

1 used the phone on that.

2 Q You would have walked down there?

3 A I would have either told him -- I mean we were
4 within so close that I could have verbally told him.

5 MR. SKELTON: Thank you.

6 THE COURT: Anything further, Miss Griffin?

7 MS. GRIFFIN: No.

8 THE COURT: You may step down. Thank you.

9

10 (Witness excused.)

11

12 (Witness sworn.)

13

14 J E F F P E L O

15 called as a witness on behalf of the plaintiff herein, being
16 first duly sworn, was examined and testified as follows:

17

18 DIRECT EXAMINATION BY MS. GRIFFIN:

19

20 Q Would you state your name please?

21 A Jeff Pelo.

22 Q Where are you employed?

23 A I'm a police officer in the City of Bloomington,
24 Illinois.

1 Q And how long have you been a police officer with
2 Bloomington?

3 A Eleven years.

4 Q What's your position with them?

5 A I'm a sergeant currently.

6 Q I want to direct your attention back to the date of
7 March 31st, 1991 about 8:15, 8:20 that evening, ask you if
8 you were working and on duty at the police department at
9 that time?

10 A Yes, ma'am, I was.

11 Q What were your duties at that time?

12 A Patrol officer.

13 Q And what particular shift were you working at that
14 time?

15 A Second shift, which would be three to 11 in the
16 afternoon.

17 Q Now, at about 8:18 that evening, did you receive a
18 dispatch to go to the Clark Station?

19 A Yes, ma'am.

20 Q And where was that located at?

21 A 802 East Empire.

22 Q That's in Bloomington, McLean County?

23 A Yes, ma'am.

24 Q Now, were you in that area at all at that time?

1 A When the dispatch went out I was more downtown.

2 Q And did you subsequently then go in your squad car
3 to that area?

4 A Yes, ma'am.

5 Q Now, when you got that call, did you know what kind
6 of call it was?

7 A They dispatched it as a 1090, which is a holdup
8 alarm.

9 Q Now did that affect how you were going to approach
10 the call then?

11 A Yes, ma'am, it did.

12 Q How so?

13 A To be discrete and as concealed as possible that way
14 if it's real your presence isn't known.

15 Q Now, as a result of that approach philosophy, when
16 you arrived in the area, where did you actually go to when
17 you got in the area of the Clark Station?

18 A It intersects with Linden Street to the south of
19 Empire Street. There is -- I can't remember what it's
20 currently called. There was a credit union at the time. I
21 approached on Linden Street and concealed my squad behind
22 the credit union building.

23 Q Did you then approach on foot?

24 A Yes, ma'am.

1 Q Do you recall what direction you went when you
2 approached the building?

3 A I had to walk towards the north towards the Clark
4 Station.

5 Q Okay. Now, as you approached the Clark Station
6 then, did you notice anything happening or anyone there in
7 the area at that time?

8 A There was -- the only thing I observed was a male by
9 a blue vehicle on the east side of the lot.

10 Q And could you tell what that individual was doing or
11 anything?

12 A He was putting -- putting air in one of his tires,
13 the right front tire I believe. He was bent down putting
14 air in the tire.

15 Q And where were you at that time?

16 A I would have been south of the Clark Station in the
17 credit union's parking lot towards the east side.

18 Q Now did you subsequently go closer to the station
19 then?

20 A Yes, ma'am.

21 Q What did you do and what did you see?

22 A As I was walking towards the station I -- I was
23 watching him -- several different things. One of the things
24 I was watching was the male by the car. He went around the

1 vehicle and came back. At one point he walked towards the
2 station. While he was doing that I was also trying to run
3 his license plate through our dispatch center.

4 Q Were you having any problems with that?

5 A Yes, ma'am, I was.

6 Q So were you getting frustrated with that?

7 A Yes, ma'am.

8 Q Did you have a little discussion with the dispatcher
9 on the radio about that?

10 A Yes, ma'am.

11 Q That kind of took your attention for a little while?

12 A Yes, it did.

13 Q And what else? Did you notice any other vehicles or
14 anything?

15 A As I got closer to the building I believe it was a
16 pickup truck pulled in, two men started getting out of the
17 truck.

18 Q What did you do then?

19 A I asked them if they'd get in the truck and go
20 across and -- the street and wait for me to look at the
21 building. While I was doing that I observed inside the
22 building.

23 Q So you kind of looked through the glass area there?

24 A Yes, ma'am.

1 Q And what did you see inside the building?

2 A Most important thing was a young man's foot sticking
3 out behind the counter.

4 Q Now, while you were there did you see anybody go
5 inside the station?

6 A I saw no one go in, no.

7 Q Did you see anybody come out?

8 A No, I did not.

9 Q When you saw the foot sticking out behind the
10 counter, what did you do then?

11 A I pulled my weapon, and then told the men to get
12 back in the truck and get across the street, which they did.

13 Q Did you then enter the station?

14 A Yes, I looked through the building and ended up
15 going inside, yes.

16 Q Did you find -- what did you find when you went
17 inside the building?

18 A I cleared most of the building. Nobody else was in
19 there other than the attendant laying behind the counter.

20 Q And did you notice what position he was in when he
21 was laying behind there?

22 A He was laying on his left side. His legs were
23 slightly bent up towards his body. His right arm was kind
24 of on his chest on his sides bent up and his left arm was

1 underneath him.

2 Q Did you do anything with the body or do anything
3 with the attendant at that point?

4 A I checked for his pulse.

5 Q And what did you do then?

6 A I didn't find his pulse, so I stepped out, told
7 everybody on the radio that this was real and that I needed
8 rescue.

9 Q Did you have any other officer there at that time to
10 assist you?

11 A Officer Williams arrived, yes.

12 Q And did you communicate with him about what you
13 found inside?

14 A Yes, I made him aware that we had a man down
15 inside.

16 Q Did you observe him go back inside then?

17 A Yes, he did.

18 Q Did you, yourself, do anything to disturb the body
19 or anything?

20 A No, other than check for his pulse, no.

21 Q As you were in the station, did you notice anything
22 about the cash register?

23 A It was open. The drawer itself was open, and the
24 insert that's on the inside that usually contains the cash

1 was gone.

2 Q Show you what's been marked as People's exhibit
3 number three and ask you if you recognize what that is.

4 A That's the cash register as it looked on that day
5 with the drawer open, and the insert's gone.

6 Q Okay. Officer, I'm showing you what's marked as
7 People's exhibit number 16A and do you recognize what's
8 depicted there?

9 A Yeah, it would be you're looking south from the west
10 side of where the Clark Station used to be at the old credit
11 union.

12 Q And the area where you approached from and where you
13 parked your squad is that depicted there in number 16A?

14 A Yes, you can see it there.

15 Q Does this photograph fairly and accurately depict
16 the location of where the credit union is in relation to the
17 Clark Station parking lot as it was back on August, excuse
18 me, March 31st, 1991?

19 A Yes, ma'am.

20 MS. GRIFFIN: I need to admit that and publish.

21 THE COURT: And which number is that?

22 MS. GRIFFIN: 16A.

23 THE COURT: Is there any objection to that one?

24 MR. SKELTON: No.

1 THE COURT: All right. 16A is admitted. It may
2 be published.

3 Vince, do you want to knock the lights just for a
4 moment?

5 MS. GRIFFIN:

6 Q Officer, can you indicate, again, using that picture
7 then where you approached the area from?

8 A The street off to the side is Linden Street. If you
9 go -- there is a vehicle sitting there currently. If you go
10 down that -- I can't remember exactly how far -- there is a
11 little drive that enters behind the blue building. And the
12 blue building would be the credit union, well, what used to
13 be credit union at the time. I got out of my car, walked up
14 on the west side of the building where the door is, walked
15 across the front of the building where the little silo is
16 and started to the north on that side of the lot.

17 Q Okay. Thank you. After Officer Williams went
18 inside the building, shortly thereafter did your rescue that
19 you had called for arrive?

20 A Yes, ma'am.

21 Q And were your responsibilities then shifting towards
22 securing the scene?

23 A Yes, ma'am.

24 Q And you also I believe did a neighborhood canvas

1 from the area to try to see if anybody saw or heard
2 anything. Is that correct?

3 A Yes, ma'am, I did.

4 MS. GRIFFIN: I don't believe I have any other
5 questions. Thank you, Officer.

6 THE COURT: Mr. Skelton?

7 MR. SKELTON: Could you display 16A again on the
8 screen, please, and could you turn out a couple more lights,
9 please, Vince?

10 THE CLERK: Sure.

11
12 CROSS EXAMINATION BY MR. SKELTON:

13
14 Q You would have been coming toward the bottom of this
15 picture, is that correct, Jeff?

16 A Yes, sir.

17 Q From south to north?

18 A Yes, sir.

19 Q On Linden Street?

20 A Yes, sir.

21 Q And ultimately have turned right in the block that
22 I'm now pointing at?

23 A There is actually two drives. There is one farther
24 back. I don't know if your pen is pointing to the lead

1 drive or not.

2 Q I'm just saying you turned east at some point in the
3 block that contains the credit union. I wasn't trying to
4 point to a driveway.

5 A Oh, I'm sorry. Yes, to get behind the building,
6 yes.

7 Q To the best of your recollection that driveway would
8 be back south of the credit union?

9 A Yes.

10 Q So your path would have been from wherever that
11 parking area was to the front to the east and then back to
12 the -- to the north. Is that correct?

13 A Yes, sir.

14 Q And that was done on foot?

15 A Yes, sir.

16 Q Once you first arrived there and just to make sure
17 that I didn't miss this earlier, when you pulled up there in
18 your squad car you didn't have your lights on?

19 A No.

20 Q You didn't have your siren on?

21 A No.

22 Q You weren't honking your horn?

23 A No.

24 Q You wanted to be inobtrusive if possible?

1 A Yes.

2 Q Once you parked your squad, did you notify anybody
3 of your location?

4 A That I was out on foot, yes.

5 MR. SKELTON: You can turn the lights back on.
6 Thank you. You can take that down.

7 Q I know we're talking about nine, nine and a half
8 years later, but was the equipment that you had at that
9 point in time similar to the equipment that you have on
10 today in terms of communication equipment?

11 A Actually the radio we had then was probably superior
12 to what we have today, yes.

13 Q Okay. Did it operate in the same fashion?

14 A Yes, sir.

15 Q And could you stand up and demonstrate to the jury
16 what, you obviously have got the epaulet clip there, but
17 what you need to do, either explain it or show it to us, to
18 communicate with the station or fellow officers?

19 A You want me to show how I talk on the radio?

20 Q Yes?

21 A I would either use this hand or this hand.

22 Q I just wanted to know whether or not you needed to
23 slide that out of your Sam Brown belt.

24 A No.

1 Q Okay. Thank you. Where were you when you first
2 were made aware that Paul Williams, a fellow officer, had
3 arrived at the scene?

4 A I was already out on foot.

5 Q And where in the sequence of events would your best
6 estimate be?

7 A I remember I was out on foot. I can't tell you
8 exactly where I was at as I was walking up when I heard it.

9 Q Do you know if you'd crossed Empire at that point in
10 time to go on to the parking lot of the Clark Station?

11 A When he went -- when he went 1023, you're on the
12 scene, I was still on the south side of Empire Street. I do
13 remember that.

14 Q On foot?

15 A Yes.

16 Q You've taken us through the sequence of events where
17 you ultimately go into the building there at the Clark lot
18 and make the discovery that you've told us about. Did you
19 move your squad car from where it was located on the south
20 side of Empire at any point in time?

21 A Later after the parking lot was secured I did move
22 my squad up to help block an entrance, yes.

23 Q I just wanted to know generically when that was. So
24 it was after other people had arrived?

1 A Yes, sir.

2 Q And you indicated that there were rescue personnel.
3 Was it both Lifeline and Bloomington fire department that
4 responded, if you recall?

5 A I don't recall that.

6 Q Did they come via the same code that you did with
7 sirens on or sirens off?

8 A They came lights and siren. They were -- made a lot
9 of noise, yes.

10 Q And that would have been after you had parked your
11 squad car on the south side of Empire, after you had walked
12 around the credit union building down to that silo, after
13 you had walked from the silo north across Empire Street,
14 after you had walked through the parking area and ultimately
15 ended up in the Clark Station, right?

16 A Was when rescue came?

17 Q Yes.

18 A Yeah, they didn't come until after I asked for them,
19 yes.

20 Q What would be to your best estimate, and I'm not
21 going to hold you to a second or tenth of a second, as to
22 your response time from your request for rescue until you
23 saw them?

24 A It wasn't that long. I can't put minutes on it. I

1 wasn't --

2 Q You had a lot of other things going on?

3 A Yeah, I wasn't thinking about how long it would take
4 rescue to get there.

5 Q The communications that you had with the police
6 department when you were on foot related in part to running
7 a license number?

8 A Yes, sir.

9 Q As you sit here now obviously -- I assume you can
10 not tell us what that license number was?

11 A No --

12 Q It doesn't matter to me.

13 A I can't recite it, no. I know it was two letters
14 and four numbers.

15 Q But that related to the vehicle that was parked near
16 the air pump?

17 A Yes, sir.

18 Q Did you also ask that a run be made or a check be
19 made on the pickup truck license plate?

20 A I didn't ask for that, no.

21 Q Okay. Did you speak with the person that you said
22 was near the air pump or the air hose?

23 A At one point he said something. I said something
24 back to him, and I had somebody else talk with him.

1 Q Was what you heard indistinct?

2 A He asked me if there was a problem I believe is what
3 he asked me.

4 Q Do you recall him telling you that he had seen
5 someone go around the east side of the Clark Station and
6 head north?

7 A I don't remember having that extensive of
8 conversation with him. I had somebody else go talk with
9 him.

10 Q Do you recall -- do you know that person's name to
11 be Danny Martinez now?

12 A Yes, sir, I do.

13 Q Let's focus on Mr. Martinez for a moment, if we may,
14 please. He never, to your observation, ever made it into
15 the station, right?

16 A I never saw him go in, no.

17 Q You never saw him come out?

18 A Never saw him come out.

19 Q What was the closest Mr. Martinez was to the
20 entryway of the Clark Station?

21 A That's -- I couldn't give you an exact distance. It
22 was I want to say 15, 20 feet from the entrance maybe.

23 Q I'm going to show you now, if I may, please, Officer
24 Pelo or Sergeant Pelo, excuse me, People's exhibit number

1 one. You're familiar with what's depicted in that
2 photograph?

3 A Yes, sir.

4 Q And the location -- I'm sorry. The location of the
5 Martinez vehicle in relation to the mini van that's parked
6 there, how would you describe it?

7 A It was parked facing north to south. The front
8 would be facing towards the north over by the light pole. I
9 think there is an air pump there is where the air pump is
10 that it's sitting over in this area.

11 Q So it would be perpendicular to the way in which
12 that mini van is lined up in People's exhibit number one?

13 A Yes.

14 Q What would be your best estimate of the distance
15 from the base of the air hose over to the middle of the
16 doorway on the south side of the Clark Station?

17 A Well, it's not three dimensional, but I'd estimate
18 40 to 50 feet at most.

19 Q Now, you can see the southeast corner of the
20 building there at the Clark Station?

21 A Yes, sir.

22 Q Where on that photograph in relation to that corner
23 that we just talked about did you see Martinez when he was
24 the closest to the building?

1 A My angle is a little different than the photograph
2 depicts. I was actually over here. Okay, when that's going
3 on I was doing several different things. Maybe halfway to
4 it.

5 Q Okay.

6 A Roughly in there.

7 Q And by halfway are you talking about splitting the
8 difference between the base of the air island and the door?

9 A Yes, sir.

10 Q Thank you. And this photograph as it relates to the
11 boarding up of the east side windows, that's accurate?

12 A I don't recall it being boarded up. I just -- I
13 don't recall that.

14 Q What were the lighting conditions like?

15 A The parking lot was lit.

16 Q Was it like this courtroom?

17 A I don't know if it was quite this bright.

18 Q Did you tell Mr. Martinez to exit the lot?

19 A I don't recall saying that, no.

20 Q Did you want to preserve the scene? Let me strike
21 that. Let me ask another question. You were there for
22 quite a while, probably over an hour for sure?

23 A Yes.

24 Q From your initial arrival?

1 A Yes.

2 Q At some point in time after your arrival the
3 Martinez vehicle left?

4 A It didn't -- he leaves within moments of me getting
5 there.

6 Q But my statement or question did Mr. Martinez's
7 vehicle leave the lot, is that a true statement or a false
8 statement?

9 A Yeah, he did leave the lot, yes.

10 Q Was that at your direction?

11 A No.

12 Q Did he ever tell you where he was going before
13 leaving?

14 A I never spoke to him before he left the lot.

15 Q The pickup truck, where did you request that that be
16 parked?

17 A I simply told him to go across the street.

18 Q We got two streets there. I'm asking --

19 A Across Empire Street is where I motioned for them to
20 go.

21 Q Toward that parking lot at the credit union or what
22 used to be Laesch Dairy or whatever it is?

23 A Yes, sir.

24 MR. SKELTON: No other questions, thank you, sir.

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THE COURT: Miss Griffin?

MS. GRIFFIN: I don't believe I have any other questions.

THE COURT: All right, Sergeant, you may step down. Thank you.

(Witness excused.)

THE COURT: Ladies and gentlemen, we're going to take our recess until tomorrow at nine o'clock. I'm going to remind you once again, I'm going to do this every day, not to read anything about this case or listen to reports or watch the TV. I think you can be assured there will probably be something in the paper. That means you're not to read it or have anyone telling you what was in it. If you want it preserved, have someone do that for you. You're not to discuss the case either including fellow jurors. You're excused 'til tomorrow morning at nine o'clock. Come back at that time. I see no reason that we can't start promptly at that time tomorrow. Ask the bailiffs to take charge of the jurors.

THE END