

# Episode 19, Part 1



Season 1 : E19, Part 1 - Jamie Takes the Stand

October 15, 2020

**Speakers:** Bruce Fischer, Jamie Snow, Tammy Alexander, Lesley Pires

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**Episode Description:** In 2001, Jamie Snow took the stand in his own defense against the charge of murder. Jamie's legal team was extremely underprepared, and explained to him that if he did not testify, he wouldn't win his case. He had one night's notice that we would take the stand. But Jamie was hopeful. He figured if he told the truth, he didn't have to prepare, he would be good. Jamie was on the stand for a very long time. He rebutted every witness presented in previous episodes of Snow Files, and in great detail, recounted his prior conviction, his participation in the lineup, his alibi, and the cast on his arm, all while maintaining eye contact with his jury. But Jamie Snow was still convicted. Part one of this nineteenth episode of Snow Files, presented by Jamie Snow himself, strives to answer one overarching question, what is it like to be on trial for your life?

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**Jamie Snow:** And I think about this all the time. If I have to spend the rest of my life in prison for a crime I didn't commit, I need the world to know what happened and how it happened.

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**Music Intro:** Injustice Anywhere presents Snow Files: The wrongful conviction of Jamie Snow and how they got away with it.

The mission of the Snow Files Podcast is to expose the misconduct of the State's Attorney's office under Charles Reynard. It is not our intention in any way to

disparage the current State's Attorney's Office or the Bloomington Police Department.

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**Bruce Fischer:** The next two episodes are a two part series, discussing Jamie's testimony with Jamie. These episodes will be primarily a question and answer session for Jamie. So we will not be doing a regular Q&A at the end of the show. We invite you to ask questions in the Facebook discussion group. And we'll be happy to respond. In our first segment, we have one overarching question. What is it like to be on trial for your life?

**Tammy Alexander:** Jamie, do you remember testifying?

**Jamie Snow:** Yes, I do. I do remember testifying...I mean, you know, it's one of those things. Most people never do it in a lifetime. I did it once. And that's just something that has always stuck out in my mind the whole time.

**Tammy Alexander:** Why did you testify? I mean, Susan didn't testify in her trial. And that seemed like a good formula. And everybody always says that it's not a good idea for a defendant to testify, so what made you decide to testify?

**Jamie Snow:** I think that the strategy to begin with was to follow the footsteps of, of Steve Skelton. Susan went to trial first, my attorney, Pat Riley, sat in on her case, the reason being according to them, was we get a trial run here, you know, we get to we get to see whether his strategy works or not, will follow behind him. So I think that's what the strategy was...and you're right, you normally don't want to call the defendant if you, if you don't want to...but by the time, you know, I had to testify, Pat and Frank had botched the case of so bad that, I mean, I had to testify, there was no one else. I mean, before we even started trial, they got all my witnesses banned for failing to provide a witness list to the state ahead of time, so the judge struck all my witnesses down, it basically came down to the point where it was my word against everyone. It was my word against every single witness in the case. And I had no choice, I had to testify.

**Tammy Alexander:** What was the conversation like, between you and your attorneys? Did they say, Jamie, we don't recommend that you testify? What were the warnings? Did they warn you? Or did they say?

**Jamie Snow:** No, they didn't give me any warnings. They were like, you're going to have to testify...you know, they didn't ask me if I wanted to testify. They didn't...you know, they were just basically...they just said, Hey, you know, you're, you're, you're the last person you know, you're going to have to testify, you're going to have to get up here and deny all this shit. They basically told me I didn't have any choice...if I didn't testify, I was going to get convicted. It was almost along the same line as, you know, the discussion we had when I was freaking out about the fact that they couldn't call the witnesses that we had ready to testify in the first place, was just basically...it was Frank and Pat, telling me look, you know, you're up, you know, we're gonna put you on the stand in the morning, you're gonna have to testify, you know, you're the only one that can rebut these charges against you. And that's basically what it came down to at that point, it was my word against everybody else.

And it came to that point, because they didn't follow any of the footsteps that that Steve Skelton forged for them. I mean, he was a great attorney-he got a not guilty verdict. They didn't follow any of his footsteps. They turned in the witness list too late, they didn't lay the foundation for any of the witnesses that weren't barred by the earlier ruling by the courts. They were- you know, they were barred so they were other witnesses that could have testified had they have laid a proper foundation for them. So they just basically, let me know the night before, you know, I was going to have to testify. They didn't prepare me at all either, by the way, I mean, I had no clue. The next morning when I got on the stand, I had no idea...not, not, not one heads up, not a clue of, of what was getting ready to, you know, be asked of me, I had no idea what they were going to ask me, which, you know, I've always felt like, it didn't matter; I didn't need to know ahead of time what, what they were going to ask me because I was telling the truth, you know, and I've always, I've always said, you know, as long as I tell the truth, I'm good. I'm going to tell the truth. They'll never be able to say, aha, you lied right here! You know, as long as you're telling the truth, you don't have to worry about someone making you out to be a liar. So, I mean, that's what I did.

**Tammy Alexander:** So you're telling me, they basically said that you had to testify, and then they failed to prepare you for that testimony? And there was no strategy involved with your testimony whatsoever, there was no focus, this is what we're gonna do, this is where we're gonna go? Nothing.

**Jamie Snow:** Nothing.

**Tammy Alexander:** Did you ask? Did you ask them? I mean, do we need to prepare for this? Or did you even know?

**Jamie Snow:** I mean, I didn't know...look, by that point in my trial, I was crushed. Basically, by the way it was going I mean, everything that I was afraid of pretrial, that I was complaining of, to the judge pretrial about these guys not being prepared, we...you know, which was coming to fruition, right, right before my eyes and I, at that point, you know, I just was going with the flow. I mean, you're telling me I have to testify, you know, if I don't testify, there's no way I'm gonna win, then I have to testify.

**Tammy Alexander:** They told you, you're just gonna have to get up there and rebut...I mean, did you say? Are you kidding me? I mean, what was that like?

**Jamie Snow:** Yeah, when he, when they were like, you know, you're gonna have to get up there and rebut these witnesses. And I'm like, you know, if you would have laid the foundation properly, if you would have turned the witness list in properly, it wouldn't be my word against everybody. But now I guess that's me against everybody, right? And, and I remember Frank Picl are going "Yep". Just like, "yep", you know, and, and, and that's what it was. I mean, it. You know, it, it came down to, you know, it was me, against everybody, and I mean, as you go through these witnesses, and as we've gone through these witnesses, you know, there were multiple witnesses, for every single person who got up and testified against me, there were other people ready to testify, and either, either people to testify and rebut their testimony or records to rebut their testimony. And not only did they not use the records, they didn't use the people. So yeah, he was just basically like, you're gonna have to get up there and rebut these people, you know, it was a heated exchange. But you know, I mean, I had to do it.

Right before I testified, I asked Frank Picl. What if I tell the jury about the fact that I took and passed the polygraph? What do you think would happen? And Frank Picl said, it'll cause a mistrial, and we'll have to do this all over again. And I had the copy of my polygraph exam in my pocket when I was on the stand. And I swear to God, I just kept thinking about pulling it out, holding it up and just telling the jury and everybody in the courtroom, this is a, this is a copy of the polygraph test that I took and I passed. They don't want you to know about that. I should have caused the mistrial, I should have done it. I just in that moment, I just always believe that you know what...I was at home, you know, with my wife and my kids, sitting on the living room couch when this, when this crime happened. There's just no way that this jury

is going to be able to find me guilty for taking somebody's life when I was clear across town. All these people saying that I said I did it just isn't...that's not going to meet the state's burden in my mind. I just believed that it wasn't going to be enough and now I know I should have, I should have not only had that copy in my pocket, I should have made copies for all the jury and just got up took it over and handed it to them.

**Tammy Alexander:** Did you look at the jury? Did you look them in the eyes? Did you look at the family, the victim's family out there while you were testifying? I mean, this must have been crazy.

**Jamie Snow:** Yeah, absolutely. I mean, I, I made eye contact with the jury, every single question and the answer that was asked of me, I looked and I looked right at the jury, and told them... I looked right at them. I felt like I was having a conversation with them, you know, an honest, an honest, you know, communication with them. You know, it doesn't mean anything now. But I do remember when I got off of the stand, Pat and Frank and I went in the back, and they were both like, that was the best testimony of any client I've ever had...they're both like that. That was unbelievable. And I don't know if they were bullshitting me if they were just shining me on. But they seem sincere, you know, I put a lot of hope, at that moment in that I had gotten the truth across to the jury, but clearly I didn't.

**Tammy Alexander:** I don't know if it was that so much as it was the sheer volume of people that you had to defend yourself against. Anybody-any average person that's going to look and go, that many people can't be lying. They have nothing and none of the evidence that we have now.

**Jamie Snow:** You're right. And that that was a major part of, you know, that was a really disgusting part of my case. And in my testimony and the cross examination by the state is that they were in possession of all the stuff that I needed to show that what I was saying on the stand was true, you know, and they had they had withheld so much evidence that would have corroborated what I was saying. And that, to me is the worst part of the case...to me personally, is that it was not accidental, just like you, you just say, you know, it's hard to believe, you know, all these people would be lying...well it's also hard to believe that you just accidentally didn't turn over pieces of evidence on every single witness that you have...hard to believe that it was just oversight and accident, you didn't know. And so that might cut both ways, when it comes to credibility.

**Tammy Alexander:** You had mentioned before about the witness list, and putting the witness list there in time...what, what exactly was going on with that?

**Jamie Snow:** Pat Riley had told me that we didn't have to tender a witness list to the state until we were picking a jury. That's what he said, we didn't have to put forth our witness list until we were picking a jury because they had to submit the names of the witnesses to the jury in order for the jury to be able to determine whether they knew anybody or whatnot, you know, but Pat, and Frank had the majority of the witness list long before that, I mean, like I said, you know, part of the strategy was to follow in Steve Skelton's footsteps...you know, they knew who was called in her trial against some of these witnesses, and, and so they knew ahead of time, but yeah, that's definitely what Pat Riley said, you know, we didn't have to put forward a witness list a list, until we started to pick a jury. I didn't know no different...I sure know different now, but I didn't then.

They had hearings before it was time to start picking a jury...like it was maybe two days or three days before we were due to pick the jury, there hearing on the motion to bar all the witnesses filed by the state. And Charles Reynard got up there and argued that, you know, I was playing Mickey...I'll never forget, I mean, these are his words, he was playing, you know, playing Mickey Mouse games with the court. He knows, you know that he can't wait till the last minute to submit a witness list or whatnot, you know, and they were basically blaming it on me, you know, I hadn't...the only thing I filed, the only thing, the only thing I was in charge of filing in my case or the complaints against my attorney, before we even got started to go to trial. I mean, when was I supposed to submit a witness list to the state or to the court? You know, I mean, that was their job. They, if they knew that we were running late on putting in this witness list, they should have done something about it. You know what I mean? But they didn't, and Charles Reynard tried to blame it on me. I didn't have no control over that.

**Tammy Alexander:** So how many motions did you fall before you even started the trial? You were writing letters to the judge...is that is that what it was?

**Jamie Snow:** Yeah, I mean, I don't know if he would call it a motion...I may have titled the letter like that, but yeah, I mean, I was writing the judge telling him that I didn't think they were ready, you know, we had a little hearing in court about it. But yeah, I, I knew, you know, they weren't ready before we started. I remember two things still,

to this day, that kind of stuck out in my mind, right? Is, one, I had a picture of each one of my kids in my hand as I was testifying, you know, because that was my, that was my motivation. They were with me, and I drew my strength from my kids, you know, from the love that I had. And I've always had for my kids, you know, I got my strength from them. I remember that.

And then I also remember that the shoes I had on were like, two sizes too small, and they were like really freaking tight on my feet. And they were really nice. They were really nice shoes. Maureen (unintelligible) got me- She was a mitigation expert for the death penalty trials assistance division, and she got me a real nice suit, I mean, the shoes were tight, you know, I mean, they were nice. But they were also tight as in...my feet hurt. So I remember that. Those are the two things that really, really stuck out in my mind, you know, during my testimony, and I remember looking out over, you know, the courtroom was packed full of people. And it was probably the most surreal and unbelievable thing I've ever experienced in my entire life.

**Tammy Alexander:** Near the beginning of your testimony, the state put forward a motion in limine. Regarding Kevin Charles testimony in relation to you telling him that you had hid someone who committed a murder in your attic. So the judge ruled, but he said, I will say this, I have no clue why he has to, or we have to violate an impeachment rule, to have him describe the conviction. I think everything up to the conviction is admissible. I don't think he can ever be crossed about a prior. And I think there was only one objectionable question. That is when you asked him whether or not he was actually convicted of obstructing in that case. Then later on Barnard stated, I will make reference to pleading guilty to that incident and not make reference to the charge or the conviction. And it seems like it would have been better to state the charges of obstruction, because it seems like it was left open ended, for the jury to speculate it was a much harsher charge than what you've actually received. And I'm not quite sure what that motion was about. Do you have any...any insight on that?

**Jamie Snow:** No, I really don't. I mean, I...I agree, I think that it was framed up in a way that left the jury hanging with a big, a big question mark. Wondering what it was, and all of that. I think you're right, I think we probably would have been better off had we have just just told them that you know, exactly what the deal was. And I think later on in my testimony, you'll see that when I did make reference to the fact that they did dismiss those earlier charges...that's when Reynard lost his mind.

**Tammy Alexander:** So they went on to talk about the arrest in Missouri. One of the questions was now at the time you were talking with agent Bernardine and detective Thomas, would it also be fair to say that at that time, you knew that you didn't commit the murder? And your answer was "absolutely." And the question, and you knew at the time that you were at home with your wife? You said, "That's correct." And you knew you had a cast on your arm at the time of the murder? "Yes, sir." And so with all those knowings in mind, you asked the officer, what's gonna happen to me if I tell you what I know about the murder? And you said, "I never said that." And they said, so when the officers testified that they were not being truthful, is that your testimony? You said my testimony is that when they were questioning me and they were both, you know, going a lot different than they were on the stand when they when they had me in the interrogation room and was asking me questions about separate crimes. And I believe they were attempting to confuse me. So they were trying hard to get you to say that you were asking for a deal to cooperate in this murder case. What was that like? I mean, was that...did you have all of the information about the testimonies and everything at the time that you testified?

**Jamie Snow:** The focus of that interview was not the Clark homicide, the focus of the interview was for what I've been arrested for. In that statement, you know, what, what if I knew something about the murder? What kind of a deal could, can I get? This is a complete total lie. Never happened. And I think there are some indications that would show what I'm saying is true.

**Tammy Alexander:** Well, they certainly didn't say anything about it on the police report.

**Jamie Snow:** No, they didn't say anything about it on the police report...I think, you know, I think there's some some indicators that, you know, you should think about when you think about that interview, not just that they didn't say anything about that in their police report. But, you know, and this is, this is exactly where Frank Picl and Pat Riley should have worked when they were when they were cross examining, you know, Russell Thomason...and Mike Bernadini, when they had them on the stand, I mean, both of these guys were members of the task force that were put together to investigate all these cases that were going on. And, you know, so I assume you're, you know, you're the, you're the cream of the crop, you're the top of your class, and we'll get they don't they don't put Barney Fife on the, on the task force, you know.



So, you know, after this interview, what did they do with the information? Right? What did they do with what they they believed I had, I had given them in that that interview, since they they decided 10 years later, I implicated myself in a in a homicide case, that I had some sort of information or whatnot, what did they do with it? They didn't do nothing. They didn't go to my sister's house and knock on the door, looking for any...gun, you know, clothes that matched the description, the cash drawer, none of that...they didn't go to my house, and knock on the door and ask Tammy if they could come in and look around. They didn't go to her mom and dad's house, they didn't go to any my friend's house, you know, trying to, you know, track down some...I guess some some evidence that would corroborate what I was saying; they didn't do that.

What they did was, they went to the grand jury that was investigating the case that I've been arrested for my sister's house and testified that those statements were about that case, they went around knocking on people's doors trying to get the evidence to help, this case, for what I've been arrested at my sister's house for. So, I mean, again, all I could do was, was, was just get up there and deny that what they were saying was true. But, but had Pat and Frank have done their job and properly cross examined these guys, they would have been able to show to the jury that, you know, they didn't do anything to follow up on on that interview. And they in fact...you know, is your memory better 12 hours from now about a conversation you had with somebody or is it going to be better, nine, nine and a half years later? I mean, they went you know, Russell Thomas went to the grand jury in the very next day and testified those statements was about the case I had been arrested for, so.

**Tammy Alexander:** So when they were asking you about that particular incident, and you know, is it possible that you knew, you know, about because you kept going back and forth, you know, knew anything about the crime that you were arrested for? And you answered it is possible. I was extremely scared and upset for what I had been arrested for, which was later dismissed. And this is where Charles Renard flips out. So he says, Your Honor, I think we have an order and in limine in effect that was just violated and I would ask for the hearing outside the presence of the jury on that. So what was what was that like? I mean, I have I have more, you know, that I can read on here, if you want me to read it before, you...

**Jamie Snow:** Well, no...I mean, I, I thought that it was important that the jury knew that they dismissed them charges against me...they, they wanted to dangle, you know, the forbidden fruit, I guess, in front of the jury, you know, knows, okay, we'll

just talk and we'll nibble around the edges, and we'll just, we'll just let them, you know, know that we had something going on here, but we're not going to tell them anything about it just in an effort to try to, you know, basically make me look bad, you know. And I just felt like, you know, what, it's, it's, it's critical, I need these people need to know that these charges were dismissed. You know, and, and that's what I did. And I mean, the truth is, you know, the judge told my lawyers that they couldn't say anything about it. He didn't tell me that I couldn't say anything about it...so I did.

**Tammy Alexander:** That's funny, because you're, ah...because I think Frank actually...or Pat Riley actually said something similar when when Reynard started going over the order, my understanding judge that the court has ordered that there be no reference to the judgment of the court with respect to those charges, and goes on, but then Riley responds, if there was such an order, it was entered at the sidebar, which this defendant wasn't allowed to listen to. And then Reynard said that is not true after we have the hearing. And then the court just ruled, or you know, just started asking questions, and I could see that it was getting kind of, kind of heated. Can you go into that a little bit? What was...what was going on there? Was he really flipping out as it looks on paper?

**Jamie Snow:** Oh, yeah, he was very animated and quite upset that I had, I guess, spoiled his plan to just leave it open ended for the jury to just make a decision on their own. I think he was he was very upset by that. I just felt like, you know, what, you told me to swear to tell the truth, the whole truth and nothing but the truth so help me God. I mean, that was part of the truth. And I think they needed to know and so I told them. He didn't like it.

**Tammy Alexander:** He later on said, when you were talking to the judge during the time, you said that is that is what I thought they were talking about. I didn't realize I wasn't supposed to say anything about the charges being dismissed. And I and I had the same note, you know, it said that they were they were okay, with saying that you are arrested for something, you know, and it was this big deal, because they had to go all the way to Missouri to get you. And they're hammering you with all of these questions. You know, so it just becomes this big mystery, but they're also okay with saying that later on, you were you did have charges of obstruction of justice.

**Jamie Snow:** They didn't want the jury to have any information that they might be able to draw a positive inference from, you know, they wanted it all to be negative. And that's what they did. They wanted it all to be negative. And I didn't think that

was fair. So I, I told them, that the charges have been dismissed. And I think it was important, but you know, I mean, they they had me arrested, and, you know, I was afraid when they were when they were questioning me. I knew that I had not done what they had arrested me for. And I knew that it was a serious charge and that I was in a lot of trouble, and, you know. I mean, the first thing that Russel Thomas did when they picked me up in St. Louis at my sisters house, he walked up to me and he looked at my chin for a scar on my chin and he looked at my ear for an earring in my ear. And when I didn't have a scar on my chin or earring in my ear, their focus was not the Clark homicide their focus was what I'd been arrested for. And that's what the you know, the focus of that interview was was all about they lied. I mean, they flat out came in there and absolutely lied. Both of them. And Frank Picl had the sworn testimony of Russell Thomas 12 hours after that interview from 1991 that he could have just eviscerated Thomas and he didn't do it-He didn't even he didn't even try.

**Tammy Alexander:** They also went in depth questioning about the cast issue. Do you want to talk about the cast issue?

**Jamie Snow:** Absolutely. I had a plaster- no it ws actually fiberglass...I had a fiberglass cast on my right hand from my fingers to my elbow, on the night of the crime. I absolutely did. I I was supposed to go and have it cut off at the doctor's office, like maybe four or five days after the murder happened, I was supposed to go back. And they were going to cut it off. And I just took a hacksaw and cut it off myself. I didn't want to go back to the doctor.

**Tammy Alexander:** They also mentioned that you have pins.

**Jamie Snow:** I had two pins in my-two real long pins that went, you know, in into the bone. And I went to the doctor, maybe a week or two before the murder and they took the pins out. But they left the cast on. And then um, and then I was supposed to come back and have the cast taken off. You know, once they got the pins out, I just you know, I just cut the cast off myself. I left it on until the day that he told me to leave it on til. I left it on there until then.

**Tammy Alexander:** I asked you about a picture that was taken. And they were saying that it was Susan Powell picture and that it was at her trailer. And they were like is this your car in the driveway. And it was like you said, all I can see is a windshield. I just didn't understand what that what they were going with. You said

that because the picture was of a temporary cast that they did at the emergency room, and you thought that that picture.

**Jamie Snow:** That night, when I went to the emergency room, they just put a temporary you know, what was it? It was...it was temporary, you know, they gave me that until I could get in to see a doctor for him to actually do the surgery to put pins in my hand. So, yeah, I mean, that's that's what that was. But that was not the cast that they put on there stayed on for I don't know how long it stayed on, I would guess was on there for like maybe six weeks or so.

**Tammy Alexander:** So basically, you're saying that, if you would have had a cast, removed by the doctor, then it could have been confirmed that you had a cast on your arm, and that it was your right hand and that that would have been too weak to sit there and rob it...rob a gas station and shoot somebody twice. So as we come to a close, is there anything that you'd like to add or close with in this part one episode.

**Jamie Snow:** Every single person in this country deserves at least a fair trial, I don't care who you are. I don't care what you're charged with, whether you're charged with DUI, or if you're charged with the worst crimes imaginable, you at least deserve a fair trial. My, my younger sisters served three tours of duty in the Middle East, put her life on the line for the freedoms that every single person in this country, you know, they get, you know that they experience, that they're, that is given to them, you know, she puts her life on the line for everybody's freedom. And for every single person to enjoy at least a fair trial and justice...and it's just terrible when you don't even come close to getting a fair trial. I didn't even come close to getting a fair trial.

And it's really disgusting that all these judges all the way down the line, all they're doing is rubber stamping it and rubber stamping it and rubber stamping it and nobody wants to just stand up and say, wait a minute. This wasn't fair. And that's just hard for me. I mean, it's a horrible thing to be in prison for the rest of my life for something I didn't do. But what's even worse is that I didn't even have a fair chance. I didn't get a fair trial. You want to lock me up for the rest of my life for something I didn't do, at least give me a fair trial. Make it fair. You know, and that's, that's what's really been hard.

**Tammy Alexander:** If it was a fair trial, you probably wouldn't be locked up.

**Jamie Snow:** They would have never been able to charge me had it been fair.

**Bruce Fischer:** We invite any witness featured on the Snow Files podcast to come on the show to give their point of view or to clarify anything that they think might have been misstated.

**Lesley Pires:** In Episode 19, we heard what it's like to be on trial for your life. Jamie explained why he testified, how unprepared his legal team was, where he found his strength, and how he assumed if he told the truth, he was good. Jamie's lawyers said his testimony was the best of any client they ever had. Jamie had a lot of hope, but one against all wasn't enough for the jury.

If you have any information that may help Jamie, please call the tip line at 888-710-SNOW. There is a \$10,000 reward for any information leading to a new trial or the exoneration of Jamie Snow. The tip line is free and confidential. Want to join the Jamie Snow support team? Become a patron for as little as \$1 a month. Just go to SnowFiles.net and click on Be My Patron on podbean. All donors will have our undying appreciation and acknowledgement on the show. The highest tier donors will be invited to host a Q&A segment. Funds are used to cover our administrative costs and to keep Jamie in the media.

Jamie's self defense testimony was 157 pages long. He addressed every single witness we discussed so far and reported the exact same facts one years ago in the same detail he has on this show. There's a lot more to share. That's next time on Snow Files.

*Transcribed by: Cathy McElhaney*

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