

Episode 20



Season 1 : E 20 - The Truth Never Changes - Closing Arguments

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

Episode Description: On January 15th, closing remarks were delivered in the murder case against Jamie Snow in the circuit court of the eleventh judicial court, before the Honorable Donald D. Bernardi and the Jury in McLean County, Illinois. State's Attorney Teena Griffin delivered over one hundred pages of lecture to the jury, embellished with her own false narratives, great literary quotes, creepy crawly innuendos, sticks and stones, and even prayers. Defense Attorney Frank Picl pleaded with the jury to remember there as no physical evidence, and their only task was to determine which words they believed, as words were the only evidence presented by the state. The jury deliberated for 11 hours over two days and returned a guilty verdict. This twentieth episode of Snow Files brings McLean County's most dramatic and final act in the wrongful conviction of Jamie Snow, right to your ears.

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.

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.

Bruce Fischer: In our justice system, regardless of our laws, prosecutors have free rein to do whatever they want, and are currently at the heart of the problem when it comes to the need for justice reform. They have far too much power and very little oversight, and they're almost never reprimanded for misconduct. In fact, in many cases they become judges or move on to other lucrative positions. In this episode, we hope we will give you a feel for being in the courtroom for the nearly 150 pages of closing arguments in Jamie's trial. We hope you will take the time to read them in our documents section on the podcast. Reenactment of the First Assistant State's Attorney Teena Griffin is portrayed by Lesley Pires, and Jamie's trial attorney is portrayed by Bruce Fischer.

(Reenactment begins)

Teena Griffin (Lesley Pires): At this time, I'd like to ask you to consider this photograph of Bill Little and then consider the following quote from Willard Galan. "When one person kills another, there is immediate revulsion at the nature of the crime. But in a time so short as to seem indecent to the members of the victim's family, the dead person ceases to exist as an identifiable figure. To those individuals in the community of goodwill and empathy, warmth and compassion, only one of the key actors in the drama remains to whom to commiserate. And that is always the criminal. The dead person ceases to be a part of everyday reality. Ceases to exist. She's only a figure in a historical event. We inevitably turn away from the past toward the ongoing reality. And the ongoing reality is the criminal, trapped, anxious, now helpless, isolated, bewildered, badgered. He usurps the compassion that is justly his victim's do. He will steal his victim's do. He will steal his victim's moral constituency, along with her life."

Based on the evidence you have now heard over the last two weeks, you now know that such an argument isn't an attempt by the defendant to steal the compassion that is justly Bill Little's do. Don't forget or be distracted as to who the victim is here. Rather, you're going to remember who the victim is, Bill Little, so that you do not ever let this defendant get away with trying to steal the compassion and the justice that is due to the one and only true victim in this case. Bill Little, not this defendant.

How can I be charged when I wasn't the one with a gun? The defendant has testified here in this case that he wasn't talking about the murder case when he said that. And Bernardini and Thomas in fact testified that they were talking about the murder case. You will ultimately decide who to believe.

The law of accountability makes it clear to you that it makes no difference in your verdict, whether he is a shooter or whether you ultimately think he played the other role of an accomplice.

I suggest to you that the evidence in this case speaks loud and clear as to who pulled the trigger and who fired the fatal shot that ended Bill Little's young life. And that evidence proves to you that it was the defendant who pulled the trigger. That evidence came only because of the statements that this defendant made to others.

You are not here to concern yourself with what the evidence has been, may have been or will be against Mark McCowan and Susan Powell, if they have ever been, will be or are on trial themselves.

Consider that one frequent argument can be referred to and described as the pick and shake method. You can't really believe this evidence, so the reason goes, so you shake it loose of all its connection to any other evidence and then you try to say, "Oh, by itself standing alone, it means nothing. So we'll just throw it out. It doesn't mean anything." I suggest to you that if you engage in that kind of picking and shaking, you're going to be distracted from considering the reasonableness of that testimony considered in the light of all the evidence in this case. And that's what you're required to do.

There are several facts which support why or how Carlos Luna could have seen what he described to you. But the first thing you need to realize is not how, but whether he did in fact see what he said he saw. And when you consider the reasonableness of his testimony, considered in the light of all the evidence in this case, the stunning reality is that he did see this defendant. And the defendant did admit his role in the killing of Bill Little to 12 different people.

But if you're asked to conclude that because we don't know with certainty how Luna did not see Martinez we can't believe he saw the defendant, then such an argument has to be regarded as nonsense. We know based on all the evidence

that the defendant was there, that Martinez was there, that Luna was there, and that officer Pelo was there. So if the defendant is suggesting through his cross examination, even for a second, that these witnesses did not see what they said they saw because they didn't see something else, then you should recognize that argument as tortured. It's part of that pick and shake that I've described earlier.

Someone here in the jury room may argue you can't believe those identifications. As I told you before, they're going to try and shake them loose from all their context. They'll tell you you can't believe Martinez's identification because he previously failed to identify the defendant. So they're going to try to shake loose the validity of those identifications. But if anyone attempts to make that argument, they would be asking you to ignore the obvious.

This case does not depend on one single piece of evidence. You have to put each piece of evidence together, look for the corroboration which is there abundantly in this case, and make your decision based on evidence in total. Corroboration, look for it. That is what helps you determine what the truth is in this case.

Does Gerardo Gutierrez provide corroboration for Martinez's and Luna's identifications? Absolutely. Despite the fact that Gutierrez, who was closer than either Luna or Martinez to a man at the station that night, despite the fact that he gave a description of a man inches taller than either Luna or Martinez, and despite the fact that he described the dark jacket that the suspect was wearing a little differently. It's a leather motorcycle jacket, not a trench coat or spring coat. And despite his description of this person wearing an earring, as he recalls, and some description of a fresh scratch mark on his face, he still identifies with Luna's and Martinez's identification. They all describe a man with light brownish, blondish hair, jacket and baseball cap.

That's the sketch that Gutierrez assisted in producing. And compare it to Exhibit 21, the sketch that Martinez produced. I suggest to you that there are remarkable similarities in the facial features and the styles. And then take a look at the defendant's photographs from February of 1991 and April of 1991, and compare them to Exhibit 22. I suggest to you the similarities between them and the Gutierrez sketch are stunning. But again, I recognize it's all in the eye of the beholder. And some of you won't see it that way, while some of you will.

This defendant thought the composite from the Little case looked just like him, and the defendant was so concerned about that composite that he told his friends and acquaintances to take down that composite.

Indeed, the defense counsel specifically told you an opening statements a couple of times, most of the state's witnesses we are going to hear from are rapists, robbers, thieves and dopers. And the state is going to ask you to believe them. There were several state's witnesses who had prior convictions. And were you surprised? No. Because we told you that up front before we even put them on the stand. But what was it that defense counsel forgot to tell you upfront in his opening statement? He just happened to neglect to tell you, "Oh, those robbers, thieves and dopers--we've got a few of those too, who are going to testify for the defendant."

And you found out that some of the witnesses aren't the only ones who had prior convictions. You found out that the defendant himself had a prior conviction for obstructing justice. But you didn't hear about that upfront by the defense. Maybe because they realized the inconsistency and the contradiction of saying you can't believe people with criminal records like thieves, dopers and robbers. And then in the next sentence having to admit that--well, we too have got a few of these people, including the defendant. Maybe he realized you can't have it both ways. Can you?

Looking at the state's witnesses as a whole, it's astonishing that so many people could have gotten it so wrong if you don't believe them. Looking at them individually, you should consider some of the small intimate details. Some of them true, some of them part of the defendant's most revealing lies. And you need to look for the revealing, telling details. The ones that tell you that a witness is telling it the way he heard it.

The evidence in this case reveals a struggle between the truth and falsehood between the need to deny and flee from the truth, versus recognizing the unmistakable facts as they have emerged over the last nine and a half years.

Randy Howard had a need to deny the significance of what he had told the police. You will remember how he struggled with Mr. Reynard during the examination. He had a need, perhaps at a friendship, to back off the truth. And we know it is the truth because he fought so hard against it. He fought so hard to lie about it.

You don't get that kind of detail and that kind of facts from a lie. No liar is going to make up those kinds of details, and nobody is going to make up a story like that.

First, they tried to ridicule Mr. Gaddis for his religious beliefs. They attempted to belittle his choice of church, and then they continue to belittle his role in the church. And the second thing they tried to do was trash Gaddis by calling his half brother to the stand. Bill Gaddis, a man with no criminal convictions, a man who has never been sent to prison, a man who believes in God is a man with a bad reputation for truth and honesty?

Tammy Snow is another example of the need to deny and the need to run away from the truth and the need to lie. She testified on direct examination apparently for the sole purpose of attempting to give this defendant an alibi.

They all agree that this encounter happened. Ed is telling the truth about that. But it's just this defendant and his wife who say that the defendant said to Palumbo, "I read about you in the paper." But the defendant even himself on direct examination, you'll recall, can't remember why he would have said that. Doesn't know why he said it. And I'd ask you, where's the logic in that scenario happening as the defendant and his wife would have you believe? And how is it that Ed Palumbo would know how to say the words "boom, boom," mimicking the two shots that were fired at Bill Little?

He went for cigarettes at the station, got into an argument with the clerk, went back later to get his cigarettes. To take care of business. And he shot the kid, took the money, and then they left.

These witnesses are telling you the truth. And in spite of their terrible criminal record, you know that because of the tiny details how they corroborate each other.

Every one of you knows you cannot incriminate yourself unless A) you were there and B) you were involved.

In June of 1991, there was an in person lineup down at the jail. And you've heard repeatedly how this defendant refused to participate. He was visibly upset and shaken. These are not the actions of an innocent man. Rather that of circumstantial evidence of the defendant's consciousness of guilt. The defendant

would like you to believe that those were not the actions of a guilty person, but rather they would be actions of someone innocent who was concerned with being misidentified.

When this defendant has a reason to run, he runs. When he has a reason to hide, he hides. And when he has a reason to lie, he lies.

His flight from the police and his lies to the police are further circumstantial evidence of his consciousness of guilt. Innocent people don't run, innocent people don't hide, and innocent people don't lie every time they're approached by the police, like this defendant does.

He had a steady scripted plan of attack for fleeing from the truth of his guilty words and actions during his direct examination. Number one, if it hurts, it must be denied. Number two, if it's undeniable, admit it, but put a spin on it. And number three, if it doesn't hurt, it's okay to admit it. And the fourth one is when you're denying it, call them a liar. And if you can't call them a liar, call them mistaken or confused.

Remember, oh what a tangled web we weave when we first practice to deceive. Because how forgetful are you when you list a witness on your list of witnesses that is to be given to the prosecution presumably to help your case, and you have forgotten that she was one of the ones to whom you test drove this perfectly stupid lie about figuring out who did the murders. And yet there it is, a lie which points us unerringly to the truth, the truth he was most frightened of having to face. And it's going to be your responsibility to make him face that truth.

The defendant is indeed cunning. He's actually smart, in a consciousness kind of way. He knew which witness to label as liars, which ones, which incidents to say didn't happen, and which incidents happened that had innocent explanation. Which witnesses misunderstood him because he can find a plausible way to explain how they could be liars. But he couldn't keep his lie straight.

And this defendant, for all his effort, for all his tap dancing and verbal slithering, he just can't get away from the simple fact that they heard what they heard. And you can't get away from the simple fact that they saw what they saw.

But over time, enough people have overcome their fear of this defendant, their fear of being involved, their fear of their God. And they have now finally told you the truth. It's a remarkable odyssey. It does not happen in every case. And now it is your part to take that truth and make it into a verdict of justice for Bill Little, his parents, his friends, the neighbors around the Clark gas station, for the entire community. Everybody who was traumatized by the events that happened on March 31, 1991. It isn't easy work being involved. But now it is your work to carry on. We trust you. And we urge you to see that justice is done in this case for everyone.

Justice demands, and the evidence supports beyond a reasonable doubt a verdict of guilty of first degree murder.

I'd like to leave you with this one final quote from Daniel Webster from the 1800s when he gave his final summation in a murder trial. "A sense of duty pursues us ever. It is omnipresent, like the Deity. If we take ourselves to the wings of the morning, and dwell in the uttermost parts of the sea, duty performed or duty violated is still with us, for our happiness or our misery. If we say the darkness shall cover us, in the darkness as in the light our obligations are yet with us. We cannot escape their power and they fly from their presence. They're with us in this life, will be with us at its close. And in that scene of inconceivable solemnity which lies yet farther onward, we shall still find ourselves surrounded by the consciousness of duty. To pain us whenever it has been violated, and to console us, so far as God may have given us grace to perform it." We pray that God will give you the grace to perform your duty as you deliberate this case.

Frank Picl (Bruce Fischer): The defendant, Jamie Snow, in this case is innocent. Call it a presumption, you can call it whatever you want to. He is innocent. He's innocent right now. He was innocent all through Miss Griffin's very eloquent and well planned address to you.

Neither opening statements nor closing statements are evidence. And any statement or argument made by the attorneys which is not based on the evidence should be disregarded.

What I believe, what Mr. Reynard believes, what Miss Griffin believes--that's not evidence. That's what we think and that's what we believe, but that's not evidence.

And most of that testimony, you got to decide whether to believe it or not. I don't know what happened here. I wasn't a witness. I don't even know where I was in 1991. Miss Griffin wasn't a witness to any of this. So we don't know. We can't help you. You have to decide if you believe the person. And if so, how much, if at all, of what they say you believe.

There is, in this case, no physical evidence. And I think the state pretty much conceded that.

Your job is going to be a lot more difficult because you have to focus upon whether you believe the people who have been talking to you.

Miss Griffin didn't want me to engage in what's called the pick and shake technique. I've never heard of that. But if in fact it's paramount to examining all of the evidence, that's exactly what I'm going to do. She can call it whatever she wishes to.

Can you imagine how many, most of these witnesses, how many things had happened to them. How many things they'd seen, how many conversations they had had over the space of 1, 2, 5, 6, 7, 8, 9 years? And that all goes into your head. So unless you've had some special reason to keep intact and preserve, and constantly reflect upon their conversations, it's going to be stored away. Who knows where, and who knows whether it's going to be accurate when it comes out.

This suspicious stranger had his own cigarettes, and indeed lit one and began to smoke it, putting the pack that he had took his cigarettes out of back in his pocket while he was in the station. Now, isn't the state's belief that in fact if the suspicious stranger was Jamie Snow, then in fact he didn't have any cigarettes? That's why he was there. That's why he and Bill Little got into some sort of argument. Well, the suspicious stranger had his own cigarettes. So what do we make of that?

Gutierrez didn't pick him out of the lineup. Gutierrez can't really say it was anybody.

Jamie Snow is six feet tall. Everybody has got him too short. Luna, Gutierrez, and Danny Martinez, they all have him too short.

Mr. Martinez failed to pick Jamie Snow out of the lineup. Do you remember that?

You've just robbed the place. You're wanting to make a getaway. You're on foot. You'd be running. But you're carrying a cash tray under your coat. Whether it's a long trench coat or a motorcycle jacket, what's in a cash tray? Ladies and gentlemen, coins. Coins are loose in that cash tray. So this guy is carrying a cash tray. According to Luna, with one hand in a pocket. According to this guy Martinez, with two hands. Where are the coins going? When if you're carrying a cash tray under your coat, aren't the coins going out the bottom of your coat and onto the ground? So what evidence did we hear from our crime scene investigators that the coin trail was coming from the station? We didn't hear any suggestion of a coin trail. I guess we can conclude it's simply that whoever it was who came out of the station wasn't carrying a coin tray under his coat.

There is no evidence that a person was carrying a weapon.

I was somewhat chagrined to hear that apparently, the whole place wasn't fingerprinted. It wasn't even footprinted. They didn't even bother printing the underneath of the counter where the panic button was. Who pressed the panic button?

Pelo, If you'll recall, a trained observer. And while he said he had his mind on many things, you can bet first and foremost when he's approaching a business that he's just received a report on of a robbery in progress... What's one of the things he's certainly looking at? The door of the business. To see if anybody comes in or goes out. Nobody comes out. There is no one else in the parking lot. Nobody came out of the business. So what's the bottom line with these eyewitnesses? They're wrong.

What do we look at when determining whether to believe a person? You look at what they did to preserve their observation. Whether it was something they saw, or whether it was something they heard. By that I mean, did they write it down? Did they tape record it? Did they preserve their observation and their memory? Years went by and none of these witnesses preserved in any way whatsoever anything that they claimed Jamie Snow said to them.

You know, like the onset of winter and squirrels storing nuts, many of the witnesses in this case took the information that they've spewed forth in this courtroom, and they've sat on it. They've stored it. They've hoarded it. They decided for their own reasons, "I'm not going to get involved. I'm going to save this nugget. Maybe this will come in useful later on."

The notion that in fact there isn't a direct relationship between criminal convictions and inability to tell the truth or lack of worth as a reliable witness is ludicrous. What would you do to trust them if you came across them in your own life? Would you give them your car keys, and just say here, bring my car back whenever you want? How about babysitting your kids? Or your grandkids? Would you allow any of these state witnesses to take grandma to the grocery store? And then to the park for the day with her wallet full of money? I don't think so.

Sheer number of 'he said' witnesses in this case, I think, raises a red flag. None of them appeared until the cops started literally beating the bushes.

Ed Palumbo, he had three convictions. Let's see. William Moffit, the one night at Joliet witness, as I call him. He had three convictions. Dawn Roberts had three. Then we have Bruce Roland, and he comes in with four. Now if I've got everybody, let's total that up. There is 42 convictions, serious criminal convictions for the 'he said' witnesses in this case. You guys decide what you wish to make of that.

How many state witnesses do you trust with the truth? Well if you run them all through this analysis, I think you're going to come up with that one another zero.

Are these the actions of a guilty man with a guilty conscience? Or are those the actions simply of someone who was scared? What would he be afraid of? The system not working in the courtroom full of words, words, words, words, words, words. That's what the state's evidence consists of. Just words.

He was on the stand for six hours, far longer than any other witness in this multi-week trial. Miss Griffin interprets his performance on the stand as that of a cunning--was the word she used--deceitful, weaver of webs of lies, a plotter. He's got it all thought out. But he makes mistakes. Ladies and gentlemen, you had six hours to look at Jamie Snow on the stand. That's not the only conclusion you can draw. He impressed me through his demeanor, through his speech as a sincere

individual. Who yeah, perhaps has made some mistakes over the years. But he is scared to death.

Well, ladies and gentlemen. I won't waste any time picking and choosing of the state's 'he said' witnesses. All of them were lying. That's my belief.

If you believe Jamie Snow, and I submit that you have every reason to, then the state's witnesses will in your mind be put in their proper place. Jamie Snow is credible. Jamie Snow, I believe, has been caught up in a web of words from the state's witnesses. We've seen a whole production here of all sorts of things that the state believes. And that is exactly what he was afraid of, and has been afraid of for the balance of 10 years. You look in this case at the hard evidence, reliable evidence, and you're going to find that there is a real dirt. There really is a lack of reliable evidence in this case. This case covers the better part of 10 years. And ladies and gentlemen, there are gaping holes in it. And the only thing you're going to have, I submit, when you get back in your jury room to fill those holes in is guesswork. Keep in mind, you cannot guess when you deliberate. You've not heard me take the position that well, there is no evidence. There is plenty of evidence against him. It's bad evidence. Some evidence does not equal proof beyond reasonable doubt.

Do not concern yourself overly with doing justice for the victim, the victim's family, and those he left behind. This is a terrible thing that has happened. There is no question about that. But the justice you need to do, and the duty you need to recognize in rendering a verdict--no matter how comfortable you may be with it--is a duty to all of us. We all deserve justice. Not just Jamie Snow. Not just Bill Little. Not just the prosecutors. Not just the judge. Not just the people of the state of Illinois. But the reason it's important that you do your job, and do it well, is because we as citizens take a lot of comfort in the fact that when our institutions work, they make us feel safe. If you decide that there is reasonable doubt, even if you're not comfortable, even if you think he might have done it, even if you believe he might have done it as the state does, justice requires not guilty. If you find that you don't know what the situation is, then ladies and gentlemen I submit to you that in fact, that's a not guilty. Because that means reasonable doubt still exists. And if in fact justice is to be done for all of us in this case with this evidence, I respectfully ask you that you return a not guilty verdict. Thank you.

Teena Griffin (Lesley Pires): And I just want to briefly say that I find it a little bit ironic if you will that defense counsel spent so much time on his closing talking again about evidence, and the lack of physical evidence, and it wasn't here in this case. When it was his cross examination, his rather lengthy cross examination of Ed Cowell, who so well explained why there might not be physical evidence. Because as you recall, he had Ed Cowell explain that if a person is wearing gloves, they won't leave fingerprints if they don't touch the surface in a certain way. They won't leave fingerprints. If they don't have the right chemical makeup, they're not secreters, they won't leave fingerprints. And if the suspect wasn't wearing any shoes, or all the other multitude of explanation that Mr. Cowell went through at defense counsel's request that explained why there isn't any physical evidence, so that it's not a big mystery there. So I suggest to you that you would be doing a great disservice if you do what counsel would like you to do, which is to go where the evidence isn't. Because if you do, you will lose sight of the truth. And the truth is always where the evidence is.

Bruce Fischer: But both of the state's supposed witnesses said the suspect was wearing tennis shoes.

Teena Griffin (Lesley Pires): If you were going to look long and hard, who sat on important critical information in this case, then I would suggest to you from the defendant's perspective that you need to ask the question, who sat on the most critical information to the defense for the longest period of time? And I think that answer is quite obvious. This defendant. Because he sat on his critical information for his defense for over nine and a half years. And that would be his alibi. He sat on it for nine and a half years. If indeed this defendant had not committed this crime, he really had an undisputable alibi, wouldn't you have heard about it before this trial? Think about it. How can you be saying I'm a suspect in this murder. I have an alibi. I know where I was at. I was nowhere near the Clark station. I was with my wife at home, and go talk to her. She'll back me up. Never heard those words come out of this defendant's mouth at all. Quite the contrary. What you heard him say instead was what is going to happen to me if I know something about this murder?

Bruce Fischer: In Jamie's polygraph worksheet from a polygraph that was taken in 1994, he said he was at home with his family during the time of the crime. The state hid that evidence. His story never changed.

Teena Griffin (Lesley Pires): Well I suggest if you truly thought that composite didn't look anything like you, and the reasonable inference as to why this composite was going around was because somebody might have seen the suspect, then wouldn't he welcome the opportunity to participate in that lineup? If he didn't look anything like this, he ought to be feeling pretty darn good. This is what they think the person looked like, and it doesn't look like me. Put me in the lineup, put me in there. Let those people see, see that it wasn't me. It makes no sense.

Bruce Fischer: Jamie's attorney recommended to Jamie that he not stand in the lineup because of the misidentification issue.

Teena Griffin (Lesley Pires): But defense counsel wants you to say what? That story doesn't work because Mr. Gutierrez saw somebody inside with the clerk arguing about cigarettes, and he wanted you to remember that Mr. Gutierrez saw that person light a cigarette and take a package out? Then obviously he couldn't have been there to buy a pack of cigarettes or get a pack of cigarettes, could he? Well, I suggest to you that such an argument ignores what anybody who has ever been around a smoker knows. And that is a smoker never waits until they are out of cigarettes to go get more. And so that doesn't disprove anything along that theory at all.

Bruce Fischer: Two things. One, so Jamie had cigarettes at 7:00 p.m. but was worried he'd run out in a half hour. Two, we have forgotten that the clerk stated there was no cigarettes missing from the inventory.

Teena Griffin (Lesley Pires): What were you doing on November 22 1963 when President John Kennedy was shot and killed? At the risk of revealing my age, I can tell you that I was returning for my half day of kindergarten. I can tell you where I was sitting in my living room, what chair and what it looked like. And I can tell you where my mom was sitting, where the TV was, and what the impact was, and what the effect was on my mom when we heard that news. And I suggest that many of you can give the same kind of details. Why? Because it's made an impression on you. And it stayed with you even though you didn't write it down. So I ask you. If somebody came up to you two days ago, two weeks ago, two years ago, or 20 years ago, and told you, "I shot Bill Little. Or I shot and killed anybody." I

suggest each of you would remember that because it would make an impact on you.

Bruce Fischer: Then why didn't the so-called confession witness come forward sooner?

Teena Griffin (Lesley Pires): If you go to bed one night and you look out your window and the ground is clear, no snow, and then you wake up the next morning and the ground is covered with snow. And if someone like Bill Moffit, Ed Palumbo or Eddie Hammond come up to you and said it snowed last night, are you going to not believe them just because of their prior convictions? Are you going to say, "Nope, I know it wasn't on the ground when I went to bed. I know it is here when I got up. But these guys got prior convictions, so I can't believe it snowed last night." Of course you are not.

Bruce Fischer: Tired, overused argument which doesn't fit the case at all. She's grasping at straws.

Teena Griffin (Lesley Pires): But defense counsel has said the sheer number of witnesses here for crying out loud is a red flag. Frankly, there is no way to account for that kind of argument.

Bruce Fischer: How so? Now we know the state hid evidence and deals of pressure. Pretty sure he was right.

Teena Griffin (Lesley Pires): There's something that neither defense attorney or the defendant can explain away. And that is the many faces of this defendant, Jamie Snow. The many faces of Jamie Snow explains exactly how Martinez can be so positive about his identification of the defendant.

Bruce Fischer: It's nonsensical. How can the many faces of Jamie Snow explain how Martinez ID'd him?

Teena Griffin (Lesley Pires): I suggest to you that the defendant has never looked so closely well groomed, well shaven, close cut shaven, hair so short. I will let you think about the obvious answer as to why there was a need to change. All I can say that is apparent. This defendant is still running and fleeing from the truth of who he is and what he has done. But you can look at all these faces, including the

newest version, and what is the most common thread that runs through all of them. The defendant can change his hair color, the length, he can change his facial hair, and he can change how he dresses. But the one thing that he cannot change is his eyes.

Bruce Fischer: Funny. His eyes were never mentioned by star witness Danny Martinez until the trial, after how many times he's seen them.

Teena Griffin (Lesley Pires): Reasonable doubt is not something that you have to search for. It is not something that you have to be directed to. If a reasonable doubt truly exists in this case, it's going to find you. It will come to you in the form of your conscience.

Bruce Fischer: Guilting the jury into a verdict in the state's favor.

(Reenactment ends)

Bruce Fischer: We knew from police reports, interviews and testimony that the state's witnesses' stories had changed over time. We now have ample evidence that the state pressured and gave deals to people to change their stories. Evidence that was hidden from Jamie prior to trial. Evidence the jury never heard. Ironically, the fact is that Jamie and Tami Snow are the only ones whose stories have never changed for over a decade. Jamie was at home with his family on Easter Sunday.

Well, we've all read through the closing arguments. We have over 140 pages here with 80 pages coming from the state immediately. For me, it was typical. It was, do everything you can to smear the defendant, throw everything you can at him. There's no rules. You can lie. You can say basically anything you want. I mean as we heard, she basically called them an insect, a maggot, a Nazi. I mean, you could say anything you want about them. And he has to sit there defenseless and listen to it.

So I don't know if I have the most compelling opinion on it. Because for me, I think it's typical. I think it's wrong. I don't think that the prosecutor should be able to stand up in a courtroom and tell lies. But that's the way the system works. So I think I'm a little jaded on it, and just probably come off sounding too angry when I discuss closing arguments. So I don't know how you two feel about it.

Tammy Alexander: Well, I agree with Bruce. Definitely. She uses a lot of quotes throughout the closing arguments. She talks about God a lot. She talks about bad acts a lot. And she's basically smearing Jamie. And every single time she gets a chance, she'll bring up testimony from someone else when she's talking about another witness that was bad. For example, she says over and over how Jamie beat somebody with a stick. And she'll say, well she wasn't the one that he beat with a stick, but she said this. It really was typical. She just does everything she can to make him appear like this horrible person.

Bruce Fischer: I think in this situation too, and we talked about it in every episode leading up to this... is how they stacked so much on top of each other. It overwhelmed the jury. And she kept talking about it in the closing arguments, how could so many people be telling this lie? How can they all corroborate together? And I really think it is compelling when you put on that case to a jury, because I think there's just too much information. It overwhelms them. And they have that entire pile of... you know we can call it bullshit if you want, but all against Jamie. He's one person that got to defend himself against just this mountain of information, I think, that just overwhelms the jury. And I think it's very difficult to overcome as a defendant.

Lesley Pires: For myself, I'll admit these are the first closing arguments I've ever read a transcript of. And I was shocked. It was like an episode of Law & Order. Which I always have been telling myself, oh that's not true. That stuff really doesn't go on. The dramatics. No, it was incredibly dramatic. And I thought she was really wicked and cunning. And she was deliberate. She was masterful. She knew what she was doing the entire time. Like I could imagine her sitting at home, making all these notes. Even with a murder board with a red string everywhere, and making flashcards and practicing. Like this was a prepared speech. This wasn't off the cuff at all. She knew exactly what she was doing.

And it shocked me, even on the second page. Because she came up with this analogy that I never heard before. But she said Jamie was stealing the victim's sympathy. And that's how she started off in her intro, that this trial is about the victim. And he's the one who died, he's the one who's a victim. But now we have Jamie trying to steal his sympathy, and play that he's been wrongfully accused, and that it's almost the jury's obligation from the get go to make sure he can't steal the victim's sympathy. So that was our first tactic. So that was really shocking to me.

Tammy Alexander: And she was saying his compassion, that's justly Bill Little's. That's Bill Little's compassion. So you're not allowed to have compassion for Jamie.

Lesley Pires: Exactly. That it was wrong, that it was somehow dirty to consider that he was scared because he thought that he was being wrongfully accused. And then the other thing that she said that was so ironic was she defined that the defense had a pick and shake method for their presentation, that they were trying to convince the jury and everybody in the courtroom that if one witness doesn't fit then you have to pick them out, shake them out, and get rid of everything the witness said. Then that witness is deleted, and doesn't matter. Which I think all of us even in the audience believe that it's true.

But then she goes on and says no, no, no, that would be awful. That would be an awful tactic for you to consider because the law says you have to consider these individuals as a whole, and what they contribute to the case. So it's legal for you to pick and choose what you want, actually. And you don't have to discard them. That would be flawed thinking. So every time they're talking about a witness and how the witness got it wrong, the witness contradicted themselves on the stand, she'll say, oh well that's the pick and shake method. And you know, very condescendingly like, you know, you can allow that. The defense is just picking and shaking.

Tammy Alexander: Then she refers to it as a mosaic. So she's saying, she just hammers on you've got to take this piece and this piece and this piece and this piece and put it together, and it all adds up. What the real irony is, is that in the courts above, which goes through some of the appellate arguments I believe later on, but... Is that they are not allowing that. They're not allowing it to be a mosaic. The courts above are picking and shaking. So if we discredit one witness, then they're saying, well that doesn't matter because that was an important witness. Whereas he was convicted on making it a mosaic. So the question is, how do you undo that in the higher courts? When he was actually convicted on this method, and there was not one thing that convicted him. It was a mosaic. That's how the whole case was presented. And closing arguments. I mean, throughout the case.

Lesley Pires: Yeah, there are sections of the law and the instructions that they read to the jury that literally said you have to consider, you're allowed to consider everything in context of all of the evidence. So he was convicted on the mosaic, like you said. And then now during appeals, he can't even talk about how there was a mosaic effect. That's not allowed.

The other thing she did was I noticed Tam, you caught on to this. And when I was reading the PDF file with your highlights, you kept highlighting the word corroboration. And I started to notice that every time she would bring up a witness or a circumstance, it was so convoluted. But this mosaic to build them together and get them to all fit... It could be two unrelated things that were completely circumstantial, and then she just said corroboration very smugly. Then she'd give another example and then end with corroboration. And it got to the point where cooperation was said over and over and over again, to the point where it was almost like a Pavlov's dog thing. Where now the jury is gonna associate her saying that with credibility. It fits. Here's another instance. It fits, it fits, it fits. And that was throughout the whole entire closing arguments.

Tammy Alexander: So she was really good at putting out those buzz words. And just to backtrack a little bit, she says, "Don't let him get away with trying to steal the compassion and the justice that is due to the one and only true victim in this case, Bill Little. Not this defendant." So she'll use words like steal and take and these derogatory terms. And that really puts it in people's head. He's a thief, he's a thief, he's a bad person. Even using those types of words. I mean, stealing compassion. Taking something away from someone. She's using metaphors of Jamie taking this person's life, over and over again.

Bruce Fischer: It's almost a tactic. You're guilting the jury into... You're telling them outright, you better not have any compassion for this evil person. Don't take anything away from the victim. If you stop for one minute and think that he possibly didn't do it, you're stealing what's owed to the victim. So they bring up emotion and anger so that you think more about the actual crime than the evidence against the person who did it. So somebody has to pay. This kid was shot down at a gas station. We're angry about it. Somebody has to pay for it. And they're giving us this evil person to pay the price. So I think there's a lot of psychological work going on there with prosecutors. Because they just want to build up the anger with the jury, so that they... It's almost at that point, the evidence isn't that important anymore. It's, somebody has to pay for this crime, and you better make sure justice is done for this victim. Don't forget about the victim.

Lesley Pires: Yeah. And while we're talking about words that she was using to kind of corrupt the jury or coerce them into having a certain perception of Jamie, she keeps picking hideous things. Like she accuses him of verbal slithering, so a snake.

And she's the one who keeps saying he's the one with the web of lies, so a spider. And then she has this quote she pulls out from a book to compare him to, about a wartime Nazi, and that how a wartime Nazi is described as lying and trying to get out of his war crimes but he keeps tripping over his lies. He can't get out of them anymore.

I couldn't believe that. I thought that was so shocking to me, that somebody would ever think that was appropriate to take something as horrible as genocide and an entire world war, and then casually intertwine it into Jamie's trial. So what did you think, Bruce?

Bruce Fischer: Talking about taking it to extremes. I mean, it's obviously a ridiculous comparison. But I understand why she did it. I mean, I get it. She just has to paint him as a liar. But yeah, I think that that example was absolutely ridiculous. Not really shocking to me. I mean, I don't get shocked by anything they say. It's just, how can you compare anything that happened in Jamie's case to Nazi Germany? It's ludicrous.

Tammy Alexander: It's dramatic. And speaking of dramatic, I'm almost positive that I was looking in the pantograph archives and found her when she was younger, maybe even in high school or college where she was big, big into drama. Like in the paper, in drama. So this even more so doesn't surprise me how dramatic she was being. They say that actors and attorneys, you know trial attorneys, have very similar personalities frequently.

Bruce Fischer: I just don't know. I mean, I can't get into the heads of the jurors. I just wonder how much of it they actually were really influenced by. I mean, I think the entire case itself, the way they stacked so many witnesses, I think that was more important than some of these words she used. I think she got a little overdramatic, I'm not sure how effective it was. It's hard to say.

Lesley Pires: She washes them out so much with all the details, but then uses the dramatics to get their attention again. So she goes over that quote. She says what book it's from and everything. It's from the book *Betrayal* by Eli Rosenbaum about a Nazi scandal. But then after she goes on and on and on about this book, she ends it by saying as the author of the passage said, if the pursuit of truth is relentless, the prevaricator rarely triumphs. She's basically charging them with a duty to be relentless,

so that Jamie can't triumph. So that's how she wraps it up and makes it an emotional thing for them.

Bruce Fischer: That's why he said she's guilting them into it, but I don't think that's the right wording. What she's basically saying is, this is your duty to go in there. We have this victim, this kid was shot down. We're giving you the person we said did it, now go do your job. There's no choice there. It's like the evidence at that point doesn't even matter anymore. It's, this is what you have to do now.

Lesley Pires: So at one point, she says that the witnesses finally now after nine years all came forward on this odyssey to tell the truth. So I was so taken aback even when I heard that though. Because now she's calling this an odyssey. And then she continues to charge the jury with saying that now that this adventurous heroic journey has been undertaken, now it's their job to deliberate and return the appropriate justice for Bill Little and Jamie Snow. So I mean, she doesn't stop the entire time.

Bruce Fischer: It's over and over and over again, that's their duty to go do this. It's like she's giving them their marching orders. And it works. It's effective.

Tammy Alexander: Obviously.

Bruce Fischer: I mean, most people that go to trial in this country are found guilty. If you actually get to that point, your percentage of acquittal is low. It's very powerful. The prosecutors have a lot of power in the courtroom. I mean, it really does. And we see it all the time. And we certainly saw in this case. Jamie did a fantastic job defending himself, and it wasn't enough. Tam wrote out, you wrote out, and some of these introductions to episode 19. He looked the jurors in the eyes. He refuted every single witness. He had all of his ducks in a row. He knew the facts. And it wasn't enough.

Lesley Pires: Yeah. And she also used the opportunity to go back and testify for the witnesses, which was talked about in the episode. But I kind of wanted to wrap it up, because we just heard on the last bonus episode talking a lot about Mary Burns. Well, she used her closing arguments to talk about Mary Burns a lot. And it was unbelievable. She said that the reason why the Mary Burns testimony didn't make any sense is because Jamie used her as somebody to test drive his new theory on. That he was so drunk, and somebody else was driving, and he didn't do it. He didn't

have the weapon and that Mary Burns didn't believe him, so he abandoned that. And then went with his alibi defense that he was home with his wife.

And then she's up there during closing arguments calling him a stupid drunk, saying that he is the one who forgot he had that conversation with her, and then had the audacity to put her on his witness list. And that's how she found her. And that's how this truth came out. Because he's the one line, and now he's been exposed. That's all fake. That's craziness. She made up that entire story from nowhere. That wasn't said on the stand. It wasn't insinuated on the stand anywhere. And she really used the opportunity to... I mean, I don't even know where she came up with that. That was really creative.

Bruce Fischer: Yeah.

Tammy Alexander: Well at one point, I mean she really contradicts herself, though, if you think about it. Because in one way, she makes him out to be this evil, shrewd, cunning kingpin who's making all of these people say whatever they... I mean, she did that throughout the trial. They were all afraid. That's what she's saying, Oh, well nine years later, they weren't afraid anymore. He was gone. He was in Florida. So their fear lessened. That's why they all came back at once right before the trial. But then another way she calls him a drunk idiot. He doesn't know what he's saying. And he's trying to cover it up. So I mean, she really contradicts herself in the way that she presents him.

Bruce Fischer: That's a really good point.

Lesley Pires: Bruce, you said a few episodes ago how Jamie's truth never changes. After 20 years, he tells the same story with the same details. And we went over his trial testimony and everything was the same. And even if there were some things about it that were messed up with that Mary Burns situation, I mean we hammered him home on that. And he responded to that. So, he's always been the same.

But then she says during her closing arguments that it's just the opposite. That now the jury has seen him take this stand, and that he can't escape the truth. The truth never changes. He's forgotten all his lies. And that's why he can't keep up with the story anymore. But she has no examples of that. I don't know what she... What is her big gotcha moment? Because there wasn't anything like that. I mean, unless she was going to go with the whole convoluted Freedom thing and changing robbery to

murder. But there was nothing like that. So she puts that editorial value into it. And I wonder if that kind of makes the jury look back on his testimony and think, oh yeah, he did come off as fumbling. He did come off as lying. He did come off as facetious. So... What'd you think about that?

Bruce Fischer: I think in the bonus episode, if you listen to Jamie's follow up answers to questions, you can see how easy it is to cherry pick information about details and make things sound different than they really are. When you go back and explain it, it's a totally different story. Like, it's not hard to do. And especially with the Freedom gas station and Jamie's like... He said, people don't even remember, they don't even realize that they got the guy that did that and he's convicted. And he testified before a grand jury. That's all left out.

So many details, so much information. I think it's really easy to get things convoluted over time. Because there's little bits and pieces coming from everywhere. And I thought Jamie did a really good job of explaining some of that in his follow up answers to the questions. But when you listen to him talk about that, I think it's a good example of how easy it is to mix everything up and have... I don't know how a jury can possibly keep up with everything.

Tammy Alexander: Let's move on to the the first degree murder charges when she's explaining what they can find him guilty of. Well she says first of all that the defendant or one for whose conduct he's legally responsible performed the acts which caused the death of Bill Little. And the second proposition is that when the defendant did so, he or one for whose conduct he is legally responsible intended to kill or do great bodily harm to William Little. Or he knew that his acts created a strong probability of death or great bodily harm to William Little. Or he is legal. Or he was committing the offense of armed robbery at the time he committed the acts which killed William Little. So I mean, she's going on. And it's like, okay so if you can't get him for this, get him for this. If you can't get him for this, get him for this. You can do this. You can think about this, you could do this. You can charge him with murder for all of these reasons.

Bruce Fischer: Right. She laid it all out there. Even if he went into the gas station not intending to kill him, if he killed him during the process of an armed robbery, it's the same thing as if he went in there with the intention of shooting him in the first place.

Lesley Pires: Yeah, but listen to the way you read that, Tam. I couldn't even follow you, and I've got the paper in front of me highlighted, and I'm reading as you're saying it. And I can't even comprehend it unless I read it three times over. I'm sure that the audience couldn't follow that whole paragraph. So imagine how the jury felt.

Bruce Fischer: If you take a jury though and you say a guy went into the gas station just with the intent of shooting him and killing a person and leaving, it's no different than if you went in there to rob them and ended up shooting him and killing him. The crime is still murder.

Tammy Alexander: It's explaining accountability. But, and then she even goes on. Now the second proposition is a long one. So. What she's doing, I think, is telling the jury, you've got all kinds of options to charge him with murder here. It's not as simple as when they'd give a jury instruction and say, okay this is accountability, and this is this, and this is this. She's going on and on and on about all of these different ways. And if he did this, and if he did this, and that just makes me think she's just leading them. She saying, there are all kinds of ways.

Bruce Fischer: Even if you're confused about one thing, don't worry. We have a whole list of things you can pick from here. Just pick one.

Tammy Alexander: Exactly.

Lesley Pires: Yeah. And then at the end when she's closing off, then she tells them she's gonna pray for them. So she starts reading another quote from a book from the 1800s. She reads this from Daniel Weber, that God has given them the grace to perform their duty and obligation to decide the case. So she's going to pray that God helps them during their deliberations. And then that's where she closes off. And um, it's just...

Bruce Fischer: What is she doing? Again, that's the same tactic. She's telling them what their duty is, what they're supposed to do. This is what you have to do.

Lesley Pires: Yeah. Isn't there a separation of church and state? It's just baffling.

Bruce Fischer: She's not giving them an option of even thinking that he could be not guilty. Their job is to get a conviction for the victim. Only think about the victim, this is your job, now go do it.

Lesley Pires: Yeah. Pumping them up, like being a juror is a heroic thing if you're on the side of the victim.

Bruce Fischer: That's a great point as well. She's emboldening them to maybe feel like they have the power to accomplish something. Instead of just looking at the evidence and making a decision about another person's life who's on the... Jamie's there fighting for his life, and she's reading Bible verses trying to pump them up. Giving them a duty. You know. I get how it works. It's just... She really did a good... She did a good job.

Lesley Pires: She did. I couldn't believe it, but I really appreciated reading those closing arguments. Because you got to see who she is as a person. And a lot of the times we think... Some of us who might be a little bit more merciful or a little bit nicer may be like, oh well this is somebody's job... And she just wants to be a DA, and she gets promoted, she gets selected and then eventually she wants to become a judge. This is just a stepping stone for her. Maybe she's not an awful person. Maybe they got it wrong... But then you read this. And you're like, no. This was deliberate. She did a lot of research on this. This was a lot of psychological value put into this. This was menacing. This was not some pile up in the system. This was all on purpose. And she knew exactly what she was doing. And it was vengeful and it was nasty, and she liked it. She liked it.

Bruce Fischer: Sadly, if you ask a lot of prosecutors they're gonna say she's just doing her job. I think that's the culture of it all.

Lesley Pires: Yeah. I don't think it's her job to read books from the 1800s, but she certainly made it. The defense responded. I mean, it definitely was nowhere near as long as her. But I was really surprised, considering Picl. I was really surprised by his demeanor. So what do you think about it? What do you guys think?

Tammy Alexander: He certainly wasn't very passionate. I felt like...And I didn't... It's really hard to... It's so much better when it's on tape, because you can hear the inflection in their voice and those kinds of things. I could see him coming off as either boring or flippant. You know, like he was just kind of like, "Well, you can't. You can't, you know. This is zero. You know, there's zero evidence. Here's the breakdown of the witnesses. And here's the breakdown of the evidence. There's zero evidence." It didn't seem to me like he was connecting. He was more, like I would think preachy.

Kind of condescending is the way that he came off to me. Like you can't do this. You can't do this because this is the evidence. I mean, he was right. But that doesn't make him connect with anybody on the jury. It was just kind of an arrogant argument to me.

Bruce Fischer: That's kind of how it sounded to me as well. I also think it's a tough position. You're telling a jury you can't do this, and then you have somebody else saying you need to be a hero and this is what you need to do. I think the prosecution's argument is easier.

Lesley Pires: I was very surprised because he was so calm. So it was almost like he was trying to neutralize the situation and bring them back down to reason. That's how I interpreted it. Because he was very calm and dry, and he was all about the rules. And he emphasized immediately in the introduction that they should disregard any closing arguments made about beliefs. Because Teena Griffin wasn't there so her beliefs can't help them. And that Jamie is presumed innocent.

And he said he was gonna hammer that home and I'll probably say it 50 times before he closes. So I was surprised, given the way Picl's acted before. It did seem like he actually must have had notes and planned this out. I know he had notes, because he methodically went through like seven different star witnesses and laid out all their convictions. He actually pulled out pieces of paper from Detective Thomas's switching robbery for murder, his interrogation. And to show the jury how it was only a half paragraph on one page. He did that.

But yeah, he was really boring. And he did hammer home, which I thought was really good that this is a case with no physical evidence at all. And that he empathizes with the jury, because now their job is so difficult. Because all they're left to do now is to decide who they believe. What words they believe. They have nothing else to fall back on. Then he went in even at the end, telling them... I thought he kind of made a fatal error here at the very end. Because he told them that... You know, it started off good saying it's their job and their duty to render a verdict, no matter how uncomfortable it might be for them in regards to the victim. In not giving Bill Little justice after this prosecutor has just charged you with that duty over and over again. No matter how uncomfortable it is, it's your duty to give the right one.

But then he goes and he says justice doesn't require a guilty verdict. Even if you think he did it, you have to be able to prove that he did it. And if you conclude that

you don't even know what happened, then that's also a not guilty verdict. And you know, it was just like, oh my God why would you say that? You just made such a great point. And that was your closing sentence, and it was wonderful. But then you said even if you think my client did it, you could still say he's not guilty.

Bruce Fischer: Yeah, kind of deflated everything he said previously, prior to that. Once he said that it kind of gave them a door, opened the door for them to just disregard everything else he said.

Tammy Alexander: Well, what got me was on her rebuttal. She said, when he was... Because he really hammered home, there's zero physical evidence. There's no physical evidence in this case. Basically that the eyewitnesses--and he used that term loosely. Supposed eyewitnesses, I think he said. None of their descriptions matched. And he felt like he discredited them wholly. And he was just saying, look what you're left with. But what got me was when she was talking about... I think she was talking about Callall and the physical evidence. They could have worn gloves. They could have not worn shoes. And I was like, are you kidding me? That someone went in there barefooted?

Lesley Pires: She goes, I find it so ironic that he's talking about a lack of physical evidence when we had the forensic investigator on the stand for an hour, and he pestered him for an hour about physical evidence. So what is he talking about? They were wearing gloves. That's why there were no fingerprints. And it was like, but Picl brought up how they didn't even fingerprint the emergency call button. So they can't even prove it was Bill Little that hit the call button. We still don't know that to this day. So, it was just crazy that she said that. I can't even describe it. It's just nonsense.

Tammy Alexander: When she said that about the shoes, though. I was like, okay so she's saying that the suspect didn't have shoes on.

Lesley Pires: And then, Tammy, let's talk about how you've brought up before the ever changing faces of Jamie Snow. That was all the way towards the end of her rebuttal. And how he can change his weight, his hair color, his hair length, his facial hair, but he can never change those eyes. You know, I know that really gets you. So what'd you think about that?

Tammy Alexander: I mean, I've always been very troubled by that part of her closing. Because first of all, she threw up a bunch of mug shots from prior things. No matter

what. If he was arrested for, got in a bar fight. You know? So it was any mugshot. So that right there makes him look like a career criminal. That was so suggestive that I think it was... I mean, I just don't see how she got away with being able to do that. So she throws all of them up, and then the composites up. And well, he does look like one of them. He may look like one of them. And I don't know if she said it in her opening arguments or closing arguments, I don't remember. But she said, probably people in this room look like this person. You have to look at the similarities. You have to look at the similarities. Not the way they look different, but you have to look at the similarities.

And she even pointed out that Picl doesn't even want to look at the pieces that make sense. He doesn't want to look at the evidence. He doesn't want to follow the evidence. But when she threw those up and said the many faces of Jamie Snow over years, and how he looked different over the years, I think that that was completely suggestive. And I know that they can do whatever they want. But there's some things that they can't do in closing arguments. And I think that that is arguable, just because of the fact that it just made him look like a... They're sitting there looking at that going, well what was he arrested for there? What was he arrested for there? And that was so incredible to me. I mean, that was shocking to me that she was able to get away with doing that when it's a case that wasn't even brought up.

Bruce Fischer: Right. She's showing pictures of things that had no relevance at all to the trial. But man, it's powerful when you see. Like you said, it made him look like a career criminal. I mean, it worked. But there are things that should not be allowed. You should not be able to throw up a whole bunch of pictures like that. I mean, it is suggestive. And if I'm on the jury, I'm thinking, wow. How many times was this guy arrested?

Tammy Alexander: And you know what wasn't thrown up? Was the records, the lengthy records of every single time these other people that testified against him got in trouble. Yeah, they talk a little bit about it. But Picl didn't even have all of the evidence of their, for example, Ed Hammond's federal case. They didn't talk about that. We didn't know about that, because she told him not to talk about it. They didn't say that Bruce Roland was arrested for a DUI between Susan's trial and Jamie's trial. I mean, another. He was initially arrested for a DUI, and that's when all of a sudden he had all of this evidence. But he was arrested. They let him out on bond. That was like his fourth DUI, and they let them out on bond and let him leave the state.

Bruce Fischer: And then viewed him as credible.

Tammy Alexander: And he got arrested for another DUI during that time. And that's when Katz told him, well we can't give you parole anymore so it's going to have to be a concurrent sentence. So he got a whole lot of time knocked off. And that's the other thing that all of these people didn't know, was all of the other pieces that were left out of these witnesses. The deals that they got, the pressures that they were under. That we know now.

Bruce Fischer: Everything we know now, that was not known at trial. It's easy to forget about that, talking about the case now, how much the jury did not know then.

Lesley Pires: Well, Picl tried to explain it to them. And he did a really good job. I don't know if you guys picked up on this. But he used it as the squirrel metaphor. Because Teena Griffin said why would all these people lie about something like this, and the reason why they remember so well after nine years is because nobody forgets talking about a murder. And then Picl comes out in his closing arguments and says no.

These people, they're like squirrels preparing for winter. And they have some nugget of information that's like a nut. And they're gonna sit on it for years and years and years and bury it. And they're not going to tell anybody. And it's not because they don't want to get involved, it's because they want to save it and use it for later. And then that's when he gets into bringing up all these people's convictions and what their motives were and things like that. So, I really liked that. I do think these people were a bunch of squirrels. You know, at least he didn't... I guess a squirrel is a rodent, but he didn't go as far as to be calling them bugs and Nazis.

Tammy Alexander: Well, I think it was, you know... And I did like that he brought that up. Because they... He also brought up the fact that it was so much more time later. And then all of a sudden, everybody has all of this information. And he said no- Nobody ran to them. And I've always said this to Jamie. I mean, where were these people in 1991? All these people that said, oh my God there was just a murder. It was all over town. It was huge news. And you didn't see anybody running to them, running into the police. It was only well after.

And when the worst part for Jamie I think that really sticks with him, and we talked about this previously, was when she said the truth never changes. But he's the only one that his story hasn't changed. Because when you look back at these police reports, and when they were first interviewing people, for example again Bruce Roland. He was like "I wrote him back." I know I didn't have enough information. I'm telling you if Jamie would have confessed to him, he would have had enough information. He said, I know what I gave you wasn't strong enough but I'm always willing to help you out. I'm always willing to do what needs to be done. Their stories were not the same. And we know from... You know, we dissected this in previous episodes on each person. You know, this is what they said in their police reports, this is what they said in the interview.

Bill Moffit, he argued with them about seeing a car. And she used this in her closing arguments as well. He argued with them early on. No, he didn't say anything about seeing anybody out in the parking lot. He didn't bet... They had to have that piece, that he saw somebody in the parking lot. And what does he say when he gets on the stand? He saw somebody in the parking lot. And that's what scared Jamie. Because he was arguing with them on the tape. He was like, I didn't know. He didn't say anything about that. I can't help you there. He said it was the flyers that he was afraid of.

Lesley Pires: She did this with several witnesses, and used the closing arguments to go back in time and correct their testimony. And she did it with Randy Howard, too. Because Randy Howard was the hostile witness. When he got on the stand, he said, "I never thought it would get this far. So of course my story is different now. I never thought I'd be here today." And he would not say that Jamie had admitted to the murder to him or anything like that. He said that Jamie didn't say that. But now when she's in her closing arguments, she says that's circumstantial evidence that Randy Howard is lying now because he wants to be a good friend. And that you can believe that from the words he said and the way he acted on the stand, that proves that he really did tell Jamie that he did it. And that Randy Howard's lying today. What the hell?

Tammy Alexander: And then she goes to the tape. She refers to the tape and said, well he said this on the tape and this on the tape. But he said some crazy shit on that tape. I mean, he was saying that he thinks that Tammy Snow was having an affair with Bill Little and maybe that's why Jamie shot him. She knew that he knew there was something going on there. And I mean, he's just talking all kinds of crazy stuff.

Well, none of that made it in. Not the crazy stuff. You know, it's just this one "Hey, bro, I fucked up. I shot the kid" out of this whole 30 minute long crap of a tape where he's just saying all of this outlandish stuff.

Lesley Pires: And I noticed that when she does this and she goes back and starts to rewrite the testimony and tell it a different way... I went back and flipped through our Snow notes to see how she addressed it at trial, and she doesn't. So like, they spent so much time on Bill Gaddis, both of them during their closing arguments. And she says, oh he's such a holy man. And the defense tried to make fun of him and put him down for his beliefs in God, and he's just a good man coming forward with the truth today. And why would he ever lie about something like that? And they even brought his brother on the stand just to trash him and say terrible, terrible things about him.

So I'm like, yeah they did bring the brother on the stand. We do have his testimony. I go back and I flip through the testimony, and she asked him one question and that was it. So it's like when it comes down to it, when it's going to be on the stand, it's going to be the testimony, it's going to be the facts, it has to be legal... She doesn't want anything to do with it. But then now in the closing arguments, I feel like she that day started writing down all her thoughts and her ideas on that testimony, and then just literally saved it for closing arguments. Instead of redirecting and asking questions.

Tammy Alexander: But when you talk about the corroboration, I mean particularly with Bill Gaddis there was none. The only person that said she might have known anything about it was his wife. And they didn't call her to the stand. I mean, there was four people and then a bunch of girls in the front room. So they had all of these people, granted two of them were dead. But they still had three other people. And I don't even know how they let him on. Like there was nothing corroborated with his testimony, whatever. And it's the same way with the others. And it's very, very thin, the way that they were supposedly corroborated. But they weren't.

It was like, well it makes sense that Jamie would have been up there at seven or whenever it was to go get a pack of cigarettes, and then they wouldn't give him a pack of cigarettes when Gutierrez was there. And then he went back down to a party at Whitmer's. And then how would Bruce know that he went to Whitmer's? Because Bruce isn't related to Gutierrez. They're not talking. But they made that fit. They are the ones that came up with that theory about the Whitmers. And then they bring Brian Whitmer in, and he's pissed off, and he's like I don't know anything about

it. I mean, I was in jail. Were they supposed to just have this quick party while I was in jail at my house? They just brought him into it for some reason, because maybe he's the only bad actor that lived close to the gas station, I guess. But they didn't know they didn't get along, I guess.

Lesley Pires: Reading this stuff on paper is so unbelievable. To see it out in text and be able to take your time with it and go through it, we really get a good opportunity to dissect it and go through it. And the jury didn't get that. They're just getting all this thrown at them. And this is 150 pages almost. I mean, it must have taken at least two hours minimum. I think they might have even been broken for lunch, but. When she's going on and on about these people, for a little bit of comedic relief here, I'm going through the papers and hearing what she had to say about Bill Gaddis and everything and how we are all supposed to believe him now. She says because he was never sent to prison. He doesn't have any criminal connections. He's a man who believes in God, and he has a good reputation for truth and honesty. And then Jamie just writes in the margin, child molester.

So, you know, that's true. We had that whole episode on how he got custody of those children. And that's why he had to flee the state because what was going on with him at home. And she literally gets up. And that was not allowed to be talked about during the trial. So during the trial, they don't get to ask him about why he ran out of Illinois, anything about that. His brother doesn't get to say the truth about why he doesn't really like him. And then she gets to have her cake and eat it too, and go over in the closing arguments with that.

Tammy Alexander: That's just frustrating because it's like she just... I mean, and Bruce is right. They just say whatever they want. But she is bringing in things that are not facts of the case, that they did not review in the case. She's just throwing everything she can against the wall and it's disgusting. Because she's not interested in truth or justice or anything. She always thought Jamie did that, and she was not willing to look at anybody else or any other evidence that said otherwise. She was on this case from almost day one. She was there. She was there when he was arrested. They went to Florida and interviewed a bunch of people. I mean, she was right there trying to get him.

Even when he did his polygraph in 1994. There was a memo where she wrote to Charles Reynard, just, here's the questions I think we should ask him, and we just need to find out if he was the lookout guy or the shooter. And then made some crack

about, make sure there's not anything in his shoes. Because did you see that Law & Order episode? Or he might have watched that Law and Order episode where a guy passed a polygraph because he had something in his shoe.

Bruce Fischer: Yeah, a pen in your shoe and it's supposed to affect your nerves so that you can lie. It's all BS.

Tammy Alexander: That was 1994. That was three years after the crime. She had been chasing him this whole time, regardless of all the leads that they had, all the alternative suspects that we still don't know. So for example, the two dudes who they picked out in a mug shot the night of the crime. We don't know, there's no police report on them. There's nothing where they went and interviewed those dudes. And that's who Danny Martinez picked out. Says it's between these two. We'll go over the alternative suspects. But there's people that are a lot higher on our list with evidence against them than Jamie Snow is. And they just ignored that.

Bruce Fischer: Which just means that they just went with what she said. They just believed it. Whether it fits or not, she told them over and over and over again that it did. So they go back and say well, she said it fits, I guess it fits. We know it doesn't fit. And I think we have a lot of information now that they didn't have then, too. So I think it's a lot different looking at it today. I mean, what would that jury have done if they had all this information we have now about these witnesses?

Tammy Alexander: I don't know how they could have convicted him, especially with the deals.

Bruce Fischer: It would have been a completely different outcome. And like we said earlier how there weren't... This was a big deal in Bloomington. There was a kid shot in a gas station. And there wasn't a whole bunch of people running to the police department with information, because they didn't have it. What we ended up with was a bunch of desperate people in trouble with the law that needed deals. They weren't there. That's why there weren't people running to the police station after that crime. They didn't have any information. And now all of a sudden nine years later, everybody has a story.

Tammy Alexander: Yeah.

Bruce Fischer: And why do they have a story? You have to look at their stories. It's because they needed something.

Tammy Alexander: Yeah. And what people don't understand is over the years we've gotten FOIAs. And we got them from the TBI. And there was like 600 leads in the life of this case.

Bruce Fischer: And the comment you made where you said that, I'll do whatever I need to do to help you, I just want to help. You have to follow that with just let me know what's in it for me.

Tammy Alexander: Let me know what to say.

Bruce Fischer: Yeah. What do I get? What do I get for saying what you want me to say? That's really what this all comes down to. But I think it's really important to note like you said that, right after the crime occurred there weren't all these people running with information to try to help solve the case. Because they didn't have it. They didn't have the information. It wasn't there. The police had to go out and find desperate people to stack this case. And that's what they did.

Tammy Alexander: Only after they were in trouble they were dragging people out of prison, and then made it look like a parade. Of people saying that he confessed. I mean, it's obvious in the notes, because they were pulling records of who Jamie's friends were in prison, who Jamie's enemies were in prison, and who his cell mates were. Anybody he was in prison with at all. And that's who they targeted.

Bruce Fischer: And the characters of these witnesses weren't analyzed like Jamie's character was. They didn't know anything about these people.

Tammy Alexander: And they all said... Every single person that testified against him in this case that they didn't get anything. And we still have all of that reward money that has not been accounted for, which multiple witnesses that testified against him mentioned it in their police tapes. I'm not doing this for the reward money. Hahaha, wink wink, nod nod. They were talking about reward money in there. They obviously knew there was reward money. And then we found, you know, as you've seen in previous episodes, deals that they got or pressure that they were under. And none of that was mentioned at trial.

Bruce Fischer: I mean, it's been infuriating the whole time breaking down each witness as we go through every episode. But I think looking at the closing arguments kind of wraps the whole thing up and just shows you how awful this entire thing was. I think that's kind of the icing on the cake to show you exactly how bad this went. Not just breaking down each individual witness, but this just puts it all together and shows you how this went wrong.

Tammy Alexander: On the thinnest of evidence. They just wrote a story and made things fit together, their narrative, and told people what to say.

Lesley Pires: Well the other thing is, if you didn't believe us before... Thinking, well, this is a conspiracy, and all these people are in on it, and Jamie's even said a couple of times they all picked me for it, they all wanted me for it. It was all planned. They all followed their orders and collaborated and did this together, for me. And I think he even said that he heard--Charles Reynard heard a story about him telling somebody that we know he didn't do it but somebody has gotta take the fall for it, and it's going to be him.

So if you don't believe us, and you think that we're bullshitting you, how could all these people get together and want to do this to somebody? I mean, you can just read these closing arguments yourself. The maliciousness is in there. The intent is in there. It's purposeful. It was a very, very careful. So this was no accident. You don't get 150 pages of closing arguments by accident.

Bruce Fischer: Right. It really does lay out the whole story that we've been saying since the beginning of the podcast. If you read through the closing arguments, you can see what we've been talking about. It's all there.

Tammy Alexander: But what I wanted to say is over the years, and I've talked to several of these people... They did not believe that their testimony would convict Jamie and put them away for life. Each person didn't know that there were four or five others just like them.

Bruce Fischer: That's a really good point, too. We've heard that. A few different witnesses have said that, I never thought this was going to be important.

Tammy Alexander: They said that, hey I was just there to get my deal. Or I was pressured. I didn't want to be in seg. Or I wanted fucking visits with my girlfriend,

you know, in county jail.

Bruce Fischer: That's a really good point that, they didn't really realize the weight of what they were doing. Not that it takes them off the hook. It's just, it shows you how they were manipulated.

Tammy Alexander: Yeah, I've always said it falls at the state's feet. Because of the, solely because of the lies, the tactics that they used, the evidence that they hid. And the fact that they were dragging people out of prison to come testify against him. And it's very obvious, but it was the volume. It was the volume of people.

And another thing. I don't know how many pages she used on Danny Martinez, but they always say in the higher courts that Danny Martinez, he wasn't a big... He's one of those witnesses that they say, well he wasn't a critical witness.

Bruce Fischer: Isn't that amazing? Their star witness becomes somebody who's not important anymore in the appeals.

Tammy Alexander: It makes me insane.

Bruce Fischer: Yeah, that was their key guy. Star witness. Oh, no he doesn't matter. Now that he's been discredited, we don't need him.

Tammy Alexander: So they rewrite the trial. They rewrite the trial. He was the star witness. He was a star witness in all the papers. What if they knew? What if the jury knew that shortly before trial, they had visited him? Or had drug him up to the station at least seven times. So at trial, they make it out to where, oh well he didn't make this ID then. And he didn't make this ID in another three years. And then all of a sudden he made this ID in the state's attorney's office.

They were badgering him. They were bringing him in. They called it trial prep, but it wasn't trial prep. Why are they bringing him to the police station seven times? And in the company of Jeff Pelo, who was another material witness, in the same room at the same time. All of them. What were they talking about?

Bruce Fischer: And the jury doesn't know any of that ever happened.

Tammy Alexander: None of it.

Lesley Pires: Well I think what we need to remember here, what we want the audience to remember, is that we're not saying this was a manufactured case. That this was something that was just completely made up to destroy somebody, and it's all bunch of lies. Bla bla bla bla bla. No. This was an engineered case. That's the difference. This was all done behind the scenes by the state. All these little snippets of all these different people like you were just saying. Bringing all the repetition. With bringing in Danny Martinez seven times. And that was all highly sophisticated engineering to get a final result, to get their final product.

So it's not as simple as, these are some sick people from Bloomington who just wanted to get out of jail and they just didn't have any regard for Jamie or his children. They're just snakes and are gonna tell you all about all these bad people and what they did to Jamie. It's not just about that. It's not about lazy cops. It's not about mean prosecutors who want to get promotions. It's about the engineering, I think, and how this was all meticulously done with no regard for either Jamie or Bill Little.

Tammy Alexander: That's why I say it lies at the state's feet. Because even the fact that they offered deals or that they gave deals to people and then covered it up. I mean that's wrong for that person to take that deal and to falsely testify, but they could not have done it without the consent of the state. Period. The state gave that offering.

Lesley Pires: They planned it. They had their tools. They knew what worked. And all of them, or Katz and Barkes, they knew what they had to do. Everybody knew their part, they knew their role. It was a seamless team of people that pulled this off, and got what they what they wanted in the end.

Tammy Alexander: It pisses me off.

Bruce Fischer: I think it is interesting, though. I mean, in closing arguments, the state is challenging the jury not to fail Bill Little. And in the end, it was really the state that failed Bill Little.

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 20, we heard Prosecutor Teena Griffin wrap up the state's case in over 100 pages of closing arguments. She was calculated, dramatic, and eager. She compared Jamie to a snake, a spider, and a Nazi. She charged the jury to find justice for the victim only, and prayed for their grace. Jamie's lawyer responded to all of this in half the time, presenting only the facts. Frank Picl reminded the jury that this was a case with no physical evidence, and the jury's only task was to decide who they believed. He pleaded that if they wouldn't trust the state's witnesses with their car keys, they shouldn't trust them with Jamie's life. After 11 hours of deliberations, they returned a guilty verdict. We wonder if the jury was overwhelmed with information and defaulted to Teena Griffin's version of events.

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 to a Q&A segment. Funds are used to cover our administrative costs and to keep Jamie in the media.

The drama didn't end with the jury verdict, and Jamie soon found himself single handedly arguing for a fair trial yet again at sentencing. That's next time on Snow Files.

Transcribed by: Caywood Yamnik

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