and found the attendant lying lifeless on the floor.

Officer Williams arrived at the scene at almost the same time as Officer Pelo. Officer Williams was in his car, parked northbound on Linden, watching the front of the station as well while Pelo approached on

foot. He heard Pelo call in the license plate over the radio, and did not observe any movement inside the store. There was only one door, one way in or out of the station. Neither officer saw anyone leave or go into the station. Both officers explicitly stated they observed no movement inside the station.

They identified three eyewitnesses in this case.

- 1) **Gerardo Gutierrez** reported that around 8pm he pulled into the station for gas, and as he was pumping the gas he saw a man inside the station and it appeared he and the attendant were arguing. He entered the station to pay for his gas, and as he handed the attendant his money, he reported the attendant's hands were shaking so badly that he dropped the money that was being exchanged. After Gutierrez went home, he heard about the shooting at the gas station and returned to the station to speak with police about what he saw. That night police put together a composite drawing of the suspect based on Gutierrez' description and it was released the next day.



First
composite
April 2, 1991

He described a man with an earring and a fresh injury on his chin, so fresh he said he could still see holes in his skin from the stitches. In the early morning of the crime, he identified a mugshot from photo books as the suspect. He also called police a few days later and claimed he saw the same man again in Peoria, Illinois. Gutierrez never picked out Jamie, not through the line up, nor photo sessions over the years that included multiple photos of Jamie.

- 2) **Carlos and Juan Luna** were the second witnesses. Both were young teenagers who lived across the street, a few houses down from the Clark station. They claimed they were looking out the window to see if a family member named Gloria Luna was at work – they were thinking of going to get candy. They claimed they saw a man come out of the station face forward opening the door with his left hand. Carlos said the man had on a black coat down to his ankles, and the coat was unbuttoned. He stated the man looked like he was holding something under his coat but could not see what it was. It was later determined that these two boys were 212 feet from the station. Carlos gave a statement saying he didn't think he'd be able to ID anyone, and Juan said he thought maybe he could. Neither boy was able to help to complete a composite drawing that night, the composite sketch artist determined that neither boy could provide enough details of the mans face. He was later asked during the trial if he knew the Danny Martinez (the last witness). He answered yes, and also testified that he did not see Martinez at the scene. From

where Martinez was located, Juan and Carlos Luna would have had to look through Martinez to see the suspect come out of the door. Juan Luna never testified or picked anyone out, and Carlos Luna has since recanted his identification of Jamie.



Can you see me? Do you think you could pick me out of a lineup 3 months later?

The above picture is the point of view of what used to be the Clark Oil gas station from Carlos and Juan Luna's house. The Luna boys were looking outside a window across the street at the gas station at approximately 8:20 pm and saw the suspect walk out of the station. 3 months later, a lineup was conducted and Carlos Luna (14 years old at the time) said that Jamie Snow looks like the suspect. He testified that he closed his eyes and imagined each person doing it, and #6 (Jamie Snow) was the person that came to mind. Juan Luna never identified Snow, and did not testify, Carlos has since recanted his identification. He was the only witness to pick Jamie out. (Hint: I'm standing by the red car, tan pants, dark shirt.)

- 3) **Danny Martinez** was the "star witness" in this case. He was the man that was putting air in his tires as the police officers arrived on the scene. He stated that he pulled into the station parking lot to get some soda pop and air up a low tire. He said that while he was down putting air in his tire he heard two sounds that he thought was his car backfiring. He said he saw a man backing out of the station with a tan windbreaker type jacket on that came to his waist. And that the

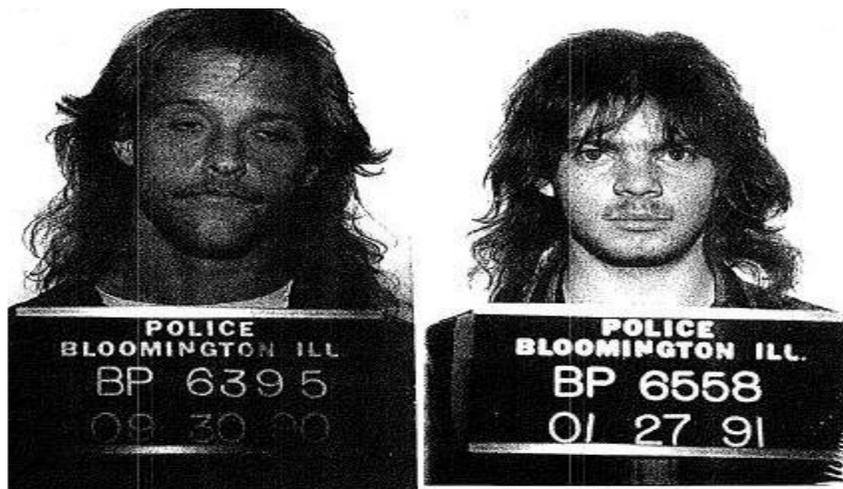
coat was zipped all the way up and the guy had his hands in his pockets. In the first police report, Martinez stated that as the man was backing out of the station he got up from his position and started towards the station. He said it sounded like his car was about to die so he stopped, turned and looked at his car, decided it would be okay, and when he turned back around he saw the man out of the corner of his eye rounding the corner on the east side of the station heading north. Although Martinez did assist in the development of a composite, it was starkly different from the one developed by Gutierrez.



New
composite

December 18, 1993

Police chose to release Gutierrez' composite to the public. On the night of the crime, Martinez picked out two photos from the line up and stated "it's between these two." One of the photo's was also the same one Gutierrez had picked out. It is unknown how these suspects were cleared.

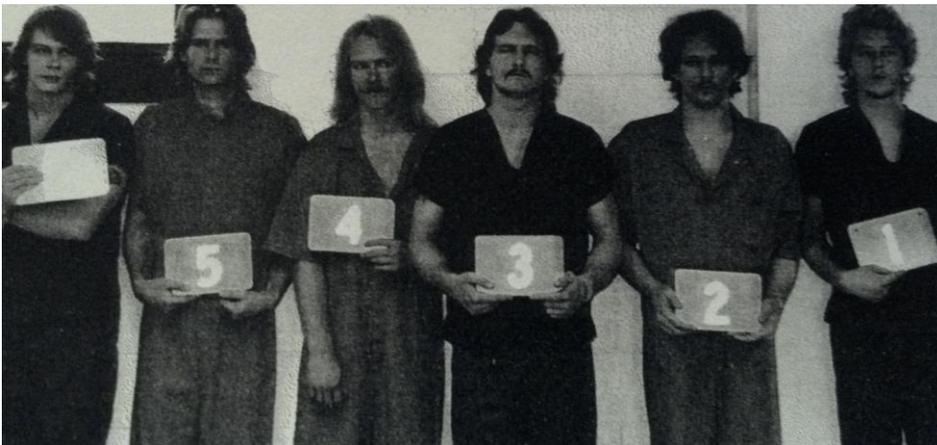


Obtained from FOIA requests, these mug shots were not used in his trial, and this is the first time any of us have seen them.

- [04/01/91 - Photo book](#) Martinez - the day after the crime, in which he did not pick Snow, but picked two others and stated "it's between these two."

On 06/21/91 an in person lineup was conducted in which Jamie participated as #6. Martinez asked for #3 and #4 to move forward, and said that #3 looked like the person, but was not positive.' At this time, Carlos Luna was the only witness that picked Snow out of the line up; however, he failed to identify him from subsequent photo books. 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?

- [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.'



On 10/22/91 another photo book session was conducted with Danny Martinez. Again, he did not pick Snow, but picked another photo.

- [10/22/91 - Photo book](#) , again, he did not pick Snow, but picked two others. We know from Detective testimony that multiple pictures of Jamie were included in this photo session.

Additionally, on 11/03/93 a photo book section was conducted in which he did not pick anyone.

- [11/03/93 - Photo books](#) in which Martinez did not pick anyone. We know from Detective testimony that multiple pictures of Jamie were included in this photo session.

During this time, the victim's family is putting tremendous pressure on the police department to solve this crime, as they should have. They used the media to keep pressure on the BPD and distributed thousands of flyers. In addition to the \$2500 Crimestoppers reward, an anonymous donor donated \$5000. This fund was separate and to qualify asked for tips to be sent to a P.O. Box. We are currently fighting for this information through FOIA's – on appeal with the AG - should get a response soon.

In December of 1993, a completely different composite sketch was released to the public. The first sketch showed a white man with a ball earring in his left ear, a mustache and a scar on the left side of his chin. He was described as being 22 to 25 years old and 6 feet 2 inches tall.



The sketch released in late 1993 shows a man described as being 5 feet 8 inches tall, with no mustache and no mention of a scar.

According to the Pantagraph, police spokesman Ogg said the FBI teaches police to stick to one composite drawing during a homicide investigation, and Bloomington police followed that guideline until yesterday.

He said releasing the second composite drawing was like putting "the second-string offense" into a game when the first-string doesn't get the job done.

Investigators believe the two witnesses who helped Sanders make the drawings saw the same person. But Ogg said it is possible the witnesses were describing two different people. The witnesses were not with each other near the station.

Click the link to see how the composites and descriptions changed over time in the local paper:
http://freejamiesnow.com/docs/summary_compositesarticles.pdf

So, they moved forward with the second composite created by Danny Martinez. The victim's family continued to put tremendous pressure on the state. And in 1994, Jamie Snow agreed to take a polygraph, which he passed. At that time, Lead Detective Charlie Crowe told Jamie that he believed he didn't commit the crime, but that he thought he knew who did. Jamie told Detective Crowe that he had no idea who did it, and would tell him if he knew.

Jamie Snow Polygraph test: http://freejamiesnow.com/docs/LDet_Snow.pdf

NEW EVIDENCE: We obtained the polygrapher worksheet from the Illinois State Police through FOIA. This is NOT the one Jamie passed, this one was inconclusive, he passed a subsequent one. In it, Martinez says that Jamie was on the person he saw. This was in 1994, and was never disclosed to defense counsel before trial. [Polygraph Sheet here.](#)

It's hard to read, but start at "Where":
 802 E. Empire
 Easter Sunday ---- 8pm shot ----- tray stolen - \$60-\$70 neighbor @ station
 putting air in tires – hears 2 pops – sees a man back out
 looks @ turns & leaves on foot –
Says this not person he saw –

Same Clark Sta robbed 3 mos before on 12/90
also implicated in Freedom Oil 2-3 weeks before

In June 1997, seasoned detective Charlie Crowe retired from the police department, and Detectives Barkes and Katz were assigned full time to the case. Suddenly jailhouse informants started appearing, saying that Jamie “confessed” to them. Although, they all seemed to have a different story of the confessions. It seems if Jamie was confessing to everyone, he would have at least told the same story.

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.

- o Martinez Taped Interview (**3/4/99**):

http://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.

- o Pelo Taped Interview (**3/2/99**): http://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*)

- **PAGE 9:**

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?

- 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. However, ten months prior to that newspaper story, 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.

Jamie Snow and Susan Claycomb were arrested in September 1999, and charged with murder.

Susan would be tried first. Although they tried desperately to get her to make a plea deal to testify against Jamie, she wouldn't bend. She landed up staying in county jail for over a year awaiting trial, and even had a child while she was in. Still, she said she didn't know anything about it, and wouldn't lie.

She had a private lawyer who did an excellent job defending her, and she was found not guilty, based on the fact that they would have had to prove Snow committed the crime. In fact, Jamie's public defender was paid thousands of dollars to sit in on Susan's trial, and didn't use all of the evidence presented in her case.

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.

In 2004, Jamie went pro se, and received his discovery while in prison. That is the first time he heard the 1999 Pelo interview. It was not used in his case.

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."

Pelo's letter to Jamie: http://freejamiesnow.com/docs/Letter_Pelo.pdf

And finally, Pelo submitted a written affidavit affirming these facts.

Pelo's affidavit: [Aff_Pelo_11-18-09.pdf](http://freejamiesnow.com/docs/Aff_Pelo_11-18-09.pdf)

In 2008, The University of Chicago's Exoneration Project accepted Jamie's case.

- We now know that Martinez identification has been discredited. Therefore, there are no reliable witnesses to this crime
- We have received the actual polygraphs from the state of two jailhouse informants that testified against Jamie at trial. Jamie received these years ago, with the results omitted. We only recently received results from FOIA's. Both failed prior to trial.

Informant 1 Lie Detector Results from FOIA:

http://freejamiesnow.com/docs/93_scheelpolygraph.jpg

Informant 2 Lie Detector Results from FOIA:

http://freejamiesnow.com/docs/99_Scheel_polygraph.jpg

- We have uncovered letters between the Assistant State's Attorney and a jailhouse informant that make it clear he was looking for a deal to testify in this case. In court, the ASA lied about the timeline in which he first contacted the state, and did not disclose the letters.
- We do not know what happened to the reward money
- There is no physical evidence linking Jamie to this crime (blood, fingerprints, bullets, and shoeprints were gathered from the crime scene – nothing ever matched Jamie), and the state continues to deny motions for testing of physical evidence as well as motions for discovery
- We have over 15 affidavits of state witnesses either changing their testimony or outright recanting. In one case, the informant stated "Everything I said on the stand was a lie."
- Jamie's original trial lawyer, Frank Picl, was put in prison in 2006 for bilking an elderly woman of her life savings – he served as her power of attorney. He admitted repeatedly that he had mental illness, was an alcoholic (drinking between 5-8 drinks per day), and had a severe gambling problem. He also admitted to being under tremendous pressure from working on a murder trial and that this was all prior to Jamie's trial. You can hear what Judge Knecht said about this issue in the Appellate Court hearing: http://www.youtube.com/watch?feature=player_embedded&v=uvlqDmWjxcs

Thus far, at least 6 judges have refused to look at this case based on the merit of the claims and have refused to acknowledge the evidence in the police reports before them. Instead, they use technicalities to deny a new hearing. For example, even though the appellate judge admitted to all of Jamie's trial lawyer's issues, they said the claim was brought up before in direct appeal, and can't be used. Even though his lawyer wasn't arrested until well after the direct appeal, and we would have had no way of having proof of these issues before they occurred. In my opinion, the most compelling evidence is the 2 police reports. It's impossible for both to have happened. Not just unlikely, but impossible. Those have also been consistently ignored, even though Jamie was not aware of the Pelo police report until 2004.

If you have information about this case, please call: **888-815-9299** it's free and confidential, or email: tips@FreeJamieSnow.com

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