

Tammy Alexander: He did. And that's what I was getting at, is he came out there. And he said, "Hey, look I just want to let you know, that's not the person I saw. I think I could ID him. That's not the person I saw."

Bruce Fischer: Jamie's defense team failed to use Foster at trial.

Tammy Alexander: Failed to use Foster at trial. Martinez stated several times during that conversation that, after he told Foster that he ID'd him, that it was his understanding that they had a lot of evidence against the people that were in jail. And that's what Foster testified to in Susan's trial. And we also have those transcripts up there. You know, that was really important. And then Jamie's attorney did not lay the foundation for Foster to come in and testify.

Bruce Fischer: Which was crucial information that was never heard at trial.

Tammy Alexander: Absolutely. And this may come in later, but he was paid thousands of dollars. Frank Picl was paid thousands of dollars to sit in on Susan's trial. He didn't use the most crucial evidence that they had of Jamie's innocence.

Bruce Fischer: Now Jamie asked if that's a good sign of ineffective counsel. And of course, ineffective counsel is incredibly hard to prove, but that's a sure sign that he had ineffective counsel.

Tammy Alexander: And one other thing I want to add about the meetings, was that there was a meeting with Jeff Pelo and Martinez in the same meeting. What were they doing? You have two material witnesses in the same room, getting their story straight. That is so wrong. And it's also something that Jamie did not know when he went to trial. Imagine if the jury would have known all of this information that we know now. I mean, do you really think that they wouldn't have had reasonable doubt?

Bruce Fischer: Oh, the outcome would have been far different.

Tammy Alexander: At least, as it relates to Martinez.

Bruce Fischer: Now, is the information from all these meetings, was it given to the defense and Jamie's attorney didn't use it? Or was all that information withheld?

Tammy Alexander: I first saw it when I got Susan's documents. And it was a pretrial motion, which is... You know, there are many of them. Right? But this was huge. Susan's attorneys wanted them sanctioned, because they did not reveal that Martinez had made an ID in that private meeting. And Charles Renard and Steve Skelton, Susan's attorney, they admit the same day after Danny Martinez had made that ID. But they did not memorialize it. And in that motion, that's Renard's argument. Well, it wasn't written down. Well, it wasn't taped. So it's not Brady evidence. I don't have to turn it over. They did not tape that or write anything down on purpose.

Although the detectives throughout this whole new investigation that started in 1998 had told witness after witness after witness, we have to get this on tape in case something changes. We have to get this on tape. Just making sure that everything was documented and everything was taped. And then all of the sudden this one crucial critical moment where this witness comes up 10 years later and IDs Jamie Snow as the person. Which happens to be the person they've been after for all of this time. And they don't say anything about it. The same day they met with Susan's attorneys, and didn't say anything about it. And that pretrial motion is one of the most... It's got so many details in it that it's unbelievable. But it's the most incredible thing that I've ever seen.

And that's where we see they're not getting their story straight. Because Dan Katz testified. Charles Renard testified. Tina Griffin testified. I mean, these were the key people in this and they weren't even having their story straight in the pretrial motion. But once it got. well the judge was like, no we're going to keep him as a witness. You know, that was it.

Bruce Fischer: Now in the Claycomb trial, at the pretrial, it shows that her attorneys were at least doing their due diligence. Their challenges might have been rejected, but at least they made those challenges. We never saw that with Jamie's attorneys.

Tammy Alexander: No. And I guess that's why I would encourage people to read it. Because first of all, these state's attorneys are questioning each other. And correcting each other's testimony with questions. It's the most incestuous thing that I've ever seen. Susan's attorneys were so passionate. You can rarely read a trial transcript and hear the passion. But they were so incredulous that this had happened.

Bruce Fischer: Right. They saw right through it.

Tammy Alexander: And they were just floored. And that's why they called for sanctions. Which is unusual, small town defense attorneys calling for sanctions against the state.

Bruce Fischer: Sure. We'll provide all that information. Hopefully people will stop and read it. Because I think that, like you said, it's very compelling. That entire pretrial, all that information.

Tammy Alexander: It is.

Bruce Fischer: Now Lesley, before we move on, I want to make sure that we hit all the inconsistencies. I don't think we can hit all the inconsistencies with Martinez because there's so many. But were there any more details that you wanted to add, regarding his changing testimony and changing statements over the years?

Lesley Pires: Well, there is a lot of information and there are a lot of notes. I mean, the defense attorneys go over the jacket he supposedly saw the suspect wearing when he left. The length, the color, where his hands were. And they do get them to actually relent that he has no idea what was in his coat, that it was cold that night. His fists were in his pockets because they were cold. He could have just had his own stomach under that coat. So there's so much more, so many more examples that you can find. And we really think you should see it for yourself by examining that testimony. And we supplied it on the podcast webpage. Or you can review our Snow notes that site the changes in more of a list type format that's easier to read. And we've also made a table that compares Martinez's five different stories over time. And that's available online too. And we think that you should take a look at all of it.

Bruce Fischer: See, for me when I've researched this over all these years, the most important thing to me is that Martinez failed to identify Jamie over all that time. So I know that we're focusing on the changing stories, but I think the changing stories simply prove that he had no idea. You know, there was nobody there. This whole story is a fabrication.

Tammy Alexander: And that's a good point. And we talked about this earlier. But just to reiterate, there were at least two times over the years where there were multiple pictures of Jamie in the photo arrays and Danny Martinez did not pick him.

And you're so right about that. That is huge. Because he just, he did not pick him out, even though and...

Bruce Fischer: Well most importantly, he picked two different people. He picked out a guy named Charles Renfro one time, he picked out another guy at another time. I don't have the notes right in front of me. But not only was he not picking Jamie Snow, he was picking other people.

Tammy Alexander: He was picking other people. But he never made a definitive ID, which is why we think he didn't see anybody. One of the huge issues too is there were multiple pictures of Jamie. There are innocence projects statistics that show when you're presented with someone, the same person over and over and over over the years, the way that your memory works. Or it could just be, hey, this must be the guy they want. Were there multiple pictures of everybody else? Or was it just multiple pictures of Jamie Snow? We know it was multiple pictures of Jamie Snow. We don't know who the other ones were. But we suspect that they did not...

Bruce Fischer: Well we know that Danny Martinez was presented with Jamie Snow multiple times over the years, just to plant it into his head.

Tammy Alexander: Even after he was arrested. Foster didn't go talk to him, it was 10 months after Jamie and Susan had been arrested. And he didn't even say at that time. In fact, he said no, it was not Jamie Snow. This is not Jamie Snow that I saw. The people that they arrested, that's not who I saw.

So when he testifies, he says he told his wife when they were arrested. He told his wife and that's the only person that he told. He says he told his wife, and then 10 months later he tells Foster no that wasn't. And then a couple of... I mean, within a week, he's IDing him from a picture of the very lineup that he attended in person. So those times seeing him over and over and over, and the fact that they had multiple pictures of Jamie is absurd. That they had multiple pictures of Jamie in those photo arrays. And you know what? We've been trying to get those photo arrays forever. And we still haven't been able to get those. They just say they're not there. So we have no way of knowing what pictures, what multiple pictures they have. Was it the same picture that he ID'd him from?

Bruce Fischer: Right, just how far did they go?

Tammy Alexander: When he said he saw the picture in the paper, was it the same picture? That's what we want to know.

Bruce Fischer: That's in Lesley's notes as well. We were talking about it earlier, that the Innocence Project lays this out. I mean, you mentioned it as well. The percentages are so high in wrongful conviction cases for witness misidentification. I mean, we're talking upwards of 70% of cases that were... The Innocence Project deals with DNA. So over 367 cases, and upwards of 70% of those cases include witness misidentification. But I think in Jamie's case, it's even more egregious because there's not a mistake. This was all done by design.

Tammy Alexander: You're 100% right on with that. It was... He lied. Martinez lied. This is not a mistaken ID. He lied. We don't know why, but it doesn't matter, as Lesley pointed out. It doesn't matter. It's not for us to figure out why he lied. It's for us to prove that he did. And I think we have.

Bruce Fischer: Oh, it's very clear. I mean, the evidence is there for anybody who's really willing to read through it all. I mean, it's very clear that Danny Martinez has been completely destroyed. I mean, he has no credibility at all.

Tammy Alexander: None.

Lesley Pires: In this episode we focused on demonstrating how Danny Martinez, an innocuous bystander, was modified at the 11th hour--completely morphing into a credible eyewitness by trial. He ultimately convinced the jury that Jamie could have been placed at the scene of the crime. Details were slightly misconstrued, and then used by the state as powerful weapons to pull off a wrongful conviction. We really think you should see the discrepancies with your own eyes and take the time to view Martinez's case file for yourself on our webpage at Snowfiles.podbean.com under Docs By Witness. And if you have any information of your own, 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. It is really tragic that 69% of DNA exonerations in the United States involve eyewitness misidentification. But what makes this case even more tragic is that there were actually two other eyewitnesses who reported seeing a different suspect. So how did they get away with this? That's next time on Snow Files.

© 2020 Snow Files. All Rights Reserved.