

1 And show for the record the jury has returned. We're
2 prepared to continue with the State's case. And,
3 Mr. Reynard, you may call your next witness.

4

5 DIRECT EXAMINATION BY MR. REYNARD:

6

7 Q Would you state your name, please?

8 A William Joseph Moffitt.

9 Q And would you spell your last name, please?

10 A M O F F I T T.

11 Q Where do you currently reside, Mr. Moffitt?

12 A Western Correctional Center in Mt. Sterling,
13 Illinois.

14 Q Do you know Jamie Snow?

15 A Yes, I do.

16 Q Do you see him in the courtroom today?

17 A No, I do not.

18 Q Okay. I'd like you to look around the courtroom and
19 be certain that you either see him or do not see him?

20 A Oh, yeah, haircut, sorry.

21 Q Could you indicate what he has on today so that we
22 can identify him on the record?

23 A Well, I'm color blind, but it looks like a sweater
24 with a shirt with a collar and a black blazer, can't tell

1 what color the sweater is.

2 MR. REYNARD: Your Honor, we'd ask that the record
3 reflect the identification of the defendant.

4 THE COURT: It will reflect that.

5 MR. REYNARD:

6 Q How long have you known the defendant?

7 A Approximately 12 years or so, somewhere in there.

8 Q Before we go any further, I want to go back and
9 review matters concerning your personal history. In 1998 is
10 it correct that you were convicted of two counts of
11 aggravated criminal sexual assault?

12 A Yes, it is.

13 Q And in 1994 were you convicted of aggravated
14 battery?

15 A Yes, I was.

16 Q And on both of those -- in those cases you were
17 sentenced to the Department of Corrections, were you not?

18 A Yes, I was.

19 Q On that latter -- latter one, that is the term of
20 imprisonment you're currently serving?

21 A Yes, it is.

22 Q Okay. With regard to a couple more matters, 1990
23 were you convicted of aggravated battery?

24 A Yes, I was.

1 Q And in 1989, were you convicted of two counts of
2 forgery?

3 A Yes, I was.

4 Q I want to direct your -- well, first of all, I'd
5 like to ask, where was it in very general terms or where was
6 it approximately that you first met the defendant, Jamie
7 Snow?

8 A It was at a party that Denny Hendricks, was one of
9 many.

10 Q Did you at a later time have contact with the
11 defendant while each of you were in jail, in prison?

12 A Yes, I did.

13 Q And specifically I want to direct your attention to
14 October of 1994 and ask if to the best of your memory that
15 was when you were sentenced on that 1994 aggravated battery
16 case?

17 A I believe it was, yes, approximately, yeah.

18 Q And do you recall seeing the defendant in the McLean
19 County jail at or about the time that you were to be
20 transported to the Department of Corrections from the jail?

21 A Yes, he turned himself in the next morning -- well,
22 I came in that morning for the Joliet Department of
23 Corrections.

24 Q Once the two of you were transported --

1 THE COURT: Can I stop you a second? Mr. Moffitt,
2 you need to speak up a little bit so the reporter can get
3 everything you say.

4 Go ahead, Mr. Reynard.

5 MR. REYNARD:

6 Q Just closer to the microphone gets the job done,
7 Mr. Moffitt. Where were you placed that first night that
8 you -- after you arrived in Joliet, Department of
9 Corrections?

10 A In the annex across the street from the main
11 correctional facility in Joliet center.

12 Q And where was the defendant placed?

13 A In the bunk above me.

14 Q You were in the same cell?

15 A Yes, we were.

16 Q Now, this location in Joliet, is that known as the
17 reception center or how is that facility referred to?

18 A It's at the time referred to as the annex, which was
19 the first stage of receiving to Joliet.

20 Q And is that a process of histories are taken over a
21 period of days, interviews and the like and then assignments
22 are made out to various other prison facilities?

23 A Yes, it is.

24 Q Now, during that first night did you have a lengthy

1 conversation with your cellmate, the defendant?

2 A Yes, I did.

3 Q Okay. During the course of that conversation did he
4 express to you any concern that he had?

5 A He was concerned because he had committed a crime
6 that had went wrong, and he was concerned that some people
7 knew about it; but at the same time he felt safer where he
8 was. He expressed that on several occasions.

9 Q Several occasions that night?

10 A Yes.

11 Q Did he tell you what crime that was?

12 A It was an armed robbery.

13 Q And at that particular point in time did he tell you
14 which particular armed robbery it was?

15 A Not in exactly those words, no.

16 Q Did he tell you other details over the period of the
17 next several hours of conversation?

18 A Several, yes, sir.

19 Q Okay. Please tell the ladies and gentlemen of the
20 jury in the order that you can remember it, understanding
21 that it's only to the best of your memory, what details he
22 told you about this particular crime that he had committed.

23 A On the evening of the offense when the night we were
24 speaking he told me that they were out getting high, and

1 they had run out of money to get high. And they
2 needed -- he needed to do something for more money, and they
3 had pulled into a gas station in a quiet neighborhood to get
4 some gas. And upon pulling into that gas station he made
5 the decision to rob that gas station, and when he made the
6 decision to rob the gas station, it was kind of based on the
7 fact that he knew the individual; and he didn't believe that
8 that individual would do anything to stop him.

9 Q What did he tell you that the individual turned out
10 to do during the course of the robbery?

11 A Did, in fact, try to stop him.

12 Q And what did he tell you he then did?

13 A He shot him.

14 Q How did he -- did he refer in any identifying manner
15 to the identity of the individual that he shot?

16 A He said the initials B L on several occasions, which
17 was kind of confusing to me because I wouldn't understand
18 why you would just say that to someone. But that's how he
19 referred to the individual.

20 Q Earlier you made reference to him telling you that
21 they were out, and I want to question you about that. Did
22 he mention to you who he was with that night? Specifically,
23 did he mention who he was with that night?

24 A To the best of my recognition it was three

1 individuals.

2 Q But not specifically identified beyond that?

3 A There weren't any names that were mentioned to me at
4 that point.

5 Q In terms of the -- his concerns about that case,
6 what did he indicate to you his concerns were? Let me
7 rephrase that. Did the defendant indicate to you some
8 concern about having been seen that night?

9 A Yes, he did. He was -- yes, he did.

10 Q And what did he tell you?

11 A He was -- there was some mention for lack of
12 specific but to the extent of a car having pulled up to the
13 gas station or driven into the lot or something to that
14 extent. I'm not exactly sure, but there was something about
15 a car that he was afraid that had possibly seen him the
16 night when they were in the parking lot of that gas station.

17 Q Did he make any reference to the investigation of
18 that incident that followed?

19 A Yes, he did. He spoke of the fliers that were up
20 and the reward that was up and that the investigation that
21 detective -- well, not so much the detectives but they had
22 no idea who had done it.

23 Q At anytime during the course of the
24 conversation -- well, let me ask you this. Were -- did you

1 have other conversations with the defendant after this
2 lengthy conversation that first night?

3 A Yes, we did, when we would walk the yard when we
4 were placed across the street in the east house in Joliet
5 but never in any detail like the first night.

6 Q Okay. Now during the course of that first night
7 conversation do you recall him making any mention of
8 his -- his sister or the State of Missouri?

9 A Absolutely. He told me that he probably should have
10 ran to his sister's in Missouri and that if I ever needed a
11 place to go, that that would be a good place to go to get
12 away to because I could hide there.

13 Q In the -- in the other conversations that you had
14 that didn't go inasmuch depth was there reference to the
15 information that he supplied you the first night?

16 A Maybe vaguely, but nothing as extensively as the
17 first night.

18 Q Okay. And after -- how long were you assigned
19 across the street as you just indicated before you were
20 assigned out to another facility?

21 A The annex I believe a few nights, but across the
22 street there were several of us from our town here in
23 Bloomington that remained in that facility for several
24 weeks. I believe that all of us were in that building

1 together across the street for at least a week or two.

2 Q And after that where were you assigned?

3 A To Lincoln Correctional Center.

4 Q And was the defendant assigned to Lincoln
5 Correctional Center at the same time that you were?

6 A No, he was not.

7 Q And did you have any other conversations with him or
8 contact with him after that initial night and the week or so
9 following?

10 A None since.

11 MR. REYNARD: No further questions at this time.

12 THE COURT: Okay. Hold it. Mr. Picl, go ahead.

13 MR. PICL: Thank you.

14

15 CROSS EXAMINATION BY MR. PICL:

16

17 Q Bill, you've spent a good portion of your adult life
18 in prison, haven't you?

19 A Sure.

20 Q You're -- would it be fair to say from that
21 extensive experience with life in prison, you're familiar
22 with the way most people in prison act?

23 A To some extent, sure.

24 Q Has it been your experience or your observation that

1 inmates in prison regularly talk about crimes they've
2 committed?

3 A Sure.

4 Q Has it been your observation or experience that
5 inmates in prisons sometimes talk about crimes they've
6 committed because they wish to acquire or maintain a certain
7 reputation?

8 A Well, I think that would be speculative on my part.

9 Q But you've known people to do that, haven't you?

10 A Without having the facts of any crimes they've
11 committed, I wouldn't know if they were true or false.

12 Q Have you ever known anybody in prison to lie?

13 A I imagine that's why some of them are there.

14 Q Have you ever lied?

15 A Sure. Have you?

16 Q Would you consider -- well, occasionally I do.

17 Well, would you consider yourself to be a -- an honest and
18 truthful person?

19 A I wouldn't be sitting in Western Correctional Center
20 if I was.

21 Q So your answer is no, you're not an honest and
22 truthful person?

23 A If I was I wouldn't have hurt my family the way I
24 did.

1 Q So your answer is no, you're not an honest and
2 truthful person?

3 A To the extent of breaking the law.

4 Q You're not an honest and truthful person, are you,
5 Bill?

6 A Well, here today I am, sir.

7 Q But many other occasions you haven't been, right?

8 A I can't think of any occasion on the record that
9 would reflect that.

10 Q You've told many lies in your life, have you not?

11 A I imagine to my mom and dad, sure.

12 Q You've hurt your family with your lies, haven't you?

13 A With my crimes.

14 Q You are a convicted multiple felon, are you not?

15 A As the record will reflect, yes.

16 Q Well, separate and apart from the record, you are a
17 multiple convicted felon, are you not?

18 MS. GRIFFIN: Your Honor, that isn't separate and
19 apart from the record. This is belaboring this upon belief.

20 THE COURT: Are you objecting?

21 MS. GRIFFIN: Yes.

22 THE COURT: Objection sustained.

23 MR. PICL:

24 Q Aggravated criminal sexual assault, two counts,

1 that's rape, isn't that right?

2 MS. GRIFFIN: Objection, Your Honor, I don't think
3 we need to translate these matters. The convictions and the
4 judgments are all that's been admissible.

5 THE COURT: All right. The objection is
6 sustained.

7 MR. PICL:

8 Q You've told us that you've known Jamie Snow for how
9 long?

10 A Approximately 12 years, somewhere in that area.

11 Q Were you what you'd consider to be a fairly close
12 friend of his?

13 A No.

14 Q Where is the Denny Hendricks' house at which you met
15 Jamie at this party?

16 A It wasn't Denny Hendricks' house. It was a party
17 that Denny Hendricks had thrown.

18 Q And where was that thrown?

19 A It was at a trailer in Southgate Estates. I don't
20 remember whose trailer exactly it was.

21 Q Jamie Snow never told you that he shot Bill Little,
22 did he?

23 A Yes, he did.

24 Q Did he say Bill Little?

1 A Well, not Bill Little.

2 Q So he never told you that he shot Bill Little, did
3 he? Yes or no.

4 A After using the initials B L he said he had shot
5 him.

6 Q I didn't ask you about initials. Did Jamie Snow
7 ever tell you that he shot Bill Little?

8 MS. GRIFFIN: Your Honor, I object. It's an
9 argumentative question.

10 THE COURT: Okay. The objection is sustained.

11 MR. PICL:

12 Q Jamie Snow never told you that he shot Bill Little?

13 MS. GRIFFIN: Objection, same question, same
14 objection.

15 MR. PICL: Judge, may we approach?

16 THE COURT: No. The witness has answered after he
17 used the initials. I don't know if you heard that. But he
18 has answered your questions. He said after he used the
19 initials. So he has answered your question as to whether or
20 not he used the words Bill Little.

21 MR. PICL: Well, then I missed that answer.

22 THE COURT: And you may have. That's why I'm
23 raising it.

24 MR. PICL: Okay.

1 THE COURT: Go ahead.

2 MR. PICL:

3 Q Did Jamie Snow ever mention the name Bill Little to
4 you?

5 A By initial.

6 Q So he mentioned B L to you?

7 A Absolutely.

8 Q But not Bill Little?

9 A No.

10 THE COURT: Okay. Mr. Picl, I don't want to
11 mislead you. You're right. I'm looking back. He didn't
12 say Bill Little after that.

13 MR. PICL: Well, thank you, Judge.

14 Q After you had this extensive night long conversation
15 with Jamie Snow, according to your recollection, did you
16 then alert the guards at the prison the next day that you
17 felt that Jamie Snow had shot somebody and told you about
18 it?

19 A No, I did not.

20 Q Did you phone the police in any city, town, state or
21 county and report what Jamie Snow had told you?

22 A We're not allowed access to phones in Joliet.

23 Q The answer is no?

24 A No.

1 Q Were you allowed writing materials and postage
2 stamps at Joliet, if you'd wanted them?

3 A Yes, if your money arrived on time. I'm trying to
4 think if it did on that occasion. I don't think my money
5 had arrived on time. I had to wait until it caught up to me
6 at Lincoln.

7 Q How long were you at Joliet again?

8 A It was about a week or two.

9 Q And during that week or two did you have an
10 opportunity to tell a guard, a cook, an electrician or any
11 other employee of the institution that your bunk mate for
12 one night had confessed you believe to a murder to you?
13 Could you have told somebody if you wanted to? Yes or no,
14 please.

15 A Another inmate.

16 Q You didn't come into contact during that week with
17 any guard or other employee of the institution?

18 A Joliet is 24 seven lock down. The only time you go
19 anywhere is if you're let loose on the walk and you run over
20 to chow and walk back to your housing unit.

21 Q And didn't you tell us that you walked the yard
22 during the time you were there with Mr. Snow?

23 A And again, you are run out with all the inmates, and
24 that's where you're shut into an area where you're left

1 alone.

2 Q Let me understand this, during the time you were in
3 Joliet you had no contact whatsoever with a guard or
4 employee of the prison? Is that what you're saying?

5 A I didn't.

6 Q How did you get to -- where was your next prison?
7 Where did you go after you left Joliet?

8 A Lincoln Correction Center.

9 Q And was the same situation in effect there? You
10 didn't have any contact with any guards or employees of the
11 prison?

12 A Absolutely not. It's a minimum facility. You have
13 movement with them on a daily basis.

14 Q So you had an opportunity while at Lincoln to make
15 contact with a guard. Is that right?

16 A I most certainly did.

17 Q So the first day that you arrived at Lincoln you
18 told somebody that you felt Jamie Snow had confessed to
19 shooting someone to you. Is that right?

20 A No, I did not.

21 Q Well, when your money finally showed up and you
22 could have purchased a pencil and a stamp and a scrap of
23 paper, did you write a letter to the Bloomington police
24 saying that he'd confessed to you?

1 A No, I did not.

2 Q Well, the first day you were there at Lincoln when
3 you had access to the phone, did you pick up the phone and
4 call Mr. Reynard or anyone in his office or the Bloomington
5 police to report what you thought you'd been told?

6 A No, I did not.

7 Q How long were you in Lincoln, Mr. Moffitt?

8 A I'm not entirely sure, maybe a year, year and a half
9 or so.

10 Q During the time you were at Lincoln, did you contact
11 anyone and report what you had been told by Jamie Snow?

12 A I discussed it with two people.

13 Q Police officers?

14 A No.

15 Q Guards?

16 A No.

17 Q State's Attorneys?

18 A No.

19 Q Judges?

20 A No.

21 Q Employees of the prison?

22 A No.

23 Q Did you become aware at some point during the last
24 nine or ten years that there was a reward offered in this

1 case for information leading to apprehension?

2 A Yes, I did.

3 Q When did you find that out?

4 A Saw it on a flier at a Clark gas station.

5 Q And when was that?

6 A It was several different occasions at several
7 different Clark gas stations.

8 Q In 1995?

9 A No, I would have been incarcerated then.

10 Q 1994?

11 A Possibly the earlier part of 94. I -- I don't
12 recall exactly the time frame. I just remember seeing them
13 taped on the doors inside the Clark gas station windows.

14 Q Did you, Mr. Moffitt, not report or contact the
15 police to report what you claim Mr. Snow told you until
16 after you saw the reward fliers? *COULD BE IMPEACHED*

17 A It had no bearing on effect on why I contacted them
18 at all. *with Discovery TAPE*

19 Q But the fact is you didn't contact the police to
20 report what you claim Mr. Snow told you until sometime after
21 you saw the reward fliers. Is that correct? Yes or no,
22 please.

23 A I didn't see the reward fliers and know who had
24 committed the crime at the time I saw the reward fliers at

1 the time I saw those the first time.

2 Q Before you saw the reward fliers did you contact the
3 police to report what you claim Jamie Snow told you in
4 Joliet? Yes or no.

5 MR. REYNARD: Objection, your Honor, that's an
6 impossibility.

7 THE COURT: Objection sustained.

8 MR. PICL:

9 Q When -- when did you first call the police to tell
10 them what you first claim Jamie Snow told you in Joliet?

11 A When I was at Illinois River Correctional Center in
12 Canton, Illinois.

13 Q Can you put a date on that, please?

14 A No, I can not.

15 Q When you called the police, had you seen the reward
16 fliers at that time?

17 A I believe I had, yes.

18 Q The conversation that you had in Joliet with Jamie
19 Snow that you've reported to us today took place in 1990.

20 Is that correct?

21 A No, it is not.

22 Q When did it take place?

23 A My second time to the institution, Department of
24 Corrections, which would have been approximately 1994.

1 Q What do you expect to gain from your testimony
2 today?

3 A Like relief from knowing that I held something in
4 that I should have come forward and told a long time ago
5 instead of waiting 'til I was at Illinois River when someone
6 else mentioned it. That's what I'm going to gain from this.
7 That's it. *ED HAMMOND*

8 Q You haven't been promised anything from anyone?

9 A No, sir.

10 Q Testimony?

11 A No, sir, absolutely not a thing.

12 Q Would it be fair to say that you didn't take Jamie
13 Snow very seriously when he made the statements to you as
14 you claim that night, the night you bunked together at
15 Joliet?

16 A No, I would not.

17 Q So you did take him seriously?

18 A Yeah, I took him seriously enough. I didn't sleep.

19 Q And you waited more than a year and a half to
20 contact the authorities. Is that correct?

21 A Yes, I did.

22 Q Jamie told you he claimed that he and three others
23 pulled in a car in a gas station parking lot to rob it.
24 Isn't that correct?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

MR. PICL:

Q Did you understand him to indicate that he left the station the same way he arrived, in a car?

A If I were to speculate, yeah, I would think so.

MR. PICL: May I have a second, Judge?

THE COURT: Sure.

MR. PICL:

Q Sir, did you know Bill Little, the man that got shot in this case?

A Yes, I did.

Q How long had you known him and where did you know him from?

A We weren't close friends, but I knew him from the neighborhood from Brenda and Tommy Clarks' parents. We had tacos on Sunday nights and Wednesday nights or pizza after church events and stuff.

Q Over what period of time?

A I believe from Bill's sophomore year in high school until I was incarcerated or went to California, I'm not sure which.

Q Which would have been what are we talking, two, three years, four years, that you knew him?

A About four years, three, four years.

Q And I gather while you weren't close friends, as

1 you've told us, you did see him on a regular basis and eat
2 with him and eat with mutual friends, that sort of thing?

3 A Just whenever he wasn't working he would show up at
4 the Clarks and have after church dinner with us and stuff,
5 but it wasn't like we were best friends and hanging
6 out -- hung out together or something.

7 Q I believe, Mr. Moffitt, that you testified that you
8 knew Jamie Snow before you met him in prison. Is that
9 correct?

10 A Yes, I did.

11 Q Were you what you would call a close friend with
12 him?

13 A Absolutely not.

14 MR. REYNARD: Objection, asked and answered.

15 THE COURT: Okay. Hold on. What was the
16 objection? I'm sorry.

17 MR. REYNARD: Asked and answered. Way back.

18 MR. PICL: You know he's correct.

19 THE COURT: Hold on. I was going to check.

20 MR. PICL: He is correct.

21 THE COURT: All right.

22 MR. PICL:

23 Q You've told us you weren't a close friend of
24 Jamie's. Were you ever alone with him the two of you

1 together out in public before you went to prison and met him
2 there?

3 A There might have been an occasion or something but
4 nothing excessive.

5 Q Do you ever recall before going to prison being with
6 Jamie Snow in the company of any of your other friends or
7 his other friends, any other witnesses, maybe at a party,
8 maybe watching TV, doing something like that?

9 A It would have only been at the parties that I went
10 to out there.

11 Q With the Hendricks?

12 A Yes, sir.

13 Q So the Hendricks would be able to confirm probably
14 you would think that you were with Jamie. Is that right?

15 A Well, I'm sure they could confirm that Jamie was at
16 the same parties that we were all at.

17 Q Okay. Would it be fair to say that that was
18 probably as close a relationship as you and Jamie had before
19 going to prison, that is, you'd attend the same parties? Is
20 that fair?

21 A Yes, it is.

22 Q Okay. How many such parties did you attend where
23 Jamie was in attendance, if you recall?

24 A Not exactly I don't.

1 Q A lot or not so many?

2 A A few.

3 Q And is it your recollection that the Hendricks were
4 usually there?

5 A On occasion.

6 Q Okay. I don't think I have anything else. Thank
7 you -- excuse me, just a second. Let me check my circles
8 here. Did you ever meet Jamie's sister in Missouri?

9 A No, I did not.

10 MR. PICL: No other questions. Thank you.

11 THE COURT: Mr. Reynard?

12 MR. REYNARD: Just a few.

13

14 REDIRECT EXAMINATION BY MR. REYNARD:

15

16 Q Mr. Moffitt, I believe you indicated to Mr. Picl
17 that you might have seen the reward fliers in early 1994
18 before you went to prison that second time.

19 A Yes, I believe I did.

20 Q Okay. And it was in approximately October of 1994
21 that you were transported with the defendant to the Joliet
22 and placed in the annex and had that first conversation. Is
23 that also what you testified to earlier?

24 A Yes, I did.

1 Q And then I think Mr. Picl indicated that it was a
2 year or so after that that you made some contact concerning
3 your knowledge. Is that also true?

4 A I believe it was a shorter period than that.

5 Q Okay. In any event it was when you were at Illinois
6 River?

7 A Yes, sir.

8 Q So it would have been sometime perhaps in 1995?

9 A Yes, sir.

10 Q Why did you come forward at that point? Why did you
11 share the information that you had?

12 A Conversation I had with a gentleman who was my
13 celled brought everything to light and made me decide it was
14 time to quit doing this and to make a phone call, and I
15 picked up the phone and did it the next morning.

16 MR. REYNARD: Nothing further. Thank you.

17 THE COURT: Mr. Picl?

18

19 RE-CROSS EXAMINATION BY MR. PICL:

20

21 Q So you had like some sort of a conversion after a
22 conversation with your celled at Illinois River sometime in
23 95 and you then called the police. Is that correct?

24 A Yes, I did.

1 MR. PICL: Nothing else.

2 MR. REYNARD: Nothing.

3 THE COURT: All right. Then do we need take a
4 short recess here --

5 MR. REYNARD: Yes.

6 THE COURT: -- for the next witness? All right.
7 We're going to take a short recess, ask the bailiffs to take
8 charge of the jurors.

9

10 (Witness excused.)

11

12 (Recess.)

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

15 THE COURT: We'll go back on the record in
16 99 CF 1016. Parties appear same as before. We're prepared
17 to continue with the State's case. We'll call the jury
18 back.

19 MR. REYNARD: We need to swear the witness first.

20 THE COURT: Yeah, why don't you go ahead and swear
21 the witness.

22

23 (Witness sworn.)

24