

26  
1 A. If I remember correctly, that is the time we were  
2 sent to the area, yes.

3 Q. Okay. And it took you a period of a very few  
4 minutes to arrive at that location and, in order to see what  
5 you've previously testified that you saw?

6 A. Yes, sir.

7 Q. Nothing further.

8 THE COURT: Mr. Skelton, anything further on that?

9 MR. SKELTON: No.

10 THE COURT: All right. You may step down, thank  
11 you.

12 (Witness excused)

13

14 (Witness sworn)

15

16 THOMAS EDWIN SANDERS,

17 called as a witness on behalf of the People herein, having  
18 been first duly sworn, was examined and testified as follows:

19

20 DIRECT EXAMINATION

21 BY MR. REYNARD:

22 Q. I need just a moment, judge. Would you state your  
23 name please?

24 A. Thomas Edwin Sanders.

1 Q. And what is your occupation, sir?

2 A. I'm detective for the city of Bloomington Police  
3 Department.

4 Q. And how long have you been employed by the city of  
5 Bloomington Police Department?

6 A. About twenty four years.

7 Q. And what is your current assignment?

8 A. I am in the criminal investigations division, the  
9 forensic and crime scene unit.

10 Q. And with respect to the forensic and crime scene  
11 unit, do you have any particular education and training,  
12 which is pertinent to that assignment?

13 A. Yes, I do.

14 Q. And what is your basic educational background?

15 A. I have a Bachelor of Science degree from Illinois  
16 State University. I --

17 Q. And in what field?

18 A. Criminal justice.

19 Q. And with regard to your training, have you  
20 participated in, in numerous trainings over the last, well,  
21 over the time that you were first employed by the city of  
22 Bloomington Police Department?

23 A. I have.

24 Q. Okay. With regard to your current assignment, as

1 part of the forensic and crime scene investigations unit,  
2 what, if any specific training, have you had?

3 A. I trained at the FBI academy, the Scottsdale  
4 Artists School, the John Reed College, the Northwestern  
5 University, now center for public safety, Midwest Organized  
6 Crime Intelligence Center, the -- let's see, I think that's  
7 probably the main ones.

8 Q. Okay. Now, with regard to that training, what  
9 training is -- let me back up for a minute -- have you  
10 received training with regard to a drawing to what we refer  
11 to as composite drawings?

12 A. Yes, I was trained in forensic art at the FBI  
13 academy and at the Scottsdale Artists School.

14 Q. And have you received any certifications pertinent  
15 to your being a forensic artist?

16 A. Yes, I have. I'm -- I was certified by the  
17 International Association for Identification and Forensic  
18 Art.

19 Q. And have you also been certified as an instructor  
20 of forensic art by the Illinois Law Enforcement Training and  
21 Standards Board?

22 A. I have.

23 Q. Have you lectured on numerous occasions with regard  
24 to forensic crime scene investigations as well as forensic

1 art?

2 A. I have.

3 Q. Could you tell the Ladies and Gentlemen of the Jury  
4 what they, what the, the basic process is for preparing  
5 composite drawings?

6 A. Yes, I could. A composite drawing or sketch as  
7 it's sometimes called --

8 MR. SKELTON: Excuse me, Tom, and I'm sorry, could  
9 you ask the witness to kind of turn the microphone a little  
10 bit? It's hard to hear him.

11 THE COURT: Okay.

12 A. A composite drawing or sketch is, it's sometimes  
13 referred to, is prepared from the descriptions given by a  
14 victim or witness. The main purpose is to eliminate broad  
15 segments of the population and hopefully, to focus in on what  
16 a given unknown suspect looks like so that he can be  
17 apprehended. It's -- in this case, it was hand drawn. We  
18 now computer generate also. It involves, I guess you would  
19 say, the, the, quote, secret of it all, involves what we call  
20 commuted interview technique. That's how we get that image  
21 from a witness or a victim's mind on to the computer screen  
22 or a piece of paper, and special non-suggestive ways of  
23 getting that information so that we can prepare that drawing,  
24 and then if it is judged to be a reasonable likeness, it can

1 be released then to the public.

2 Q. Okay. With regard to the, I guess, the, the  
3 artistry that you performed or that was characteristic of  
4 the, of the field of forensic art back in 1991, was that by  
5 hand drawing?

6 A. Yes, sir.

7 Q. Okay. Was computer aided drawing available back at  
8 that time?

9 A. No.

10 Q. So as I understand it, you speak with a witness  
11 according to a certain interviewing technique, and secure  
12 information that you record in the form of pictures? Is that  
13 correct? Or features, features on a picture?

14 A. Yes. In a case of hand drawn composites, I was  
15 trained to work with two identical catalogs, one that the  
16 witness would use, and one that I would use. It consisted of  
17 about 13 characteristics or was divided into 13  
18 characteristics where they would collect, like -- well, it  
19 would be photographs. Now, it's in data bases, but then they  
20 would just, from the micro to the macro kind of taxonomy or  
21 arrange, if you will, for instance, noses from smaller to  
22 larger to, or they might be longer or whatever in the  
23 catalog, and that witness would, would go through for each of  
24 those features and pick out a characteristic that was close

1 to or similar to what the suspect had, and then I would, with  
2 the identical catalog, would draw that. We would put them  
3 all together, just like -- but we would compose one feature  
4 from many features that were selected by the witness. Then,  
5 using special paper and erasers and pens, those features  
6 would be altered according to that, the way that witness  
7 wanted, wanted them altered if they weren't exactly correct,  
8 so at the end of the, the, the session, we would have  
9 hopefully a reasonable likeness of a suspect.

10 MR. REYNARD:

11 Q. Directing your attention to March-thirty-one, 1991,  
12 or perhaps the early morning hours of April one, 1991, were  
13 you assigned to visit with several witnesses concerning  
14 descriptions that they might give you that might result in  
15 your being able to prepare a composite drawing of the  
16 suspect?

17 A. Yes.

18 Q. And we're referring to the suspect in the shooting  
19 death of Bill Little at the Clark station on that Easter  
20 Sunday evening?

21 A. Yes.

22 Q. And who was it that you first spoke to that  
23 evening?

24 A. Mr. Martinez.

1 Q. And that would be Danny Martinez?

2 A. Yes.

3 Q. What procedure did you follow with Danny Martinez  
4 with regard to securing information from him and drawing a  
5 picture?

6 A. Well, I interviewed Mr. Martinez, using the  
7 cognitive interview technique, and with his help, I prepared  
8 a composite sketch that we referred to as composite sketch  
9 number one.

10 Q. Your Honor, is that already in evidence now?

11 THE COURT: Do you know the number?

12 MR. REYNARD: Twenty -- twenty-one.

13 THE COURT: Twenty-one is admitted.

14 MR. REYNARD: Okay. Would you project number 21  
15 please. I'm going to show you what's in evidence marked as  
16 People's Exhibit Number 21 and ask if you recognize that  
17 item.

18 A. Yes, I do.

19 Q. And what is it?

20 A. This appears to be a, a copy of the sketch that I  
21 prepared.

22 Q. With who?

23 A. Mr. Martinez, I believe.

24 Q. Okay. And does it bear the number that you earlier

1 referred to as composite number one?

2 A. Yes.

3 Q. And does Mr. Martinez's initials appear on there as  
4 also an identifying marking?

5 A. Yes, next to my initials and badge number on the  
6 bottom line.

7 Q. Am I pointing first of all at the number of the  
8 composite here?

9 A. Yes, sir.

10 Q. Number one, and then two lines down, there are some  
11 illegible initials here. Whose initials are those?

12 A. Those are mine. That's a TS 1856.

13 Q. Thank you. And next to that, in the, in the bottom  
14 right-hand corner of the, of the exhibit are two more  
15 letters. What are those letters?

16 A. Those are the initials of Mr. Martinez.

17 Q. How long did it take you and Mr. Martinez,  
18 Mr. Martinez to discuss the imagery that he was conveying to  
19 you that resulted in this drawing?

20 A. Roughly a half hour.

21 Q. Okay. And approximately what time was it, if you  
22 can recall, that you were meeting with him?

23 A. I believe it was late night. I don't remember the  
24 exact time.



1 Q. Very good. And you were speaking to him because  
2 you had been advised that he saw a suspect shortly after  
3 eight o'clock, and that might be the person that was involved  
4 in the shooting death of Mr. Little?

5 A. Yes.

6 Q. Who did you speak with after you spoke with  
7 Mr. Martinez? Would looking at the drawing refresh your  
8 memory?

9 A. Yes.

10 Q. I'll show you People's Exhibit Number 22, Your  
11 Honor. Is that in evidence as well?

12 THE COURT: Twenty-two is admitted.

13 MR. REYNARD:

14 Q. Would you project 22 please.

15 A. Yeah, yes.

16 Q. Mr. Gutierrez, you spoke with?

17 A. Mr. Gutierrez, yes.

18 Q. And did you follow the basic same procedure with  
19 Mr. Gutierrez, employing the same techniques, using the  
20 catalog of features and, and basically talking back and  
21 forth, drawing and erasing and correcting and as you earlier  
22 indicated?

23 A. Yes.

24 Q. Okay. And with regard to People's Exhibit Number

1 22, is that the drawing, excuse me, that you were able to  
2 produce with the assistance of Mr. Gutierrez?

3 A. Yes.

4 Q. And with regard to People's 21 and People's 22, are  
5 these fair and accurate copies of the original drawings which  
6 you actually drew?

7 A. They appear to be, yeah.

8 Q. And now, with regard to Mr. Gutierrez, could we put  
9 Mr. Gutierrez back? You've similarly indicated a composite  
10 number on this drawing as well, is that correct?

11 A. Yes.

12 Q. And what is the composite number that you  
13 designated this drawing?

14 A. Two.

15 Q. And your initials are in a similar location,  
16 actually the, the numbers?

17 A. Yes.

18 Q. And you've written out the name Gerardo Gutierrez  
19 in the bottom right-hand corner?

20 A. He did that.

21 Q. He did that?

22 A. In lieu of his initials.

23 Q. And you spoke to Mr. Gutierrez because you had been  
24 advised that he saw someone at some point after eight o'clock

1 that evening as well?

2 A. Yes.

3 Q. Okay. If you had known that he had seen somebody  
4 an hour beforehand, would he have been a subject to employ to  
5 make a drawing?

6 MR. SKELTON: Objection, Your Honor. It calls for  
7 a conclusion.

8 THE COURT: Mr. Reynard?

9 MR. REYNARD: I think the question speaks for  
10 itself. I think it's pertinent.

11 THE COURT: I'm going to allow the question.

12 A. Again, sir.

13 MR. REYNARD: If you had known that Mr. Gutierrez  
14 had seen someone an hour earlier than the time at which Bill  
15 Little was shot and killed, would you have been doing this  
16 drawing with this person?

17 A. Based upon that information alone, probably not.

18 Q. Okay. Mr. Sanders -- excuse me, Detective  
19 Sanders, you also had a role in handling of evidence,  
20 transporting it to and from the lab. At this point, I'm not  
21 going to be asking you any questions about that because I  
22 think we've reached a stipulation, but at this point, Your  
23 Honor, no further questions.

24 THE COURT: Okay, Mr. Skelton.

1 CROSS EXAMINATION

2 BY MR. SKELTON:

3 Q. On either March thirty-first, which is I believe  
4 the date that was indicated on number two, with Gutierrez  
5 composite, for lack of a better term, or on April first  
6 before noon of 1991, did you ever have a meeting with a  
7 person known to you or introduced to you as Carlos Luna?

8 A. Yes.

9 Q. Did you go through the same procedure with him?

10 A. No.

11 Q. Why not?

12 A. In interviewing him, I -- as I recall, he didn't  
13 think that he could provide enough information to complete an  
14 effective composite.

15 Q. If I am sitting in your office with you, you're  
16 basically going to ask me oral questions, and from my oral  
17 responses, you're going to try to translate those words or  
18 the images that I've got in my mind that are being described  
19 by the words into a drawing?

20 A. Yes, sir.

21 Q. So for instance, if I were to, describing you to  
22 you, I would suggest that you have a beard and a moustache,  
23 your hair is parted on the left side, it's cut above the  
24 ears. I might give a description of the shape of your face,

1 the shape of your eyes, the shape of your nose, the shape of  
2 your ears, the shape of your mouth, the shape of your whole  
3 head, and you would use those details in an effort to, to  
4 match once again your drawing to my oral description?

5 A. Essentially.

6 Q. And would it be fair to state that the more precise  
7 those facial characteristics or features can be described to  
8 you, that is helpful to you?

9 A. Oh, sure.

10 Q. So if I just came in, and I'm not talking about you  
11 here, and said that the guy that I saw was ugly, that doesn't  
12 help you very much, does it?

13 A. No.

14 Q. Beauty is in the eye of the beholder, and ugly  
15 could be a thousand different things.

16 A. Yeah.

17 Q. And how much time did you spend with Mr. Luna?

18 A. I don't remember exactly.

19 Q. A long enough time in, to satisfy yourself that you  
20 didn't have enough to work with?

21 A. That would be fair to say, yeah.

22 Q. Excuse me a minute. Now, in comparing that  
23 session, that interview with the other two persons, that  
24 being Mr. Martinez and Mr. Gutierrez, you -- your opinion

1 about your ability to attempt to put together a composite  
2 differed?

3 A. Yes.

4 Q. Referring to People's Exhibit Number 22, Tom, you  
5 have got a baseball type cap on that picture, that drawing,  
6 correct?

7 A. Correct.

8 Q. You could, from experience, if you wanted to, put  
9 the bill of that cap down lower on that forehead, could you  
10 not?

11 A. Only if the witness told me to.

12 Q. I'm just talking about if you had the physical  
13 ability.

14 A. Oh, yeah.

15 Q. To, to lower that -- this, we go -- ran it up here  
16 or something -- to lower that bill on the forehead, is that  
17 correct?

18 A. Of course, yeah.

19 Q. And it would appear on that exhibit that is now  
20 depicted on the screen there is a scar in the lower left-hand  
21 portion of the chin of that person?

22 A. Yes.

23 Q. Which was described to you? You don't make these  
24 things up?

1 A. No.

2 Q. And there is an earring in the left ear, correct?

3 A. Correct.

4 Q. And there's a moustache?

5 A. No --

6 Q. You have to answer out loud, excuse me.

7 A. Yes. There's a moustache.

8 Q. It's not a full beard like you have?

9 A. No.

10 Q. And it's not mutton chop sideburns or any sideburns

11 really below the mid level of the ears on that drawing,

12 right?

13 A. Correct.

14 Q. Would you ever -- were you ever given by any of the

15 three persons that we've earlier named, that being Martinez,

16 Gutierrez, and Luna, given a description of a white female

17 with red hair by any of those three people?

18 A. No.

19 Q. I don't have any other questions. Thank you, Tom.

20 MR. SKELTON: What page have you got there,

21 Charley?

22 MR. REYNARD: Sixteen.

23 MR. SKELTON: Sixteen?

24 MR. REYNARD: Yes.

1 REDIRECT EXAMINATION

2 BY MR. REYNARD:

3 Q. Detective Sanders, did -- with reference to the  
4 questions Mr. Skelton asked you concerning your conversation  
5 with Carlos Luna, did you show him the two composites which  
6 had already been drawn which are now in evidence as People's  
7 Exhibit Number 21 and People's Exhibit 22?

8 A. Yes, I did, and he chose number one as looking like  
9 the person that he had seen.

10 Q. Would you put up 21 please? Is People's Exhibit  
11 21, the one, the image that's also projected on the screen,  
12 the, the drawing that Luna told you to, looked most like the  
13 individual that he saw?

14 A. That's correct.

15 Q. Let me see that for a moment please. Thank you.  
16 No further questions.

17 MR. SKELTON: Judge, may we approach very briefly?

18 THE COURT: Sure.

19 (THE FOLLOWING PROCEEDINGS WERE HAD AT THE BENCH  
20 OUTSIDE THE HEARING OF THE JURY.)

21 MR. SKELTON: I'm going to need a few minutes,  
22 judge. The report that Mr. Reynard referred to as being  
23 marked as discovery page number 16 does not correspond to the  
24 number 16 that I have.



1 MR. REYNARD: Let me try 36, sorry.

2 MR. SKELTON: I'll check that one then.

3 THE COURT: All right.

4 MR. SKELTON: Bear with me one moment, if you would  
5 please, Tom. This is a fairly faint copy.

6 A. Sure.

7 MR. SKELTON: In relation to that interview with  
8 Mr. Luna, did he indicate that he was approximately one  
9 hundred feet away from the person?

10 A. He did.

11 Q. In number one that is referred to in this report,  
12 was a composite that was prepared in a, a different  
13 investigation that preceded March thirty-first, 1991?

14 A. I -- I don't believe so. I'd have to recheck that  
15 report to make sure.

16 Q. I don't think my arms are long enough here. Just a  
17 moment, I'm sorry.

18 MR. SKELTON: I have no other questions. Thank  
19 you.

20 THE COURT: Any further questions?

21 MR. REYNARD: Nothing further.

22 THE COURT: All right. You may step down.

23 (Witness excused)

24 THE COURT: Could counsel approach for one moment

1 before you call the next witness?

2 (THE FOLLOWING PROCEEDINGS WERE HAD AT THE BENCH  
3 OUTSIDE THE HEARING OF THE JURY.)

4 THE COURT: I'm being asked what to do with them,  
5 so I'm tired of getting notes.

6 MR. SKELTON: The green shirts can leave.

7 THE COURT: Just remand to the jail.

8 MR. SKELTON: Yes, please.

9 THE COURT: All right. We'll do that.

10 MR. REYNARD: People call Shane Tallon.

11 (Witness sworn)

12

13

CHRISTOPHER SHANE TALLON,

14 called as a witness on behalf of the People herein, having  
15 been first duly sworn, was examined and testified as follows:

16

17 MR. REYNARD: I'll need just a moment, Your Honor.

18 May we approach, Your Honor?

19 THE COURT: Sure.

20 (THE FOLLOWING PROCEEDINGS WERE HAD AT THE BENCH  
21 OUTSIDE THE HEARING OF THE JURY.)

22 MR. REYNARD: I intend to elicit from this witness  
23 that he has two pending cases. However, I would move in  
24 limine to preclude any information concerning those cases

1 other than the one is a traffic case and the other one is a  
2 misdemeanor case. I don't think that the nature of those  
3 charges, which are, for the record, driving while license  
4 revoked, and leaving the scene in 99 TR 19273, and sexual  
5 exploitation of a child under 17, 99 CM 2576, I would move in  
6 limine that no other reference other than traffic and  
7 misdemeanor in that order for those two charges be permitted.

8 MR. SKELTON: Judge, we're not a fact only case, of  
9 the State, excuse me. The nature of the charges is, is  
10 admissible and under Supreme Court opinion in the state of  
11 Illinois.

12 THE COURT: What's the -- what's the -- what are  
13 you bringing this out for?

14 MR. REYNARD: These are pending.

15 MR. SKELTON: He's wanting to serve the State. It  
16 goes to his bias or interest.

17 THE COURT: So why is the identity of the charge  
18 necessary, I guess that's the question?

19 MR. SKELTON: I don't know that it's necessary, but  
20 it's probative under Illinois Supreme Court law, and it's  
21 admissible.

22 THE COURT: Anything further?

23 MR. REYNARD: I'm just saying it's unduly  
24 prejudicial to the State.

1 THE COURT: Well, I don't know of any reason that a  
2 pending one wouldn't have to be identified unless -- I mean,  
3 I suppose circumstances could develop in a particular case  
4 where it would become an issue, but identifying the class of  
5 the offense and, indicates which, what's at stake, I suppose,  
6 but when a person is not convicted, I don't think it's  
7 appropriate to identify the nature of the charges, and  
8 that's, that's my ruling. If that's wrong -- I've researched  
9 that much, so --

10 MR. SKELTON: Thank you.

11 (THE FOLLOWING PROCEEDINGS WERE HAD IN OPEN COURT  
12 IN THE PRESENCE AND HEARING OF THE JURY.)

13  
14 DIRECT EXAMINATION

15 BY MR. REYNARD:

16 Q. Would you state your name please?

17 A. Christopher Shane Tallon.

18 Q. Would you turn the microphone toward you and maybe  
19 scoot up a little bit more there. That will probably help  
20 you to be heard. Do you pretty much go by the, by your  
21 middle name when people are referring to you in a familiar  
22 way?

23 A. Yes, sir.

24 Q. So it would be Shane Tallon?