

1 A That's a fair statement.

2 Q And based upon whatever source of information,
3 personal knowledge or hearsay, that you had with respect to
4 that statement, it was on the basis of that statement that
5 you concluded that he did not make a positive
6 identification?

7 A It was based on the entire circumstances in that
8 lineup scenario at that time that there was not a positive
9 identification made.

10 MR. REYNARD: Thank you.

11 THE COURT: All right. Anything further on that,
12 Mr. Picl?

13 MR. PICL: Nothing else.

14 THE COURT: All right. Then you may step down.

15 THE WITNESS: Thank you, Your Honor.

16

17 (Witness excused.)

18

19 (Witness sworn.)

20

21 D E N N I S E U G E N E H E N D R I C K S
22 called as a witness on behalf of the defendant, being first
23 duly sworn, was examined and testified as follows:

24

(Next page please.)

1 DIRECT EXAMINATION BY MR. PICL:

2
3 Q State your full name, please, and spell your last
4 name.

5 A Dennis Eugene Hendricks, H E N D R I C K S.

6 Q How old are you, Dennis?

7 A 37 as of today.

8 Q Today is your birthday?

9 A Yes, sir.

10 Q Happy birthday.

11 A Thank you.

12 Q You live here in Bloomington?

13 A Yes, sir.

14 Q Have you lived here in Bloomington all your life?

15 A Yes, sir.

16 Q Are you presently employed?

17 A Yes, sir.

18 Q Where do you work?

19 A Painters Local 209.

20 Q As a painter, right?

21 A Yes, sir, union painter.

22 Q In 1996, Dennis, were you convicted here in McLean
23 County of possession of a controlled substance?

24 A Yes, sir.

1 Q And 1989 were you convicted here in McLean County of
2 aggravated battery?

3 A Yes, sir.

4 Q Do you know Jamie Snow, Dennis?

5 A Yes, sir.

6 Q How long have you known Jamie Snow?

7 A Probably a good 20 years.

8 Q Do you recognize him here in the courtroom today?

9 A Yes, sir.

10 Q Would you identify him? Tell us where he's seated
11 and what he is wearing.

12 A To your left or your right, my left.

13 MR. PICL: May the record show he's identified
14 Jamie Snow.

15 THE COURT: It will reflect that.

16 MR. PICL:

17 Q Mr. Hendricks, do you know William Gaddis?

18 A Yes, sir.

19 Q How long have you known William Gaddis?

20 A About same -- about 20 years or so.

21 Q Where did you live in the spring of 1991?

22 A On the corner of Market and Lee.

23 Q Were you living there on Easter and during the week
24 or so following Easter?

1 A Yes, sir.

2 Q In fact, how long after Easter of 91 did you live at
3 that address?

4 A I don't know, maybe a month or two afterwards.

5 Q Would it be fair to say you're not a friend of Jamie
6 Snow's?

7 A Yes, sir, at this time.

8 Q Yes, you are or you are not?

9 A Oh, I'm not.

10 Q Directing your attention, Dennis, back to either
11 Easter night or the following night, 1991, did you host some
12 sort of gathering or party at your residence at the corner
13 of Market and Lee?

14 A There was quite a few parties there.

15 Q All right. Were any of them attended by William
16 Gaddis?

17 A No, sir. He was not welcome at my house.

18 Q And he never has been, has he?

19 A No, sir.

20 Q So it's your recollection that he was not at a party
21 in your house on either Easter night or the following night.
22 Is that correct?

23 MR. REYNARD: Objection to the leading.

24 THE WITNESS: No, sir.

1 THE COURT: Objection sustained. The jury is
2 ordered to disregard it.

3 MR. PICL:

4 Q On either Easter night, 1991, or the following
5 night, 1991, was William Gaddis in your house?

6 A No, sir.

7 Q Was he in your house at anytime during the month
8 following Easter, 1991?

9 A His brother Garren lived there. He could have
10 popped in to seen him but never while I was there.

11 Q Mr. Hendricks, at anytime on Easter night, 1991, or
12 the following night, 1991, were you present in an upstairs
13 bedroom at your residence with a group of people who were
14 upset and/or crying about statements Jamie Snow made
15 concerning the death of William Little?

16 A No, sir.

17 MR. REYNARD: Objection, Your Honor, to leading.
18 I'd like the court to direct counsel not to testify on
19 behalf of the witness. This is direct examination.

20 THE COURT: All right. I don't think that one can
21 be asked any other way. So I'll allow him to answer, and I
22 didn't hear the answer. Could you repeat that?

23 THE WITNESS: No, sir, Your Honor.

24 THE COURT: Okay.

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MR. PICL:

Q How is it that you remember that that's not true?

A First of all, anybody that knows me, knows my demeanor. I don't mean to sound ruthless or mean, but I wouldn't cry over somebody I don't know, let alone hardly one of my family members. It just -- it's not me.

Q And you don't recall any such gathering of people?

A No, sir, I do not.

Q Mr. Hendricks, were you present at anytime in your residence, either on Easter, 1991 or during the following month when Jamie Snow was present and said that he had shot Bill Little?

A No, sir, I've never heard that.

Q Mr. Hendricks, were you ever present at anytime at the Snow trailer, the Snow residence, when either Jamie or people with Jamie were toasting William Little with beer?

A No, sir.

Q You've never seen that done by Jamie, have you?

A No, sir.

Q Do you know Ed Hammond?

A Yes, sir.

Q And do you know people who know Ed Hammond?

A Yes, sir.

Q Have you ever heard them discuss Ed Hammond's

1 reputation for truth and honesty?

2 A I've known Eddie through school. I've never -- I've
3 took everything that he said with a grain of salt.

4 MR. REYNARD: Objection, move to strike.

5 THE COURT: Sustained. It's ordered stricken.
6 Jury is ordered to disregard it.

7 MR. PICL:

8 Q Have you ever heard other people talk about Ed
9 Hammond's reputation for telling the truth?

10 A No, I haven't.

11 MR. PICL: I have nothing further.

12 THE COURT: Can we approach?

13 MR. REYNARD: Sure.

14 THE COURT: Ask the bailiffs to take charge of the
15 jurors.

16 (The following proceedings were had outside
17 the presence and hearing of the jury.)

18 THE COURT: Go ahead, Mr. Reynard.

19 MR. REYNARD: Your Honor --

20 THE COURT: Do we want the witness in here?

21 MR. REYNARD: I don't think it matters --

22 THE COURT: Okay. Go ahead.

23 MR. REYNARD: -- in this particular situation.

24 Your Honor, the direct examination, at least in certain

1 respects, I had some concerns about, and I'd like to object
2 and request the court's ruling. The defense counsel asked
3 Mr. Hendricks if he was present at anytime in his apartment
4 that night, the next night or the next month in which Jamie
5 Snow admitted killing Bill Little. I think that -- yeah,
6 where Jamie Snow said he killed or shot Bill Little. And,
7 of course, the witness said no. Also, do you recall, I
8 think the question was, of being at the Snow trailer or
9 residence and observing any toasting, and, of course, the
10 answer is no, I never saw that. In the context of a single
11 witness I suppose that's merely innocuously inadmissible,
12 but I think we ought to label that to be objectionable.

13 First of all, there is no evidence that that
14 evidence impeaches. There is no evidence that that evidence
15 contradicts. There is no one that has said that in his
16 residence a week or a day or a month afterwards that Jamie
17 Snow said he shot Bill Little. So this is basically simply
18 a preliminary to every witness saying I never heard him say
19 this. And I think that that's going to go beyond the point
20 of being innocuous into the point of just needing to be
21 stopped. So I'm objecting to that. And I'm objecting to
22 the question about the toasting, unless we have some pointed
23 piece of evidence to which it goes as impeachment or
24 contradiction.

1 THE COURT: Okay. But that's not a -- that's not
2 a leading objection. That was the objection. You're
3 saying --

4 MR. REYNARD: No, I didn't object. At this time
5 I'm not asking the court to reconsider its rulings upon my
6 objections based upon leading. I'm making a new objection,
7 which I didn't make earlier.

8 THE COURT: Well --

9 MR. REYNARD: And I'm not requesting specific
10 relief as to this witness. But I don't want to go back into
11 this on redirect examination. I'm asking the court to enter
12 in limine.

13 THE COURT: Okay. Then -- what you're asking me
14 to do is remember something that I can't remember, although
15 the two of you may be able to, and that is, who claims to
16 have been present at all these gatherings. And I think what
17 you're telling me right now is there is no witness who has
18 testified Mr. Hendricks was. And that's your problem with
19 it.

20 MR. REYNARD: Number one, there is no -- no one
21 who has testified that Jamie Snow stated that he killed Bill
22 Little in the presence of Dennis Hendricks. That was the
23 first inquiry.

24 THE COURT: Right.

1 MR. REYNARD: And the second one was there was no
2 one that says Dennis Hendricks was present at a party
3 outside the Snow residence where there was toasting going
4 on.

5 THE COURT: So why shouldn't they be stricken if
6 you're right.

7 MR. REYNARD: I would request that they be
8 stricken.

9 THE COURT: Mr. Picl?

10 MR. PICL: It seems to me that Dawn Roberts said
11 that with this toasting incident that Dennis Hendricks was
12 present.

13 THE COURT: Let's not it seems to me. That's part
14 of the problem. You have to have a good faith basis to ask
15 it.

16 MR. PICL: That's why --

17 THE COURT: Now hold on. If I start going back
18 into this and finding that you're wrong every time, then
19 that is not a good faith basis. So are you telling me now
20 your notes indicate that Hendricks was there at this
21 toasting?

22 MR. PICL: I'll have to look at my notes.

23 THE COURT: Well, look at them. And also is the
24 same response that your notes would indicate he was present

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in the apartment.

MR. PICL: I think Gaddis testified that he was at the gathering at which -- now I may -- he may be right about Jamie not having said that.

THE COURT: Right.

MR. PICL: I think it was Frank Turner who said that. So that's, you know, that's correct.

THE COURT: Well, then that makes it objectionable.

MR. PICL: And I've got no problem with that. My client needs to use the rest room. May he do that?

THE COURT: He can do that, sure.

MR. PICL: My notes with respect to Dawn Roberts indicate Mark McCown, Jamie here, a guy from across the street whose name was unknown and several other people were in the yard when the beer was poured and the defendant allegedly said that this is to Bill Little. So Dennis Hendricks I guess was not there. I again relied upon Mr. Riley, and he suggested he was, so, I'm in error for not diagnosing through my own notes before asking questions like this. I'll concede that.

THE COURT: All right. Then I'm going to order that both comments and answers be stricken before we go on to direct or cross. Mr. Reynard, is that the relief you're

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requesting?

MR. REYNARD: Yes.

THE COURT: And the defense is directed not to ask questions for which they did not have a good faith basis. And that's what these fall into.

MR. PICL: Well, before we leave this matter then I want to know if in connection with the Gaddis gathering at which I believe -- let me check here -- I believe Gaddis said that Dennis Hendricks was present.

MS. GRIFFIN: That is correct.

THE COURT: Yeah.

MS. GRIFFIN: That's not the issue.

THE COURT: That wasn't the issue on that one.

MR. PICL: I'm preparing to ask if I can ask another question if, in fact, he heard anyone in that room say that Jamie had shot Bill Little or the kid. I don't recall exactly 'til we get to my notes here.

THE COURT: Okay. That's the same thing that was just objected to.

MR. PICL: No, I think what was just objected to was my asking him if Jamie had said that.

THE COURT: Right. You want to ask if anyone said that.

MR. PICL: Right, and that would directly -- if

1 his answer is no, that would directly contradict what Gaddis
2 said.

3 THE COURT: What's the State's position on that?

4 MR. PICL: Gaddis --

5 MR. REYNARD: Just a moment. I think the witness
6 has already indicated on direct that he was -- there was no
7 parties attended by Gaddis, never while Dennis -- Gaddis was
8 never there while Dennis Hendricks was there. I don't
9 believe it's been specifically asked in the cumulative
10 whether or not he overheard someone else say Jamie Snow did.
11 I'm not going to object to that question.

12 THE COURT: All right. So you'll be asked
13 to -- you can reask that question after I instruct the jury
14 that the other two answers have been stricken, and then
15 we'll go on to cross. Is that right?

16 MR. PICL: Well, hang on here. Let me -- I just
17 want to make sure I got all my feet on the ground here.
18 Okay. I'm going to -- the two answers and questions of mine
19 that were improper will be stricken.

20 THE COURT: Right.

21 MR. PICL: And then I'm going to be allowed to ask
22 the question about -- I'll specifically ask it about Frank
23 Turner. Is that okay?

24 THE COURT: Right.

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MR. PICL: And then we'll return to cross.

THE COURT: That's the one we'll allow. We'll let you go back into it after I instruct them and then go back to that or go back to cross I should say.

(The following proceedings were had in the presence and hearing of the jury.)

THE COURT: All right, folks, please be seated. Ladies and gentlemen, before we continue, there is one last question by Mr. Picl, but I've granted a motion to strike a couple of answers. You need to be aware of it. Mr. Picl asked Mr. Hendricks if he was present at anytime in his residence on Easter of 91 or during the following month when Jamie Snow was present and said that he had shot Bill Little. He said no. That question and that answer is stricken as irrelevant. That was the objection.

Mr. Hendricks, were you ever present at anytime at the Snow trailer, the Snow residence, when either Jamie or people with Jamie were toasting William Little with beer? No, sir. That question, that answer is stricken. If it's in your notes, cross it out. You are to disregard it. Both have been stricken as irrelevant.

There is an additional question of Mr. Picl. Then we'll go on to cross.

Mr. Picl?

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MR. PICL: Thank you, Judge.

Q Dennis, on either Easter night, 1991, or the following night, did you hear in your residence Frank Turner say Jamie shot the boy at the gas station?

A No, sir.

Q Were you with Frank Turner in your residence that night, either of those nights?

A I can't recall that.

Q All right. Nothing else.

A I mean he was my roommate, so could have been or couldn't.

MR. PICL: Nothing else.

THE COURT: Okay. Mr. Reynard?

MR. REYNARD: Thank you, Judge.

CROSS EXAMINATION BY MR. REYNARD:

Q I want to touch on that last question, Mr. Hendricks. You're indicating that you don't recall if you were even in your apartment that Easter night or the following night when Frank Turner was there?

A Yes, sir.

Q Now, obviously if you weren't there, it would be rather difficult to hear Frank Turner say something, would

1 that be a fair statement?

2 A Yes, sir.

3 Q Okay. With regard to the prior convictions that
4 Mr. Picl asked you about, your 1989 and your 1996 offenses,
5 you were sentenced to the Department of Corrections on both
6 of those, weren't you?

7 A Yes, sir.

8 Q Now, did you -- did you also indicate on direct
9 examination that Bill Gaddis may have come to your apartment
10 at Market and Lee but simply not at a anytime when you were
11 there?

12 A Yes, sir.

13 Q And your testimony I think is that you don't recall
14 any such gathering of people which would have included Frank
15 Turner, Dave Shepperson, one or more of your brothers, Jamie
16 Snow, in which they gathered in the bedroom and some
17 statement was made concerning the Clark station murder?

18 A No, sir.

19 Q To be clear, your answer is you don't recall any
20 such gathering of people?

21 A No, sir, I don't recall no such gathering, no.

22 Q Okay. It is true, is it not, that you would concede
23 that such a gathering could have taken place?

24 A There was a lot of partying going on there, yeah,

1 but none with -- nobody crying or so forth, what was said
2 earlier.

3 Q None where you recall being there and observing
4 that?

5 A Yes, sir.

6 Q And by their being a lot of partying going on, do
7 you mean a lot of drinking?

8 A Yes, sir.

9 Q A lot of drugs?

10 A Yes, sir.

11 Q And you had a lot of people coming in and out back
12 then, didn't you?

13 A Yes, sir.

14 Q How many brothers do you have?

15 A Four, sir.

16 Q Their names?

17 A Robert, William, Richard and Timothy.

18 Q Robert goes by Bobby.

19 A Yes, sir.

20 Q Is there Todd?

21 A Yes, sir.

22 Q Okay. I didn't know if you mentioned him.

23 A Richard I said, Richard, Todd.

24 Q Todd is his middle name or nickname?

1 A Yeah.

2 Q Well, let me clarify just a couple more things,
3 Mr. Hendricks. On direct examination you indicated that you
4 did not hear Frankie Turner ever say Jamie Snow shot the
5 clerk at the Clark Oil station. Is that correct?

6 A Yeah, I never heard Frankie Turner nor nobody ever,
7 ever say that.

8 Q Now, with regard to -- to your memory, is it fair to
9 say that that statement could have been made but you simply
10 don't recall it?

11 A If a statement like that would have been made, I'd
12 been sitting on your side, not this side. I don't -- I
13 would have remembered that, and that would have been
14 something that would have stuck in my head.

15 Q Do you recall any conversation where there was a
16 gathering of individuals in the bedroom of your residence
17 shortly after the Clark station shooting in which that
18 particular shooting was discussed in the presence of Jamie
19 Snow?

20 A No, sir.

21 Q Are you indicating that that could have -- could
22 have been?

23 A It could have been, but not in my presence.

24 Q Well, do you recall being asked these -- this

1 similar line of questions when you testified at the grand
2 jury?

3 A Yes, sir.

4 Q And I'm referring, counsel, for your reference to
5 page 431 of the grand jury and following pages.

6 Do you recall Miss Griffin asking you the
7 questions?

8 A Yes, sir.

9 Q And do you recall having been placed on your oath at
10 that time swearing to tell the truth?

11 A Yes, sir.

12 Q And do you recall her asking you these questions and
13 you giving these answers?

14 Let me try to refresh your memory a little bit
15 here. This would have been -- I'm going to set the scene
16 for you. As you walk in the room, Jamie Snow was
17 immediately inside the door to the left. And your answer,
18 okay, there was a bedroom there.

19 And she continued, in the bedroom? And your
20 answer, yeah.

21 Inside the bedroom, she continued, and she said on
22 the left side was Jamie Snow; you or your brother were
23 sitting on a chest of dressers. Dave Shepperson was there.
24 He was sitting on the edge of the bed with his face in his

1 hands. Frankie Turner was lying across the bed. Your
2 brother was there. Jamie Snow was there. At which point
3 you answered my brother, which?

4 And she continued, I believe it was Bobby. And you
5 said okay.

6 And she continued, and Bill Gaddis came into the
7 room. You guys had already been there, and it was a very
8 emotional time. People had been crying, were crying, and
9 you said, okay.

10 And then she continued. And Bill Gaddis came in
11 the room and asked what's going on, who died. And Frankie
12 Turner is the one who said Jamie Snow shot the guy at the
13 Clark station, at which point you answered I don't remember
14 that. I mean I can't, like I said, there was a lot of
15 drinking and drugs back then. It could have happened. I
16 mean I don't remember myself hearing that. So I can't tell
17 you that.

18 And she asked you this. So you're not telling us
19 it didn't happen. And you're not telling us it did happen.
20 And you answered, no, I don't. I'd say I can't recall.
21 Like I said, there was a lot of, you know, a lot of stuff
22 being -- going around then, back then, so -- but I mean it
23 could have happened. I can't remember nobody crying. I
24 mean that would be definitely something that I would

1 remember. I mean even if myself was crying or whatever, so,
2 I can't remember right now.

3 A Yes, sir.

4 Q You recall all of those questions and you giving all
5 of those answers?

6 A Yes, sir.

7 MR. REYNARD: Nothing else.

8 THE COURT: Mr. Picl?

9

10 REDIRECT EXAMINATION BY MR. PICL:

11

12 Q Dennis, during the exchange before the grand jury
13 that Mr. Reynard just read to us about, it was indeed Teena
14 Griffin who provided all the details in her questions for
15 this subject she was questioning you about, this party at
16 your house. Is that right?

17 A Yes, sir.

18 Q And all you simply said was okay --

19 A I was just saying okay to answer to her answer. I
20 mean not okay that that happened. I mean I wish I would
21 have known that. I would have clarified that then.

22 Q All right. And I think it was your testimony that
23 you would have recalled a statement either by Frank Turner
24 or anyone else that Jamie had shot the boy at the gas

1 station?

2 A Yes, sir.

3 Q You don't recall any such statement being made?

4 A No, sir.

5 MR. PICL: Nothing else.

6 THE COURT: Mr. Reynard?

7

8 RECROSS EXAMINATION BY MR. REYNARD:

9

10 Q Let's make it clear. On several occasions you said
11 it could have been, it could have happened, it could have
12 happened. I can't remember right now. Isn't that what you
13 said?

14 A Yes, sir.

15 Q Repeatedly?

16 A Yes, sir.

17 MR. REYNARD: Nothing further.

18

19 FURTHER REDIRECT EXAMINATION BY MR. PICL:

20

21 Q Mr. Hendricks, had such a gathering with William
22 Gaddis taken place at your residence with such a statement
23 being made by Frankie Turner or someone else, would you
24 definitely have remembered it?

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A I would have remembered that.

MR. REYNARD: Objection, Your Honor.

THE COURT: Hold on, Mr. Hendricks.

MR. REYNARD: Calls for speculation, calls for a conclusion. It's a hypothetical question by its terms.

THE COURT: And it's been asked this is the third time. So it's sustained for all those reasons. The jury is directed to disregard the answer, and you may step down.

THE WITNESS: Thank you, Your Honor.

(Witness excused.)

THE COURT: Have you got, Mr. Riley, have you got a relatively short witness?

MR. RILEY: Yeah, I think so.

THE COURT: Okay.

(Witness sworn.)

W I L L I A M L E E H E N D R I C K S

called as a witness on behalf of the defendant, being first duly sworn, was examined and testified as follows:

(Next page please.)