

Episode 4



Season 1 : E4 - Nobody Bats A Thousand

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

Episode Description: Jamie's trial lasted nine days and the jury deliberated for two days. They heard forty-three state witnesses and fifteen defense witnesses. They heard Jamie's attorneys hassle witnesses. But what they didn't hear was even more important. They didn't hear critical questions or objections to key witness testimony, recorded police radio calls or interviews, or any evidence or investigation that directly discredited witnesses. They also didn't hear Jamie's constant letters to the judge, begging McLean County for relief from his broken-down legal team. Jamie's pair of lawyers were a stroke patient and a mentally ill alcoholic, who berated him throughout the trial, and tried to abandon him right before sentencing. This fourth episode of Snow Files shows no mercy to Jamie, by even his own court-appointed attorneys.

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

Jamie Snow: Yeah, sure enough, they came in there and they're like, "we got to get this together, you know, tomorrow's your sentencing, you know, we gotta get this together" and I'm like "why don't you just wing it? Just wing it like you did in my trial."

Bruce Fischer: Imagine putting your life, your freedom into the hands of a stranger. That's the dilemma defendants face every single day in the criminal system. When

you're charged with a crime, and don't have money for a private attorney, you get what you get. You get what the court, or in Jamie's case, the judge says you get. And no matter how much evidence you put in front of them, how many times you write to the judge pleading for help, or how many times you ask your court appointed lawyers to talk to certain people or investigate a certain issue, you're at the mercy of that attorney. And if he or she doesn't believe in you, or doesn't care to do it, you're screwed, as evidenced in the incredible story of Jamie's failed relationship with his court appointed attorneys. Injustice Anywhere presents Snow Files: The Wrongful Conviction of Jamie Snow And How They Got Away With It.

Snow Files Episode Four, Nobody Bats A Thousand. The mission of the Snow Files podcast is to expose the misconduct of the state's attorney's office under Charles Renard. It is not our intention in any way to disparage the current State's Attorney's Office or the Bloomington Police Department.

Jamie Snow: I figure a lot of people are gonna probably wonder, you know, how can something like this happen, how do these wrongful convictions happen. You know, a lot of things have to come into play and the law says you're supposed to have good counsel, you're supposed to have counsel to represent you to the best of their ability, I guess. When I first got arrested, I had two attorneys from the McLean County Public Defender's Office: Amy Davis Johnson [sic] and Jim Tusek. You know, I know people probably think "oh wow, you know, public defenders." You know, they are overworked; too many cases and not enough time. There's an automatic stigma, I guess, around public defenders, but I'm going to tell you, the first time I met Amy Davis and Jim Tusek, when they came in and sat down and talked to me, I was convinced I was in good hands. You know, Miss Davis had looked me in the eye, and she's like, you know, "I cannot believe they even charged you with this."

You know, she had been a state's attorney at one time and she was like, you know, "I could never have in good conscience charge you with this. And, you know, I'm shocked they charged you with it." And I was like, well, you know, they did. Are they gonna be able to convict me for this? You know, and she's like, "look, I'm gonna do everything that I can possibly do to make sure that that doesn't happen." And I asked her, I asked her, I said, well, how many, how many murder cases have you tried? And she gave me a pretty high number. I said, you know, how many have you won? And she said, "none." And you know, so I go, like aw, Jesus! You know, and she was like, "hey, wait a minute, you know, let me tell you something," and she got a little defensive about it. "Let me tell you something. The majority of the time they get

the right person and it's hard to, to win a case when you have, you know, DNA and fingerprints, and a confession, and all these things, you know," and, you know, she said "in your case, they don't have any of that."

You know, I felt really good. You know, and the first time that we went to court, first time I went to court with her, oh my God, she was in there filing motions, like, you know, Edward Scissorhands in there trimming a bush. I mean, she was filing motions, and she was arguing, and I was like, damn! I felt great. It was right after that happened she came to the county jail, she was asking for money from the judge to hire a private investigator, and that they had reserved plane tickets and the judge was like, "well, what are you going to do?" And she's like, you know, "I don't want to expose my, you know, I don't think I should have to expose my strategy in open court in front of the state's attorneys." And she said, you know, "I'll tell you this, we're gonna..." she held up state's witness list, you know, the list of witnesses that she brought, "...we're gonna go interview everybody on this list. Everybody that's on this list we're gonna go talk to them." And the judge said, "okay, I'll take it under advisement."

The next thing I know, Amy Davis is in the County Jail telling me that the state had filed a motion to have her disqualified as my attorney, because she had represented one of the jailhouse informants that was testifying against me – Ed Palumbo. So she had me sign a waiver saying that, you know, I was waiving any potential conflict of interest that there may be. And we got into the courtroom, and the judge didn't care. He was just like, "well, you know, you represented this, this other guy, there may be a potential conflict." And Miss Davis was like, "look, I've gone through all my records. I've gone through all my files. Mr. Palumbo, and I never talked about this case. There is no conflict." And the judge was like "well, you know," she's like, "look, you know, I don't even have to be in the courthouse. I don't even have to be in the courtroom. Mr. Tusek can take care of Mr. Palumbo when he comes up." Well, the judge wouldn't go for it and he disqualified her, he kicked her off and disqualified the whole public defender's office.

I asked the judge I'm like, "okay, you know what, what now?" The judge tells me "well, this is a death penalty case, so the lawyers have to be death penalty eligible attorneys." In other words, they've had to have tried a murder, uh, a death penalty case to a jury verdict a number of times. How many other times it was, I don't remember, but they had to try a case a number of times in order to be eligible. He said, you know, "there's only a handful of them here in McLean County. So I'm going

to reach out to them” and he said, and this is important, he said, “I’m going to send all of them a copy of the discovery materials, so that they can go through it and make sure that they don’t know anybody. So we don’t have another situation like this pop up.” And so I’m like okay.

It was a few days, maybe, I don’t know exactly, maybe a week or so later, he calls me back in and he’s like, “I found you an attorney, his name G. Patrick Riley, and he’s from Eureka, Illinois. And he’s setting up a visit to come see you in the next day or two.” So I asked the judge, I’m like, okay, so he’s got a copy of the discovery material? Because at that point, I hadn’t seen anything. I didn’t know what was going on. I wanted to see what the discovery materials were. And he says, “no,” he said, “I’m getting that together for him now.” I wish I would have caught it at the time. I mean, in hindsight, you know, I would have said, wait a minute, you know, you, you said you’re sending all of the discovery to all these lawyers to make sure there’s not conflict. Now, what do you mean, you haven’t sent him one? And in hindsight, I would have asked, you know, okay what lawyers are definitely eligible in McLean County. Which ones have you reached out to? But hindsight is I guess, 20/20.

When I met Pat Riley, a day or two later, I think I realized why they picked him. It was unbelievable. I mean, Pat Riley in a first degree murder case where the death penalty was still on the table was, was chosen to be my lead attorney and he had a stroke a month prior. I mean, he had had a stroke a month, a month prior and this isn’t, this – and I’m not making this up this this is real – and you could tell, I mean, he was affected by it. The meeting was so troubling to me the first time I met him, that I went back to my cell, I hung my towel up over my window, I shut the door, and I got on my bunk and I covered up, and I bawled myself to sleep. I mean, I cried like a baby because I knew, you know, at that point, I’m like, oh my god, you know, what’s going on?

Maybe a month later, he comes in and tells me I’ve got this other lawyer, he’s from Peoria, his name’s Frank Picl. And he said, you know, “he’s real good lawyer and, and, you know, he’s gonna come on board and he’s gonna help out,” right? So Frank Picl shows up. Now, Frank Picl looked the part. I mean, he had he had the air, dressed the part, he looked the part, sounded like a good lawyer, you know, and I was like, okay, alright. Maybe this is gonna be alright. Well, it was, he was as bad – he hadn’t had a stroke – but he was as bad as Pat Riley was, as it turned out.

But they both came to visit me once and I was like, okay, what’re we going to do? What’s our strategy? And they were like, “look, Susan’s getting ready to go to trial. If

Steve Skelton is even half the attorney that we think he is, you know, some of these, these witnesses can be damaged beyond belief, they're not going to be able to use them, so, you know, there's there's really no sense in, you know, talking or doing anything until Susan's trial is over." Which again, in hindsight, I look back on that and I'm thinking, you know, that's bullshit. They should have at least been out interviewing my witnesses. Turned out by the time I got the trial, not only did they not interview any of my witnesses, but they didn't interview any of the state's either.

As soon as Susan's trial was over, and she had been found not guilty, which by the way, Pat Riley got paid like, I don't know, thousands and thousands and thousands of dollars by the McClean county taxpayers to sit in on Susan's trial and just listen. You know, when her trial was over, I was like, okay, what are we going to do? I started writing them letters and I'm like, okay, what are we going to do? What are we going to do? You know, who, you know, what's, what's the, what witnesses do you think are damaged beyond, you know, use? And they just blew me off and was just blowing me off and blowing me off. It got to the point where it was right before my trial was to begin, and I'm almost positive it was, it was Thanksgiving night of 2000, and I called Frank on the, on the phone and he was smashed. I mean, he was, he was drunk, you know. And I told him on the phone, I was like, Frank, you know, I'm really worried about what we're going to do. You know, I don't know what the strategy is, I, I don't know what you guys are going to do. I said, I'm really worried that you guys are not going to be ready to try this case. I mean, like, I was set to go to trial in, you know, a couple weeks. He flipped out. He just flipped out on me and started yelling and screaming and cussing at me. So I just, I just hung the phone up, you know, and again, one of many times I went back to my cell and, um, I hung my, my towel up over my window, and I shut the door and I covered up, you know, I bawled myself to sleep again, you know.

The very next day, Frank showed up at the County Jail like nothing had happened. And we were in the visiting room and I was looking him in his eyes and I had the state's witness list on the table in front of me and I just, I was looking him in the eyes, and I just ran my finger down the list and I stopped on somebody, you know, and I was like, Frank, can you, can, can you tell me who this witness is, what they're going to testify to, and how you're going to deal with it? And he just flipped out again. You know, "I'm the lawyer, you're the defendant, I don't have to tell you nothing." You know, "you don't ask me no questions", you know, and I mean, he was just, he was just flipping out on me. So I just push the button and let them know we were time to get the, you know, we were ready to go and went back to my cell and

did my routine. You know, I hung that, I hung that towel over my window and I cried myself to sleep.

And I remember at that time, you know, I was, I was in such a state of fear and confusion I just, you know, I just believed at the time, you know, I was like, okay, you know, these lawyers are not ready, you know, but I didn't do this at the end of the day, no way they're gonna be able to convict me for this, you know? But when it was time to go, the state had filed a motion to bar all my witnesses because my attorney had failed to turn in a, they didn't turn in a witness list. Pat Riley told me we don't have to turn in a witness list until the day we're ready to pick a jury, which clearly wasn't, wasn't right. They blamed it on me like I was supposed to know criminal procedure and I had no idea. But the judge banned all my witnesses in the beginning.

I went into court and I told the judge you know, in open court, I'm like, look, Judge, I don't think these guys are ready, you know, I'm afraid they're not going to be ready. And he asked them both, you know, "hey, you know, Mr. Riley how much time if you spent with Mr. Snow in the jail?" He gave him a number, I think, like, 30 hours. Frank Picl gave a number of like 50 something hours, you know, and the judge is like, "oh, that's 80 hours. No... That's more than most lawyers put into a case like this preparing with a defendant. That's plenty of time."

After I was tried and convicted, and I ended up filing some post-trial motions alleging their ineffectiveness, you know, I got the sign-in and sign-out book and I showed that, you know, they both lied. They both lied about the amount of times that they'd spent with me but it was too late at that point. I mean, didn't just, didn't just fudge the numbers a little bit, I mean, they fudged them up big time. And there came point in a time when I... The time in my case when I realized that these lawyers, you know, I just I knew, I just knew I was doomed, right, it'd have to be a miracle on the on the level of Moses parting the Red Sea for me to be found not guilty, came when the state had rested their case, and Frank and Pat and I went into a back holding cell to go over the witness list. And it was when we began going over that witness list that I knew I was doomed.

The point when I, I realized I was doomed is, is when we went into this room and started going over the witness list, you know, Frank Picl said, "okay, who is Mark Foster and what is Mark Foster gonna testify to?" I was like, what do you mean who's Mark Foster and what's he going to testify to? You don't know? And he was like, "you know, look, you know, we got, we got to get this together. We got to put on our

defense, you know, who is he?" And this this was the number one first witness on my list. I said, Mark Foster is the investigator for Susan, for Steve Skelton. Mark Foster is going to testify that he went to talk to Danny Martinez before he'd ever identified me and that Danny Martinez told him, "I saw the picture of the guy they arrested in the paper. That's not the guy I saw, they got the wrong guy. If I ever see the guy again, I'll be able to identify him, but that's not him." Now, Mark Foster went and told Steve Skelton this, Steve Skelton notified the state that he was going to call Danny as a defense witness. It was then that the state, when the state found out that they were going to call Danny as a defense witness, it's when the state called him down to the office for this made up trial prep interview when he finally identified me after all these years. This was the sequence of events. This is how it happened.

After I'd been convicted, Steve Skelton came to see me in the county jail after....right before I got sentenced or maybe after and he was just like, "look, you know, I wish I would have never sent Mark Foster to talk to Danny Martinez." Because had he have never sent Mark Foster to talk to Danny Martinez they may have never called him as a witness. But as soon as he got that statement from him, they had to flip it. So, Mark Foster went back and talked to him again and Danny said, "look, I gotta tell you something off the record." This is what I'm telling Frank Picl and Pat Riley. He went back to talk to him a second time and Danny told him, "look, I gotta tell you something off the record. I identified Snow." And Foster testified in Susan's trial that, you know, he was kind of taken aback by it because he just told him a couple of days earlier that it's definitely not Snow. And he said that Danny told him, "look, my understanding they've got a lot of evidence against this guy so he must be the right one."

Frank Picl tells me "I can't call him." And I said what do you mean you can't call him? And he said, "I didn't lay the foundation for his testimony." And I'm like, I don't know nothing about no foundation, and I'm not gonna use the exact language that I did but you can all imagine what I was saying to him. What the heck do you mean you can't lay the foundation? He said, "once I let him off the stand I can't lay the foundation." I know now that was a lie, he could have recalled him and laid the foundation but he didn't. Which basically is he had to ask Danny Martinez did you tell Mark Foster this, and let Danny say yes or no.

Anyway, so the next witness was Billy Hendricks. Billy Hendricks was a coworker of Danny's and Billy Hendricks was going to testify that, you know, he used to ride back and forth to work with Danny, he worked with him, he knew him, he grew up with

him and that Danny had told him it's not Snow, you know, it's not Jamie. And had told him multiple times that it wasn't me, that he'd seen somebody but that it wasn't me, right? And Frank Picl said the same thing: "I can't use him. I didn't lay the foundation."

At that point there was a, there was a deputy standing outside the door, you know, I got extremely animated I jumped off of the bench and I, I use a few swear words, I'm sure. And was, you know, what in the bleep do you mean we can't call him? You're killing me. You know, I was freaking out. You know, I'm like, the deputy came in, he's like, "come on, Jamie, you know, come on, man..." And I'm telling the deputy, I'm like, these dudes are trying to kill me, man. And it was at that point, it was at that point that I knew it was over-with. God was going to have to raise the dead, he was going to have to part the Red Sea, he was going to have to turn the water to wine. It was going to have to be some sort of a miracle like that in order for me to win.

And, you know, it ended up coming down to because they didn't lay the foundation for any of my witnesses – and it was so troubling to me and it should be troubling to everybody is that the courts seemed to think that not calling Mark Foster to impeach Danny, and not calling Billy Hendricks to impeach Danny was some sort of a trial strategy when Pat Riley got paid thousands and thousands like 10 or 15 thousand dollars to sit in on Susan's trial out and see these people called as witnesses, and she's found not guilty and then what? You don't do anything that Steve Skelton did? I mean, what was the point in sitting in on the trial anyway? I mean, if you weren't going to use... I feel like he was sitting in on the trial to see what not to do.

So before I get sentenced, you know, I'm raising these motions, trying to argue, argue to the judge, you know, how ineffective they were and I was doing it at a time when I didn't even have all the discovery materials. Pat and Frank didn't even give me all the discovery so I didn't even know all the other stuff they actually had that hadn't, you know, that they hadn't laid the foundation for.

You know, it basically came down to I had to rebut the whole case. I had witnesses that would have contradicted or would have impeached every single witness who testified against me at trial, every single witness. Like someone testifying that I was making incriminating statements while someone else was there. Well, those "someone else" people were ready to come in and testify that no, that never happened. My attorneys never talked to them and never laid the foundation, then they never got to testify.

So I had to get up on the stand and basically, it was my word against everybody. So what I was trying to argue was the ineffective assistance of counsel by myself. You know, I was in a courtroom, and it was me against two state's attorneys, two defense attorneys, and the judge, trying to argue how these guys have just screwed me over. And court, the court seemed to think "hey, that's okay. It's all good." If I would have had – they wouldn't give me an attorney to argue that – but if I would've had the money to hire one, I could have hired one that would have come in and argued for me on behalf of that, that post-trial motion.

But what really is crazy, is we find out just a few years later after I'm sentenced and given a natural life sentence – which by the way, Frank Picl and Pat Riley put together this sentencing litigation hearing which took, I don't know, maybe an hour, hour and a half, took maybe an hour and a half and I ended up with natural life. We find out years later, I'm reading the newspaper, I can't even remember exactly how I found out about it but I think I was reading the newspaper, I see Frank Picl gets arrested. And he's you know, he's, he's getting ready to go to prison. My, my, my trial attorney Frank Picl ends up with 10 years for stealing \$300,000 from a client, an elderly client, who thought of him as a son he stole all her money and gambled it away. And we find out in his sentencing hearing, where he get 10 years – which, you know, took like three days by the way, you know, his sentencing hearing took like three days mine took an hour and a half – we find out that he was suffering from mental illness at the time of my trial, he was bipolar, wasn't taking medication. He was addicted to gambling. He had a gambling addiction and he was a he was an alcoholic, a raging alcoholic too, he testified that when he drank it wasn't just, you know, a drink or two, he drank eight hours straight. He would drink for eight hours. So imagine he's getting off at, you know, let's say four o'clock during my trial and drinking until midnight, one o'clock in the morning. And the courts, you know, they just gloss over that. It's like, yeah, okay, whatever.

So when you think about how can these sorts of things happen? How can wrongful convictions happen? That's part of it. A huge part of it has to do with your your counsel. The state, they withheld – I mean, we find out now, I mean, they withheld so much evidence from Pat and Frank. Wouldn't have mattered, they could've gave them everything and I don't think they would've even...I don't know if they would've seen it or maybe even used it. It was the perfect storm. I had, I had to couple the prosecutors and a couple detectives who were hell bent on convicting me for this. And I had a couple hand-picked attorneys who probably shouldn't even have been

trying a traffic case. Had Amy Davis and Jim Tusek have been allowed to stay on the case I, I believe with my whole heart I wouldn't be here right now. So that's just a little insight for you about how this has happened.

This, this is why Danny Martinez was able to testify to seeing someone in the parking lot when you know, the evidence shows he didn't see anybody. You know, Frank and Pat didn't impeach Danny, didn't impeach Jeff Pelo, didn't impeach Paul Williams, and the list goes on. So as we go through this, I just wanted to get this out of the way for you guys so you could have a little insight or a little idea of how a wrongful conviction like this takes place. It's a group effort. It ain't just the prosecutors and the detectives, you know, when you've got terrible counsel, it's a recipe for disaster. If only I could've got Amy and Jim I think I wouldn't be here right now, so...

Bruce Fischer: In Jamie's post conviction appeal Judge Knecht questions Picl's effectiveness during oral arguments in appellate court:

(From recording)

Judge Knecht: What will we do about... I mean, this is a case with 56 witnesses, um, no forensic evidence. We know something post-trial about defense counsel's difficulties. We know more now. So the defendant was represented by someone who generally is viewed as capable but had suffered a stroke, so that limited his ability to communicate. And the other individual we now know, even though we knew then that there may have been some issue, we know that he was an almost adult-life alcoholic with a deteriorating personal situation, daily drinking bouts, inattention to cases. And while he said, "well, all I have to do in the courtroom is react".

Trying a case as a judge with 56 witnesses would be extremely difficult, being the attorney who has to pay attention to how they are examined and cross-examined would be an extraordinary, arduous task. Why isn't that, coupled with some of the things that the defense is able to point to, why doesn't that make us think there was ineffective represent...representation or at least we ought to go further with that?

State's Attorney: Well, their major claim is that the defense was under-prepared which is something that was totally rejected by the trial court who looked through billing statements when they submitted to be paid. And in fact Riley might have

had, it's possible, I'm not sure what his impediments were in terms of speech, but he was still responsible for preparing and he had hired investigators. And, uh, Picl was sort of the attack dog, and he was in court, he was able to do what was an excellent job according to the trial court, according to... that's, that's the trial court's view of the performance, it was excellent. And there was no showing of impairment during trial. And affidavits talk about how pre-trial, this is not during trial, "two to three alcoholic drinks during lunches". After the case already went to the jury, then he also had like a couple drinks, I think maybe, and then their question came back from the jury. So it's not like a situation where there was massive amounts of alcohol consumed during the trial or before the trial or anything.

Judge Knecht: Well, except now there's substantial reason to believe that's probably not true.

State's Attorney: Well, that was all that Maureen Kevin had seen, and there was no indication...

Judge Knecht: Well, that's...what I mean, we know from, I mean, defense counsel when he when, he is talking to the court in relation to his own sentencing and disbarment and the people that examine him they're not trying to do anything to help with a claim of ineffective assistance of counsel in an old murder case.

State's Attorney: Mmm hmm.

Judge Knecht: They're being...attempting to to be objective regarding the fact that this guy is, is a alcoholic who has basically lost his life, lost his practice, and was mentally impaired. Not only is he an alcoholic, he has mental illness issues, and that these go back to dates preceding the trial.

State's Attorney: May I have leave to respond to that, your honor?

Judge Knecht: Yes, please.

State's Attorney: Well, essentially, he did have problems with alcohol during the general time-frame, but unless here they can point to definite showings of impairment during the trial or preparation that affected during the actual representation, and they just haven't made that claim, especially when the trial

court's already resolved this issue adversely to him. So essentially that's our response to your question. Does the panel have any other questions?

Unidentified Appellate Judge: Seeing none, thank you.

State's Attorney: I'd like to thank you your honors and request this court to affirm.

(End recording)

Bruce Fischer: We heard Jamie making a very strong case that he received ineffective assistance of counsel. Jamie was fighting for his life and was forced to go to trial with an incompetent attorney. So let's go over the information he provided and discuss some of the questions people might have. Now, Tam, let's start with a death penalty question. Was this a death penalty case to begin with, and why was that ever taken off the table before trial began?

Tammy Alexander: Yes, it was a death penalty case, initially, and we don't know why they took it off the table. But we do know that when it was taken off the table, he lost his resources. He had multiple attorneys working on the case, including John Hanlon, who was from the Appellate Defender's Office, who worked on death penalty cases, and defended death penalty cases, who is now the director of the Illinois Innocence Project. And he did a fantastic job while he was on the case. He had investigators, he had a mitigation specialist, they had paralegals and they had resources. Well, those go away when the death penalty was taken off of the table. John Hanlon was from the area so I'm sure that they were very familiar with John Hanlon's work, but he was left with one, one investigator. And then he had Riley, who had had a stroke and Picl who we know now was an alcoholic with a gambling addiction.

Bruce Fischer: Right. Not a great defense team, as we were going to be talking about here today.

Tammy Alexander: Right.

Bruce Fischer: There was a pretty unique situation after the trial concluded. Before sentencing, Jamie was arguing against his lawyers about ineffective assistance of counsel. Let's go over that a little bit, because that's something you don't normally see.

Tammy Alexander: Well, he had lost all confidence in his attorneys, because of their failures in court. I think that, you know, as, as he explained it to me, he was trying to get representation to preserve the issues that he thought needed to be preserved and be on the record. He said that motion is a very common motion after a trial. So that's what he was trying to do and he didn't have confidence in his attorneys to do it. He had sent a couple of letters to the judge and did a radio show and talked about how ineffective his attorneys were before his sentencing and that really pissed Riley and Picl off so they ended up filing a motion as well.

Bruce Fischer: So there was a lot of tension there.

Tammy Alexander: A lot of tension. So the judge ended up hearing, at the same time, hearing their motion to withdraw as counsel and Jamie's motion to get new counsel, you know, because they were ineffective.

Bruce Fischer: Right. I mean, as we see now, with all the information we know we can understand why Jamie was frustrated. It's interesting that the attorneys were taking a stand against Jamie. I mean, they should have known that they were ineffective. I mean, it's not...they knew what they were doing. I mean, they knew that their behavior sucked.

Tammy Alexander: And you can read in the, that motion we'll post it online, you can see the tension, you can just tell that there was a lot of tension between them. And Jamie outlined all of the witnesses that, you know, we know so much more now, but these witnesses that he was trying to get on the stand as rebuttal witnesses, were very important witnesses. And we especially know that now but he must have had such a... he had a really good instinct on that because he was calling out the right people, go interview this person, go interview this person, go ask them some questions. And it's very frustrating to read that motion because he just could not get relief. The judge denied both of those motions outright. So they remained his counsel through his sentencing hearing.

Bruce Fischer: And we have all of that information available.

Tammy Alexander: Yes.

Bruce Fischer: Now we're looking at... it wasn't a death penalty case, but the state still spent a large amount of money on the defense. It looks like \$75,000 was spent and 20 hours of time was spent with Jamie in total with these defense attorneys. How did that happen?

Tammy Alexander: Well, the I mean, the \$75,000, that's what we saw actually on a Pantograph newspaper clipping. I think that was, you know, for a lot more than the 20 hours of time that they spent with them. However they did bill, specifically for that time that they spent with him, and they build them between 50 and 80 hours. And it was actually, between January and December of 2000, Riley had spent 5.56 hours with Jamie and Picl had spent 16.85 hours with him in jail. That comes from the log-in book and in that motion we were talking about, they determined that the time was accurate in the hearing. The court just let it slide, they called it an administrative error and that was it. Like they just... that stuff happens.

Bruce Fischer: They just brushed it off.

Tammy Alexander: They just, they just... Yeah, they just brushed it off. But, you know, Jamie's argument in that hearing was like, you know, "you need to understand that they're lying to the court." He was arguing them being prepared.

Bruce Fischer: Right. That was his argument. He was making a strong argument.

Tammy Alexander: Yeah, he was, he was trying to make that argument and he actually got the people in jail, because they denied it at first and he was like, "well, I'm gonna get those logs". Because they were even asking him in court, "how did you get those logs?" And he said, "well, I asked the people in jail for them."

Bruce Fischer: During sentencing, Jamie ended up getting natural life without the possibility of parole. The more common sentence in cases like this is usually a 60 year sentence with the possibility of parole. So why was Jamie's sentence to that more harsh sentence?

Tammy Alexander: Well the the sentencing guidelines in Illinois for that crime would be between 30 to 60 years. But the court may, in air quotes may, make a judgment call to extend that based on criminal history, and also at sentencing you're allowed to bring in your juvenile record. I don't know if a lot of people know that but you are. And the judge stated that he made a judgment call and he didn't back down from

that. And there was a motion to reconsider the sentence that outlined these issues but he didn't back down. He told Jamie at his sentencing hearing that he could not be reformed.

Bruce Fischer: I didn't know you could bring the juvenile stuff in, that's ridiculous to me. But that's...you learn something all the time.

Tammy Alexander: He may have had a record but there was no record of violence. He had just never committed a violent crime.

Bruce Fischer: Right. No history no violence at all.

Tammy Alexander: No.

Bruce Fischer: Lesley, Jamie mentioned a couple of times that Picl flipped out on him, yelling, screaming cussing. Was he like that at trial? Did he lash out like that in the courtroom?

Lesley Pires: Well, besides being ineffective and not calling witnesses, not researching how to question them, he was a bit confrontational and perhaps the jury didn't take kindly to it. There are a few examples when he was a bit rude with Martinez, he asked about the line-up, and he says, "what was the problem with the darkness?" And the answer is: "it was just kind of low where I was standing at." And Picl continues to question him in rapid succession, and he says, "but you weren't looking where you're standing at you were looking through the window at the men in the line-up, weren't you? Well, why didn't you pick up my client? He was standing in the line-up. Did you have your eyes open all the time? You don't have anything wrong with your eyes, do you? I don't see you wearing glasses. Are your eyes okay? Were they okay back on this night?" And I mean, I like it, I think he deserved it. But I don't think that the jury liked that very much.

He also did it again to Carlos Luna, who also claimed to see the suspect. He asked, "so you saw this man walk 10 to 15 feet, right? He wasn't running, how long did it take him? Five seconds to walk 10 to 15 feet? Was he limping? Using a cane?" And it's just this attitude that he was trying to imply that Luna was stupid. How Jamie had mentioned before, that if you're, if the guy's walking 10 to 15 feet for 10 to 15 seconds, it's slow motion. So Picl was just on him about that. And he could have asked him if the man was walking slowly or very slowly or if he was disabled, but he

didn't. And instead, he made Luna estimate 15 feet in front of him in the courtroom in front of everybody, and then get him to say it could have only taken five seconds and that entire exchange was pretty rude.

And he also made a grave error in laying the foundation with Danny Martinez that he didn't know the man he saw was even the shooter. So he didn't actually see him shoot Bill Little. And in fact, when Martinez says the guy was five foot seven, Picl dramatically responds to the court, "what do you think of this fact? My client is six foot one inches tall. What do you make of that?" And although that sounds pretty powerful, like a made-for-TV moment, it got thrown out immediately with an objection because Picl didn't prepare for that. Apparently, Jamie's height wasn't ever admitted into evidence so Picl wasn't supposed to say that. He should have had a visual display of Jamie's height versus Martinez's showing how they weren't eye level and that he could not have matched Martinez's composite, but instead he winged it with a rude comment, he sounded aggressive, and he couldn't focus on the fact that Martinez did not see Jamie Snow or anybody at all. His weakness and arrogance probably didn't go over well with the jury, especially during a murder trial.

Tammy Alexander: I love that you mentioned all of that, Lesley. In Susan Claycomb's trial Skelton... I mean, it's like night and day. He was respectful, he didn't do that kind of damage. I just don't think that Picl was very, very likable. And there wasn't really anything bad about Danny Martinez from the jury's point of view. He was just a guy sitting there airing up his tires. They must have been thinking "why are you jumping down his throat?" What you said about him saying, "did you see him shoot him?" That comes up over and over and over. Sometimes that is just his main thing, you know, instead of discrediting someone he constantly goes back, "well, did you see him shoot him?"

Lesley Pires: Well, yeah, you're kind of throwing out to the jury that perhaps Jamie was the guy he saw and if you didn't see him shoot him, how can you say that he is a murderer. You know, that's taking it really too far.

Tammy Alexander: Because nobody said they saw Bill get shot.

Lesley Pires: Exactly. So why is he even, you know, giving the inkling that maybe it, you know, it's a complication like, "you didn't see the guy pull the trigger so you can't testify to that."

Tammy Alexander: Nobody was testifying to that.

Lesley Pires: Except for except for the defense. We know that.

Tammy Alexander: Yes.

Bruce Fischer: So what are some of the specific details that Picl neglected to do at trial that were brought up in Jamie's appeals?

Lesley Pires: Well, from what you've already heard in other episodes, Jamie explained in his post-conviction relief petition that Picl failed to discredit Martinez's testimony and get him to relent that it wasn't Jamie he saw that night. He had access to Officer Pelo's interview transcripts, police reports, radio tapes, and officer Williams' side-by-side version of the same events while he took the stand but he didn't use any of it. He failed to even file a motion to suppress Martinez's weak identification of Jamie as was attempted in Susan's trial. He didn't even ask the original lead detective on the stand about Martinez not being able to identify Jamie during the original investigation. And he didn't ask Martinez about how the victim's mother was calling him at home and pressuring him to help close the case even though Martinez complained about that to cold case detectives in his taped interview. So these are all things we talked about in the first two episodes and it's just clear that Jamie's defense did not study the material.

Tammy Alexander: But Lesley when you were talking about the things that he didn't bring up, when I was looking over material to prepare for this I read Maureen Kevin's affidavit. Now she was a mitigation specialist with – very highly qualified – that was working on the tapes and I had mentioned before that she had, she had listened to a bunch of the tapes. And in her affidavit, she said that as part of her work, she listened to a bunch of phone recordings from Bill Little's mother to the police urging them to “get” Jamie Snow. And she also stated that Miss Little called Juan Luna in was pressing him to identify Jamie Snow. I have never heard those tapes. But if she had knowledge of them, that was something else that he didn't use, which is just incredible because she was handing everything over to him. But we need to find those tapes, y'all.

Bruce Fischer: That's very interesting to me. I didn't know anything about that.

Tammy Alexander: I know.

Lesley Pires: Especially, because Juan was never called at trial. I mean, this is grounds for him to have been called.

Tammy Alexander: I wonder if she means Carlos. I don't know. But people do get them confused.

Bruce Fischer: Well, Juan's another mystery for me too, because he's obviously an adult now and I'm amazed that there's been no statement from him ever.

Tammy Alexander: Yeah. Yeah.

Bruce Fischer: You know, it's, I understand it when he was a child, it's a little bit different, but a lot of time has passed now. I'd really like to know what he has to say.

Tammy Alexander: Me too.

Bruce Fischer: I don't know if that'll ever happen. We'll, we'll see. You know, Lesley, after listening to Jamie, we know that Picl has a lot of personal problems and had a lot of personal problems at the time of the trial, including alcoholism and mental illness. How did those things affect him during his performance in court?

Lesley Pires: Well, Picl was a functioning alcoholic. He stated in his sentencing speech for his own criminal trial, that he would drink for 4 to 10 hours a day and go right from court to the tavern so he didn't have to deal with his personal problems at his office, or at home. So he wasn't slurring, or falling asleep at the table but Jamie said he did reek of alcohol. His secretary Shirley did testify that his professional performance at the time was at an all-time low. She even said that in 2001, the year Jamie was convicted, that Picl was spending way too much time on his boat and not enough time in the office, and that his public defender work suffered, he couldn't focus on it and he had poor judgment. And when he got a divorce, he became obsessed with gambling and was drinking more.

A long-time client named Jerry testified that he had been aware for the last 25 or 30 years that Picl had a severe drinking problem and he had always expected at some place in time to read that a client would accuse him of misrepresentation because of being intoxicated. But he said he stayed with him anyways for his own criminal defenses because he, you know, he was good at representing him. And his

psychiatrist testified that he was a narcissist, he had OCD, he suffered from major depression and bipolar II disorder, he did not always comply with treatment, and he was an alcoholic, also addicted to gambling, and he said he was chaotic and had poor judgment.

But what we can glean most from how Picl acted in court are from his own words during his sentencing speech. He said as a young lawyer, he reveled in cases where the verdict did not match the facts. Like where a guilty person got off because it was due to his quote, "persuasive powers, charisma, and agile mind." After getting lost in alcohol he said he could still function at trial because all he was required to do as a defense attorney was react. So he says he's been blessed with a quick mind, he thought he did not need to study, and he said people were puzzled how he could still do such a good job arguing to the juries after spending so much time in the tavern, and it made him proud. When he went downhill he said he wasn't a bad man, not lazy, but his life just went wild and his house of cards just came down.

So his own words are very telling, almost like a confession of what he did in Jamie's trial where he was unprepared, only reactive to witnesses, and actually proud of his performance. It seems to me, he really did think that he had persuasive charisma that would work in Jamie's favor. And he just thought he didn't need to do trial preparation, he could just be a drunk outside of the court. That delusion cost Jamie his life and Picl still wouldn't give into it even after the conviction. It's terrible because this issue went all the way to the Supreme Court and they still refused to consider that Picl's alcoholism affected the outcome of Jamie's trial as recently as in 2018.

Tammy Alexander: I would encourage everyone to read his sentencing hearing it's long, but it's, it's incredible. Even...there's so many things that would just take so, so much time to even go over. He talks about in that sentencing hearing how he was under high pressure because he was doing a murder case and how his wife had left him. Now Maureen Kevin, who I mentioned earlier, the mitigation specialist, stated in her affidavit that Riley didn't seem to be in charge, that he had had a stroke and that Picl didn't seem to be up to doing the trial, both...either physically or mentally, and that he never seemed prepared. When she talked to him about the case, he seemed to only have "superficial knowledge". She actually used those words. She said she saw him looking at discovery, and then questioning witnesses where he didn't have, even have any notes. She said that at one point in the trial, there was something going on that kept them there at night, and there was a question that needed to be

answered and no one could find Picl but he eventually showed up and smelled like alcohol. She also said that he would have two to three alcoholic drinks during lunches. And we know all of this was happening at the same time because he had mentioned to Maureen that he was separated from his wife and living with his parents, and that his sister had accused him of stealing a ring from his mother to finance his gambling habit.

As the judge stated in the episode, all of this was pre-trial. And that's the incredible thing. This is new evidence, and that's where we get the confusion about ineffective because they're saying that it's *res judicata* that it's, it was raised at direct appeal, so it doesn't matter, but all of this happened afterwards. So that's, that's where it gets a little bit muddy and confusing about the ineffective assistance of counsel. I don't know what you have to do. I see cases where the attorney has a an affair with a detective or something like that and it just gets thrown out. Little tiny things, you know? And it just gets thrown out. But I mean, he has documented evidence of confessions, like you said, Lesley, in his own, his own sentencing hearing and it doesn't get turned over for ineffective assistance of counsel. I will never understand that.

Bruce Fischer: It's a very difficult argument. This... What this case here, with everything we know, it seems impossible that this case doesn't meet the standard.

Tammy Alexander: I agree.

Bruce Fischer: Lesley, Jamie mentioned that his sentencing hearing only took one hour. Then we hear that Picl got a three day hearing for his own criminal conviction. What kind of privilege do you think Picl was afforded?

Lesley Pires: Well, during Jamie's trial, the state called 43 witnesses and the defense called 15. So they only called a third of who they could have for Jamie. But in Picl's hearing he called 12 witnesses over the course of three days and collected 60 letters of support for the judge to consider. He was facing 30 years in prison and the judge ended up giving him 10 years and he did say that Picl should have known that was coming. But he did really pay him a lot of lip service during the sentencing speech. The judge said he didn't see evil and Picl's eyes but demons that were responsible for his crimes. And he actually said that he did a lot of good in the world, and many people were found innocent thanks to him that probably wouldn't have been with a lesser attorney.

He did give him the 10 years but recommended him for minimal security prison. That privilege is just astonishing when compared to the raw deal Picl give Jamie. Jamie wrote the judge numerous times to complain about Picl and his lack of regard, his inability to properly represent him and he was completely ignored. But this judge reads all 60 of Picl's letters and says how touched he was by them and compliments him through the sentencing. It's just maddening and I can totally see why Jamie finds it incredibly offensive.

Tammy Alexander: You mentioned Riley's impairment earlier, could you give us a an idea of your perception of his impairment?

Jamie Snow: He couldn't really talk very well, he, he wasn't taking notes. He wasn't talking very well, he was, we would talk about something and the next time I would, you know, I would talk to him, you know, he didn't remember what we were talking about. I would tell him about a witness. You know, this witness here, you know, is in, you know, we need to talk to this person, we need to talk that person the next time I talk to him, I'd be like, did you talk to this person or that person? He'd be like, "who?", and I'd be like, this person or that person. He's "what do we want to talk to them about?" It was like I was a dog chasing my tail around in circles. He just didn't, couldn't grasp what it was that I was talking about.

And when I was having the post-trial motion where I was trying to argue against the ineffectiveness of Pat and Frank, I asked Bernardi, I was like Pat Riley had a stroke, man, you know. And in hindsight there, there are just certain things that, you know, when you look at it in hindsight you wish you would have done differently. He just said, "well, I called around, and I asked some of the people that Pat practices law with, or around, and to make sure that, you know, he was good to go." And I wish I would have picked up on that at the time because I'd've been like, wait a minute... So you're saying that in the beginning, you didn't know whether or not... You had a doubt in your mind about whether or not he was going to be fit enough to try this case that you had to call around in a first degree murder case where the death penalty is still on the table. You're calling around to these other lawyers or whoever else we're trying to check up on to make sure that this guy was good to go? I mean, that's, that's the best you can do with getting me an attorney is to, is to call around and see if this guy's, you know, stroke hadn't, hadn't have affected him?

Had I have thought about it at the time I would have got my my paper and my pen out I'd've said, okay, who were these judges or, or lawyers, or whoever it was that you were calling around? Oh my god, I wish I would have thought about that. And even today, I know that Retired Judge Bernardi is practicing law in McLean County. I, I would welcome you, Mr. Bernardi: who did you call? Who did you call to check up on Pat Riley to see whether or not that stroke had affected him beyond the point of being an effective attorney? I'd really like to hear if you'd like to share.

Tammy Alexander: So how many witnesses did your attorneys interview?

Jamie Snow: I don't think they interviewed any prior to trial - none. I don't think they talked to one witness prior to trial. The witnesses that they called, not one, they didn't talk to any of them.

Tammy Alexander: So they didn't talk Pelo, they didn't talk to Martinez, they didn't talk to Carlos Luna, they didn't talk to Juan Luna, they didn't try to investigate any of that stuff? No Gutierrez?

Jamie Snow: No.

Tammy Alexander: And then none of the informants?

Jamie Snow: No. No. None of them. None of them. They didn't go...and, and, and they could have. They could have, you know, in a, in a murder case, and you're a witness, I mean, they they have to, you know, submit themselves to a pre-trial interview. I don't know if that's how it was back then. I know it is now. Yeah, they didn't try to talk to anybody.

When Susan got on the stand, Susan testified for me, my co-defendant testified. When she got on the stand Frank leaned over to me and said, "what do I want to get out of her? What do we want her to testify to?" And this is, this is...she's on the stand, she's been sworn in, the jury is in the box, the courtroom's full of people and he leans over to me and says, "what do we want to get from her?" And I, you know, I just really wanted to get from her the, the level of pressure that the state had put on her to try to get her to testify against me, all the things that they had done to her over the period of a year, year and a half to try to get her to testify against me, and all the deals that they were offering. You know, they were just going to completely let her go.

Tammy Alexander: I don't think that came up at the, at her... when she testified in your trial. Is that correct?

Jamie Snow: Yeah, of course. I'm telling you, that's what I wanted them to bring out and they didn't bring none of that out. None of it. Nothing.

Tammy Alexander: So did he tell you why he didn't, why they didn't interview any of the witnesses? Was that a trial strategy thing or did they just never talk about it at all?

Jamie Snow: Oh, no, we, we...at that point the relationship was so tenuous that you we weren't, uh, we weren't having nice conversations about, "well, why didn't you guys go talk to anybody? Why didn't you interview any of the state's witnesses? Why didn't you...?" You know, at that point our communication was not civil, I guess. You know, I mean, they showed up the night before I was to be sentenced with "okay, you're being sentenced tomorrow, we need to get our mitigation together." I mean, the night before. And I just basically, I mean, I just basically told him, I said, you know, why don't you just wing it? Like you did in my trial?

Tammy Alexander: [Laughing] Oh, oh my god. I'm sorry. I... It's so bad..

Jamie Snow: I mean, that's what I told him, I'm serious. You could ask, you could ask Maureen Kevin. Maureen Kevin was sitting in the visiting, in the attorney room with me, and I said... I heard Pat Riley's voice out in the hallway, and I said, Pat Riley's here, and she's like, "no he isn't," and I'm like yes he is. And sure enough, they came in there and they're like, "we got to get this together. You know, you're, tomorrow's your sentencing" and I'm like, why don't you just wing it? Just wing it like you did in my trial. And, you know, they showed up the night before. They were already winging it. I mean that's what it was, and that's how it happened.

Tammy Alexander: And that's how they got away with it.

Jamie Snow: That's how they got away with it. That's right.

Lesley Pires: In this episode, we introduced you to Jamie's defense team, the motivated and resourceful group of people who first advocated for him while he was facing the death penalty, and then the broken down pair he was left with after the

death penalty was taken off the table. What a relief right? Jamie lost his life due to a wrongful conviction, driven by faulty eyewitness identification and corruption. But the two who were supposed to take the wheel, the two who were personally compensated \$60,000 to? They winged it. You heard it, a medically disabled man and an impaired, narcissistic alcoholic repeatedly insulted and rejected Jamie. They literally tried to abandon him, right before sentencing. His pleas for intervention went unheard by McClean County, and he still serves his natural life sentence today. If you have any information that could 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. Jamie participated in a line-up for this crime, spoke to detectives, and took the stand at his own trial. His words about his past were re-written and used against them to claim involvement with this murder. How could they get away with it? That's next time on Snow Files.

Transcribed by: Edith Swan-Neck

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