

# Episode 5



Season 1 : E5 - Hindsight's Always 20/20

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

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**Episode Description:** In 1991, there was a string of armed robberies in McLean County and a task force formed. Jamie was implicated in a robbery he did not commit, arrested, and made to participate in a lineup for an unrelated murder. He was cleared. Charges were dropped. Nine years later, he found himself on trial, as the defendant for that murder. A detective who interviewed him about the robbery took the stand, and replaced the word "robbery" with "murder," for his telling of their conversation. In this fifth episode, Snow Files exposes exactly where the corruption began, and shares Jamie's deep regrets over his failed self-defense.

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

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**Bruce Fischer:** 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:** I want to talk a little bit about some of the things that the state used against me that actually make me look bad, you know, it's not all perfect, you know, I mean, there were things that I could have done differently and that I didn't, that the state used against me, you know, I was arrested for an unrelated robbery case in

April of '91. I was, I was arrested in St. Louis at my sister's house for a robbery of a Freedom Gas Station, and I resisted arrest, I didn't want to go to jail, and they used, oh they took, they took great liberties with that case beyond, you know what you would believe, but I was arrested at her house. I was picked up by Detective Charlie Crowe and a detective named Russell Thomas the next day, which would have been April 24 of 1991. Detective Crowe, Detective Thomas, and another detective named Bernardini, Michael Bernardini were all members of a multi-jurisdictional task force that was formed to try to solve this rash of armed robberies, uh, that was going on in Bloomington at the time. I mean, there was like a never before seen rash of these armed robberies that were going on in Bloomington and this multi-jurisdictional task force was put together to try to, to try to solve them armed robberies, and then it, it, I guess it segued into the murder and, and robbery of Bill Little.

**Bruce Fischer:** In 1991, there was a string of armed robberies in McLean County, so many in fact that a task force was formed. Jamie was implicated in one of these armed robberies that occurred in February of 1991. On April 12, 1991, a warrant was released for Jamie's arrest for armed robbery for the Freedom Oil Gas Station.

**Jamie Snow:** And I was a little pissed off because when I called my sister from the county jail she was crying, and she was asking me about the Clark thing, you know, did you, do you have anything to do with this, you know, this murder, whatever, and I was like, what, you know, what are you talking about? She was like, you know, they, they said that you're a suspect in this other case. So, the first thing I did was, you know, what do you, you know, what are you telling my sister this stuff about this other case, you know, and, and he was like, you know, we had to take, you know, we had to take a look at you, you know, and, and, if that was if, you know, they were more concerned about the case that I've been arrested for than a guy that actually committed the armed robbery ended up pleading guilty to it. And he ended up going to the grand jury and telling the grand jury, you know, that he didn't give me any of the money, that he did it all by himself.

So you know, I was being arrested in April of '91, I was being arrested under, umm, the statute of accountability. I wasn't the one with the weapon, but they were saying that I was accountable for this other person's actions. The very next day after I, I was talking to, after we got back to the police station, Detective Crowe went home, Detective Thomas and Bernardini were questioning me about the case that I'd been arrested for. They were asking me a bunch of questions about it. And we ended the, the interview and they booked me into the county jail.

The very next day, Detective Thomas went to the grand jury and testified under oath, and we're going to put it up there and let you see his testimony from April of '91. The very next day, he went and testified that, you know, I made these incriminating statements about the case I've been arrested for, the the armed robbery of the Freedom Gas Stations, that you know, I want a guarantee and assurances that I wasn't the one who actually committed the crime, that they explained to me that you know, it was up to the state's attorney to uhh, you know, they could do anything but that you know, they tell the State's Attorney of my cooperation. Teena Griffin asked him specifically, she said, you know, have you had a chance to talk to Mr. Snow and he said yes. And, and she said, "What specifically did he tell you about this case, the uh armed robbery at the Freedom Gas Station?" That's when he went into the whole he wanted guarantee an assurances, this and that and all this stuff. The very next day after that interview, you know, he, he was testifying about these statements about the case I'd been was arrested for.

**Tammy Alexander:** The following is an excerpt from the 1991 Grand Jury testimony from Sergeant Thomas concerning Jamie's involvement in the Freedom Oil Gas Station robbery.

(Read from transcript)

*Question: And just yesterday you had a chance to actually track Mr. Snow down. Is that correct?*

*Answer: The day before yesterday he was arrested by the Webster Grove, Missouri Police Department.*

*Question: And did you as well as other officers, or at least one other officer have a chance to actually meet Mr. Snow yesterday?*

*Answer: Yes, I picked him up along with Detective Charles Crowe. We picked him up at the St. Louis County Jail and brought him back up to Bloomington.*

*Question: Did you have a chance during your contact with him to discuss this? Specifically, the Freedom Oil case with him?*

*Answer: Upon arrival at the station, Charlie went home and Sergeant Michael Bernardini with the Illinois State Police DCI Task Force Six, who is assigned to the task force, the Bloomington Homicide Task Force, along with myself and several others. Sergeant Bernardini and I did the interview.*

*Question: Now prior to asking him any questions about that, you read him his Miranda rights?*

*Answer: Yes.*

*Question: And what information did he give you about the Freedom, his involvement in the Freedom Oil robbery?*

*Answer: He didn't deny it, he was wanting assurances. He said he would be able to explain everything, that he didn't actually do the armed robbery but he wouldn't discuss it until he had assurances, which we told him we can not. We have no authority to make any type of deals like that. That's up to the State's Attorney, Ms. Griffin. I don't believe I have any other questions, does anybody else?*

*Question from the Grand Jury: You said that James Snow, was you found out is a lookout outside? Did he possess a gun or has anything come forward that he had a gun or was he just standing outside the building?*

*Answer: No. He just, he was just standing outside.*

*Question: But he got half the money for standing outside?*

*Answer: Yes. There's the accountability that Ms. Griffin can explain that to you at a later time.*

**Jamie Snow:** Now I got indicted, they eventually dropped the charges.

**Bruce Fischer:** Jamie was held in jail for four months while the state investigated this robbery. He was released from jail in August of 1991, with all charges dropped.

**Jamie Snow:** I didn't do the Freedom robbery, somebody else did it. He plead guilty to it. They tried to get him to, they were going to give him probation, this is from him, he told me that they offered him probation, and said. I mean, they know, they knew

that he was the one that actually went in there, and, and robbed the lady. And he told me that they offered him probation that they give him probation and that they would transfer his probation out of the county. All they wanted him to do was say that he had given me half the money and they would, they'd give him probation transferred out, out of the county because him giving me half of the money would have made me accountable for his actions which he, he ended up testifying to the Grand Jury that he, he didn't give me any of the money. So I didn't, I didn't do the robbery.

**Bruce Fischer:** In June of 1991, lead murder investigator Detective Charles Crowe approached Jamie about a lineup for the Clark Station case. Jamie said he was not going to be in it. Against his better judgment, Jamie eventually participated. Carlos Luna, Juan Luna, Danny Martinez and Gerardo Gutierrez all viewed that lineup, and all were unable to identify Jamie as the person they saw leaving the Clark Station on the night of the crime.

**Jamie Snow:** And they forced me to stand in the lineup, and I say forced because that's exactly what they did. They forced me to stand in, in a lineup. And, you know, I had an attorney at the time, named Richard Koritz, he was a public defender, and he came to me and he said, look, you know, he said, they want you to stand in a lineup for this for this, for this homicide case. And, you know, I asked him, I'm like, well, should I, you know, at the time, I, I, wasn't really concerned about that, you know, and I, and I was like, well should I? And he was like, well, you know, my, my advice to you as your attorney is no. He said there are plenty of people in prison for crimes they didn't commit based on faulty eye, eye witness identification, so I, I would tell you, no, and I'm like, okay, fine, tell them I'm not gonna do it.

It was a really short amount of time later, I get a letter from Mr. Koritz in the mail saying hey, you know, there's been a change, they're gonna make you stand in a lineup, you know, you don't have a choice. And, you know, I was really upset about that because, you know, he had just told me that I didn't have to and then all of a sudden now he's telling me that I do have to, I hadn't been in front of a judge, nobody had shown me a court order telling me that I had to do it, so I was more angry than I was afraid. When I got down there, I mean, I, I was pissed off, you know, I, I didn't want to stand in the lineup. And it wasn't out of a fear of being identified, I was just really pissed off, I just didn't want to do it.

When it was over with and I mean I, they made a big deal about it, but the bottom line is, is you know, they didn't have to force me into the lineup. They didn't have to physically put me into it. I went in there and I stood and I, I stood for the lineup and when it was over with, you know, I asked my attorney, I was like, okay, so you know what's up and he says, you're all good, you know, nobody identifies you. So you can imagine my surprise when years and years and years later I find out, that Carlos Luna had pointed at me and said, you know, I looked like the guy that he saw but the state used that against me. They said it was a, umm, you know, my, my not wanting to stand in that line up with some sort of a consciousness of guilt.

What the court didn't let us present at trial was the testimony from Detective Charles Crowe. Detective Crowe had testified in my codefendants trial that when they were going around the county jail looking for people to stand in the lineup, there were numbers of guys, there were a number of guys that were, you know, when they found out what the lineup was for they were like, oh, hell no, no way. They let that testimony into my codefendants trial. She was found not guilty. I think it was important for a jury to, to know that I wasn't the only one that didn't want to stand in that lineup. And, it wasn't out of a consciousness of guilt, people just find out what you're being asked to stand in lineup for and they're just like, oh, hell no, no way. That testimony came out in Susan's trial, and, and she was found not guilty, but the court wouldn't allow me to present, you know, in, in, in my trial.

So, you know, I, I just want to keep it real with you guys, you know, I, I just want you to know the whole story. There's no way that I'm gonna be able to get you to fully believe in me and, and 100% you know, uhh, trust in me if I don't give you, uhh, all the information and even the information that you know, may not paint me in the best, the best of light, but I, I, I think it's important for you guys to know it.

**Bruce Fischer:** During his trial nine years later, the state was allowed to introduce evidence that Jamie was reluctant to participate in that lineup and had to be told that he could not refuse. At the start of trial, the prosecutor, Teena Griffin, generously elaborated in her opening remarks, she stated:

(Read from transcript)

*In June of 1991, Bloomington Police conducted an in person lineup at the McLean County Jail. The defendant was asked to participate in that lineup, and he refused. The defendant was visibly nervous, visibly shaking, and he continued to*

*refuse. He was told he really didn't have a choice. He had to participate in the lineup, and he still refused. He was told that if you don't voluntarily come into the lineup, officers are going to assist you, pick you up, going to hold you up in the lineup if necessary, but you don't have the right to refuse. You have to participate and he still refused and he was still visibly shaken. And finally, when officers approached in and began to grab him to take him into the lineup, it was only then that he walked on his own into the lineup room, and he continued to be visibly nervous, visibly shaken.*

**Tammy Alexander:** And that testimony and, and what I've read, and I can't point to exactly where I read this, but they do make a big deal about you refusing to do it, you weren't going to do it until Koritz came down or you talk to Koritz, then they, then you didn't even go up there until they threatened to shackle you to the thing. I mean, that's what people are gonna read.

**Jamie Snow:** Yeah, well, you know, I, I that's true. I, I didn't want, I wasn't gonna do it until I talked to Koritz, you know, because I was uhh, I was pissed, umm. And even today, uhh, you know, all these years later, I'm still pissed about it. I, I still wonder, uhh, if it was legal for them to do that. I mean they didn't have a court order. If they wanted to get my DNA they would have had to take me in front of a judge and get a court order to take my DNA. They couldn't have just come to my cell and, and, umm, and held me down, took my DNA, you would had to have had a court order. They didn't have a court order to force me to stand in a lineup. So, I still wonder if it was all above board.

But yeah, I, I didn't want to, I didn't want to do it until Koritz got there because I wanted to know what the hell was going on. And, they make a big deal about it. I, I wish they would have uhh, took me into that lineup and uhh, had me uhh, shackled or was holding me up, uhh you know, visibly, visibly, forcing me to stand in the lineup. I wish they would have done that, that would have completely tainted the whole, the whole lineup beyond belief. But, you know, umm, in, in hindsight, you know, I, I should have just, I, I should have just, I should just did it, you know. I was just pissed that I had a, I had an attorney telling me I didn't have to do it. And his advice to me was his legal advice to me was, don't do it. And then the next thing I know, the state's attorneys and detectives are showing up and they're, they're forcing me to do it. And you know, I mean, I was more angry than I was scared but in the back of my mind I was thinking, you know, is the fix in?

**Bruce Fischer:** Offices a Russell Thomas also observed the lineup and he also testified to Jamie's unwillingness to participate. There was no evidence that he was visibly shaken or nervous during the lineup contrary to the representations made by the prosecutor. However, during closing arguments, the prosecutor stated as follows:

(Read from transcript)

*In June of '91, there was an in person lineup done at the jail, and you've heard repeatedly about how this defendant refused to participate. Even though he had an attorney present and he had multiple chances to talk to his attorney, he still refused to participate. He was visibly upset and shaken. Only when Officer's Bangle and Cox approached him to physically put him in the lineup, only then did he stand on his own in the lineup. Those are not the actions of an innocent man. Rather, that is circumstantial evidence of the defendant's consciousness of guilt. This defendant would like you to believe that those are not actions of a guilty person, but rather, they would be actions of someone innocent, who was concerned with being misidentified. And you'll recall the defendant played down his resistance. He wanted you to believe that the only thing he was concerned about was that he had his attorney there to be a witness for the lineup. And so he brought in his former attorney, Mr. Koritz to try to support his position. Well, that was the problem. Mr. Koritz couldn't support the defendant's position.*

**Jamie Snow:** I was just pissed off, I, I didn't do it. You know, I didn't commit the crime and I didn't want nothing to do with it, I didn't want to have no part of it.

**Bruce Fischer:** But Jamie's reluctance to participate in the lineup was in fact consistent with that of an innocent person who feared misidentification. Nearly two years after this lineup on November 15, 1993, lead investigator Charles Crowe cleared Jamie of Bill Little's murder based on the fact that he did not fit the suspect description.

**Jamie Snow:** The very first thing they did when they picked me up in St. Louis was Detective Thomas came up to me and he looked at my chin, he grabbed my chin, he was moving my chin around, he was looking at my chin. He was looking at my ears. He was looking for a scar on my chin, or an earring in my ear, you know earring holes from earrings or an earring in, in my ear based on the description by Gerardo Gutierrez. So they believe that Gerardo Gutierrez was the one who saw the killer. They, they knew of everything that we've already told you guys about Danny

Martinez and, and uhh Carlos Luna so I mean it, they, they knew that it was probably Gutierrez, who actually may have seen the killer.

**Bruce Fischer:** After being cleared during the investigation, Jamie went on to lead a normal life and started a successful tree cutting service. Detective Crowe retired in 1997, leaving the case unsolved. When the cold case detectives reopened it, they re-scrutinized Jamie based off the 1991 armed robbery, and they began gathering jailhouse snitches to justify their suspicions. Jamie was arrested for the murder on September 29, 1999.

**Jamie Snow:** Now fast forward to the year 2000, December of 2000, at my trial for the, for the murder of William Little, the same detectives came in and testified. Now all of a sudden, 10 years later, those statements were about the, the homicide case. Now I wanted guarantees and assurances about the homicide case. Now, I could explain everything about the homicide case. When I finally got the grand jury testimony and seen that they had testified to the grand jury about these, these statements and attributed them to an unrelated case and then came in 10 years later and attributed the same exact statements to the case that I was on trial for, it was unbelievable. And it's still unbelievable to me today.

**Tammy Alexander:** The following is an excerpt from Sergeant Thomas's testimony in Jamie's trial in 2001, concerning Jamie's interview upon his arrest in 1991, for the Freedom Oil Gas Station robbery.

(Read from transcript)

*Question: Now during the course of the conversation with the defendant, did he ask any other questions of you and agent Bernardini?*

*Answer: He wanted to know what would happen to him if he knew something. He was asking for guarantees or deals, wanted to know if something I believe his questioning was or his question was in reference to any type of sentencing or something like that.*

*Question: And what response did you and agent Bernardini furnish to him when he would ask you what would happen to him if he gave the information that he had?*

*Answer: We advised we were not allowed to make deals or guarantees, that we would take any information and forward it to the State's Attorney's Office.*

**Jamie Snow:** If you can get members of a task force to testify falsely, you can get every jailhouse informant, every single person looking for a, a reward, it's no problem getting anybody else to testify falsely. That's what they did. They testified falsely. And Detective Thomas testified at, at the murder trial that after that interview, he believed one of two things, either that I was involved in the murder, or that I knew something about it. He didn't know which, he just he thought it was one of those. When Thomas says, you know, I thought he was involved or he was there, he knew something about it, right?

I really want you guys to think about something right? Here's, here's uhh, two members of a task force, a multi jurisdictional task force put together to try to solve these cases. So I'm going to give them the benefit of the doubt on their life, the top of their class, you know, they're like, educated and, and I don't know maybe smart. What I really want you guys to think about it is, what did they do with the information from that interview? Right? You think I'm involved in this homicide your, your, uhh radar is seeping now you're interest is peeked? You think I was involved in this homicide, you believe I've made these, these incriminating statements? What do you do with that? I know what I would do and I'm not even a, a detective.

I mean, they, they didn't go to my sister's house and knock on the door and say, hey, can we come in and look around? We're looking for these items that were stolen from the gas station, we're looking for a, a long black trench coat or a brown windbreaker or a motorcycle jacket, or a .22 or a .25 caliber handgun or all caps or whatever. They didn't go to my sister's house and do that. They didn't go to my house. They knew where I lived, they didn't go to my house, knock on the door and ask, ask my wife hey, do you mind if we come in and look around? We're looking for these items were stolen from the gas station. They didn't do that. You know, they didn't go to any my friend's house, knocking on the door and looking for this stuff. You know what they did? They went to the grand jury and testified that those statements were about the case that I'd been under arrest for. And they went around knocking on peoples door to try to continue to, to, to gather evidence against me about the case that I'd been arrested for.

So you know, I mean, you have to try to read between the lines and put a little common sense into it. They took statements that I'd made about a case that I'd been

arrested for, testified under oath, that that's what the statements were about, and then 10 years later came in and testified that now the statements were about the murder case. And it worked so well, because I couldn't say anything about the other case that I'd been arrested for. I mean, I wish now I look back on it, and I, I wish what I would have did was just told the jury, okay, look, I have to come clean, I have to tell you, you know, there was another case that I was arrested for and just put all it out on the table for them and just said look, this is what I'd been arrested for, this is what these statements were about. I'd already testified under oath, this is what these statements were about, but I guess at the time, we will probably or I was, I was worried or afraid that they would just automatically, okay, man, he was arrested for this other, for this other robbery, you know, he must have done this one too. It would have, it would have just made me look even worse.

But now in hindsight, I look back on it, and I think, you know, the jury may have actually appreciated the fact that I'm putting it all out on the table for you. I don't have to tell you about this. But I'm going to tell you about this because it's the only way that you're ever going to be able to come to the right conclusion, you're gonna have to know everything. So, you said you could decide the case based on the evidence that's in front of you, and I'm gonna believe that you can and, and, and I should have put it out there on the table for them. It would have taken away the, the state's ability to present this evidence without being checked and without being umm, backed up, it made me look bad, I mean, it, it made me look bad. I mean I got a, I testified, I got up there and I testified to exactly what I'm telling you. When we were talking. I was talking about the case that I'd been arrested for. And I wasn't saying any you know, I wasn't we weren't even talking about the murders at the Clark Gas Station, I'm telling you as soon as they checked my chin and my ears, they didn't care about the Clark case. They were concerned about the case I'd been arrested for. Hindsight's always 20/20.

**Bruce Fischer:** Tam, Jamie had mentioned that there was a task force set up to try and solve a string of robberies in Bloomington, and that the Clark murder was high priority on the list. How did the task force begin to drag Jamie into all of that?

**Tammy Alexander:** Well, Jamie had been in trouble before, so from everything we've read, we think it was just a usual suspect kind of thing. We know now that they had several suspects. There are over 600 leads that we got through FOIA. And we've identified five alternative suspects, and these are people that they did not well, they cleared, but they didn't say how they were cleared or, or why they were cleared.

Between October 1988 and September of 1992, there were thirty-three armed robberies according to the Pantagraph, and that's why that task force was set up. Now, the rumor mill is that those robberies stopped after Jamie was arrested for Freedom. But, in fact, there were eight robberies after he was arrested for Freedom, including four Clark Oil Stations. So in 1991 alone there was seventeen robberies, so I mean, there was a very good cause for, a very good cause for a task force. But there was only a couple of people that I've seen that robbed multiple places and got arrested for that, and that was like three. The taskforce was looking at it like there's one person or two people doing this whole everything, but then they ended up arresting different people for this.

**Bruce Fischer:** You know, didn't hold up anyway because there was so many robberies after Jamie's arrest.

**Tammy Alexander:** Exactly. I mean, exactly.

**Bruce Fischer:** Tam, is it illegal to force a suspect to stand up in a lineup against their will?

**Tammy Alexander:** I can't speak to the legality of, of something because I'm not current on the case law and I'm not an attorney, but Tara did state in an appeal that a defendant does not have the right to refuse to participate in a lineup according to a decision made by the Supreme Court in 1967. However, in this situation, bringing up Jamie supposedly uncooperative behavior a trial prejudiced the jury, and that he should of gotten a new trial because of this. In 1985 appellate court of Illinois ruled that reluctance to comply is okay consistent with the response of a cautious, innocent person who would want to seek the advice of counsel before submitting.

And I think it's important to note, Jamie refused to stand in the lineup based on the advice from his attorney. And that Picl did not bring that attorney letter out. There was a letter that the attorney wrote Charles Reynard and said that his client was not going to stand in a lineup. And that was not brought out in trial. What do you do when your attorney comes to you and says, they're going to make you stand in a lineup, but I advise you not to do it because we know that misidentification is a thing? And then when they try to force him to go to the lineup, his attorney is then saying, okay, well you have to do it, you can't refuse it. And he was angry about that because he's like, okay, well wait a minute, you just told me this, you know a few days

ago, that misidentification is a thing and now you, now you're saying that I have to stand in this lineup. That could definitely make you unnerved.

**Bruce Fischer:** Sure, put him in a really bad position.

**Tammy Alexander:** It was a horrible position to be in. Again, there was no evidence of the way they made it sound nervous and agitated and scared. He was more aggravated and angry that he had to and they also didn't bring out the fact that several people had refused to be in that lineup from the county jail. They were trying to get people and they were like, no, but they wanted him in that lineup, for sure.

**Bruce Fischer:** Right. Now, we mentioned in this episode that Detective Crowe did clear Jamie of the Clark murder shortly after the 1991 lineup. Now how did he clear him?

**Tammy Alexander:** Well there was a police report early on, that said he was clear that he had no earring and no chin scar. Of course there was a rumor mill by then. There was a lot of rumors going around but one of them was that Jamie did it, Jamie and "Stretch" did it. Bla bla bla bla bla. There were a lot of people named. But again, over the years you can look through those reports and you can see where Crowe cleared, Jamie was cleared, this lead was cleared this long ago, and make a reference to that original report where he cleared them. But Jamie also took polygraph for Crowe and uhh, wouldn't do it early on, but he did it in about '93 or '94, and he was like, don't leave me alone about this, you know, I'll do it and I'll do it for you because he had a rapport with Crowe and he trusted him for some reason, that I'm unaware of why, but he did. Crowe said that he didn't think that he did it after he passed that polygraph. Now, Crowe retired in '97 and that's when Katz and Barkes took over the case, and that was around '98.

In '99, Susan and Jamie were arrested. So after seven years of investigation by the seasoned Detective Crowe who was there the first night on the scene and had worked on this case all this time, they had an arrest in less than two years. They never investigated anyone else for this crime. You can see the difference between the reports from early on, all the way up until Crowe retired, where he's looking at these different things and looking at these different people, investigating these different leads. They were saying when Katz and Barkes came on, they told everybody that they interviewed we're going back and we're interviewing everybody, we're going back through the case and we're interviewing everybody. But they didn't,

they only interviewed anybody related to fingering Jamie Snow for this. Pointing the finger at Jamie Snow. The investigations are like night and day but they did have all of those leads and what about all of those leads? Were they cleared because they didn't have a chin scar and an earring? That may have been good leads. Someone of color, you know that they cleared because they didn't match the description, and Jamie didn't either. He never had that either. They just, that part just went away.

**Bruce Fischer:** They didn't follow the evidence, they just set their sights on one thing.

**Tammy Alexander:** Obviously on one thing. Definitely that was Jamie Snow and they were going to get him for it.

**Bruce Fischer:** Lesley, Tam had mentioned that, that of course Jamie and Susan were arrested they were put on trial, on separate trials. Detective Crowe was questioned in depth about the lineup in Susan's trial, but not in Jamie's trial. How is Crow underutilized in Jamie's trial?

**Lesley Pires:** In Susan's trial, the state used Crowe as a witness to the lineup only. He was the lead investigator for more than six years. But the only questions they had for him the entire trial were about Jamie Snow's lineup. But at Susan's trial, he even admitted he never even spoke to Susan once. So when her defense attorney Steve Skelton got to cross-examine him, he started at the beginning making him verify the accuracy of Martinez's a statement from the night of the crime. He also then had him specifically verify that Martinez could not pick him from a mug book just months after the trial, even though there were two up close photos of Jamie in there. And he was able to point up at those photos that were included were much more detailed than what Martinez would have been able to see in the lineup anyway. He also got Crowe to concede that although he tried to be fair in the lineup, there were some people who didn't look like Jamie and the lighting was adequate, which rebuts Martinez's claim that he couldn't see well because of the dim lighting.

He also had Crowe admit that Martinez picked the wrong two people from the lineup all together. While the state had Crowe and other say that Jamie appeared nervous, Skelton was able to get Crowe to admit that he was actually angry, which is all he ever even wrote about Jamie's behavior in his original police report anyways, and he also added in at the very end that Jamie was six foot tall, which is not the suspect Martinez always claimed to see.

However, Jamie's trial, the state asked even fewer questions of Crowe. Even though he had many interactions with Jamie before the Clark murder and throughout his entire investigation, and he filed numerous reports on him, requested his polygraph, interviewed his wife, they just barely asked him anything and that stinks like something rotten to me. In the very least, it's keeping information from the jury. All the state asked him, the same prosecutor in fact, was if he conducted the lineup, if Jamie was uncooperative, and if Luna picked him. They did not even mention Martinez once, and that was strategic. They did not mention him hoping that Picl would not lay the foundation to ask questions about Martinez to him. They didn't directly bring up Martinez. So he couldn't just go in blazing and asking the questions, he'd have to carefully develop those questions leading into the subject of Martinez. And he just didn't even try.

However, Picl was keen to one thing that could have helped a little, and he tried, but it was delayed by an objection. He noticed that at Susan's trial, Crowe stated that Jamie was the only one in the lineup who did not volunteer. So he tried to ask Crowe about that testimony in an attempt to get him to admit that there were other people who are also asked from the jail who did in fact refuse to, and it wasn't just Jamie, But the state objected immediately because they did not have the actual transcript out in front of them to read from. So the judge said they could recall Crowe later when they found a transcript. But then when later came along, he disallowed it. And they just let this key witness go. The guy who was a key expert on the case for six years, he was barely utilized by either side.

**Jamie Snow:** What had happened was they ended up getting the transcripts, and then the judge just wouldn't let them recall Crowe And he was just like, I don't exactly remember exactly what he said, but he said something along the lines of, you know, recall on him just for that one statement. And I think what it was that they were trying to get from Crowe was they wanted him to testify like he did in Susan's trial that there were other guys who were refusing to stand in the lineup, that it just wasn't, wasn't just me, but that when they were going around the county jail, and trying to get guys to testify that there were other guys that were, that were refusing to stand in the lineup. So they were going to use that, you know, to argue to the jury that just because you don't want to stand in lineups is not, some sort of, uhh indication of, your guilt, it's not a guilty conscience, there were other people that didn't want to stand in it to.

You know, and I don't even know why they, I, I have no idea why they needed the transcript. I don't know what they needed the transcript for, what do you need the transcript for? What's the judge need the transcript for to follow along with? I mean, you get him up on the stand and you ask him great questions. The judge was the judge in the first trial. He wasn't following through the transcripts from Susan's trial when Danny Martinez was on the stand, or Carlos Luna, or Gerardo Gutierrez, or any other witness that testified in, in the trial. He wasn't saying, oh, wait a minute, no, hold up, can't let you introduce that, that testimony until I get a transcript from the first trial so I can follow along with the transcript. I don't know what was going on behind the scenes. But, from the time that they tried to ask him those questions to the time that they got the transcript and then we, we came back in all of a sudden now they decided they weren't gonna let them call, recall Crowe to testify to that so, I don't, I don't know what happened with that.

Had they of been prepared, they would have had the transcript in their hand so that when Crowe said, you know, I don't really recall they could have said, okay, we've got the transcript right here. Will this refresh your memory? I mean, that's what you do with a witness you, you have whatever questions you're gonna ask this person. If you're prepared to question this person, you have everything right there ready to go, so that if a person says, well, if I don't recall or whatever, you can refresh their memory with what you got. So for them, for Pat Riley to say, well, we don't have the transcript right here, we'll have to get it, is just, uhh, uhh an example of their, their being unprepared. They should have anticipated Crowe saying I don't recall.

**Bruce Fischer:** Lesley, Detective Russell Thomas's testimony over the years was kind of similar to what we saw with Danny Martinez, where it changed to fit a narrative, and then just got worse and worse over time. What exactly did he change and how did it get to the point where he was telling Jamie's jury that he and his partner both believe Jamie shot and killed Bill Little?

**Lesley Pires:** In Thomas's original report about his interview with Jamie, the one his partner prepared for him, all he said was that Jamie allegedly said he didn't rob anyone, he didn't understand how he could be charged if he didn't have a weapon, and he could provide information to clear up the robberies, but wanted guarantees from them that they were just unwilling to provide. He said Jamie stated he wanted to cooperate and tell the truth, but he had to think about it. And that's it. He testified to this exactly at the grand jury trial when Jamie was indicted, and those charges were later dismissed. In fact, the jury seemed to be keen that this was not enough

information because they made Thomas verify that Jamie did nothing and had no weapon, and he did verify that.

At Susan's trial nine years later, we all the sudden hear about the conversation in the backseat of the car, where Thomas refused to read Miranda Rights to Jamie, even though he admitted to having the Miranda card right in his pocket to read off of, and that this case was a high priority. He said he was so concerned about coercing them in the backseat of the car and having an intense conversation with him while he was armed. So he just kept deflecting Jamie's alleged questions about why he was a suspect in the Clark murder, apparently for a whole 15 minutes. But when they went into the interview room, and he insisted Jamie kept talking about the high profile case just 25 days after the murder, he then didn't feel compelled to even write it down.

Now, five months later at Jamie's trial, the story gets worse, like with everybody else. The story elaborates into Jamie supposedly only being concerned about the Clark murder and not at all about the robbery in which she was just forcibly arrested for at his sister's house. He said Jamie continually asked him about the murder in the backseat of the car, and allegedly now asked quote, "What would happen to me if I knew something about the murder?" He says he even wanted to talk about the murder after he was Mirandized in the interview room for two hours, and at one point he even got so heated that he jumped out of his chair and accidentally touched an officer.

Now, he says Jamie asked how he could be charged with a murder when he didn't even have a gun, not the robbery, as Thomas wrote in his actual report. He actually wrote down the word rob and then testified to the grand jury about it, also using the word robbery, never murder. Thomas then gets back to his original report, and starts to say that Jamie said, "What do you want me to say?" And he says the truth and Jamie said he's afraid to incriminate himself but is willing to cooperate later. So, you see at Susan's trial they're introducing this secret car ride conversation about the highest priority murder in town. And then when she gets off, by Jamie's trial, they just replace the word rob with murder and then circle back around to how scared and agitated he was about it. That's how they pulled that one off and Picl let them get away with it.

**Tammy Alexander:** And just to reiterate, there was nothing in that police report from Freedom, that car ride. They said nothing about a murder. And Jamie might have

said this before, but in case he didn't, they didn't go search his sister's house, get a warrant to find a weapon because there was no weapon at Clark. You know, they didn't go to his house and search it, try to find a weapon. They weren't knocking on peoples door asking them about the Clark murder. They weren't doing any of that in reference to Jamie Snow being a suspect in the murder case.

I mean, really, it's simple. They went there, they checked his chin and his ear and saw that he didn't have a scar and they were all about the Freedom robbery. That's what they were arresting him for. And they didn't say anything about the Clark murder. Not until Jamie, not until his sister called him crying, saying that, why are they arresting you for this Clark murder. Then he asked the detectives, why are you telling my sister that? That's when the Clark murder came up. So they just twisted around, they use the same testimony in the grand jury of the Freedom robbery, as they and his and his testimony in the Clark murder 10 years later. They use the same, as Lesley said, they were just replacing rob with murder, and that's insane. They lied. They lied on the stand. They knew what they were doing.

**Bruce Fischer:** And we have proof of that.

**Tammy Alexander:** Yeah.

**Bruce Fischer:** Lesley, Picl did cross-examine Russell Thomas for a long time. I mean, even longer than Steve Skelton spent on it during Susan's trial, but we know now obviously that he wasn't nearly as successful or successful at all. Where did he go wrong?

**Lesley Pires:** The biggest mistake Picl made was not questioning Russell Thomas about his grand jury testimony. Yes, he brought up his interview report and ruthlessly made him admit that he never included the word murder once. He did a real good job at that. But he didn't even mention the testimony he gave to the grand jury where he also didn't use the word murder once, and even said himself that Jamie was not accused of ever having a weapon. Skelton didn't bring this up in Susan's trial either. So if Picl is trying to wing it and, and just copy him, he wasn't prepared. By Jamie's trial as you just heard the story about the car ride had gotten so out of control and exaggerated so much, now with actual quotes being used. And obviously Picl was not expecting that and he could not combat it without proper pre trial preparation.

The other terrible thing Picl did was bring up that thing he liked to say over and over again. That thing where he goes, well, you didn't see Bill Little get shot, so how do you know it was Jamie? Like, why would you ever say that, especially to a cop? It's outrageous. He actually tried to get Thomas to agree on the stand that he was wrong in his belief that Jamie was the shooter because he didn't see him do it with his own eyes. What the hell? Of course Thomas was offended and doubled down and then actually said he and his partner both believed Jamie Snow killed Bill Little clear as day to the jury because Picl encouraged those words to come out of his mouth.

The other issues were in what he didn't ask, how he didn't attack his credibility in other ways. Charles Reynard got Thomas to say his report was only half a page long. So why didn't Picl ask him if it was a normal procedure to reduce a two hour-long interview down to half a page? And since he said Jamie was a murder suspect after that interview, why didn't Picl ask him to describe the murder investigation he did after Jamie left? What kind of surveillance did they do on Jamie after this? None of that was asked to Russell or even Crowe.

And I'd also like to point out that at the beginning of Picl's cross examination of Thomas, he gets him to admit that he is only now a patrol officer no longer a detective and he makes a dig at him, he says, okay, then I will call you Officer Thomas from now on. And I enjoyed that dressing down thoroughly, but it made me wonder was he demoted? Why was he no longer a detective after serving 30 years on the force? He was a detective since 1989. So what happened? Why didn't Picl bring that up and just ask him to, to attack his credibility. So as you can see, Picl failed miserably with this witness and actually did some damage of his own.

**Bruce Fischer:** Tam, these sound like a lot of serious issues that can be taken up on appeal. What has gone on with these over the years in the courts?

**Tammy Alexander:** Well, he lost his direct appeal. And then he's filed a post conviction petition, and then amended it with new evidence. What's important here is that, yes, he's filed this. The judges have denied for various reasons, they denied over the years, but he can't even get an evidentiary hearing and, and as we move further into this, you'll see, why that's so important. He has never, these people, have never been heard in court on appeal. These discrepancies have never been heard by a judge from the witness, so they can verify and validate their credibility.

For example, you know, if there was an evidentiary hearing then we could get Danny Martinez on the stand. Carlos Luna, Juan Luna, Pelo, everybody that was there that night and ask them questions about what we know now, and what we know that is, that is different; Charlie Crowe, all, all of these issues with Thomas and Sanders. We've known people to get a new trial, we've known people that have had four trials, and it's just astounding to me with all of these issues that he has never even gotten an evidentiary hearing, which is just in front of a judge, and they bring the witnesses up and question them to see if it warrants a new trial. And I think that's the most important takeaway from this. But you know, we're not stopping we have other things that we can work on, and we're working on the DNA motion as well.

**Lesley Pires:** In this episode, we explained how Jamie was implicated in an unrelated crime he did not commit and threatened with force to stand in a lineup only for charges to be dropped. When detectives and prosecutors needed a suspect for a murder eight years later, they worked together to alter an interview from an unrelated crime that would insinuate consciousness of guilt, but some (inaudible) detective already cleared Jamie. Detectives use their previous testimony from the Freedom robbery grand jury in the Clark Oil trial, insinuating to the jury that Jamie was concerned about the murder. If you have any information that may help Jamie, please call the tip line at 888-710-SNOW. There is a \$10,000 reward for any information leading to a new trial or the exoneration of Jamie Snow. But it wasn't only people of authority that lied to put Jamie away. People who were afraid of local law enforcement had their own stories for this journey. How did they get away with it? That's next time on Snow Files.

*Transcribed by: Melinda Wargacki*

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