

SNOW NOTES

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

Gerardo Gutierrez Perspective

Police Interview 4/1/1991, hours after the crime

Case Report 4/1/1991

Case Report 4/4/1991

Case Leads Sheet 4/17/1991

Case Report 10/23/1993

Stopped at Clark station at 8:05pm and pumped \$3 in gas outside (Interview, 4/1/1991).

He looked inside the station and saw a man waving and pointing his finger at the clerk (Case Leads Sheet, 4/17/1991).

He went inside to pay the attendant. The attendant was not friendly as usual and looked at him strange (Interview, 4/1/1991).

He handed the clerk 2 one-dollar bills and one dollar in change and he dropped the change. The clerk's hands were shaking when he went to pick it up (Case Report, 4/4/1991).

He asked the clerk how things were going and he did not respond (Case Report, 4/4/1991).

A man was standing at the far end of the counter, near the entrance to enter the clerk's area (Interview, 4/1/1991).

The man took his hands out of his pockets once, to light and smoke a Marlboro cigarette (Interview, 4/1/1991).

Neither the clerk or the man spoke while he was inside (Interview, 4/1/1991).

He left and drove home, arriving at 8:12PM. He watched TV, saw a report on the Clark station on channel 31, and then went back to the station to report what he saw (Case Report, 4/4/1991).

Description: (Interview, 4/1/1991 & Case Report, 4/4/1991)

23-24-year-old white male, 6' 2," 165 pounds

Shoulder length blondish brownish hair, more brown then blond

Medium sized mustache with 2-3 day facial hair growth

One-inch scar on right side of his chin

Left earring, gold ball

Black baseball cap with yellow logo on the front

Army Green T Shirt & Blue jeans

Back motor cycle jacket, waist length with bottom belt and shoulder tabs, zipped up, with a flap in front

Gutierrez identified Mug Number BP6346 at 1:40 AM (Case Report, 4/1/1991).

At McDonalds on 4/16/1991 on West Washing Street in Peoria, he saw the suspect again in the parking lot. He had shorter hair and no mustache, wore a white sports jersey and blue & white low-cut tennis shoes with white laces. He still had the scar on his chin. He was driving a late 70's maroon Chevy Nova, 2 door. When the suspect saw him, he acted suspicious and quickly left (Case Leads Sheet, 4/17/1991).

Mugshot Viewings with Negative Results

4/23/1991, book #1, pictures A – ZZ

10/17/1991, book #1, pictures AAA – ZZZZ, & book #2, A1 – L1.

10/22/1993, book #2, pictures M1 –X1

Recorded Cold Case Interview, 12/19/1999

Gutierrez stated he went to the Clark station at 7:00 to get enough gas to get him to Bloomington, to pick up his friend who lived on Mulberry.

He stated there were no other cars in the lot when he was there. He was driving a tan 1985 Chevy Celebrity.

Gutierrez said he saw the attendant arguing with someone and the attendant was nervous. He said he had never seen that person before. The man had on a Harley leather jacket, and a new injury on his chin.

He said after he left, he either picked up his friend at the Metropol or went to his house, he can't remember. He stayed approximately an hour and half, maybe two hours.

Gutierrez said that while on his way home, he saw police activity at the Clark station and parked about ½ block away. He walked up to talk to police officer, spoke to a detective, and then the same night, went to station to make a composite, and stayed until in the morning. Police took a statement.

Detective Barkes tells Gutierrez that he was at the gas station at 8pm before. He asks him if it was 7pm or 8pm. Gutierrez says it was between 7-8pm.

Barkes brings up the cash register receipts and explains that somebody came in and bought \$3 worth of gas at 6:55pm. He tells Gutierrez there's no other \$3 worth of gas throughout the whole night. He asks him if he was wrong about the time he was there. Gutierrez says, "it's possible, very possible."

Barkes asks Gutierrez about the time he looked through mugshot books for several weeks. He reminds him he said none of the photos looked like the guy. He asks if it was because the suspect wasn't in there, or if no one in there looked like the guy. Gutierrez suggests maybe the hair cut or angle was different. Barkes asks if he's saying that the guy "could" have been in the books, but he just wasn't able to identify him. Gutierrez agrees yes, it's possible, and if the angle was wrong, it wouldn't be an easy task to identify someone.

Barkes asks Gutierrez about picking out a suspect from the mugshot book on the night of the crime. He asks him if the man he chose was the person who did the shooting, or a person who mostly resembles his memory of that man. Gutierrez agreed that the photo resembled the suspect the most, and he is not 100% sure it was the guy.

Gutierrez says police work is kind of hard, and it's not clear what happened 9 years ago, but he remembers pretty much what he's trying to tell him.

Barkes says that he wants to make sure if Gutierrez is saying the suspect could have been in the books, and he's just not sure. Gutierrez says yes. Barkes then asks if he's saying that the man he picked looked like the suspect from his characteristics, but wasn't actually him. Gutierrez says he is 90% sure it was the same man, he is not 100% sure. He adds that his statement may have been a little different back then, but he did his best to provide the information needed.

Barkes tells him he did a real good job. Gutierrez says his memory is not good, sometimes he can remember more, but sometimes he is blank. If he hears more things about the case, he can come up with something clearer. He adds that he will do anything to help solve this crime, because what happened devastated the whole town. Detective Barkes says they have no more questions.

Susan Claycomb Trial, August 17, 2000

Gerardo Gutierrez via Steve Skelton:

Gutierrez is supplied with a copy of his original 1991 statement from the night of the crime (p 4, lines 16-17).

He admits he signed the statement saying he was at the gas station at 8:05pm the night of the crime, and he reviewed it for accuracy (p 5, lines 17-24 & page 6, lines 1-5).

Gutierrez says he does not remember picking out exhibit #4, a photograph of the person he said looked close to the person he saw in the gas station (p 6, lines 17-21).

Gutierrez confirms he used the gas pump in the middle of the lot, nearest the front door of the station (p 8, line 15-21).

Gutierrez confirms he entered the Clark station building and approached the front of the counter to pay for the gas, and the person he saw at the far end of the counter turned a little to obscure his face (p 8, lines 22-23, p 11 lines 1-4, & 18-20, p 12, lines 2-6).

Gutierrez said he probably talked to the clerk 20 times before, and they could recognize each other. He identifies him as William Little, a friendly and outgoing person (p 12, lines 11-21, p 13, lines 8-12).

Gutierrez explains that the clerk's attitude the night of the crime was a little different, he had never dropped money before, and had never seen him with shaking hands or nervous mannerisms before (p 13, lines 13-24, & p 14, lines 1-13).

Gutierrez confirms he paid for his gas with 2 one-dollar bills and one dollar in change, and the clerk dropped just the change, some of it went on the floor (p 14, lines 22-24 & p 15, lines 4-7).

Gutierrez confirms he did not see the clerk ring up his purchase or place the money into the cash register (p 15, lines 10-12).

Gutierrez confirms that the suspect he saw and described to police and the composite sketch artist, had a fresh, pink scar on his chin, a ball cap, a small gold ball earring in his left ear, he was wearing a green T-shirt and a motorcycle jacket, and had pulled out Marlboro cigarettes and smoked one (p 15 & 16, & 17, lines 1-8).

Gutierrez confirms that within the last year, detectives went to his house to talk to him about the time he went to the gas station. He cannot recall if they mentioned the cash register transaction tape (p 17, lines 22-24 & p 18, lines 3-13).

Gutierrez admits he looked through hundreds of mugshots and could not make a suspect identification. He admits he thought he had seen the suspect before in the past. He says he cannot remember the details of the in person line up he participated in, but remembers he could not identify anyone in a line up (p 18, lines 18-24, p 19 lines 1-17, p 20, lines 10-14).

Gutierrez confirms that the suspect he saw in the gas station the night of the crime did not have a cast on his arm (p 22, lines 6-9).

Gutierrez confirms he left the Clark station and drove to his friend Jesse's house on Mulberry Street, directly from the station. He cannot remember what he did there or if he was even home. He does not then remember hearing about the shooting on the radio, but confirms he did tell that to detectives during his interview the night of the crime (p 22, lines 23-24, p 23, lines 5-8, p 24, lines 4-23).

Gerardo Gutierrez via Teena Griffin:

Gutierrez confirms that it was common for him to pass the Clark gas station on his way home from Jesse's house on Mulberry Street.

There were no other questions from the prosecution.

Jamie Snow Trial, January 5, 2001

Gerardo Gutierrez via Teena Griffin:

Gutierrez admits he was convicted of burglary in McLean county in 1991 and theft in Florida in 2000 (p 8, lines 21-24 & p 9, lines 1-10).

Gutierrez says he forgot much about the case until detectives recently started reminding him about it, little by little (p 10, lines 12-15).

Gutierrez says he was at the Clark station between 7 and 8 the night of the crime, but he does not wear a watch, so he can't remember the exact time. He recalls he went there to get gas on the way to his friend's house on Mulberry street to play pool in his basement (p 11, lines 12-24 & p 12, lines 1-6).

Gutierrez says he put three dollars of gas in his car and then went inside to pay for it with change he had in his car (p 12, lines 12-21).

Gutierrez explains there was a suspicious man inside the outside of the end of the counter. The man turned his back around and to the side to obscure himself (p 13).

Gutierrez says he gave the clerk some dollars and coins, and the clerk dropped a few nickels and quarters on the floor because his hands were shaking, and he did not pick the coins up off the floor (p 14, lines 18-24, p 15, lines 1-7).

Gutierrez says he left and went to a friend's house, but can't remember if he went home and saw the crime on the news or saw police activity on his drive home, but he went back to the gas station to talk to police. He eventually went to the police department and gave a statement (p 15, lines 12-24 & p 16, lines 1-11).

Gutierrez recalls he described a tall person, three or four inches taller than he stands at 5'9," with long hair, an injury on his chin, wearing a black leather motorcycle jacket, with nothing in his hands (p 16, lines 19-24).

Gutierrez confirms from his composite drawing that the man was wearing a ball cap, and from his original statement that he was smoking a cigarette (p 18, lines 17-24, p 22 lines 20-24, & p 23, line 1).

Gutierrez says the suspect he saw did not appear dangerous (p 23, lines 5-8).

Gutierrez confirms he looked at numerous photographs after the crime and participated in an in-person line up, but did not ever positively identify anyone (p 23, lines 14-22, p 24, lines 6-8).

Gerardo Gutierrez via Frank Piel (pronounced *Pit-sul*):

Gutierrez confirms that the clerk dropped about half the coins on the floor, maybe two or three, and did not see him pick them up or see what he did with them (p 27, lines 1-12).

Gutierrez explains that the suspect was actually first standing in front of the counter, and when he opened the door, the man moved a few feet down to the back end of the counter to get out of his way, and then he turned his back to conceal his face (p 29, lines 2-19).

Gutierrez states he didn't get the impression he walked in on a robbery. He got the impression he walked in on two friends arguing, where someone owed someone (p 30, lines 17-21).

Gutierrez says he does not know how long this man was there before he arrived (p 32, lines 11-12).

Gutierrez clarifies his previous statement that the prosecution contacted him before trial and reminded him about little things. He says little by little they reminded him about the night of the crime during their visit to his house, and his memory of that night is not pretty clear (p 33, lines 10-23).

Gutierrez admits that he did not see the suspect with a weapon and did not put together he was committing a crime until after he returned to the scene to report what he saw (p 34, lines 17-24).

Gutierrez specifies he only saw the suspects face for up to three seconds (p 35, lines 4-6).

Gutierrez states that the night of the crime he picked a suspect from the mugshot book, and he was not positive it was the same man he saw at the station, but he fit the description (p 36, lines 20-24 & p 37, lines 1-3).

Gutierrez claims he did not tell the police he thought he may have seen the suspect from the gas station before the night of the crime (38, lines 13-18).

Teena Griffin Redirect:

Gutierrez clarifies that the scar on the suspect's chin was pink in color, and therefore a fresh injury, not permanent (p 39, lines 15-24 & p 40, lines 1-3).

Gutierrez says he has a bad memory and he thinks the prosecutor was with the detectives at his house when they were questioning him (p 40, lines 4 -22)

Gutierrez confirms his initial statement does say that the clerk almost dropped the coins on the floor, but he did actually drop them (p 42, lines 18-23 & p 43, lines 1-6).

Frank Piel (pronounced *Pit-sul*) Recross:

Gutierrez reconfirms that he remembers right now that the clerk did drop the coins (p 43, lines 13-16).

Gutierrez says he calls the mark on the suspects chin a scar, which may be an incorrect term, but it was an injury, and it did not have stitch marks in it. It was recently bleeding, maybe two to three days healing (p 44 & p 45, lines 1-4).