

1 THE COURT: All right, then -- do you have another
2 witness ready?

3 MR. REYNARD: Yes.

4 THE COURT: Okay. Then he may step down, and
5 we'll go on to the next witness.

6
7 (Witness excused.)

8
9 (Witness sworn.)

10
11 S T E V E N S C H E E L

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

14
15 DIRECT EXAMINATION BY MR. REYNARD:

16
17 Q State your name, please.

18 A Steven Scheel.

19 Q And how do you spell your last name?

20 A S C H E E L.

21 Q Mr. Scheel, do you know Jamie Snow?

22 A Yes, I do.

23 Q Do you see him in the courtroom today?

24 A Yes, I do.

1 Q Would you point him out and describe what he's
2 wearing right now?

3 A Sure, he's sitting right there in the dark blue
4 blazer type jacket.

5 Q And is he -- where is he in the position of the men
6 who are seated at that table that you just pointed at?

7 A Facing him, he's to the left.

8 MR. REYNARD: We would ask the record to reflect
9 the identification.

10 THE COURT: Okay. The record will reflect the
11 witness identified the defendant.

12 MR. REYNARD:

13 Q How long have you known the defendant, Mr. Scheel?

14 A Several years, since I was a kid.

15 Q Approximately how old were you, would you estimate,
16 when you first came to know him?

17 A Young, maybe seven, eight, six.

18 Q Okay. Before we get any further, Mr. Scheel, let me
19 ask you in 1992 were you convicted of the charges of
20 aggravated criminal sexual abuse and aggravated criminal
21 sexual assault?

22 A Yes, I was.

23 Q I want to direct your attention back to
24 1991 -- well, first of all, let me ask you where you live

1 now.

2 A Arkansas.

3 Q And back in 1991 where did you live?

4 A Bloomington, Illinois.

5 Q And back in 1991 how long had it been before that
6 time that you had actually seen or associated with Jamie
7 Snow?

8 A Several years, I was probably like nine maybe the
9 last time I seen him.

10 Q You were nine years old?

11 A Uh-huh, approximately nine.

12 Q I'm going to direct your attention to the month of
13 April, 1991 and ask you if -- if you had a -- had some
14 contact with the defendant.

15 A In 91, yes, I did.

16 Q And was that approximately in April of 1991?

17 A Right, uh-huh.

18 Q After the Clark station robbery and murder event?

19 A Right.

20 Q Where did that contact occur? Where did you see
21 him?

22 A I seen him at Molly and Roy Esch's home, which was
23 on Oak Street in Bloomington, Illinois.

24 Q Okay. What was going on at that location that you

1 went to that location?

2 A Molly and Roy was having a housewarming party.

3 Q And to the best of your memory, who else was
4 present?

5 A Myself, my wife Tammy, at the time she was my
6 fiancée, Tammy Scheel, Roy and Molly Esch, Susan Powell and
7 Steve Powell.

8 Q Did you see the defendant arrive?

9 A Yes, I did.

10 Q Who did he arrive with?

11 A Susan Powell.

12 Q During the course of that evening did -- did you
13 have a conversation with the defendant?

14 A Yes.

15 Q At what point during the evening or how soon after
16 his arrival did that -- did you strike up that conversation?

17 A It would have been within 20, maybe 25 minutes of
18 his arrival.

19 Q Can you describe his appearance?

20 A Sure. He was -- he had looked like he hadn't
21 showered for maybe a while, kind of grungy looking, and his
22 hair was kind of messy. It was long. Do you want me to
23 describe what he was wearing?

24 Q What was he wearing?

1 A He had on a black T-shirt. He had on a flannel over
2 the T-shirt and a pair of blue jeans.

3 Q In general terms what was the conversation about?

4 A We started catching up on old times because we
5 hadn't seen each other for so many years.

6 Q By the way, was there anyone else present to or
7 participating in this conversation?

8 A There was nobody participating in this conversation,
9 but there was somebody within five, six feet of the
10 conversation. That would have been Molly Esch.

11 Q Could you -- was she -- was she actually part of the
12 conversation?

13 A No, she wasn't part of the conversation.

14 Q During the course of the conversation did the
15 subject of Snow's criminal activities come up?

16 A Yes.

17 Q How did that come up?

18 A Just in general conversation.

19 Q Please indicate what was -- what he said to you?

20 A That he was on the run from the police at the
21 present time for Greyhound bus station robbery.

22 MR. PICL: Ask that that be stricken. Objection.

23 THE COURT: Sustained. Jury is ordered to
24 disregard it.

MOVE
90 ACTS

1 MR. REYNARD: I need a clarification. May we
2 approach the bench?

3 THE COURT: Sure.

4 (The following proceedings were had at the
5 bench out of the hearing of the jury.)

6 MR. REYNARD: The clarification I request is with
7 respect to the specific crime, I don't have a problem with
8 that being redacted. But being on the run, I would ask to
9 retain that in the evidence. I think that's pertinent.
10 Indeed, Your Honor, our evidence was he was on the run at
11 that point. Shortly thereafter he went to Missouri. So it
12 is corroborative.

13 THE COURT: Okay. I guess what I don't -- is
14 there a statement that indicates that the subject matter of
15 the Greyhound then came up.

16 MR. REYNARD: Clark came up after the Greyhound.

17 THE COURT: Can I see the statement because if the
18 statement -- does the statement say on the run as a result
19 of Greyhound or on the run as a result of Greyhound, Clark?
20 I mean, what does it say?

21 MR. REYNARD: Okay. Page 154 of trial.

22 THE COURT: Okay. I don't guess I see the
23 connection between that language in Clark.

24 MR. REYNARD: No, there isn't directly, but it is

1 clearly inferential. It's all the same paragraph answer
2 that he was on the run for various things that he was
3 admitting doing. And I don't have any problem with leaving
4 out some of the others, but the connection to the Clark is
5 still there. It just isn't explicit. He didn't say
6 directly I'm running from Clark, but it's clearly
7 inferential.

8 THE COURT: Anything further on that?

9 MR. PICL: Yes.

10 THE COURT: I'm looking back down at line 23 where
11 he says he mentioned he had done a couple of other things.

12 MR. REYNARD: I would offer this is limited
13 purpose evidence, and there can be a curative instruction;
14 but clearly this is a state of mind disclosure that he's
15 making and in the context of which he mentions the Clark.

16 THE COURT: Okay. Anything further, Mr. Picl?

17 MR. PICL: Yeah, I think it's at a point in the
18 State's case and the prejudicial far outweighs its value.

19 THE COURT: I'm going to allow the modification
20 that you've suggested so...

21 MR. PICL: Can we have an instruction, limiting
22 instruction?

23 THE COURT: No, what did you want -- what did you
24 want that to be?

1 MR. PICL: That they can regard it only for a
2 limited purpose. What other purpose is it for, state of
3 mind?

4 MR. REYNARD: There -- to the extent that some
5 mention has been made of other crimes, I don't have a
6 problem with the instruction. If we were simply to say he
7 was on the run, it's still a bell has been rung that can't
8 be unring without a curative instruction.

9 THE COURT: What do you want me to tell them?

10 MR. REYNARD: Reference to other activities of
11 defendant is being presented for a limited purpose for only
12 the defendant's state of mind and should not be considered
13 by you for any other purpose.

14 MR. PICL: Evidence of other activities that he
15 may or may not have committed.

16 THE COURT: Disregard.

17 MR. REYNARD: That's okay.

18 (The following proceedings were had in the
19 presence and hearing of the jury.)

20 THE COURT: All right. Folks, I guess this is
21 what the ruling is. The response on the run for a Greyhound
22 robbery is offered only as it relates to the defendant's
23 state of mind and has nothing to do with whether or not he
24 committed another offense. You're not to consider it for

1 that purpose, and there is no evidence now nor will there be
2 any others regarding another offense, so only with respect
3 to his state of mind during the conversation.

4 So with that, you may proceed.

5 MR. REYNARD:

6 Q Mr. Scheel, during the course of the conversation in
7 which the defendant mentioned that he was on the run, did
8 he -- did the subject of the Clark Oil station robbery and
9 murder come up?

10 A Yes, sir.

11 Q And what did he say to you with regard to that?

12 A That he had robbed the Clark gas station.

13 Q And what did you say when he told you that he had
14 robbed the Clark?

15 A I really didn't say nothing. I was kind of
16 surprised that he had said that.

17 Q Did you ask him anything about that?

18 A I asked him did he shoot the boy.

19 Q What did he say?

20 A Yes.

21 Q Was that pretty much the end of the conversation at
22 least on that subject of the conversation?

23 A Right, that was pretty much the end of it.

24 Q Other conversation but basically other general

1 things?

2 A Right, uh-huh.

3 Q Approximately how much longer were you and your wife
4 or your fiancée there at the party before you left?

5 A We were there approximately maybe an hour and a half
6 at the most.

7 Q Altogether?

8 A Altogether.

9 Q And have you ever seen the defendant since that day
10 up until today's date?

11 A No, sir.

12 MR. REYNARD: Okay. No other questions.

13 THE COURT: Okay. Mr. Picl?

14 MR. PICL: Thank you, Judge.

15

16 CROSS EXAMINATION BY MR. PICL:

17

18 Q How old are you now, Mr. Scheel?

19 A 32.

20 Q 32. So in the spring of 91 you would have been 22
21 or thereabouts?

22 A Pretty much, uh-huh.

23 Q That was your age at this party you claim to have
24 attended, correct?

1 A I believe I was 22, yes.

2 Q How well did you know the hosts, Molly and Roy?

3 A Very well. Molly is my niece.

4 Q What's her present name?

5 A Her present name?

6 Q Yes.

7 A I really am not sure.

8 Q Is her last name changed from what it was then?

9 A I'm not sure. I've lost contact over the years.

10 Q Well, she testified this morning and told us her
11 last name was Eads?

12 A Possibly.

13 Q Okay. Was that her name at the time?

14 A Esch.

15 Q She said her name was Eads today?

16 A Her name could be Eads today based on another
17 marriage, but her name at the time that we was at the party
18 at her house it was Esch. Her husband's name was Roy Esch.

19 Q And you -- she is your niece. Is that correct?

20 A She is my niece by marriage.

21 Q Okay. And you've stayed in good touch with her
22 since then?

23 A No, I have not, not since 92.

24 Q The convictions for aggravated criminal sexual abuse

1 and aggravated criminal sexual assault, were they from
2 McLean County?

3 A Yes, sir, they were.

4 Q Did you spend some time in prison for them?

5 A Yes, sir, I did.

6 Q Mr. Scheel, your memory concerning this party is
7 impressive.

8 MR. REYNARD: Objection to the characterization.

9 THE COURT: Sustained.

10 MR. PICL:

11 Q What day of the week was the party on?

12 A The day of the week?

13 Q Correct.

14 A I haven't a clue.

15 Q What was the exact date of the party?

16 A I really can't answer that.

17 Q Were you drinking at the party?

18 A I was drinking after the conversation took place,
19 yes.

20 Q Were you using any drugs?

21 A No, sir.

22 Q Did you excuse yourself from the party and phone the
23 police after Jamie made this disclosure to you?

24 A No, sir, I did not.

1 Q Certainly you called them the next day, did you not?

2 A No, I did not.

3 Q You had access to a phone, didn't you?

4 A I had no phone in my home, no, I did not.

5 Q Well did you then drive to the police station and
6 report it to them the following day?

7 A No, sir, I did not.

8 Q Did you phone the State's Attorney the following
9 day?

10 A No, sir.

11 Q Did you go to the State's Attorney's office the
12 following day?

13 A No, sir, I did not.

14 Q How about the day after that?

15 A No, sir.

16 Q Call the State's Attorney?

17 A No.

18 Q Did you phone the police?

19 A No.

20 Q You knew where the courthouse was here in
21 Bloomington, didn't you?

22 A Yes, I did.

23 Q You knew where the police station was, didn't you?

24 A Yes.

1 Q Please tell me where you were at 11 o'clock a.m. the
2 day before the party.

3 A 11 o'clock a.m. the day before I would have been
4 home asleep.

5 Q You're sure of that?

6 A 99 percent sure.

7 Q Okay. Where were you at four o'clock that
8 afternoon?

9 A Four o'clock that afternoon -- which afternoon?

10 Q The day before the party.

11 A I would have been at work.

12 Q Where did you work at the time?

13 A I worked at Shoney's.

14 Q What day of the week was that, please?

15 A I really couldn't tell you because I don't know the
16 day of the party.

17 Q Yet you were able to remember exactly what the
18 defendant was wearing at the party?

19 A Yes.

20 Q Did you go home and make some notes after the party
21 to preserve your recollection?

22 A No, sir.

23 Q Maybe you had a photograph taken of the defendant at
24 the party that you kept?

1 A No, sir.

2 Q During the year after this party, did you phone the
3 police and tell them what you knew?

4 A No, sir.

5 Q Did you phone the State's Attorney during that year
6 and tell them what you knew?

7 A No, sir.

8 Q Did you write them letters, either the police or the
9 State's Attorney, during the following year after the party
10 and tell them what you knew?

11 A No, sir, but I did discuss it with my father, who
12 had informed me that he was going down to the State's
13 Attorney to discuss it with them.

14 Q To see if you could get some consideration off a
15 sentence perhaps?

16 A No, sir. I wasn't even sentenced at the time.

17 Q Were you awaiting sentencing?

18 A Yes, but there was a minimum sentence to each
19 charge, which meant that I had to do a certain amount of
20 time regardless.

21 Q But there was an open top end on each charge you
22 were awaiting sentencing on, wasn't there?

23 A What do you mean by open top end?

24 Q Open top end, you didn't know what the top end was

1 going to be, did you?

2 A Sure, there was a top end to it and bottom end to
3 it.

4 Q You didn't know what your sentence was going to be
5 at the time you asked your father to go to the State, did
6 you?

7 A I didn't know what it was when I was standing in
8 front of Your Honor.

9 Q Sir, were you hoping by sending your father to the
10 State that you would receive a lesser sentence when
11 sentenced?

12 A No, sir, that was not my motive at all.

13 Q Did you think about it?

14 A No, sir.

15 Q Did you -- strike that. During a conversation with
16 Detective Katz on the 12th of April, 1999 did you tell
17 Detective Katz that you pretty much had dismissed what Jamie
18 told you at the party?

19 A Yes.

20 Q As being not worthy of belief?

21 A Pretty much, yes.

22 Q And are you testifying today truthfully?

23 A Yes.

24 Q You're doing this because you're a good citizen

1 discharging this, what you perceive to be your duty to the
2 public. Is that right?

3 A Yes, you could say that.

4 Q How long did you wait before to tell your father
5 about the conversation with Jamie?

6 A Well, I told him on a couple different occasions.

7 Q After you were charged with whatever you were
8 charged with?

9 A I had discussed it afterwards, yes, with him, yes, I
10 did.

11 Q Okay. So you didn't -- before you were charged with
12 your own problems, you didn't tell your father or anyone
13 else that Jamie had told you what he had told you at the
14 party, did you?

15 A Not that I recall.

16 Q So would it be fair to say that before you began
17 telling other people what Jamie had told you you weren't a
18 very good citizen?

19 A Well, I would assume that I was always a pretty good
20 citizen.

21 Q Oh. By the way, are you related to the Reverend
22 William Gaddis?

23 A Yes, I am.

24 Q How is that?

1 A He would be my cousin on my mother's side.

2 Q And are you a member of the Pilgrim Progress Church
3 or whatever it is he's in charge of?

4 A I haven't talked to Billy for 12 years.

5 Q So you're not a member of his church?

6 A I have no clue.

7 MR. REYNARD: Objection --

8 THE WITNESS: -- as to his church or --

9 THE COURT: Hold on, Mr. Scheel. Objection
10 sustained.

11 MR. PICL:

12 Q Are you a member --

13 MR. REYNARD: Objection.

14 THE COURT: The objection to the question about
15 the church is sustained. You don't need to answer. Move
16 on, Mr. Picl.

17 MR. PICL:

18 Q How many people attended this party again?

19 A At the beginning there was maybe seven, but through
20 the time I was there several had come, several had left, and
21 there was several there when I did leave.

22 Q Were there ever 20 there?

23 A Before I left, yeah, at one time there probably was
24 20 there.

1 Q The conversation that you had with Jamie at the
2 party concerning Jamie's involvement in this crime as
3 reported to you, would it be fair to say that the
4 conversation took total less than a minute?

5 A No, it wouldn't be fair to say that.

6 Q How long do you think it took?

7 A Several minutes, ten, 15, 20 minutes.

8 Q Ten, 15, 20 minutes it took him to tell you that he
9 was involved in this crime?

10 A No, the conversation that we had took that long.

11 Q Oh, okay. The portion that you had that he told you
12 he was involved in the crime, would it be fair to say that
13 took less than a minute?

14 A I didn't stopwatch him. I didn't time it. I have
15 no clue.

16 Q Best estimate.

17 A Couple minutes.

18 Q Is it possible that the overall conversation with
19 Jamie at the party took less than 20 minutes, perhaps ten?

20 A It's possible, but I would give a leeway up to 20
21 minutes.

22 Q On the 8th of September, 1993, were you interviewed
23 by Detective Katz and Detective Crowe in Vienna, Illinois?

24 A Yes.

1 Q During that interview did you make the following
2 response to the following question from Detective Katz?

3 Question: The conversation between you and
4 Jamie, how long did that conversation take place? To which
5 you answered I'd say five minutes, if I have to, ten
6 minutes.

7 A Possibly.

8 Q Okay. So your recollection today might be
9 stretching it a little bit? Not intentionally, not
10 intentionally, but you've said today that your conversation
11 took up to 20 minutes?

12 A It depends on if you're talking about the
13 conversation as to the crime itself or if you're talking
14 about the conversation in all. You got to clarify for me if
15 you're talking about just the segment of the conversation or
16 the whole conversation. The whole conversation lasted 20
17 minutes.

18 Q I don't have that energy. No other questions.
19 Thank you very much.

20 THE COURT: Okay. Mr. Reynard?

21 MR. REYNARD: Yes.

22
23 REDIRECT EXAMINATION BY MR. REYNARD:

24 Q Mr. Picl asked you about remembering the details of

1 the defendant's appearance. Was there something about his
2 appearance that struck you as memorable at that time?

3 A Sure.

4 Q What was that?

5 A It was surprising to see him in the condition he was
6 in, unclean and not well kept.

7 Q Okay. And did you -- you mentioned providing
8 information through your father?

9 A Correct.

10 Q That found its way to the police and basically found
11 its way to this courtroom today.

12 A Correct.

13 Q Did you receive any consideration on those cases
14 that you had in return for this information?

15 A It was never even discussed.

16 Q In fact, did you have a trial in your case? You
17 didn't even have a plea bargain?

18 A No, sir, I did not.

19 Q You did not have a --

20 A I did not have a plea bargain.

21 Q You actually had a trial?

22 A I had a jury trial, yes.

23 Q And with regard to Mr. Picl's questions about what
24 you told Detective Katz as far as the significance or the

1 truthfulness of what you were told by the defendant, you
2 didn't know then what the significance of those remarks was.
3 Isn't that a fair statement?

4 A That's correct.

5 MR. REYNARD: Okay. Nothing else.

6 THE COURT: Okay. Mr. Picl, anything further?

7

8 RECROSS EXAMINATION BY MR. PICL:

9

10 Q You were 22 years of age when you saw the defendant
11 in the unkempt, I think you told us, condition that he was
12 in at the party, correct?

13 A Correct.

14 Q On direct examination you also told Mr. Reynard that
15 you hadn't seen the defendant before that since he had been
16 nine years old, correct?

17 A Since I believe I had been nine years old, yes.

18 Q So you hadn't seen the defendant for 13 years prior
19 to the party and his condition surprised you?

20 A Yes, cause when he was a kid, he was never kept like
21 that.

22 Q Oh, okay. So you hadn't seen him in 13 years, and
23 at the party he tells you he shot and killed someone. Is
24 that your testimony?

1 A Pretty much, yes.

2 MR. PICL: Okay. Thank you.

3 THE COURT: Mr. Reynard?

4 MR. REYNARD: Nothing further.

5 THE COURT: All right. You may step down. Thank
6 you.

7 THE WITNESS: All right. Thank you.

8

9 (Witness excused.)

10

11 (The following proceedings were had at the
12 bench out of the hearing of the jury.)

13 MR. REYNARD: I don't have a problem with bringing
14 the witness in.

15 THE COURT: Oh, it's another inmate. Do we have
16 him up? Do you care?

17 MR. RILEY: He walked Winkler out.

18 THE COURT: No, I don't care; I'm just asking you.

19 MR. RILEY: I don't care.

20 (The following proceedings were had in the
21 presence and hearing of the jury.)

22 THE COURT: Call your next witness.

23 MR. REYNARD: People call Kevin Schaal.

24 (Witness sworn.)