

McLEA COUNTY
2001
BK
< Defendant's Response to Def.
motion to Withdraw >

Judge Bernardi
In making your decision on
this motion, I ask that you
remember, You are the Sum of
Experience, Wisdom, Honesty, Justice,
and most important Impartiality!!

I ask that you use all of
those traits in deciding this motion.

The court must hold Lawyers
they choose, to some level of
Competence, diligence & effectiveness.
Even more so when a persons
life hangs in the balance.

Is it Justice to allow Lawyers
to neither prepare, investigate nor
diligently represent their clients
and then say "Well, Judge,
that was my trial strategy."

I brought it to your attention
before trial that Pat Relys &
Frank Piel were not ready
for trial. I believe its evident
that I was right I feel
that Frank Piel & Pat Relys
misrepresentation of me has
caused me to be convicted
of a crime for which I
am Not Guilty

When trying to decide if Frank Piel & Pat Riley made a very big mistake, by not laying the foundation to allow them to call the rebuttal witnesses against Danny Martinez.

Please take this into account Before trial they filed motions for an Eyewitness Expert to help rebut the testimony of Danny Martinez. They wanted that witness to help them defend me. So they must of felt Danny Martinez was a threat to the defense and his testimony needed to be rebutted.

I would like to now bring to your attention to the "Post Trial Motion" that Pat Riley filed in my behalf. The first two points in that motion have to do with the court denying of the motion for the Eyewitness Expert.

So Pat Riley & Frank Piel both knew Before and After trial That with this case being a case of he said/she said, with no physical evidence, (725) The state's main evidence was the highly questionable and most miraculous identification by Martin Martinez

The most damaging mistake Pat Riley + Frank Peck made in trial... was not calling up to 16 defense witnesses. With no excuse for not calling them:
The Rebuttal OF DANNY MARTINEZ

The most important defense witnesses not to be called were William Hendricks + Mark Foster. (Please note both of these men were called for defense in Claycomb's trial) Also not called were Don Sorenson + Jason Boyd. These men were rebuttal witnesses against State Witness Danny Martinez

The reason for these very important Defense witnesses not being called was not because of strategy. They were not called because Frank failed to lay the foundation to call them as witnesses. The photos on page 23 of discovery were never obtained by or used by Pat or Frank in trial. On page 23 you will see that Martinez on 4-1-91 picked out two photos BP-6345 BP-6558 and said "IT'S Between These Two". It should of been brought to the jury's attention that he picked them out less than 5 hours after the crime. Pat + Frank never even try to get these photos

picture along with the lent
up photo. In that photo were
two other people Martiney said
looked like the guy he saw.
One guy was Black hair +
Black Mustache. The other was
Blonde Hair + Blonde Mustache.

So Frank + Pat failed to
show the Jury the Photos of 4 other
people that Martiney either said. They ^{P. 177}
either look like the guy he ^{P. 23}
saw or its Between These Two.

Billy Hendricks testimony would
have been that when he worked
with Martiney, Martiney told
him I was not the guy he
saw on 3-31-91. He would have
testified that when Martiney
dropped him off from work
one day, I was already at
Billy's house waiting for
him. Billy knew Martiney
was a witness to the crime.
He also knew I had been
questioned. So he pointed me
out to Martiney and Martiney
said I was not the person
he saw. This was two or
three years after the crime.

How could it ever be called
(-227) anything but a mistake to
have not called this witness.
To Recall Casey Practice 2

ALSO MARTINEZ REBUTTAL witness

Don Sorenson (Defense Investigator)

His testimony would have been that when he talked to Martinez, he told Sorenson "the state had his statement from 1991." and that he was sticking by that statement. Well in that statement he never identified mat. Again I refer to page 23 of discovery. He picks out BP 6345, BP 6558 and says its between these two. Once again how could it be anything but a huge mistake to not lay the foundation to call this very IMPORTANT REBUTTAL witness

ALSO MARTINEZ REBUTTAL witness

Jason Boyd (Past Co-Worker)

His testimony would of been that when he worked with Martinez, Martinez told him different stories each time he told him what he saw. First the guy was right in front of Martinez. Then Martinez says he was across the street when he saw the guy. Then Martinez says he was in his driveway AND Really Didnt GET A GOOD LOOK AT The Guy

Mark Foster (Co-Defendant Investigator)

This man's testimony would have been the most damaging witness against Danny Martinez. His testimony would of a 100 cast duby warranted suspicion on tactics by the Detectives and the States Attorneys. Because it was only after Mark Foster interviewed Danny Martinez, that the Detectives and States Attorney called Martinez to their office for what they called a pre-trial interview. This interview took place 10 months after my arrest. This interview was neither tape recorded nor video taped, and was not witnessed by anyone but the people wanting a conviction in this case. And it was during this so called Pre-Trial conference that Danny Martinez picked me out of the photo of the line up that he failed to pick me out of 9 years before. He in fact picked out number 3 as looking like the guy he saw when the line up took place in 1991

(729

Mark Foster would of testified that he interviewed Martiney before the State Pre-Trial interview. And that Martiney had told him he saw my arrest picture, and I was not the person he saw. He told Mr Foster several times. They got the wrong guy. He also at that time told Mr. Foster that he would never forget that night, And if he ever saw the man again he would be able to identify him. Mr. Foster could have cast a little light on what was really going on in that Pre-Trial interview. That was not tape recorded or video taped or witnessed by anyone but the people wanting a conviction in this case. One can only guess what the Jury would of thought if they would of been able to hear all this testimony. And seen the photos of Steve Vanote, Charles Renfro Martiney said both looked like the guy he saw. And the mug shot photos of BP6345 + B.P. 6558 and the fact that when Martiney picked,

30
PAT. 5^h 56^{min}

Jamey Snow Attorney Visits
Frank Picl / Pat (George) Riley

Frank 14 ~~80~~ 50

Name	Date	Time In	Time Out	
Pat Riley	03/20/00	0855 8:55 am	0915 9:15 am	.30
Pat Riley	03/29/00	1005 10:05 am	1055 10:55 am	.50
Frank Picl	05/10/00	1515 3:15 pm	1651 4:51 pm	1.36
Pat Riley	05/10/00	1515 3:15 pm	1606 4:06 pm	.51
Frank Picl	06/08/00	1520 3:20 pm	1630 4:30 pm	1.10
Frank Picl	06/13/00	1035 10:35 pm	1218 12:18 pm	1.43
Pat Riley	06/19/00	1330 1:30 pm	1445 2:45 pm	1.15
Frank Picl	06/26/00	1515 3:15 pm	1600 4:00 pm	.45
Frank Picl	06/30/00	1515 3:15 pm	1610 4:10 pm	.55
Frank Picl	07/12/00	1135 11:35 am	1240 12:40 pm	1.05
Frank Picl	07/20/00	0730 7:30 am	0750 7:50 am	.20
Pat Riley	07/20/00	1100 11:00 am	1110 11:10 am	.10
Frank Picl	07/26/00	1137 11:37 am	1210 12:10 pm	.33
Pat Riley	9/7/00	1520 3:20 pm	1555 3:55 pm	.35
Frank Picl	9/7/00	1525 3:25 pm	1530 3:30 pm	.05
Frank Picl	9/14/00	0846 8:46 am	0916 9:16 am	.30
Frank Picl	10/09/00	1715 5:15 pm	1750 5:50 pm	.35
Frank Picl	10/27/00	0730 7:30 am	0800 8:00 am	.30
Pat Riley	10/28/00	0910 9:10 am	0945 9:45 am	.35
Pat Riley	11/22/00	1200 12:00 pm	1240 12:40 pm	.40
Frank Picl	11/22/00	1200 12:00 pm	1240 12:40 pm	.40
Frank Picl	11/23/00	0850 8:50 am	1050 10:50 am	2.00
Frank Picl	11/24/00	1105 11:05 am	1440 2:40 pm	3.35
Frank Picl	11/27/00	1325 1:25 pm	1408 2:08 pm	.43
Pat Riley	12/05/00	1410 2:10 pm	1450 2:50 pm	.40
PAT RILEY	TOTAL 15.36	TIME	SPENT w/ ME	4.45
FRANK PICL	TOTAL 16.45	TIME	SPENT w/ ME	14.37

22.41

19.22

C.733

hrs min

The visits from Frank Picl
on 11-24-00 and 11-27-00 and
the visit from Pat Riley
on 12-5-00 is what finally
drove me to write the
Court and ask for help.

I asked the court for a
continuance because I knew
they were not prepared, and
I finally realized that
Pat Riley had health
issues because of his stroke
that could keep him
from being an effective and
competent attorney in this case.

The court denied my request
based on the amount of
time Pat Riley & Frank Picl
said they spent with me.
The court never even checked
into Pat Riley's health issue.
I believe only a doctor could
be accurate in deciding that.
But we do know that Pat
Riley and Frank Picl lied
when asked how much
time they spent with me.
I assume they lied because they
knew, that they hadn't spent
enough time
with me to prepare for
trial. Either that or they were

TIME SPENT WITH ME

I would now like to bring to your attention the true amount of time that Pat + Frank spent with me.

Pat Riley first came to see me on 3-20-00 and last came on 12-05-00. His longest visit was for 1 hour 15 min. His shortest visit was 10 min. His total time is 5.56 min.

That is not the total time spent with me. When a lawyer signs in then they send for the inmate. It takes at least 5 min. to get me from the West Pool in the M.C.D.F. to the attorney room. Pat came 9 times. That's 45 min off of the total time. Also when the attorney visit is over. It takes the attorney at least 2 min to get back to the log book and sign out. So that's another 18 min off the total time. So that brings his total time spent with me at 4 hours and 45 min. That's nowhere near the 30 hours he said he spent. And that is nowhere near the amount of time needed for him to be an effective and competent attorney in a case that at one time carried the Death Penit.

Time spent with Will

Frank Picl first came on 5-10-00 he last came on 11-27-00!! His shortest time is 2.5 min!! His longest is 3.35 min. His total time in the back is 16 hours 45 min. His time is also subject to the amount of time it takes them to get me to the attorney room. and the amount of time it takes them to sign out after the visit. So his total time spent with me is more like 14 hours 37 min. That's no where near the 50 hours he said he spent with me.

So really Pat Riley + Frank Picl spent more like 19 hours 22 min with me. Please also take note of the two letters I'm sending you one dated 9-13-00 the other 60 days before trial. In the 9-13-00 letter you will see neither Pat or Frank had spent any time with me preparing for trial. Before then they were always talking about Wilson's trial. On the motion in Limine. Even 60 days before trial as you can tell from the other letter they still had not been

By not investigating my claims
before trial, By simply taking
the word of Pat Riley and
Frank Pick, The Court helps
to violate my Constitutional
right to competent and also
effective assistance of Counsel.

By Denying Request for Continuance
I would also like to know
if the court knew before
appointing Pat Riley as Lead
Counsel that he was
recovering from a stroke.
Is a person ever able
to recover 100 percent after
a stroke? Should there
ever be a chance taken
with a man's life on the
line? !!!

Due to Defense counsels negligence and lack
of preparation the following testimony was
not heard by Jury.

NO PRESENTATION

Rebuttal of Danny Martinez by: Bill Hendricks
Mark Foster, Jason Boyd and Don Jorgensen.

Rebuttal of Bridget Logsdon by: Kim Morris
and possibly Julie Knight. ← NEVER CONTACTED C. 737

Rebuttal of Darin Roberts-Orick by: This
was a good example of defense counsel
not reading all the Discovery and
preparing to Rebuttal this witness. ^{NE}
ALL OF Her STATEMENTS BY This witness SHOULD
OF Bee USED TO IMPEACH Her

Dawn Roberts Orrick Rebuttal
→ Dewey Claycomb, Billy Morris, Jimo
Hendricks NEVER CONTACTED
↓

Rebuttal of Jody Winkler by Mary Oyer
Michael Lunny Mary Burns

Rebuttal of Don Tanay By: Dave Williams
Mark McCoun and the two
other people Don says was
present when this conversation
took place. Jason Rambege A.K.A
Big Jason + Jason St. Pierre A.K.A.
Hollywood
← NEVER CONTACTED

NEVER
CONTACTED → Rebuttal of Ronnie Wright by:
→ Tony Reynolds, Mary Oyer, Michael
Lunny. NO CONTACT

NO
FOUNDATION → Rebuttal of Karen Strong By:
Paul Hunter and a witness who
NO
CONTACT came forward with rebuttal
information during the trial.
→ Mark Hubington

NO
FOUNDATION → Rebuttal of Steve Schell by
Steve Powell and copy of
NO
CONTACT discovery page where Steve Schell
calls Detective in 1991 claiming
"Jamie told Molly he killed
the kid at the Clark station."
It was only after he was in
jail for rape that he changed
his story to say I told him
that.

This is another example of (275)
Lawyer's Not Reading Discovery or Using it
to Impeach

Rebuttal of Kerim Schaak by:
Mary Oyer & Michael Sherry.
These two witnesses who
could of provided rebuttal
testimony against three of the
States Jail House Snitches were
never even contacted by
Defense Counsel. Why?

Rebuttal of William Moffit by:
I begged Pat Riley & Frank Piel
for two months before my trial
Don Sorenson Hog. To contact
a guard from Joliet C.C.
to rebut his testimony about
the use of phones in Nov. 94
and the mail rules. If the
guard would of been called. He
would of testified that ALL inmates
in Joliet C.C. were allowed to
use the phones on the Rec. Yard.
All inmates were also allowed
3 free write outs every week.
The guard also would of testified
to the count procedure. Guards
walk the galleries every hour
and do count 3 times a day.
Also Bill Moffit's mail log from
that time should of been checked
If they still have it. I'm willing
to bet he sent out plenty of
mail. Counsel failed to do a factual
investigation to obtain this info.
also failed to use all of Moffit's
Statements to IMPEACH HIS testimony

Rebuttal or Impeachment of Both
Russell Thomas & Mike Bernardini.
With Grand Jury testimony of
Russell Thomas in 1991 of the
Freedom robbery on 2-18-91. In
1991 Thomas Claims I made
all the incriminating statements
about the freedom robbery. But
now 10 years later. He says it
was the Clark. Please check
his Grand Jury testimony
in freedom robbery in 1991 !!!

Rebuttal or Impeachment of
Mary Burnis by using his
first statement. She changed
EVER her statement in trial and
MAKED
→ Chris Salmon should of been
called to rebut her testimony.
Also Mary Burnis was put
on the Defense list to Rebut
Jody Winkler. Frank Pick
never even asked her about
Jody.

Impeachment of Randy Howard
by showing the Jury I had
no phone on 4-1-91 and the fact
that he signed a statement
on 4-11-91 and was getting
paid for that statement.
But yet he never said one
word about the Clark murder
till 10 years later when
Detectives went to TALK to Him

Impeachment of Bruce Roland
First off when he could not
identify me in court. Counsel
should of objected to his
testimony or at least to the
state only showing him one
picture to identify. He should
of been challenged by the
difference from his first
statement and his testimony
in CO-Defendants trial. Its
clear to see when looking
at them, That sometime
between giving his statement
and testifying in Claycomb
trial, Somebody had gave
him information he didn't
have when he first
talked to Detectives. The
Jury should of seen that.

Impeachment of Ed Hammond
all of Ed's statements should
of been used to impeach him.
also I asked Pat & Frank to
get the security officer to testify
about Contrailia C. C. They never
even tried so I had to
put Herb Lamborne on my list.
Because he was the only officer
I could remember the name
of. The security officer would of
been better qualified to testify
about the movement of inmates,
in the Contrailia C. C.

C 741

Gerardo Gutierrez His testimony was not rebutted by the fact in the discovery. He says he never identified anyone. But on page 23 of Discovery He identified mug number B.P. 6345. One of the same people Danny Mantony picked out.!! Gutierrez also changes his statements in trial by saying it wasn't a scar on the man's chin, But instead, now ten years later, He says it was some sort of an injury. But he clearly says early in the investigation 10 years ago. The man had a scar on his chin so fresh he could still see the holes from the stitches. With a little help from the State and Detective, he alters his story. Why? Because I have no scar on my chin. Why didn't Frank Pick argue this point to the jury.

ED Palumbo He should have been impeached by all of his statements and most important his Grand Jury testimony.!! The only reason I can think of why Frank didn't use everything available to impeach him is he didn't read all of the discovery

NOA 5331

727-20-8614
Jody Winkler Dave Arison Mary
 20 yea, Mike Guerry 1/2 Pine Tree Sec. Florio,
Officer Mary Burn's McLean County Jail
TALK TO Her LAST. Dont WANT Her
IN Trouble with Her Job. Winkler
TOLD Her He Know nothings !!

Randy Howard Check to see if
 I had a phone April 1-2-3 91 in
 Park City South. He says He called me
 to pick Him up The night I was
 supposed to Confess to Him.

now
item

CAN DO
ROOFING

William Gaddis Again Trust
Talk to GAREN BRADFORD A.K.A. FRANK Roberts
Dennis Hendrick's, Billy Hendrick's, Todd Hendrick's
Check weather for March 31-April 1,2,3,4,5,9.
Check House on corner of Lee + Market
North-west corner) SEE IF There is A HALLWAY
From Kitchen to Bedroom. This Guy IS
PROTECTED CHILD MOLESTER !!

Show Statement

How much is TRUE
827-3173

Darnella Orrick AKA Dawn Roberts, Tina McWhorter
 A.K.A. Tina Hendricks. MARK McCowan Prisoner
Check Records For TINA in South Gate
Estate's. To Show TINA Did not LIVE in
South Gate in 91 or 92 During the Spring-
or Summer. ALSO Check to Prove Neither
Did I or Tammy my wife.

C-743

Points to add to Post-Trial Motion

- ① The court erred in not allowing Lauger to explore the fact Brenda Little (Victim's mother) was given by detectives, Danny Martinez's phone number, and was in contact with Martinez before his highly questionable identification in this case. Martinez is under oath when he says he did not complain to Detectives about giving her his number. He is on tape clearly complaining about it. He was not honest, and the court erred in not allowing us to bring that out to jury.
- ② The Court erred in not allowing the Question to Karen Strong a bond Mark Huffington. This person came forward only after we heard of Mrs Strong's testimony. He would have testified that Mrs Strong told him she knew nothing about this case but rumors.
- ③ Ineffective Assistance of Counsel
and/or Incompetent Counsel.

OVER
↓

C. 745

I would last like to point this out in the state closing argument. When talking about if the jury should believe Bill Gaddis or not. Teena Griffin said Bill Gaddis must of been in the apartment. Because we never challenged the lay out of the place. As you can see from the letter I sent Pat Riley. I did point it out to them that the layout of the apartment was not the way Gaddis said it was. This is another example of Defense Counsel not preparing for trial.

I would like to point out that not only did the jury not hear from at least 12 maybe even more Rebuttal Witnesses. But there were at least 19 defense witnesses who were never even contacted by either Pat Riley, Frank Pick or Don Sorenson. If these people were not even contacted how did Pat & Frank make the decision not to use them.

Frank Pick & Pat Riley made a very terrible mistake by not laying the foundation to call the rebuttal witnesses against Danny Martiney.

I would also ask you to take into consideration the comment of a Juror from a article in the Pantagraph Dates January 17 2001 In deciding If I was guilty or not The identification by Martiney was IMPORTANT!!!!

Please also remember that Pat Riley saw Steve Spalton use most of this rebuttal evidences testimony effectively in my Co-Defendants trial.

Frank Pick & Pat Riley clearly negligent had an impact on the Juries verdict. That alone is a clear violation of my Constitutional Rights. Please give their motion to withdraw Before They cause more harm to my case They were nothing but negligent and unprepared.

I think it also reflects Pat Rileys mental state of mind before and during my trial!!!!!!