

Episode 21



Season 1 : E21 - Post Trial Motions - Better Off Alone

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

Episode Description: On May 10, 2001, Jamie Snow was sentenced to natural life in prison for a murder he did not commit. Jamie had lost all faith in his incompetent public defenders, but had one last Hail Mary in him. Jamie filed a motion to fire his lawyers two months prior, only to find out they beat him to it, and they were already trying to quit. The state and the judge would not allow it. So Jamie and his team went to the sentencing hearing unprepared, expecting 20-60 year sentence, only to be blindsided with life without parole. The prosecutor had thirty three pages of arguments, and Jamie's team had two. This twenty-first episode of Snow Files exposes the repetitive systemic failures that lead to Jamie's wrongful conviction, and the severe injustice that is still so hard to undo today, twenty years later.

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.

Jamie Snow: It was a terrible, terrible experience. I mean, I can remember sitting in that courtroom trying to, you know, make my case. And, you know, I was basically the state's attorneys were arguing on behalf of my attorneys. So I was basically in there, you know, doing battle with two state's attorneys who are lawyers, my two attorneys, and the judge. So I'm, I'm in there trying to argue my case, to five attorneys who were not, you know, trying to give me the benefit of anything.

Bruce Fischer: On January 16, 2001 after 11 hours, over two days of deliberations, the jury delivered a guilty verdict.

Tammy Alexander: Let's talk about your verdict. Is that when you started writing the judge? Or was it before?

Jamie Snow: Yeah, it was almost instantly after I, uh, after I've been found guilty. I, you know, I mean, when you look at the transcript you know that I actually tried to raise the red flag before trial even started. I mean, I knew that they weren't ready before trial even started. I mean, I tried to, you know, articulate as best as I could to the judge that, you know, man, I, I just, these guys aren't ready. I knew at that point they had not interviewed one witness of mine. You know, they hadn't talked to any of my people. I didn't know, but I found out later on that they hadn't interviewed any of the state's witnesses up to that point. But I mean, on our side, you know, the defense side, I knew that they hadn't spoke to any of my witnesses. And we had never sat down and had a conversation about strategy so I knew they wasn't ready before we even got started, but you know after the verdict came in, I was stunned. But I was just so pissed off, you know, I was, I was so angry that they really dropped the ball. And when I saw you know, how Steve Skelton had competently represented Susan, I guess I was on a mission to bring as much attention to what I thought they should have done, you know, to the judges attention as I possibly could. So that's why I started writing him and reaching out to the media.

Tammy Alexander: How many media interviews did you do?

Jamie Snow: I remember the one with the local newspaper. I don't remember for sure. I'm sure I did one with the, with the pantograph. But I you know what, I may have actually called the radio station WJBC. Actually, you know, there was a guard,

there was an officer in the county jail. We were talking about it, you know, and he was like, you ought to call the media, you ought to talk to somebody, you know, get it out there. And I think he actually went and got me a yellow pages so that I could look them up and I think that's when I started calling people.

Bruce Fischer: Snow still claiming innocence was the headline on the front page of the Pantograph January 27, 2001 with a picture of Jamie holding up a police report from the original in person lineup in which Danny Martinez selected number three or number four and not Jamie Snow. Jamie talked about the ineffectiveness of his attorneys and how they were unprepared. The article states to a large degree the trial turned into a he said she said case with a considerable amount of credibility issues, inconsistent statements, and altered stories. A juror told the Pantograph the most compelling evidence against Snow was the number of witnesses who testified about the incriminating statements. Snow's identification by Martinez was also important, the juror said. Snow's defense team could not be reached for comment. State's Attorney Charles Reynard said many of the witnesses corroborated each other forming an irrefutable case. The article ended with a statement from Jamie. "Most of those people would sell out their mother for a chance for a lighter sentence. They, the prosecutors, let them testify because they said what they wanted them to say. I don't think this whole thing is about justice. I think they were looking for someone to close their case with."

Tammy Alexander: When did you first hear of them filing a motion to be removed from your case?

Jamie Snow: The morning that we were in the uh courtroom, they dropped it on the, on the judge, I guess right then or they faxed it to the judge the night before or something. But yeah, first time I heard that they were trying to get off the case was when we were all together in the courtroom. And I was like, yes! Right on! That's what I wanted. And it's a great illustration of how, once you are convicted, the whole dynamic of the justice system changes. Had I've had the money to hire new counsel to conduct the post-trial motion and my sentencing, I could have fired him, the judge couldn't have denied it, you know, I could have, I could have gotten a new lawyer, and they could have done all of that. But once you're convicted, I mean, it's tough.

Tammy Alexander: Well, I know that the higher courts have referred to this as a Krankel Hearing. But I guess I just have a question about...

Jamie Snow: Well, it's not a Krankel Hearing, what we had was basically me, voicing my complaints to the judge. A Krankel Hearing is where the court after, you know, getting your side of what should have been done, and what you think should have been done, or what not. When the court considers all of that, if there's any possible neglect, then they, then they hire you, or they appoint you, you know, new counsel, and then you have what is called a Krankel Hearing and that's where the new counsel comes in, and they actually review all records and, and, you know, they're able to get the, the attorneys up on the stand under oath.

We would have been able to get Pat Frank up on the stand under oath and, and would have been able to question them. I mean, I was doing and what's really crazy about that is, is I was doing the best that I could to raise my issues of ineffectiveness against Pat Frank. Absent a complete, you know, copy of all the discovery materials, I didn't even, you know I didn't have all the witness statements. I didn't have all the police reports. I didn't have the tape-recorded interviews. I didn't have all the stuff that we now know, not only did they withhold from Pat Frank pretrial that they were withholding from me post trial. I didn't have the training of an attorney. You know, I was, I was trying to do the best that I could to raise these, these concerns to the court. But I was handcuffed. I mean, I didn't even have all the information to do it with.

Bruce Fischer: The post-trial motions were first heard on March 5, 2001. This is the first time Jamie learned that his attorneys were requesting to withdraw from the case. Frank and Pat were furious. Pat Riley admitted into evidence a copy of the January 17th Pantograph article and two letters dated January 21st and January 22nd that Jamie Snow had written the judge. Pat Riley began:

Mr. Reilly: Judge, given the content of both that article and more importantly, the two letters, which he received, from Jamie Snow, it is apparent that he wants the post trial motion to contain allegations of ineffective assistance of counsel. It makes various charges against both myself and Mr. Picl in both those letters. I won't do that. Probably more importantly, as a result of these communications, it is impossible for us to maintain a working relationship with Mr. Snow. In so far as preparation for a sentencing, the sentencing hearing is concerned. I am expected, Mr. Picl is expected to zealously represent the interests of Jamie Snow. We are expected to give his position our undivided loyalty, given his statements and apparent attitude towards both myself and Mr. Picl and given the thoughts and mental state that I have, having read those things, I can't do that. I believe it

creates a direct conflict between Mr. Snow and myself. I believe Mr. Picl echoes those sentiments. I believe that we simply cannot continue as counsel of record.

Bruce Fischer: Frank Picl chimed in.

Frank Picl: Judge the only thing I would add is this, there undoubtedly is going to be an appeal. This is an issue that's not going to go away. Somebody is going to want it resolved. This is the best time to do it now. We can't resolve it ourselves representing him. A case like this the defendant is always going to blame somebody. We're handy, and I think appointment of replacement counsel for the defendant, who can pause through everything, read the trial record, probably file a motion and question us under oath is what we did or didn't do, and the reasons therefore, I think in the interest of presenting the appellate court with a complete record better we do it now than at some point later on in the future. I think that makes sense.

Bruce Fischer: Frank Picl later went on.

Frank Picl: I would say this, that once the horse is out of the barn, it's real hard to close the door when you've got a client who thinks you're a bum, and you're to blame for his being found guilty after a two day deliberation by jury. It would be real hard, regardless of the court's ruling on our motion to withdraw and his allegations, I think to represent him in a sentencing hearing where the state is going to be seeking life imprisonment. I don't, I will not under any circumstances feel comfortable about proceeding to that, that, that stage of the proceedings on behalf of Mr. Snow, regardless of what the court does to my motion to withdraw. I mean, I feel very strongly about that.

Bruce Fischer: Teena Griffin goes on to argue that all of the grievances by Jamie should be heard, and that it should be settled orally in court to reach a threshold and that a hearing should be held if the judge deems that appropriate, and only then should new counsel be appointed if the judge agrees. Riley responds:

Pat Riley: Judge, I think that's correct with regard to what appears to be the threshold issue, and that is whether there was in fact ineffective assistance of counsel. But I think the more important fact is whether we can adequately and sufficiently represent Jamie at the sentencing hearing. The comments that have been made by Mr. Snow, both in the paper, on the radio, and primarily in the

letters, which the court will review, create a situation that makes it almost intolerable to work with them. If we can't do that effectively, we can't represent him adequately at the sentencing hearing.

The Court: Well, what, what would prevent you from working with him effectively if he cooperates with you?

Mr. Reilly: I don't think that's going to happen under the circumstances.

The Court: Then that's his problem.

Mr. Riley: It's my problem, too, because I'm his lawyer.

Bruce Fischer: Judge Bernardi decides then that he wants Jamie to write everything down in the form of a motion and gives him three or four days to do it. The judge stated he had to have everything in writing, all of the issues, so they could be properly addressed.

Jamie Snow: It was a terrible, terrible experience. I mean, I can remember sitting in that courtroom trying to, you know, make my case. And, you know, I was basically the state's attorneys were arguing on, on behalf of my attorneys. So I was basically in there, you know, doing battle with two state's attorneys, who are lawyers, my two attorneys and the judge. So I'm, I'm in there trying to argue my case, to five attorneys who were not, you know, trying to give me the benefit of anything.

Bruce Fischer: The contentious hearing was held on April 5th. Jamie had submitted a handwritten motion outlining all of the issues he had with his counsel.

Tammy Alexander: You know, you said before that you didn't have all of the discovery, but I went through your, your handwritten motion, there's plenty there. To me, it just blows me away what you were even, the paper you were using to write it on.

Jamie Snow: What was the paper that I was using?

Tammy Alexander: Yeah, I mean, you've got some huge, you've got some, they're all different sizes, and you've got, you know, legal, legal size, and then a huge, it's like, almost they wouldn't even equip you, you know, with something, when let me just,

just let me get this out. Because earlier, he said, okay, well, Jamie, I want you to go back and write all of this stuff down. That was the first hearing, go back and write all this stuff down and then we'll and then we'll meet about it, then we'll have a determination hearing. And it doesn't appear that they even gave you the, what you needed to effectively write it down. I mean there was a lot of stuff. It's incredible, to me, the information that's in that motion that was not presented that you were aware of, and you didn't even have everything I've always felt your instincts were good on that, but you were actually just reading, you pointed to the discovery a lot what you had of it and saying you know these prior statements were never used to impeach the, this person and this person and this person. So can you talk a little bit about that?

Jamie Snow: I used what I had. I mean, I knew that this case hinged on the credibility of witnesses, you know, it was, it was witness credibility. And I knew that, which ended up their failure to use the inconsistent statements and, and you know, the different tape recordings and everything I mean, it, it ended up it was my word against everybody. You know, it was my word against every single person's word in the case. Basically, had they of used the discovery materials to, to impeach the witnesses, like, you know, like Susan's lawyers did, we may have had a different outcome. But you know, yeah, I mean, they, I was writing all of that stuff down with a, I guess what they call a golf, a golf pencil, you know, what, four inches long and um I just had all different types of paper I would have wrote on toilet paper if that's all I would have had left. I mean that's, that's how desperate I was to get this information out to the court.

Jamie Snow (in court): "I brought it to your attention before trial that Pat Riley and Frank Picl were not ready for trial. I believe it's evident that I was right. I feel that Frank Picl's and Pat Riley's misinterpretation of me has caused me to be convicted of a crime for which I am not guilty."

Bruce Fischer: Attorneys told the court they spent 50 hours with Jamie. Jamie produced logs that showed they spent less than 20 hours with him. The most damaging mistake Pat Riley and Frank Picl made in trial was not calling up to 16 defense witnesses with no excuse for not calling them. For example, in reference to Martinez ID, Jamie presented several witnesses as well as information that could have made a difference in the verdict.

Mark Foster, PI, stated that Martinez told them Jamie wasn't the person he saw. Jason Boyd, worked with Martinez, said Martinez told them he didn't see anything. Billy Hendrix, worked with Martinez, said Martinez told him different stories each time about what he saw that night. Sorenson, said Martinez told them he is sticking with what he said in 1991. He did not ID Jamie at that time, also failed to produce the pictures that Martinez picked out the night of the crime stating it's between these two. Riley didn't even realize what pictures they were talking about. This exchange between the judge and Jamie clearly is an example of how this hearing went and it illustrates the bias that the judge had against Jamie.

The Court: We could be having the same discussion had they put them on. The only difference would be your criticism of them for putting on Foster, looked like a fool in front of the jury. an investigator with 10 years experience who never wrote anything down about his statements, supposed statements is what you would have said. And so he looked like a fool. He lost his credibility. And your effective impeachment of Martinez went down the drain. (And later...)

The Defendant: I understand as far as him not taking the notes. I believe that the state never took notes when Danny Martinez had his miraculous identification of them either.

The Court: And that came out that there was no report made of that.

The Defendant: Not during my trial, it didn't. If it did, it would have, it would have helped.

The Court: It came out.

The Defendant: Shore up the credibility of Mark Foster.

The Court: Okay.

The Defendant: I mean they didn't take notes, either.

The Court: I am going to tell you that I don't have a perfect recollection of distinguishing both of these. But I remember that Katz was identified as one of the parties there, who was a detective and I can't tell you for certain that.

The Defendant: When they had him on the stand, they didn't even ask him about whether he took notes.

The Court: You may be right about that. All right.

The Defendant: And I believe in that case, you know, that is his Mark Foster's credibility could have been, you know, challenged, also by the fact that the lead investigator on the case, didn't take no notes either. When his eyewitness now all of the sudden has this miraculous identification after 10 years in their presence, a week after he told foster It wasn't me.

The Court: I'll explain this once more to you and then we're going off the record. My only point to you is simply this, that for each witness you want the defense to call, there would indeed be impeachment. I think that's pretty much what I'm hearing today, impeachment of that witness. And therefore, you would have been permitted to legitimately argue, had they called every one of these blessed witnesses if there was an adverse verdict that he shouldn't have, because they didn't add enough to be worth the impeachment. And so for the reasons you need to understand, for the reasons Mr. Picl has stated, that's often why witnesses are not called on this matter.

Bruce Fischer: Jamie outlined numerous additional rebuttal witnesses that were either never put on the defense witness list, or the foundation was not laid for them to be called and they went through all of them. Frequently, Pat Riley didn't remember who the witness was. Recall, Correctional Officer Mary Burns had initially told Jamie that jailhouse informant, Jodi Winkler, told her that he did not know anything about Jamie's case, that's when Jamie asked his attorney to go talk to her. Well, they didn't. And then the state got to her first. The following testimony about rebuttal witnesses illustrates the tone of the hearing for all the witnesses presented by Jamie.

Mr. Picl: Wouldn't put Mary burns on the stand for any purpose whatsoever not after having heard what I did.

The Court: So in other words, whether she had beneficial information on Jodi Winkler, the negatives are not going to outweigh that.

Mr. Picl: Exactly.

The Defendant: I gave Mary Burns there her name to them months before my trial, you know, that's their job to investigate and talk to the witness. They never even talked to her. They had no clue what she could or could not give.

The Court: They didn't call her.

The Defendant: She was on my list.

The Court: No, I'm saying they didn't call her.

The Defendant: I understand that. I would have never put her on the list if, had they talked to her, and she said, I'm going to testify to this and that they had her name months before.

The Court: You know, Mr. Snow, you have got to take some responsibility for what you do. If you're going to give them a name, you are telling them this is a potential witness in my trial, you can't then turn around today and complain that they didn't get all the bad stuff out and that therefore they're incompetent.

The Defendant: They'd never even talked to her.

The Court: You have presented to them a witness. Now there has to be some integrity to the process. You can't stand here and tell me on the one hand, it's okay for you to give them a witness that you say is a witness to help you in your trial. They put the person on the list, that witness ends up getting called by the state who damages you. And then you complain of your lawyer to whom you gave the witness that it's their fault, because they didn't interview and find out.

The Defendant: They didn't even talk to her. They didn't even ask her the questions.

The Court: It doesn't make any difference. They didn't call the witness. The state did.

The Defendant: I understand that.

The Court: You by your actions alerted the state to her presence.

The Defendant: Is there a reason why they didn't ask her the questions that I put her on the list originally for?

The Court: It was gone, out of the bag. As soon as he listed them, the state had them. They went ahead and talked to her, got the damaging information.

The Defendant: I understand. I want to know the reason why they didn't ask her the questions.

The Court: I'm just telling you, there's not much you could have done about that once you gave it to Mr. Picl.

The Defendant: I understand that.

The Court: Alright.

The Defendant: Why didn't they ask her the questions? I would have found out to begin with.

The Court: Then they would have asked the damaging material.

The Defendant: I'm talking about when she was on the stand. Why didn't they ask her the questions for which she was put on the list?

The Court: I remember this.

Mr. Picl: After her testimony, I wouldn't have asked her if that's an American flag.

Bruce Fischer: It didn't seem to matter which witness they discussed. They were either insignificant or didn't affect the outcome of the trial. They also discussed Jamie's complaint with Frank Picl drinking during the trial, to which Picl went on to a long tirade about how you would never drink at a courthouse.

Frank Picl: It was a, this trial focus wise for me, was an ordeal like all trials. This was a long trial. I didn't go into the courthouse when I've been drinking. I certainly don't go into court. Now the fact of the matter is this, the next day during lunch with Maureen Kevin, I had a couple of bottles of beer with a pizza as I recall, and that's the extent of the drinking I did during this trial. So quite honestly, I think

that I'd be very much interested in knowing who these witnesses are going to be. At no point have I been in this courtroom during this proceeding for any purpose whatsoever having been drinking. And if in fact they're talking about my not coming back to receive this question from the jury, which was answered, as I recall exactly the way it would have been answered if I'd been here. No, you can't go out and pace off 200 feet, but you can't have a tape measure. The trial was over for crying out loud. Quite honestly, I don't understand what this is going to.

The Court: All right, Mr. Snow, is it other than what Mr. Picl just stated? In other words, was this after the trial that you're referring to where he didn't show up?

The Defendant: I believe so.

The Court: Okay.

Mr. Picl: And I was right across town. If it had been a big deal I'd of gotten in my car, certainly wasn't intoxicated, and I could have driven across town here.

The Court: Then there is no one else Mr. Snow we would need to hear from with respect to that? You would acknowledge those are the incidents?

The Defendant: I won't acknowledge that you're Honor. I'm not really sure, you're Honor.

The Court: Hold on, not sure about what?

The Defendant: I'm not sure about how much drinking he did.

The Court: When?

The Defendant: During the trial.

Mr. Picl: I just told you how much.

The Defendant: I'm sure, it's not like you're going to admit it. I mean, you know.

The Court: He just did admit it.

The Defendant: It's not like he's going to admit he was drinking during the trial.

Mr. Picl: Isn't that what we're concerned with?

The Court: We are, let him speak. If you're telling me that there are other occasions, you need to tell me now. This is not a hide the ball. You got to tell me now and tell me when it was.

The Defendant: I don't know for sure.

Jamie Snow: You know, I brought it to the judge's attention that, you know, Frank Picl, you know, had been drinking and, you know. I guess he would have had to have had a martini sitting at the defense table in order for the, for the court to have found that, you know, he was prepared by his alcoholism. But now we know, you know, years later, when we see uh, you know, Frank in his own sentencing hearing for stealing money from a client that he, uh, was uh a raging alcoholic. You know, we've raised the issue of Frank's alcoholism and his mental issues and his addiction to gambling, which all predated his representation of me.

And the, you know, the circuit courts and the appellate courts, they say something along the lines of, well, you can't pinpoint any one thing that he did, or that he didn't do. And my argument is, and it will always be everything. The whole trial in itself is an example is a demonstration of how his, in total, how his alcoholism, where, you know, he testified that, you know, he didn't drink a drink, or to even drink an eight to ten hours a night. So if you're drinking eight to ten hours a night, you're not preparing for trial. And the courts are just like well, you can't demonstrate what it was. And, uh, like I said, it's the whole entire trial was infected by his, his personal problems and issues.

Bruce Fischer: As Jamie said, I guess Picl would have had to have a martini sitting at the defense table for them to believe him. But now we know from Frank Picl own sentencing hearing, that he was indeed drinking between eight and ten hours a night during Jamie's trial. Again, Picl and Riley argued vehemently to be removed from Jamie's case and Teena Griffin argued that they should stay on.

Miss Griffin: They're saying he's gone on the air and made these claims against them. And they're saying they're not able to communicate very well because of all the bad blood. Again, there is cases that just cause you don't have a good rapport

does not mean that is a conflict and you're entitled to get off. I cited cases then, and I think there's still some within the same batch.

The Court I think that's the law.

Miss Griffin: That's why we went to the stage because-

The Court Okay, do you have anything additional on the motion to withdraw?

Mr. Riley: other than to say that I believe Jamie Snow is entitled to lawyers at sentencing that will provide him with the representation that he believes he deserves and, quite frankly, I don't think I'm able to give that right now.

Bruce Fischer: On April 15, Judge Bernardi summarily denied both Jamie's motion to have counsel removed and Picl and Riley's motion to withdraw from the case. At that time, Picl asked for more time to prepare for sentencing, as they wanted to call mitigation specialist, Maureen Kevin, and they want to prepare a list of people to testify for Jamie at his sentencing, including Jamie's sister. As per their usual, they only showed up to see Jamie the night before sentencing and they only called two people to testify, Billy Hendrix and Tammy Snow. On May 10, 2001, Jamie was sentenced to life without parole.

Jamie Snow: They like to say that just because one, one lawyer strategy was such in one case, doesn't mean that, you know, the same strategy would be used in another case. And you know that, that might be correct, but when you're talking about strategy of impeaching a witness with a prior inconsistent statement, how is that not, you know, sound trial strategy? How can you then come in and say, well, you know, it worked in this other case, but you know what, I have, my trial strategy is not to do that. It's just, it's just ludicrous. I mean, I mean, it really is when you really look at how the courts, they just do everything they can to rubber stamp these convictions.

Melinda Wargacki sent me an email and she said that since listening to the Truth and Justice Podcast, listening to our podcast and listening to the Unjust and Unsolved Podcast with, with Maggie Freeling that, that she is becoming more and more, she didn't she didn't realize that these wrongful convictions were you know happening on the scale that they are but since listening to all this stuff. You know, she's, she's come to realize that they're, they're happening on such, a such a huge

scale, and that the people who have the power to do something about it just aren't doing anything about it. And the people that have that power are the judges, or the Circuit Court Judges. They're the Appellate Court Judges. They're the Federal Court of Appeal Judges. I mean the judges are the ones that have to have the courage to do something about these things and they don't. You know, they just, they look for every possible way they can to dismiss a claim.

Once you're convicted, I mean, it's, it's a whole different standard of consideration. And, and not only are the legal standards different, but you are up against judges who are not willing to do something different. No judge wants to be thought of as being soft on crime. But I, I will say that, you know, we have a judge right now, with our, our forensic motion who he seems to be okay. So I'm really, I'm really encouraged about, you know, the possibilities of what this judge may, may ultimately do with our forensic motion. He's, he hasn't denied us anything. You know, everything that we've asked him so far he's granted us, so I'm encouraged by this guy.

Bruce Fischer: When discussing Jamie's sentencing, it is really heartbreaking to see how it all played out. Jamie was found guilty on January 16, 2001, the day after closing arguments were made. He was sentenced on May 10, 2001. Tam, in the months leading up to the sentencing hearing, those days are very stressful for Jamie, can you give a quick recap of what took place during that timeframe?

Tammy Alexander: Well, obviously Jamie was really, really upset after the verdict. He went to the media. He got an interview with the Pantograph. He did one or two radio interviews. He was contacting people just trying to get the information out, you know, about the police reports of Danny Martinez about all of the information that he had in his motion, and that really pissed his attorneys off. So they came back and he said when he filed his motion to get new counsel for his sentencing, he found out that day when he went to court that they were filing a motion to withdraw from being his counsel. Those motions started in March and lasted through early, well I guess it went on for about a month because he got sentenced in late January, and then the motion to remove was on the fifth. And then they went in there and then the judge asked him to write all these points down, Jamie, because it seems like it's kind of scattered.

So one of the most heart wrenching things to me was looking at the letters that Jamie had written to his, to his counsel, but especially the handwritten motion, the pages they were all different sizes. They didn't have lines on them, and as Jamie mentioned, he used a four-inch carpenter's pencil to write it. So, you know because the judge ordered him to write everything down, but he didn't give him the proper tools to even write it. I mean, Jesus, he could have given him a notebook and a pen. But you know, Jamie did it. And as we heard, he absolutely called his attorneys out on every, every single witness, every single item that was not presented to the court, or, you know, the jury never heard. So to me, in these handwritten letters his desperation was obvious and he was furiously trying to save himself because no one else was there to help him. I mean, to me, that's it further confirms his innocence. I mean, he's innocent. So, so he knew they were all lying, he knew they were all lying. If you're innocent, then you've, then they have to be lying. Right? So he obviously wasn't just grasping at straws. He was, he was using what little discovery he had, at the time, in an effort to prove it.

So now we know so much more. And still, the courts refuse to acknowledge that, I just can't see a judge worth their salt, reading all of this and looking at the newly discovered evidence and, and what they withheld, and then just dismissing it. You know, it's just insane to me, and the judge didn't even address these issues in court, everything that he wrote down, he just dismissed both of their motions. You know, and, and as Jamie said, the only, the only ones that, that wanted his attorneys to stay on the case were the judge and the state's attorney, you can just see his frustration throughout this whole process.

Bruce Fischer: Tam, what did the defense do to prepare for the actual sentencing hearing?

Tammy Alexander: Well, I mean not much again, as Jamie said they came in the night before his sentencing hearing. They did have letters, they had a report from Maureen Kevin who was a mitigation specialist. She should have been on the stand. They had Tammy Snow and Billy Hendrix on the stand. And you know, I like Bill. I've always liked Billy, but seriously, he didn't do much with regards to pleading Jamie's case. They could have brought his sisters up there. They could have brought his stepfather up there. They could have brought, you know, I mean, his sister's a good standing in the, in the Bloomington community, his, you know, and Robin was for sure on the front page of the Pantograph saying that he didn't do this, and they were all in all in good standing. He could have brought people from Florida, people that he

worked for, people that trusted him with the keys to their house to show he had rebuilt his life. He was doing good, but none of that none of that. They had Billy Hendrix and Tammy Snow, and that's it.

I don't know if anything would have made a difference to this judge because he presided over Susan's trial as well. He knew all of the evidence that wasn't presented at Jamie's trial. He disallowed some of the things from coming in. He tried to put on that he was being fair, but the, but the fact is he wasn't, he not even close to being fair. It was just a farce.

One of the last things that Jamie said in that handwritten motion was Frank Picl and Pat Riley clearly negligent had an impact on the jury's verdict, that alone is a clear violation of my constitutional rights. Please give their motion to withdraw before they cause more harm to my case. They were nothing but negligent and unprepared. If he would have had another attorney for that sentencing, I think that it would of, it could of made a difference. I mean, I asked Jamie this, I mean, do you really think it would have made a difference, and he was saying that they could have forced them to look at this issue. If it was a new attorney, then all of a sudden they have to turn over all the discovery and allow that attorney to go through it to see what happened and how they were negligent. If he could have afforded a new attorney then he could have just gotten one but the state wouldn't allow him to have one.

Bruce Fischer: So as usual Jamie's words really say it best when it comes to how his defense team prepared for the hearing.

Tammy Alexander: Yeah.

Bruce Fischer: Lesley, how did the sentencing hearing go on May 10th?

Lesley Pires: Well, first Bill Little's mother testified, Brenda Little, and she talked about the tragedy of losing and burying her son and how she blames herself and was in counseling for almost 10 years. She said she felt guilt and anger and wonders about her son at night and she talked about how her heart was broken with grief and despair. And she talked about how she wonders why her son was shot twice. And she spoke about how her sister and her husband and her daughter and parents were all affected and thus this wasn't one murder, it was many. And she said she wishes she could forget Jamie Snow but she never well.

Billy Hendrix testified next for Jamie and he said he's known Jamie since he was 12. And he was never violent. He said Jamie became part of their family. They did normal wild teenager stuff, but they always had to stick up for Jamie because he didn't have a backbone. On cross Reynard made it a point to get them to admit that part of the wild things they did as kids were to drink and party and commit crimes and disobey their parents. Um, and that was all Reynard asked him.

And then Jamie's wife Tammy testified next and she said that her and Jamie separated three years ago and that they shared five children from ages four to seventeen. And she said he was never violent and did not hit her or their kids ever. And she said he's a normal person who loves his kids and it takes care of them and his kids love him too.

Bruce Fischer: After this witness testimony, State's Attorney Teena Griffin spent 33 pages of transcript arguing to the judge that he had the authority to sentence Jamie to natural life instead of up to 60 years, and the judge didn't seem like he was into it at first. What went on during those discussions?

Lesley Pires: Well, Teena Griffin then spoke to the court and said that she knows the state's position for the sentencing range is 20 to 60 years, but the judge can invoke a natural life sentence due to aggravating factors. With murder having been committed during the course of other felonies. She cited several pages of case law to support her claims that Jamie was eligible for that sentence. And then the judge asked if any of those cases actually had a jury. And none of them did. They were all bench trials. But she still said it didn't matter and the judge could go ahead and decide himself.

The judge argues that she needed to include the jury on proving certain aspects of this during the trial, in order for it to be considered now. And Jamie's lawyer responded and said that the appropriate sentence range is 20 to 60 years, that the jury was not given explicit instructions to consider these additional factors for his sentence. The judge said that right now they need to determine the maximum amount of time that Jamie can receive and if he can get more than 60 years. So they take a recess and they come back and he actually sticks it to the prosecutor pretty good and keeps reminding her that the jury never indicated anything about which aggravating factors were present, they just found him guilty. And he doesn't know if he can go ahead and then interpret, which they thought was the aggravating factor now.

So Griffin continues with case law and explains that in other cases, it was the judge who interpreted the aggravating factors later making the person found guilty by the jury eligible for natural life. But those are all death penalty cases. So she says that actually that makes her case even stronger, because, quote, "If you can get a general verdict to prove the aggravating factors exists to get death, then why wouldn't you be able to use that verdict to do something less than death, which is natural life?" So the judge continued to question her and flat out asked her if she thinks he can interpret what is brutal or heinous or what felony was taking place, and how it could still be a jury determination. He asks if he can just simply find that there was intent to kill, if that's enough, and she says yes, according to Supreme Court case law that's it.

So Frank Picl interrupts and reminds them that those are all the death penalty cases where the defendant waived the jury consideration for eligibility for death, and that all the jury did here in Jamie's case was make a general guilty verdict. They did not list those aggravating factors in their verdict before they were let go, so the judge can't sit there and go back and interpret it. He says he didn't actually read those cases, but that's what he thinks and the judge then says he actually didn't read them either. So he said let's take a 10-minute recess for me to read them, and he does, he comes back, and he says he just read them all. They were 100 pages long, and it's actually pretty simple that the general verdict is good enough, because felony murder in Illinois already requires those aggravating factors to be proved beyond a reasonable doubt for that general verdict, and since the jury found him guilty of that felony first degree murder, he can actually extend the sentence to natural life. So then he just says that he'll go ahead and accept their arguments for sentencing next.

Tammy Alexander: Jamie got re-sentenced, and one of those factors were dropped. I'd have to go back and look at that resentencing. And, and my question is, it seems like he would have been eligible to be re-sentenced. I mean, if they're saying that all of these factors are included, and that's why he's eligible for life without parole, then if one of them has dropped, doesn't that change? I mean, does that make him eligible for a different sentence that like the 20 to 60, and we're gonna have the Curtis and Christina Lovelace on, coming up soon, on a on an episode and that was one of the questions that I had for them. Do y'all have any thoughts on that? Does that make sense?

Bruce Fischer: I don't know the general rules on what qualifies for re-sentencing, so that'd be a great thing to ask them.

Lesley Pires: The thing is that what I understood is that those three things that Teena Griffin kept saying during the closing arguments needed to be proved to that he did it while he was committing another crime, he knew it would cause bodily harm and injury, and he had the intent to kill. That in order to convict somebody in Illinois, you need those three things. And then those three things also just happened to be the same exact criteria for the judge to extend the sentence to natural life.

So the jury never had a hand in extending this to natural life, they never knew about it, they never knew it was possible, you know, and that could have actually affected their, their decision making because jury's have been known to do that to kind of compromise and say okay, well, you know, we don't really, we don't really know, so the most he can get on this is, you know, 10 years, 20 years, let's just um, let's just go with that and clear our conscious and leave. But you know, they never in their verdict had to go and say, he was over the age of 18 when he did this. He knew Bill Little was going to die because he shot him twice, and um, this was heinous, a heinous crime. They didn't spell that out, but because it's the same exact criteria, they just were like okay, well, we'll just, we'll just go and use that here, right now, and you know say it's the same, kind of like copy and paste.

Tammy Alexander: I mean, that's an, that's an excellent point. I have so many questions about that and, and the motion and every, you know, everything that how this whole thing shook out. I appreciate you looking into that so deeply, because it just it seems so important. And the fact that you're, that the jury didn't even know about the discretion that the judge has to be able to basically usurp their decision. You know, that's, that's a very interesting point, and that, again, that'll be a question for the Lovelaces.

Bruce Fischer: Yeah, it really is. It's kind of complex too, that whole thing, so hopefully we can hash all that out in that discussion. There is a lot of questions here when you look at it because the jury made their decision. So I don't know in jury instruction, if it's necessary, or I don't know the law on that, to be honest with you, if they need to know that the judge has the right to really overstep their decision. Lesley, during the sentencing hearing was Teena Griffin as animated as she was during the trial?

Lesley Pires: Yeah she was and she spoke a lot longer than the defense again, and she assassinated Jamie's character and put her own spin on his childhood trauma. And you know it was awful. She started by saying that it was a senseless act in the killing of an 18-year old young man on Easter during a robbery, where Jamie only got \$100. And he caused the most severe consequence life could have for Bill Little. She says he shot him twice to try to make sure Bill couldn't live to tell what happened. And he never showed any remorse. He's heartless. She said the evidence showed he actually bragged about it for the past 10 years. She said he therefore deserves the maximum sentence.

But then she goes into a rant about how he was before the crime and that he didn't even graduate from high school and he only got a GED because he was incarcerated, as if that doesn't count anymore. And she said that he has no work history, he actually only worked for a few years at the tree service. So all that testimony about him being a hard worker is false. She said, what they have here instead is a career criminal, who started when he was 14 years old, for burglary and getting in trouble at school and with his parents. And she went on about he was truant and he smoked pot. And she said he couldn't say all this happened because his mother died, because she died when Jamie was 17, not 14, and he was already in trouble when he was 14. And she says he went on to commit adult offenses when he was just 17.

She said with his other offenses by the age of 35 now he's only been off probation or parole or out of custody for just two years. And she said that shows he's not capable of living a law-abiding life. And she said that he's senseless and cold blooded. So Pat Riley spoke next on behalf of Jamie. And he points out that all the testimony showed Jamie was nonviolent and none of the crimes listed by the state were violent offenses. He said the pathologist testified that Bill was killed within 30 seconds, so he wasn't tortured, and that doesn't make that an aggravating factor. He cited a report by the professional saying that Jamie was neglected at a young age, and he asked for 30 years.

His speech was only two pages of transcripts though, and then Jamie spoke and then we know how it ended. The judge said Jamie has a history of not being able to be rehabilitated so he will be sentenced to natural life with a credit of 590 days. There was a motion to reconsider the sentence on May 17th and the judge denied it. He said he carefully considered the mitigating factors and determined to the appropriate sentence and it was just two pages long again, and that was it.

Tammy Alexander: I mean, it's pretty amazing that Frank Picl's sentencing hearing was so long and that he had all of these experts. It was, I can't remember 80 pages or more. And he had all of these experts and the judge was so sympathetic to him. It just makes me sick. It was almost like the judge, I don't know if y'all got the sense of this when you were reading it because even when they were going through the motion, they were like, you know, no, you can't have that much time, no we're going to get this done, we're going to get this done. So the judge was really rushing it up. He wanted to get that sentencing done by, you know, April, and everything just seemed so rushed. And these decisions, I mean, you said he took 10 minutes, a recess for 10 minutes and supposedly read 100 pages. I mean, you know, that doesn't, that doesn't even make any sense. It's a complete disregard for justice, for thoughtful consideration of this life without parole sentence.

Bruce Fischer: Once again, this case showed me how much power, and it's just unbelievable to me, how much power prosecutors have. Griffin took a judge who wasn't really on board and convinced them that he had the right and the duty to sentence Jamie to life. And he runs off and claimed that he read 100 pages in 10 minutes. He just basically complied with what she wanted.

Tammy Alexander: I'm not convinced that he wasn't on board or that that wasn't the plan to begin with. And that may sound like conspiracy theory. But like I said, I mean, he sat through Susan's trial. He knew what the evidence was.

Bruce Fischer: Right, he knew the facts.

Tammy Alexander: He knew the facts. He knew what could have been presented. And he, you know, he disallowed it. He, I mean, he's the one that signed for wiretaps to be put on, put on Karen Strong and Danny Hendricks, and you know, these all these, you know, tapes we still don't have, and that was never mentioned. There was nothing ever, ever brought forward about that. I think he's, he's culpable in this. I think he put on a show because he wants to be on record as appearing as fair when this goes up on appeal.

Lesley Pires: When I was reading it and I got to that line where he's like, wait a minute, so Teena Griffin are you telling me that you think I have the authority to do this right now? Is that what you're saying to me? What do you think? I was like, there's no there's no F-ing way, like this is a show, like he there's no way he's asking

her for direction. And I'm thinking right in front of Jamie, right in front of his lawyers, right in front of everybody that there's no way.

Bruce Fischer: That's a great point.

Lesley Pires: He, and then he said so many times later on, I just want to clearly make sure I understand the state's position on this. And then he recaps what she wants. And he's like, is that correct? And then he goes to Picl, oh is that correct? So it's, it's true, what you're saying he just wanted to get this on the record so that he could be relieved of any kind of responsibility for this. After that, you know, it's, you know, it's pretty clear.

And then when they go to do the motion to reconsider the sentencing it's literally two pages. And all he says was no, I made the appropriate decision. There was no arguing about it. There was no, there was no back and forth. There was no I don't know if, you know, maybe Picl's brief, it was supposed to be very detailed, and maybe they are all already read it, so the hearing was only to hear the judges response to that. But you know it was just so short, you know. So what you're saying is true, it was clear that this was, this was what was gonna happen all along. And I'm just surprised that Frank Picl and Pat Riley didn't know about this before. Otherwise, they definitely would have read those papers and they definitely would have had much more to say during their arguments.

Tammy Alexander: And this is the problem with those types of motions, and motions that go up, being decided by the judge that, I mean, very rarely does a judge go, oh I made a mistake. They're gonna stand by their verdict. He's gonna stand by that sentence because it was he, you know, he made the judgment call. And then again with him laying it out like that, because it's very hard for a judge above to overturn something that appears that a judge clearly, and he covered his ass. I mean, that's, that's basically, he covered his ass for appeals. And that's what he did.

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

Lesley Pires: In Episode 21 we heard the finality of Jamie's trial, which ended in a shocking twist towards natural life in prison for a murder he did not commit. Out of sheer desperation, Jamie pleaded with the media, his lawyers and his judge for

competent representation exclaiming sooner or later, somebody has got to give a damn. But no one gave a damn on May 10, 2001. And no one would again until the Exoneration Project took notice seven years later.

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

Whoever committed this robbery murder did cause the most severe consequences life could have for Bill Little, but it wasn't Jamie Snow. Now, the Snow family reveals the most severe consequences that life has had for them. That's next time on Snow Files.

Transcribed by: Melinda Wargacki

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