

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE CENTRAL DISTRICT OF ILLINOIS  
3 STATE OF ILLINOIS

4 GORDON RANDY STEIDL, )  
5 Plaintiff, )  
6 vs. ) No. 05-CV-2127

7 CITY OF PARIS, Present and Former )  
8 Paris Police Officials Chief Gene )  
9 Ray and Detective James Parrish; )  
10 former Illinois State Trooper Jack )  
11 Eckerty; former Edgar County )  
12 State's Attorney Michael McFatridge;) )  
13 EDGAR COUNTY; and Illinois State )  
14 Police Officials Steven M. Fermon, )  
15 Diane Carper, Charles E. Brueggemann )  
16 Andre Parker and Kenneth Kaupus, )  
17 Defendants. )

18 -----) )  
19 HERBERT WHITLOCK, )  
20 Plaintiff, )  
21 vs. ) No. 08-CV-2055

22 CITY OF PARIS, Present and Former )  
23 Paris Police Officials Chief Gene )  
24 Ray and Detective James Parrish; )  
former Illinois State Trooper Jack )  
Eckerty; former Edgar County )  
State's Attorney Michael McFatridge;) )  
EDGAR COUNTY; and Illinois State )  
Police Officials Steven M. Fermon, )  
Diane Carper, Charles E. Brueggemann )  
Andre Parker, Kenneth Kaupus and )  
Jeff Marlow; and Deborah Rienbolt, )  
Defendants. )

25 DEPOSITION OF JAMES PARRISH  
26 March 5, 2009  
27 and  
28 March 6, 2009

29 June Haeme: RMR, CRR, CSR # 084-003038  
30 Area Wide Reporting and Video Conferencing  
31 301 West White Street  
32 Champaign, Illinois 61820

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16  
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 18 EXAMINATION BY:  
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1 (Commencing at 10:03 a.m.)

2 JAMES PARRISH,

3 having first been duly sworn, testified as follows:

4 EXAMINATION BY

5 MR. TAYLOR:

6 Q. Your name, sir?

7 A. James Parrish.

8 Q. And you're the same James Parrish who is  
9 the defendant in these two lawsuits that have been  
10 consolidated for purposes of discovery; is that  
11 right?

12 A. Yes, sir.

13 Q. And your present age, sir?

14 A. 59.

15 Q. All right.

16 A. No, 58.

17 Q. All right. And your present occupation?

18 A. Janitor at the courthouse in Paris,  
19 Illinois.

20 Q. How long have you had that employment?

21 A. About two and a half years, sir.

22 Q. Okay. And do you work for the county or  
23 the city?

24 A. County.

1 Q. County. Edgar County?

2 A. Yes, sir.

3 Q. All right. And prior to working for the  
4 county at the courthouse, what, if any, employment  
5 did you have you?

6 A. Worked construction.

7 Q. All right. And did you have your own firm  
8 or did you work for someone?

9 A. I worked out of the union hall, sir.

10 Q. All right. And what kind of construction  
11 did you do?

12 A. Run heavy equipment.

13 Q. And had you had training in that?

14 A. Yes, sir.

15 Q. And for how long did you work construction  
16 prior to going to the job as custodian at the  
17 courthouse?

18 A. Off and on I'd say probably 15, 16, 17  
19 years, something like that, not including my time in  
20 the Army which would be three years.

21 Q. Okay. Now, did you have a crew that  
22 worked with you or did you work on your own?

23 A. No, I worked for -- out of the union hall.  
24 You went out and they sent you on a job and so you

1 worked for other companies.

2 Q. All right.

3 A. I was an employee of whatever company they  
4 sent me out to work for.

5 Q. Okay. Prior to doing that, what  
6 employment did you have?

7 A. The construction?

8 Q. Uh-huh.

9 A. You want to go backwards or you want to  
10 come forwards?

11 Q. I'm going backwards right now.

12 A. I know. Construction, then I had a couple  
13 years at the sheriff's department, I worked  
14 construction, I had I think ten years at the police  
15 department, then there was a short gap in there  
16 where I worked for Morgan, then I worked for the  
17 police department, then until I was 19 construction  
18 in the Army.

19 Q. Okay. So basically going -- you just laid  
20 it out going backwards from the present --

21 A. Yes, sir.

22 Q. -- to all the way back to when you were in  
23 the Army in the late '60s; is that right?

24 A. Yes, sir.

1 Q. All right. Well, then let's turn it  
2 around and get your education.

3 A. High school education.

4 Q. Okay. Paris High School?

5 A. Yes, sir.

6 Q. And you got out of there in '68; is that  
7 right?

8 A. Yes, sir.

9 Q. And did you have as a classmate or were  
10 you in school at the same time as Darrell Herrington  
11 at Paris High School?

12 A. Oh, no.

13 Q. Was he older than you or younger?

14 A. Oh, a lot older than I was, sir.

15 Q. I take it the same with Gene Ray?

16 A. Yes, sir.

17 Q. He and Herrington are more the same age?

18 A. I would assume.

19 Q. Okay. So if you're 59, you'd say  
20 Herrington is probably about ten years older than  
21 you?

22 A. To be true, I don't know how old Darrell  
23 is or would have been. I was -- you might be close  
24 in that area. I wouldn't -- couldn't say for sure.



1 Q. Okay. All right. And after high school,  
2 did you get -- have any education after high school?  
3 Did you go straight in the military?

4 A. Went straight in the service.

5 Q. All right. And what branch did you serve  
6 in?

7 A. Army.

8 Q. And what rank did you make as far as the  
9 Army goes?

10 A. Sergeant.

11 Q. All right. And were you assigned anywhere  
12 outside of the United States?

13 A. Yes, sir, I was.

14 Q. Where were you assigned?

15 A. Viet Nam.

16 Q. And for how long were you assigned in Viet  
17 Nam?

18 A. One year.

19 Q. And what year was that?

20 A. '70 and '71.

21 Q. All right. And did you have a company or  
22 a division within the Army that you were in?

23 A. Sure. It was the 815th Engineers.

24 Q. All right. And where in Vietnam were you

1 assigned?

2 A. They moved us about every 30 days, so I --  
3 I was all over the country of Vietnam.

4 Q. All right. And were you doing  
5 engineering-related work?

6 A. Oh, yes, sir.

7 Q. All right. And were you in combat in the  
8 sense of fighting or were you dealing in terms of  
9 support and construction and that kind of thing?

10 A. Well, when you was over there, you did it  
11 all.

12 Q. So you --

13 A. Both, I would say both.

14 Q. All right. Were you wounded at any  
15 time --

16 A. No, sir.

17 Q. -- when you were there? And when did you  
18 leave the Army?

19 A. 1972.

20 Q. And did you receive an honorable discharge  
21 at that time?

22 A. Yes, sir.

23 Q. And you were discharged as a sergeant; is  
24 that right?

1 A. E5, yes, sir.

2 Q. And stateside you were discharged?

3 A. Yes, sir.

4 Q. And from where?

5 A. San Antonio, Texas, Fort --

6 Q. Okay. And the specialized training that  
7 you had in the Army, if any?

8 A. Heavy equipment operator.

9 Q. Now, after Vietnam, was your next  
10 employment in construction, is that what you said?

11 A. Yes, sir. I was trying to get into it,  
12 tried to get in the union, and the unions were very  
13 funny back then, so I just did what I could do to  
14 pick up work here and there.

15 Q. So was there a particular union that you  
16 joined or --

17 A. I joined --

18 Q. -- attempted to join?

19 A. -- the 841 Local out of Terre --  
20 eventually I joined the 841 Local out of Terre  
21 Haute.

22 Q. Local of what union?

23 A. Operating engineers.

24 Q. All right. And when did you join that

1 union?

2 A. I think I finally got them to sell me a  
3 card in 1979.

4 Q. All right. Now -- so from '72 to '79 you  
5 were nonunion and you didn't get work through the  
6 union?

7 A. Right. I'd work for different contractors  
8 here and there if I could find some work.

9 Q. Now, did you come to know Darrell  
10 Herrington as a contractor, a drywaller, during that  
11 period of time in the '70s when you were doing  
12 construction?

13 A. No, sir.

14 Q. Never worked with him before during that  
15 period of time?

16 A. No.

17 Q. When did you first come to know Darrell?

18 A. I would probably say when I became a  
19 police officer for the City of Paris.

20 Q. And that was in -- when was your first --

21 A. '77.

22 Q. 1977, okay. Didn't take long for you to  
23 learn about Darrell Herrington once you became a  
24 police officer, did it?

1 MS. EKL: Objection, form. You can  
2 answer.

3 THE WITNESS: Oh, okay.

4 MS. EKL: I'll be making maybe some  
5 objections throughout the course of the deposition.  
6 Unless I instruct you otherwise, you can answer.

7 A. Okay. Well, I -- Paris is a small town,  
8 so I would say you're absolutely right there.

9 Q. Okay. And we're talking about a town a  
10 little less than 10,000 people?

11 A. Yes, sir.

12 Q. And you grew up there, right?

13 A. Yes, sir.

14 Q. And Darrell grew up there as well, right?

15 A. Yes, sir.

16 Q. So everybody kind of knew everybody else's  
17 business to one degree or another --

18 A. Yes, sir.

19 Q. -- would that be fair to say? And if you  
20 are -- if you're a police officer, you're more or  
21 less assigned to know other people's business,  
22 particularly people who might be becoming afoul of  
23 the law; is that right?

24 A. Exactly.

1 Q. And a lot of the work that you do in a  
2 small town in terms of investigating and policing  
3 would have to do with dealing with domestic  
4 disturbances, drunk and disorderly, those kinds of  
5 things. Isn't that fair to say?

6 A. Yes, sir.

7 Q. And so Darrell was pretty much a -- I use  
8 this term loosely -- a star when it came to both the  
9 drunk and disorderly and the domestic violence  
10 fields, wasn't he?

11 MS. EKL: Objection, form, foundation.

12 Q. Well, let me rephrase. He stood out  
13 amongst most of the citizens in Paris when you came  
14 on the police force and became familiarized with  
15 what was going on there in both the areas of  
16 domestic violence and in the area of drunk and  
17 disorderly. Isn't that fair to say?

18 MS. EKL: Objection, foundation.

19 A. I wouldn't say that drunk and disorderly  
20 as much as -- of course, are you referring to drunk  
21 and disorderly like a town disorderly conduct,  
22 fighting in bars or -- is that what you have in  
23 mind?

24 Q. Yeah, that kind of thing.

1           A.    I don't remember him fighting in bars or  
2 nothing like that.

3           Q.    Okay.  But you do remember getting -- that  
4 the department would get frequent calls from his  
5 wife Betty concerning domestic violence that she  
6 would allege that was happening out at their house  
7 when he would get drunk, right?

8           A.    That's right, sir.

9           Q.    So you knew that he had a propensity for  
10 violence at least within the family when he would  
11 get drunk, right?

12           MS. EKL:  Objection, form, foundation.

13           A.    Yeah, basically between him and Betty.

14           Q.    But it also spilled over sometimes to  
15 Betty's children and to other people that were close  
16 in the family, right?

17           MS. EKL:  Objection, foundation.

18           A.    I can't answer.  Only time I can remember  
19 ever dealing with Darrell is when him and Betty got  
20 into it.  I remember no other incidences with him  
21 and the children.

22           Q.    Okay.  On how many occasions would you say  
23 during your first stint at the police department did  
24 you have an occasion to deal with Darrell when he

1 was drunk and involved in alleged violence against  
2 Betty or any of her relatives?

3 A. I have no idea.

4 Q. Would you say it's more than five or less  
5 than five?

6 A. I couldn't even say one way or the other.  
7 I -- I don't have any recollection.

8 Q. Okay. Well, we did Betty's deposition a  
9 couple of weeks ago, you may have heard, and on her  
10 testimony, she said that the police were called  
11 numerous times per year to their house. I forget  
12 whether she said 15 or 20 or something like that.  
13 Do you remember being called on many of those  
14 occasions?

15 MS. EKL: Objection, form.

16 A. No. No, sir, I don't.

17 Q. All right. But you did sometimes. You  
18 just don't remember how often, right?

19 A. Yes, sir.

20 Q. And you were called frequently enough to  
21 know Darrell's propensities in terms of violence  
22 when drunk and the fact that he drank, right?

23 MS. EKL: Objection, form, foundation.

24 A. Yes, sir.



1 Q. And, in fact, would it be fair to say that  
2 he was known around town and in the department as  
3 the or a town drunk?

4 MS. EKL: Objection, foundation.

5 A. Yeah. We had a lot of them too.

6 Q. Okay. But he was one of them, right?

7 A. Yeah.

8 Q. Was --

9 A. I don't want to single him out for being  
10 the only town drunk.

11 Q. All right. Well, I know we got Squeaky --

12 A. Yeah.

13 Q. -- but any others you can think of other  
14 than Darrell and Squeaky?

15 A. You haven't got enough paper to make a  
16 list.

17 Q. So there was a lot of drinking and later a  
18 lot of drugs in Paris, right?

19 A. Yeah, a lot of taverns.

20 Q. All right. And with regard to -- did you  
21 ever have to go on domestic violence calls of other  
22 people who you considered a town drunk?

23 A. Oh, yeah.

24 Q. Who -- who and when?

1           A.    Oh.  When, I don't have any idea.  Had a  
2   guy named Leo Shanks.  Him and his wife was always  
3   -- they was always into it.  Now, there was -- there  
4   was a frequent.  That was more frequent than Darrell  
5   was Leo Shanks.

6           Q.    Okay.  Is he still around?

7           A.    No, he's dead.

8           Q.    Okay.  Anyone else you can think of?

9           A.    Not off the top of my head I can't.

10          Q.    Okay.  Now, Darrell also had a propensity  
11   to drive around town at a fairly fast rate of speed  
12   and was often getting stopped for DWI, right?

13           MS. EKL:  Objection.

14          Q.    Or DUI, excuse me.

15           MS. EKL:  Objection, form, foundation.

16          A.    Yes, sir.

17          Q.    Okay.  Did you have an occasion to stop  
18   Darrell from time to time?

19          A.    Yes, I've arrested Darrell.

20          Q.    And at first stint, let me fix -- how many  
21   years were you an officer before you left the force  
22   for the first time?

23          A.    Just a shade over two.

24          Q.    '77-'79?

1 A. Somewheres in that area.

2 Q. All right. By 1980, you had taken -- you  
3 had left the department?

4 A. Yes, sir.

5 Q. Okay. Now, in that '77 to '80 or '77 to  
6 '79 period, you had an occasion to arrest or stop at  
7 the very least Darrell on occasions for  
8 alcohol-related traffic offenses, did you not?

9 A. I can't answer that because I don't have  
10 any recollection.

11 Q. Okay. But it would -- you do have a  
12 recollection of stopping him whether it was the  
13 first time you were an officer or the second time,  
14 right?

15 A. Oh, I arrested Darrell, yes.

16 Q. And you know that others like Wheat and  
17 other people on the force had stopped him and  
18 arrested him as well, right?

19 A. That I don't know for a fact who Wheat  
20 arrested, but myself, I do know that I did arrest  
21 Darrell.

22 Q. And you knew that others had as well.  
23 Maybe not specifically, but you knew that you  
24 weren't the only one --

1 A. Exactly right.

2 Q. -- arresting him.

3 A. Exactly right.

4 MS. EKL: You guys, I don't know that  
5 you -- you didn't explain this, Flint, but I think  
6 the court reporter is having some problems. Jim, if  
7 you could wait until he finishes his question  
8 because the court reporter can't take both of you  
9 down and I notice you keep talking over each other,  
10 so --

11 THE WITNESS: I'm sorry.

12 MS. EKL: -- if you could help her out,  
13 wait until he's finished.

14 THE WITNESS: Kick me on the shin.

15 MS. EKL: You are kind of going back and  
16 forth at the same time.

17 BY MR. TAYLOR:

18 Q. Okay. Now, during your first two or three  
19 years on the department, were you patrolling at that  
20 time?

21 A. Yes, sir.

22 Q. Did you receive any training, police  
23 officer training before or while you were on the  
24 job?

1 A. Yes, sir.

2 Q. And specifically did you receive any  
3 training with regard to investigations?

4 A. Yes, received some PTI.

5 Q. Okay. Now, PTI stands for what?

6 A. Police Training Institute, I'm sorry.

7 Q. Okay. And specifically what kind of  
8 training did you receive about investigations?

9 A. To be quite frank, now I can't remember.  
10 One of the courses I do believe was preliminary  
11 investigations.

12 Q. All right. Were you trained at all in  
13 terms of evidence preservation?

14 A. I would say, yes, that was part of the six  
15 week schooling we went through.

16 Q. Okay. And what specifically were you  
17 trained with regard to evidence preservation?

18 A. Well, the first thing you did, you never  
19 touched anything if you was a street cop and going  
20 in on a crime scene.

21 Q. Uh-huh. Anything else that you remember  
22 you were trained?

23 A. Well, you kind of took notes of where  
24 everything was at, make sure nothing was disturbed,

1 nobody entered the crime scene prior to the  
2 detectives or the crime scene technicians getting  
3 there. Basically preservation of everything.

4 Q. And did you also receive any training with  
5 regard to report writing?

6 A. I would say that was included in the PTI  
7 too, but I can't tell you for sure unless I would  
8 see what the schedule was they had in school.

9 Q. Okay. What do you recall, if anything,  
10 about what you were trained with regard to report  
11 writing?

12 A. Well, would have just been that make sure  
13 your time and dates and places are in there, and the  
14 facts that you see or are told, to make sure those  
15 are in the reports.

16 Q. Okay. Now, did you receive any training  
17 about what kind of evidence to document and what  
18 kind of evidence you were not required to document?

19 A. No.

20 Q. Okay. And did you receive any training  
21 with regard to what kind of evidence needed to be  
22 preserved in documentary form? In other words, let  
23 me restate the question.

24 Beyond the names and dates and that kind

1 of thing, were you taught anything about what kinds  
2 of information to record in a report and what kind  
3 of information you were not required to record in a  
4 report or was that pretty much up to the officer's  
5 own discretion?

6 A. That and also you would always write in  
7 your report what you thought was pertinent to the  
8 crime.

9 Q. Okay. And that would be pretty much up to  
10 you --

11 A. Yes, sir.

12 Q. -- to decide, right?

13 A. Yes, sir. Sorry about that.

14 Q. So they didn't give you any schooling on  
15 this might be important later on in the case so you  
16 should write it down. That was for your own -- your  
17 own determinations as an officer. Is that fair to  
18 say?

19 A. I would say that's very true.

20 Q. Okay. Now, I want to show you what I'm  
21 going to mark as Parrish Exhibit No. 1. This is a  
22 group exhibit and it starts at 002594 and ends at  
23 002636. Okay, it's the Herrington documents with  
24 regard to the driver's license material.

1 MS. EKL: Do you have a copy?

2 MR. TAYLOR: I have a -- I have two  
3 copies, one for the witness and one for you.  
4 Otherwise --

5 MS. EKL: Thank you.

6 MR. TAYLOR: -- everybody's on their own.

7 (Parrish Exhibit No. 1 was marked by the  
8 court reporter.)

9 BY MR. TAYLOR:

10 Q. Now, I want you to take a look at this,  
11 reference it, I'm not asking you to look through it  
12 right now, but I'm looking at the first couple of  
13 pages. That appears to be what -- some kind of rap  
14 sheet with regard to Darrell's alcohol-related  
15 offenses. Is that fair to say?

16 A. Yes, sir, I would.

17 Q. And is this something that you would see  
18 from time to time in your work as a detective and  
19 earlier as a police patrolman, this kind of  
20 recording of various offenses and arrests of a  
21 suspect?

22 A. No, sir.

23 MS. EKL: Just for the record, the  
24 abstract that's on top is dated September 4th, 2001.



1 MR. TAYLOR: Okay.

2 BY MR. TAYLOR:

3 Q. You've never seen this kind of State of  
4 Illinois driver's license file before on any  
5 particular person that you were dealing with?

6 A. No, sir, because I believe this is  
7 something that would have been in the State's  
8 Attorney's office if they would have ran his license  
9 check through the Secretary of State.

10 Q. Well, without regard to this particular  
11 one, which of course is Herrington's, I'm asking you  
12 whether you're familiar with this kind of document?  
13 Have you seen these in the past and had to interpret  
14 them in order to understand the record of a  
15 particular defendant or witness that you were  
16 dealing with?

17 A. Okay, yes, I have.

18 Q. Okay. But is it your testimony that  
19 during the time that you were dealing with Darrell  
20 Herrington as a possible witness and as a potential  
21 suspect in the Rhoads murders, that you never saw  
22 any version of this particular document having to do  
23 with his record, driving record?

24 A. No, sir, I don't.

1 Q. Okay. Let me ask you this. Looking at  
2 this particular document, does this appear to  
3 indicate that he had arrests for traffic-related  
4 offenses in August of '77, in June of '78, in  
5 November of '78, and then it starts in '79 to be a  
6 DUI, March of '79, and then again in '78 driving  
7 under the influence and speeding in '78. Is that  
8 what those indicate? Are those the dates of the  
9 arrest and the offense or at least the most serious  
10 offense that he was arrested for in each of those  
11 instances?

12 A. That's the way I interpret it.

13 Q. Okay. And do you also -- given your  
14 expertise, when it says effective date of action,  
15 what are they telling us there? You see the second  
16 column, the third column, it says effective date of  
17 action and it has a different date, usually a  
18 subsequent date, than the date on which he was  
19 arrested for these particular offenses.

20 A. Okay, I see what you're saying.

21 Q. What does that tell us?

22 A. I would -- I'm assuming that's when -- the  
23 first column is when the crime was committed, and  
24 the second column is when it was -- what word do I

1 want to use? -- worked out or settled in court is  
2 how I would interpret this.

3 Q. Okay. Now -- and the third, description  
4 of the action, these are -- are these particular --  
5 indicate convictions for various traffic offenses,  
6 is that how you read that, or do you know?

7 A. Sir, I don't know.

8 Q. All right. This indicates as well, you  
9 see that there's -- there's down in about the middle  
10 of this page, it says reckless driving and then it  
11 says 5/18/79, 6/13, 10/2/80, 3/2/81. Do you see all  
12 those? There's about seven entries there.

13 A. Yes, sir.

14 Q. Does that indicate that on one of those  
15 occasions he was stopped for reckless driving?

16 A. I have no idea.

17 Q. All right. Would that -- given your  
18 experience as an officer looking at documents such  
19 as this, would that be your best interpretation of  
20 this document?

21 A. I couldn't interpret it because it doesn't  
22 -- that sounds clear out of whack to me.

23 Q. What do you mean? That he would have that  
24 many of them?

1           A.    Yeah, he would have that many reckless  
2 driving charges just like every month.

3           Q.    Uh-huh.

4           A.    But like I say, I don't understand -- I  
5 don't understand what all this is, and I don't  
6 understand the -- well, the ticket numbers, those  
7 are on the other side, so I don't know, sir.

8           Q.    All right.  But then we get down here to  
9 December 26 of '82 and it appears that he has  
10 another DUI; is that right?

11          A.    Yes, sir.

12          Q.    And then going to the bottom of that page  
13 and then to the next page, he has a DUI in February  
14 of '85; is that right?

15          A.    Yes, sir.

16          Q.    Okay.  And then another one in -- then  
17 there's another DUI here, doesn't have a date, but  
18 effective date of action is 3/21/85, right?

19                MS. EKL:  Objection, foundation, to the  
20 extent you're asking him to interpret a document  
21 he's already told you he doesn't know what the codes  
22 mean.

23          Q.    Well, we know what the dates are, right?

24          A.    Yeah, I understand the date, sir.

1 Q. Yeah. So we -- both you and I, certainly  
2 you as an officer and me as a lawyer, can understand  
3 some of at least what this document is telling us,  
4 right?

5 A. Yes, sir.

6 Q. And we have here a DUI and then we have a  
7 date of 8/6/86 and it says statutory summary  
8 suspension and above it it says refused to submit to  
9 test under section so-and-so. Does that indicate to  
10 you that sometime in July and August of '86 that  
11 Darrell was stopped for DUI and he refused to blow  
12 or to take a Breathalyzer and his license was  
13 suspended because of that?

14 A. That's my assumption of what I'm reading.

15 Q. Okay. Now, then we don't see anything  
16 until another DUI in it appears to be 1990, right?

17 MS. EKL: Objection, foundation.

18 Q. Well, it's unclear whether that's just an  
19 action that was based on a DUI or whether he has a  
20 new DUI, right, because there's no date?

21 A. There's no dates on here -- here we go,  
22 I'm sorry.

23 Q. So would that -- that might indicate that  
24 he lost his license for those five or so years and

1 then he had it reinstated in '90. Is that a  
2 possible interpretation?

3 MS. EKL: Objection, form, foundation.

4 A. Shows to me, though, he got a driving  
5 permit.

6 Q. Okay. And where does it show you that?

7 A. You come down to it says type of action  
8 78.

9 Q. Uh-huh.

10 A. Then 6/5 of '90 says RDP.

11 Q. Yes.

12 A. If I remember correctly, that's a  
13 restricted driving permit is what that means.

14 Q. Okay, all right. So then he went from  
15 having his license suspended, and I think we can  
16 tell from other documents that it was actually  
17 revoked, to having a -- getting a restricted permit  
18 about five years later in '90. Is that your  
19 understanding of this document?

20 A. Yes, sir.

21 Q. Okay. All right. So was this document  
22 available for the Paris Police Department? Could  
23 you get a printout from the Illinois Department of  
24 -- whatever the Illinois department is that deals

1 with driver's licenses and offenses. You could have  
2 obtained such a document in your -- as part of your  
3 official duties if you wanted to look at someone's  
4 record and what their history was, could you not?

5 A. Yes, sir.

6 Q. And did you normally do that when you were  
7 dealing in a case and you wanted to get a complete  
8 understanding of a witness that you were  
9 contemplating using in a criminal prosecution?

10 A. No, sir.

11 Q. Would you agree with me that it would be  
12 important to determine, for purposes of credibility  
13 sake, what the background of a witness that you were  
14 presenting for testimony in a felony case was?

15 MS. EKL: Objection, form, foundation,  
16 incomplete hypothetical.

17 A. Myself, not necessarily, because to me his  
18 driving record wouldn't have anything to do with him  
19 being a witness in a homicide.

20 Q. Well, credibility would certainly be  
21 important, right?

22 A. Well, just because you're a drunk driver  
23 doesn't mean you're a liar.

24 Q. Well, I'm not asking you -- I'm asking you

1 a different question. I'm asking you whether  
2 credibility of a witness is important to you as a  
3 police officer when determining whether there's  
4 probable cause or not to arrest and prosecute an  
5 individual, whether it be a homicide case or whether  
6 it be a misdemeanor case, right?

7 A. I guess I'm not following what you're  
8 trying to ask.

9 Q. Okay. Well, let me try to clarify it.  
10 You would not recommend -- you would determine there  
11 was probable cause in a case if you felt that the  
12 witness that supported probable cause was lying,  
13 would you?

14 A. No.

15 Q. Okay. So in that sense, credibility is  
16 certainly important to the determination of probable  
17 cause, right?

18 A. Yes, sir.

19 Q. All right. And wouldn't you agree with me  
20 that if a person was known to exaggerate or to lie,  
21 that would be an important thing with regard to that  
22 person's credibility?

23 A. Yes, sir, if that person lied.

24 Q. And if that person had engaged in



1 deceptive types of practices in the past that you  
2 could document, that would go to his credibility,  
3 right?

4 A. Deceptive practices would, yes.

5 Q. Okay. Did you make any determination at  
6 any time with regard to Darrell Herrington about  
7 whether he had engaged in any documented deceptive  
8 practices?

9 A. Me? No, sir, I didn't.

10 Q. Do you know if anyone else did?

11 A. I have no idea.

12 Q. Did Jack Eckerty do that?

13 MS. EKL: Objection, foundation.

14 A. I don't know.

15 Q. Okay. So you yourself or no one that you  
16 know of did any checking on whether Mr. Herrington  
17 had in his background any kind of deceptive  
18 practices, that being theft, misuse of a credit  
19 card, writing bad checks, any of that kind of  
20 deceptive practice. You didn't know anything one  
21 way or the other about Darrell on that, did you?

22 A. No, sir, I didn't.

23 Q. All right. But you would agree with me it  
24 would be important to know that, right?

1 A. Yes, sir.

2 Q. Okay. Now, alcoholism, being a drunk,  
3 that would go to someone's credibility, wouldn't it?

4 A. I don't know if it would go to his -- this  
5 is just me speaking from my side.

6 Q. I'm asking you to speak now as a police  
7 officer --

8 A. Right.

9 Q. -- and an investigator, okay?

10 A. Right. I would take whatever he had. If  
11 he's intoxicated or under the influence, I would  
12 take whatever he had to say at that time, listen to  
13 it, maybe mentally document it or maybe make some  
14 quick notes, and then let him sober up and talk to  
15 him at a different time to see if the two stories  
16 are still the same or they're clear off base or I  
17 can put anything with his statements or stories to  
18 substantiate what he had told me.

19 Q. So your approach or practice would be with  
20 a town drunk or someone that was intoxicated, you'd  
21 wait for them to sober up and see if they told you  
22 the same story sober as when they were drunk?

23 A. Yes, sir, and whether I could corroborate  
24 their statements at all times on any of that.

1 Q. Did you have any concern that the fact  
2 that someone was -- was a lifetime alcoholic and had  
3 been abusing his brain and his body all those years  
4 with alcohol, that that would have some effect on  
5 his ability to tell a straight or credible story?

6 MS. EKL: Objection, form, foundation.

7 A. I don't -- I don't think so.

8 Q. Okay. So the fact that a person like  
9 Herrington had been an alcoholic for 15 or 20 years  
10 by the time that the Rhoads homicides happened, had  
11 numerous incidents of driving while drunk, that  
12 wouldn't to you be a factor to weigh with regard to  
13 his credibility in any witness testimony he would  
14 give you?

15 MS. EKL: Objection, form, foundation.

16 A. Yes, unless I could corroborate what he  
17 was saying through other information coming in.

18 Q. Now, I may have -- we may have got a  
19 double negative in here, so I'm not sure that I --  
20 I'm not sure exactly what you're saying. I want to  
21 get it clear.

22 Why don't you read back the question just  
23 so we make sure we get -- you understood my question  
24 and the answer is --

1 A. Okay.

2 (Requested portion of the deposition was  
3 read by the court reporter.)

4 BY MR. TAYLOR:

5 Q. So I'm asking whether that would be a  
6 factor or not?

7 MS. EKL: Same objection.

8 A. It would be a small factor, but I wouldn't  
9 throw everything he said out the window because he  
10 was a drunk or an alcoholic.

11 Q. Okay, it would be a small factor.  
12 Deceptive practices would be a larger factor to you  
13 or not?

14 A. Probably not.

15 Q. Probably not larger?

16 A. I don't think so. What -- no matter what  
17 a person says, I mean he could be the biggest liar  
18 in the world, but if he tells you a story and then  
19 -- but you wouldn't do anything on his say-so until  
20 you had more corroborating information from other  
21 people to substantiate whether he's telling you that  
22 or not.

23 Q. Okay.

24 A. If I'm -- if I make myself clear.

1 Q. So you're saying you would want more  
2 corroboration if it were someone like Darrell  
3 Herrington than if it were someone like the mayor of  
4 Paris?

5 MS. EKL: Objection.

6 A. Exactly right.

7 Q. Now, did you as a detect -- strike that.  
8 Did you as a police officer have any kind of  
9 practice that you followed with regard to taking  
10 notes when you took -- when you talked to a witness?

11 A. As a police officer?

12 Q. Yeah.

13 A. On the street, a street cop?

14 Q. Right now, yeah. Right then, yeah.

15 MS. EKL: Objection. Just to be clear,  
16 when you say right then --

17 Q. I mean when you were a street cop, thank  
18 you.

19 MS. EKL: Okay.

20 A. You carried a little notebook pad in your  
21 pocket and you jotted down things. If you went to  
22 an accident or you went to a burglary or whatever  
23 you went to, the street cop was always the first one  
24 there, so it was his job to jot down notes of what

1 everything was when he got there and what he  
2 observed and if there was any witnesses out there  
3 that he saw or he'd get their names or whatever, and  
4 if it was a severe crime, then the detective was  
5 called in and then he would relay on from his notes  
6 what he had told or what he had found out onto the  
7 detective.

8 Q. All right. And why did you leave the  
9 department in '79 or '80?

10 A. I got mad.

11 Q. Okay. And you got mad at whom?

12 A. Department, City of Paris.

13 Q. All right. And why did you get angry with  
14 them?

15 A. Well, we was having some bad winters down  
16 there and at that time I -- like I said, I worked  
17 construction on the side and I had a four-wheel  
18 drive truck and the snow was deep, nobody could get  
19 around in a squad car, so I volunteered to use my  
20 truck to get around to answer whatever, we had calls  
21 come in or somebody needed something. And with all  
22 the snow and everything, it got up underneath the  
23 hood of the truck, covered everything. Anyway,  
24 shorted out my electrical system.

1           And when I went in to the city to ask them  
2           if they would at least repair or make the repairs on  
3           my truck, they said no, we're sorry. I said you're  
4           the people that asked me to use my truck. Well, I  
5           -- so I just -- I got mad and quit.

6           Q.     Okay. Now, we've heard from more than one  
7           witness that you have a pretty good temper. Is that  
8           a fair characterization of you?

9           MS. EKL:  Objection, form, foundation.

10          A.     Well, depends on who you talk to I guess,  
11          you know. Oh, yeah, I got a temper. I'm not going  
12          to sit here and tell you I don't.

13          Q.     Okay. And how would you manifest that  
14          anger, that temper that you have?

15          A.     My voice would raise.

16          Q.     All right. Ever get in any physical  
17          altercations either on the job or off the job?

18          A.     Oh, on the job if somebody hit me or we  
19          had to forcibly arrest somebody, yeah, but as far as  
20          get down and fight in the mud and, you know, brawl,  
21          no.

22          Q.     All right. Well, did you ever have any  
23          fights, bar fights or anything like that, when you  
24          were off duty or before you became an officer?

1 A. No.

2 Q. Do you drink?

3 A. Occasionally a little bit.

4 Q. Did you back then in the day?

5 A. Very, very little.

6 Q. All right. Did you frequent any of the

7 bars in Paris?

8 A. Not back then, no.

9 Q. All right. So you never had an occasion

10 to sit down at a bar with Darrell Herrington?

11 A. Oh, no, no.

12 Q. Did you ever go to the Bon Ton Restaurant?

13 A. Oh, yeah.

14 Q. Did you ever go to the Bon Ton Restaurant

15 when Darrell was there?

16 A. Very good possibility, yeah.

17 Q. Okay. Well, did you ever go and have a

18 coffee or lunch with Gene Ray at the Bon Ton?

19 A. Very possibly I could have.

20 Q. Okay. Do you ever remember having coffee

21 with Darrell and Gene Ray at the Bon Ton?

22 A. No.

23 Q. Or whether it's coffee or not, of being

24 there together with Gene Ray --



1 A. Not to my --

2 Q. -- and Darrell?

3 A. -- recollection, no.

4 Q. You mentioned that you had a few  
5 altercations when you were -- I take it you were  
6 talking about while you were a police officer when  
7 you said the altercations you mentioned. Am I  
8 right?

9 A. Yes, sir.

10 Q. Can you remember the names of any of the  
11 individuals with whom you had these altercations,  
12 physical altercations?

13 MS. EKL: Objection, form, foundation.

14 A. The one that stands out in my mind are the  
15 Plunkets which I know you got information on.  
16 They're the ones that sued me for that.

17 Q. And what happened in that situation?

18 A. There was a fight at Bon Ton Restaurant  
19 late at night. Used to be open 24 hours a day.  
20 Police officer's name was -- we called him Tip  
21 Irish, was the first officer that went down there on  
22 the fight call, and the Plunkets were kind of  
23 beating up on Tip, and so he had -- there was a  
24 civilian down there that he had to have help him to

1 try to curtail the situation until some other police  
2 officers got there.

3 Well, when we got there, they had the  
4 Plunkets under control and in handcuffs, so they put  
5 them both in the back seat of my squad car and told  
6 me to take them to the county jail. Well, on the  
7 way to the county jail, Roger Plunket and his wife,  
8 Cathy I believe, they're in the back seat screaming  
9 and hollering, they're trying to get over the seat  
10 to get at me and he's trying to bite me on the ear.

11 So I stopped the squad car right there on  
12 the -- on the square before I had a wreck with both  
13 of them in the car, and then the two other squad  
14 cars pulled up beside me and took them out of my car  
15 or took her out of my car and left him in there, and  
16 I just pushed him down on the floorboard where he  
17 couldn't get back up 'til I got to the jail.

18 We got to the jail and I don't know how  
19 many of us it took to get them both inside the jail,  
20 and got them both inside the jail and they tore fire  
21 extinguishers off the walls and everything else in  
22 there because they were drunk and on drugs and  
23 everything else. And I mean they got the arrest  
24 done, got them locked up, and I'm the only one that

1 got sued in the whole bunch, so go figure.

2 Q. Okay. So what did they allege that you  
3 did?

4 A. I don't remember because I don't -- it's  
5 been so long since I read that, I don't remember  
6 what they specifically said I did.

7 Q. Did you have to testify in that case?

8 A. No, it never went to court.

9 Q. Okay. So you never gave a deposition like  
10 you're giving here today?

11 A. Oh, no, sir.

12 Q. All right. Have you ever given a  
13 deposition prior to today's deposition?

14 A. No, sir.

15 Q. Have you testified in court other than the  
16 occasions that you were called in the Steidl and  
17 Whitlock cases?

18 A. Oh, many times.

19 Q. Okay. And that would be at Edgar County?

20 A. Yes, sir.

21 Q. Have you also testified in other courts in  
22 other counties?

23 A. Coles County but that had something to do  
24 with this case here, Clark County had something to

1 do with this case here. Other counties. Well,  
2 Vermilion County, that's where the trials were held.  
3 Not to my recollection.

4 Q. Now, you said Plunket sticks out in your  
5 mind. Are there any other cases that you can think  
6 of, not just necessarily cases in that sense, but  
7 any other incidents you can think of where you used  
8 force or you were involved in a physical  
9 altercation?

10 A. Oh, there were several.

11 Q. Can you give me any names?

12 A. No, sir, I can't, but I remember it was  
13 not -- you know, that was just part of being a  
14 street cop in Paris.

15 Q. Okay. So sometimes you would get into a  
16 physical thing with some of the people that you were  
17 trying to arrest?

18 A. Yes, sir.

19 Q. All right. And did you have any physical  
20 altercations when you became a detective, after you  
21 became a detective, with anyone?

22 A. Yeah, had one.

23 Q. All right. And who was that?

24 A. Let's see here. What was his name? His

1 name slips me right now.

2 Q. Do you have any records of this?

3 A. Oh, yeah, we ended up arresting him for  
4 drugs. Oh, do I have records of it? No. No, I  
5 don't.

6 Q. Was there a complaint mechanism within the  
7 Paris Police Department if I was someone who  
8 alleged -- like, for instance, did you say the name  
9 was Plunket or --

10 A. Roger Plunket.

11 Q. If I wanted to complain on you to the  
12 department, could I do that?

13 A. Yes, sir.

14 Q. And would you just go to the chief or how  
15 would you do that?

16 A. Yeah, the complaint would have gone to the  
17 chief and then it would have been up to his  
18 discretion who he had investigate it.

19 Q. Okay. Now, in this case that you're  
20 telling us you can't remember the name now, was  
21 there a complaint made against you?

22 A. No.

23 Q. Did Plunket make a complaint against you  
24 with the chief?

1           A.    Sir, I don't remember. I just remember  
2   the lawsuit coming in.

3           Q.    Have you had any complaints made against  
4   you while you've been a Paris police officer?

5           A.    No, sir.

6           Q.    All right. Okay. So you -- now, we've  
7   seen somewhere that you were suspended from the  
8   police department and that's why you left. Is that  
9   accurate or inaccurate?

10           MS. EKL: Objection, form, foundation. Go  
11   ahead.

12           A.    Inaccurate. I've never been suspended  
13   from the police department for any reason.

14           Q.    Okay. So when you left in '79 or '80,  
15   that was on your own choice because the city hadn't  
16   done what you felt was appropriate with regard to  
17   your rig; is that right?

18           A.    Yes, sir.

19           Q.    All right. Did you -- in the period while  
20   you were a patrolman before you left the first time,  
21   did you have any dealings with Robert Morgan?

22           A.    No.

23           Q.    At any time while you were working  
24   construction prior to becoming a cop for the first

1 time, did you have any dealings with Robert Morgan?

2 A. Don't believe so, sir.

3 Q. All right. When you left the police  
4 department, did you go to work for Morgan?

5 A. Yes, sir, I did.

6 Q. And was that directly after you left the  
7 police department or did you have some other work in  
8 between?

9 A. No, that was directly after I left the  
10 police department.

11 Q. All right. And how did you happen to go  
12 work for him?

13 A. Of course, the Bon Ton was the meeting  
14 place in Paris, Illinois. I mean they was open 24  
15 hours a day and people'd go down there and that's  
16 where you saw people, and yes -- I mean so you knew  
17 people in there. And I was in there, I don't know,  
18 the conversation goes on, I don't know how it even  
19 started or the end of it, but Morgan had heard I was  
20 upset with the police department or I had just left  
21 the police department or something and he asked me  
22 if I wanted a job because he was going to start a  
23 second -- a midnight shift at his manufacturing  
24 place and wanted to know if I would be interested in

1 going to work for him.

2 Q. All right. Now, was this the dog food  
3 manufacturing plant or is this another plant?

4 A. That one. That's the only one he had  
5 then.

6 Q. Okay. Now, when did he open that plant  
7 up?

8 A. I don't -- I don't have any idea.

9 Q. Was it open like when you were in high  
10 school or did he open it up after that?

11 A. No, it was after I was out of high school  
12 and gone.

13 MS. EKL: Do you want some water?

14 THE WITNESS: Not yet.

15 Q. So sometime -- was it sometime before you  
16 joined the force the first time that he opened up  
17 the dog food plant?

18 A. I would have to assume -- keep in mind,  
19 though, he -- before he started that one down there  
20 on Marshal Street, he had an old chicken house out  
21 on Steidl Road.

22 Q. All right.

23 A. That's where he started.

24 Q. What do you mean a chicken house? Is



1 that --

2 A. No, it was --

3 Q. -- literally to raise chickens?

4 A. Yeah.

5 Q. Okay.

6 A. Because it was an old fry hatchery is what

7 it was, and it was just a big long chicken house.

8 And so that's where he started with his -- with his

9 cheese deal.

10 Q. Okay. And was this -- during what period

11 was that? Was that while you were in high school or

12 before that or after that or --

13 A. You know, I don't recall if that was -- he

14 had that in operation when I got out of the Army or

15 not. I got out of the Army in '72. You know, no, I

16 believe -- you know, I believe it was after '72 that

17 he did that.

18 Q. Okay. Was he from Paris or did he move to

19 Paris to start this business?

20 A. Bob Morgan was from Kankakee area I

21 believe.

22 Q. All right.

23 A. And he came to that area as a Mormon Feed

24 salesman if my recollection here is right.

1 Q. Mormon as in the Mormon Church?

2 A. No, no, Mormon Feeds.

3 Q. Oh, I'm sorry for my ignorance. Did -- so  
4 you went to work with him based on a conversation or  
5 conversations you had at the Bon Ton after you left  
6 the department; is that right?

7 A. Yes, sir.

8 Q. And what kind of work did he hire you on  
9 to do?

10 A. I was supposed to be like an overseer.  
11 They only had like three or four people working down  
12 there. As an overseer/worker employee.

13 Q. All right. And so you were working night  
14 shift, is that what you said?

15 A. Yes.

16 Q. Was that the graveyard shift or --

17 A. 6:00 in the evening until 6:00 in the  
18 morning.

19 Q. All right. And you had three or four  
20 people you were working with or working under you or  
21 working for or what?

22 A. We all kind of worked together, but I  
23 would kind of oversee them, but there was really not  
24 per se a boss.

1 Q. Did you have a security function or were  
2 you -- were you dealing with production of the  
3 product or what exactly were you overseeing?

4 A. The way the operation worked was, if you  
5 have time to listen, is that -- because he never  
6 made dog food there. He made a dog food additive.  
7 So he would get this cheese from -- I think it came  
8 from Kraft at the time. It was stuff they couldn't  
9 sell on the market for human consumption. And he  
10 would bring all this cheese over in these big  
11 barrels and then you had to -- you talk about stink.

12 You'd have to dump this cheese into this  
13 big mixer, and then it would chop it up and mix it  
14 around, then it was augered over into an hammer  
15 mill, which that pulverizes this cheese, and then it  
16 went through a cooker and it was cooked and some  
17 other things were done to it. Then when it came  
18 back in, you bagged it and it went on pallets and  
19 then it was just -- it was a cheese additive, it was  
20 not dog food per se.

21 Q. Okay. Who worked there with you on that  
22 graveyard shift?

23 A. Oh, boy. I can remember a Marvin McCarty.  
24 Oh. Possibly Donny Sutherland. Maybe John Henry.

1 Q. All right. Did you have an occasion to  
2 deal with a Smoke Burba during that time?

3 A. Yes, sir.

4 Q. And did he work that shift at all?

5 A. No, sir. He was -- he Smoke, Mark/Smoke,  
6 I grew up with Mark and so I recall him as Smoke,  
7 that was his nickname, so he -- he worked day shift,  
8 he was on the day shift.

9 Q. Okay. Did he have a supervisory job with  
10 Morgan?

11 A. Oh, yeah.

12 Q. Okay. So he was one of the supervisors on  
13 the day shift?

14 A. Yeah. And I would assume if something  
15 would have happened at night he would have been the  
16 one to come in. If I would have needed somebody to  
17 come in at night to help on something, he would have  
18 been the one I would have contacted.

19 Q. Okay. And what, if any, relationship did  
20 you have with Morgan before you started working  
21 there?

22 A. Just drinking coffee at the Bon Ton.

23 Q. Okay. So that was over a period of years  
24 you would see him from time to time?

1           A.    Oh, I wouldn't -- I wouldn't know if I  
2 would call it years, but yeah, a few years.

3           Q.    Now, at some point did you start to hear  
4 that Morgan had some illegal activity going on out  
5 of the dog food plant?

6           A.    No, sir, not at that time.

7           Q.    All right. Well, when did you first start  
8 to hear that?

9           A.    I guess it would have been probably after  
10 I went back to work at the police department.

11          Q.    So this would have been sometime after  
12 1980.

13          A.    Yeah, I would have to guess.

14          Q.    So when you were working there at night,  
15 did you see anything unusual going on that raised  
16 your suspicion in any way?

17          A.    The pallet. They had the -- you had your  
18 manufacturing part and you had a warehouse. Back in  
19 the warehouse there was pallets with this cheese  
20 additive on them, what have you, and then there was  
21 other pallets scattered around back in there. And  
22 there was -- one night there was a pallet back there  
23 that had -- was wrapped in heat shrink. Being the  
24 curious person that I am, I kind of thought it

1 looked a little out of place for a -- to be in that  
2 warehouse.

3 And then I asked a few questions and  
4 somebody just told me it was -- it was flooring and  
5 it was on its way to Las Vegas, Nevada, to go in the  
6 MGM Grand Hotel. I think everybody can go back in  
7 history. I think somewhere in that area is when the  
8 MGM Grand Hotel burnt. I don't know, I'm just  
9 assuming that's about the time period. And I said  
10 okay, and I thought nothing else of it because, you  
11 know, a couple days it was gone and we went ahead  
12 with the business.

13 Not to get ahead of myself, but would you  
14 like for me to finish the story about this deal --

15 Q. Sure.

16 A. -- because I'm going to have to jump  
17 ahead, but I can tell you everything right now at  
18 one time.

19 Q. Might as well with regard to the -- is  
20 this more having to do with this --

21 A. This pallet deal.

22 Q. Yes.

23 A. Not a lot, but it would maybe clear some  
24 things up for everybody at this time.

1 Q. Go right ahead.

2 A. So I worked for Bob Morgan for a very  
3 short time. For one thing, I didn't like working 12  
4 hours a day, six days a week, and I could not stand  
5 the smell in there and you were enclosed in, and I'm  
6 a construction guy so I'm used to the outside. I go  
7 to -- I go to Bob and I say, you know, I can't  
8 handle it, I've got -- I've got to get out of here,  
9 and that, you know, I left down there and didn't  
10 leave on good terms.

11 Q. Why wasn't -- tell us what you mean by  
12 that.

13 A. When I left down there, he said, well, if  
14 there's anything I can do to help you out until you  
15 can find work, let me know, and I said I'm going to  
16 go over and draw unemployment, and so I went over to  
17 draw unemployment. When I got over there, I was  
18 denied unemployment. He had done called ahead and  
19 blocked me. He said, he didn't get laid off, he  
20 left on his own, so the unemployment office said no  
21 unemployment.

22 Well, I'm sitting here with a wife and two  
23 kids and I'm starting to sweat bullets. I'm  
24 thinking what am I going to do? So during the

1       meantime, my neighbor where I lived in Paris was on  
2       the fire and police commission board, and he came up  
3       to me and he says, you're not working for Morgan  
4       anymore? I said no. He said, well, what are you  
5       going to do? And I said I don't know because, I  
6       said, he denied me unemployment, so I got no money  
7       coming, I'm just trying to pick up carpenter jobs  
8       here and carpenter jobs there until I can maybe try  
9       to get into the union so I can go to work  
10      construction.

11               And he says, well, he said, your opening  
12      is still up at the -- I was gone such a short time  
13      they didn't have time to fill my slot at the police  
14      department, so he said your opening is still there  
15      if you would like to have it back, and at the time  
16      when you got a family and kids, so I went back so I  
17      could support my family.

18               Then --

19               Q.     Could I interrupt you and ask you a  
20      question?

21               A.     Go right ahead.

22               Q.     Was it -- even then, was it clear that  
23      Morgan had quite a bit of influence in the Paris  
24      community?



1           A.    I don't know if I would say that or not,  
2    you know, at that time.

3           Q.    All right.

4           A.    I would -- well, my opinion, no.  That he  
5    had it with the unemployment office because he was  
6    an employer.

7           Q.    All right.  So you went back to the  
8    department after you left Morgan's employment.  This  
9    pallet that you saw that raised your suspicions, did  
10   you have -- did you have any kind of suspicions that  
11   it might be some kind of contraband of some kind?

12          A.    Oh, no, sir.  I -- they told me it was  
13   flooring.  I don't even know what it was because you  
14   couldn't even see in it, so -- and contraband didn't  
15   even come to my mind at that time.

16          Q.    Okay.  Well, what was your suspicions  
17   about it that -- that led you to wonder about what  
18   this was?

19          A.    Well, it just looked out of place in a  
20   place where you made dog food additive.

21          Q.    And did they tell -- did anyone tell you  
22   to stay away from it when --

23          A.    Oh, no, no.

24          Q.    -- you asked questions about it?

1 A. Everybody had access to that warehouse  
2 part of that that worked there.

3 Q. All right. So you -- now, you're  
4 referring to your first marriage, right, and you  
5 say --

6 A. Right.

7 Q. -- you had two kids. Who were you married  
8 to?

9 A. Her name was [REDACTED]

10 Q. Last name, maiden name or whatever?

11 A. Her maiden name, [REDACTED]

12 Q. And is she still around?

13 A. Yeah.

14 Q. Does she still live in Paris?

15 A. Close to.

16 Q. And is she remarried?

17 A. Yes, sir.

18 Q. Okay. What's her name now?

19 A. [REDACTED]

20 Q. All right. And how long were you married  
21 to her?

22 A. 12 and a half years.

23 Q. And you had two children?

24 A. Yes, sir.

1 Q. All right. And their names are?

2 A. [REDACTED]

3 Q. [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 Q. And you -- what year was it that you left

19 -- split with your wife?

20 A. I was married in '69, so put 12 and a half  
21 years on that and what, '81?

22 Q. Okay. And --

23 A. '8 --

24 Q. Go ahead.

1 A. '81, '82, somewhere in there.

2 Q. And did you receive a divorce?

3 A. Yes, sir.

4 Q. [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 Q. Do you remember who your lawyer was?

18 A. Mine was David Frisse.

19 Q. Okay. Do you remember who hers was?

20 A. Jim Stanfield I think.

21 Q. Okay. [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]

7 Q. All right. Is that the one that has the  
8 cabin with it?

9 A. Oh, no, no.

10 Q. You don't have that one anymore?

11 A. No, that was my wife's parents' place.

12 Q. Your present wife's?

13 A. Yeah.

14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]

1           A. [REDACTED]

2           [REDACTED]

3 [REDACTED]

4           [REDACTED]

5           [REDACTED]

6           [REDACTED]

7 [REDACTED]

8 [REDACTED]

9           [REDACTED]

10 [REDACTED]

11          [REDACTED]

12          [REDACTED]

13 [REDACTED]

14          [REDACTED]

15          [REDACTED]

16 [REDACTED]

17          [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22          [REDACTED]

23          [REDACTED]

24          [REDACTED]

1 [REDACTED] [REDACTED]  
2 [REDACTED] [REDACTED]  
3 [REDACTED] [REDACTED]  
4 [REDACTED]  
5 [REDACTED] [REDACTED]  
6 [REDACTED] [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED] [REDACTED]  
10 [REDACTED]  
11 [REDACTED] [REDACTED]  
12 [REDACTED]  
13 [REDACTED] [REDACTED]  
14 [REDACTED]  
15 [REDACTED] [REDACTED]  
16 [REDACTED] [REDACTED]  
17 [REDACTED] [REDACTED]  
18 [REDACTED] [REDACTED]  
19 [REDACTED]  
20 [REDACTED] [REDACTED]  
21 [REDACTED] [REDACTED] [REDACTED]  
22 [REDACTED]  
23 [REDACTED] [REDACTED]  
24 [REDACTED] [REDACTED]

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]

10 Q. So did you quit again in '88?

11 A. Yes, sir, I did.

12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]



1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]

19 Q. Now, the second time you left the  
20 department in 1988 you quit again, right?

21 A. Yes, sir.

22 Q. And was that over another disagreement  
23 with the city or did you have some other reason that  
24 time?

1           A.    I was just burned out.

2           Q.    Okay.  And you were burned out meaning  
3           psychologically, stress-wise?

4           A.    Just I just burned out from everything  
5           that had been going on, you know, working the  
6           homicides and everything else that you had to do.  I  
7           was -- I just plain burned out.

8           Q.    Okay.  Just didn't want to do this kind of  
9           high stress work anymore --

10          A.    No, sir.

11          Q.    -- is that basically it?  Okay.  So let's  
12          go back again to '80 when you came back on the force  
13          after the stint you had with Morgan's cheese  
14          processing.  Did you come back on as a patrolman or  
15          did you come on as a sergeant or how did they take  
16          you back?

17          A.    Came back as a patrolman.

18          Q.    All right.  So for the next period of time  
19          you were still patrolling the streets of Paris; is  
20          that right?

21          A.    Yes, sir.

22          Q.    At some point did you receive a promotion  
23          to investigator or detective?

24          A.    Yes, sir.

1 Q. All right. And when was that? Well --

2 A. I don't know.

3 Q. Well, I saw in some testimony that you've  
4 been a -- you said you had been a patrolman for ten  
5 years and a detective for three and a half or four  
6 years, so would it be fair to say you were a  
7 patrolman for about six years before you became a  
8 detective?

9 A. That would be fine, I mean because I don't  
10 know, so I'm --

11 Q. Okay. So if that were the case, we'd be  
12 talking about sometime in maybe 1983 or so that you  
13 became a detective. Does that sound about right?

14 A. That could be very possibly close, yes.

15 Q. All right. And were there any other  
16 detectives on the Paris police force when you became  
17 one or were you the first one?

18 A. No, no, sir. The Paris Police Department  
19 had detectives.

20 Q. All right. How many police officers were  
21 there on the department in the '80s, in the mid  
22 '80s?

23 A. 11 or 12 maybe.

24 Q. Okay. And you say there were other

1       detectives at the time you became one. Who were  
2       they?

3           A.     When I first started there at the police  
4       department, it was Bill Nicholas and Tommy Martin.

5           Q.     Okay. And did you receive any particular  
6       additional training when you became a detective?

7           A.     We went -- we were sent to different  
8       seminars or one-day classes here and there in the  
9       east -- is it East Central Illinois Mobile -- I  
10      don't know. It was a training area that they would  
11      have seminars on different subjects that they would  
12      send you off to.

13          Q.     Okay. And would -- would this be at some  
14      kind of police facilities that you would be trained  
15      at or what was the nature of the place you went to  
16      where you were trained?

17          A.     It could be -- they could reserve a  
18      conference in a motel or later on I think they had  
19      an office in Charleston. Denny Stewart is the one  
20      that conducted all these seminars. And then there  
21      would be other seminars other agencies would put on  
22      where they would -- I went to one in St. Louis. I'm  
23      just throwing out things where we went, but that's  
24      how you -- whenever they would come in, if you

1 thought the seminar might be to the advantage of  
2 your job, then the chief would usually let you go to  
3 that seminar.

4 Q. This guy, did you say Danny or Denny?

5 A. Denny.

6 Q. Denny Stewart. Who'd he work for?

7 A. East Central Illinois Mobile -- I don't  
8 know. If you've got my personnel file, in there --

9 Q. It would be in there?

10 A. -- it shows you on them certificates  
11 whatever it is. It's East Central Illinois Mobile  
12 Training or something. I don't know if that's  
13 exactly what it is or not.

14 Q. Okay. But it's some kind of police  
15 training agency or no?

16 A. Yes, sir.

17 Q. All right. Now, when they sent you back  
18 there for training with regard to becoming a  
19 detective, what specific training did you receive?

20 A. I'm not going -- I don't -- I didn't go to  
21 specifically be a detective.

22 Q. This was just an on-the-job training type  
23 of thing?

24 A. A lot of it, and then you learnt from --

1 we used DCI or at that time it was called DCI. Like  
2 Eckerty, and, well, Jeff is one of them now, but --

3 Q. You're referring to Jeff Marlow who's here  
4 today?

5 A. Yes, sir.

6 Q. Okay.

7 A. We would use those -- we would learn from  
8 these guys by working with them a lot because they  
9 had a lot more expertise training in it than the  
10 police department did.

11 Q. So when you say working with these guys,  
12 you're talking about Illinois State Police officers  
13 such as Eckerty and Marlow, those kind of guys?

14 A. Yes, sir.

15 Q. All right. And so a lot of what you  
16 learned about investigating as a detective you  
17 learned on the job from the guys who were already  
18 there in the department and also from guys you  
19 worked with from other departments such as Illinois  
20 State Police. Is that fair to say?

21 A. Yes, sir.

22 Q. And so there was certainly no training  
23 that you received, any kind of formalized training  
24 that you received from the Paris Police Department

1 in order to become a detective. Is that fair to  
2 say?

3 A. Yes, sir.

4 Q. And is it also fair to say that when you  
5 went out to the East Illinois Mobile whatever for  
6 training, that that wasn't specifically to be  
7 trained in investigations as a detective; that was a  
8 more generalized kind of training you received from  
9 time to time?

10 A. Yes, sir.

11 Q. All right. And is there any other kind of  
12 training that you received other than the on-the-job  
13 training that you've told us about when you became a  
14 detective?

15 A. No, not that I recall, sir.

16 Q. All right. And would it be fair to say  
17 that in terms of what you wrote down -- strike that.

18 When you became a detective, report  
19 writing became a more regularized and important  
20 function of your job than it was as a patrolman --

21 MS. EKL: Objection, form.

22 Q. -- is that fair to say?

23 MS. EKL: Objection, form.

24 A. Yes, sir.



1 Q. And in terms of that report writing, did  
2 you take to it the same kind of understanding in  
3 terms of what to write down and what not to write  
4 down that you had when you were a patrolman?

5 A. No, sir.

6 Q. And what was your understanding of what to  
7 write down and what you didn't have to write down  
8 when it came to being a detective?

9 A. When I was a detective, I wrote down  
10 everything. I didn't pick and choose what I was  
11 going to write and what I wasn't going to write.

12 Q. So did you carry that little notebook in  
13 your pocket to write everything down on or did you  
14 have some kind of more larger piece of paper these  
15 days that you were a detective?

16 A. Yes, sir, I used a fold-up with a regular  
17 legal pad type of thing.

18 Q. Okay. So you have kind of like a folding  
19 notebook. Inside of it you had a legal pad and  
20 you'd take your notes on the legal pad; is that  
21 right?

22 A. Yes, sir.

23 Q. And you tried to be as thorough as  
24 possible in taking your notes when you were talking

1 to a witness or a suspect on that yellow -- was it a  
2 yellow legal pad? -- or whatever color it was, on  
3 the legal pad?

4 A. Yes, sir.

5 Q. And did you have any practice that you  
6 followed with regard to what you did with those  
7 notes after you took them?

8 A. Yes, sir.

9 Q. And what was that practice?

10 A. My practice was as soon as the interview  
11 was over, I would take my notes and I would write  
12 them out into report form and then they would be  
13 typed up and then they would be sent on to -- if it  
14 was -- if it was a file -- if it was a report that  
15 would be going to the State's Attorney's office,  
16 then that report was shipped to the State's  
17 Attorney's office for his -- for his file. And if  
18 it was an in-house report, then it went up to the  
19 front desk at the police department and then it was  
20 put in the file there.

21 Q. Okay. So you'd write your notes, and then  
22 as soon as possible after you did that interview and  
23 wrote the notes, you'd make it into a formalized  
24 report; is that right?

1 A. Yes, sir.

2 Q. Now, would you yourself type the formal  
3 report or would you give it to someone else to type?

4 A. I gave it to somebody else.

5 Q. All right. And who did the typing of the  
6 reports at Paris Police Department? Without names  
7 right now, was there a certain person or persons who  
8 did it? Were there secretaries or what?

9 A. It would be the radio dispatcher/clerk  
10 that was on duty at that time.

11 Q. All right. And was there one who worked  
12 there for several years or was there -- during the  
13 mid '80s that you remember?

14 A. That specifically did all the reports?

15 Q. Yeah, did the typing for them.

16 A. No. It was just whoever it was working at  
17 the time.

18 Q. Now, dispatcher, that's the person who  
19 handles the calls coming in and going out; is that  
20 right?

21 A. Yes, sir.

22 Q. So a dispatcher had a dual function at  
23 least of typing reports and handling the traffic on  
24 the radio; is that right?

1 A. Yes, sir.

2 Q. And during those days, did you have -- did  
3 you communicate by two-way radios through the  
4 dispatcher or do you also communicate on the street  
5 from one officer to another?

6 A. Both.

7 Q. And was that different bands on the radio  
8 or how -- did you have two different radios or could  
9 you do either? You could either go and talk  
10 straight to the dispatcher or you could talk to  
11 someone out at another assignment. Is that --

12 A. Yes, sir.

13 Q. -- the way you did it?

14 A. Everybody had a number and that's --  
15 whoever you wanted to talk to, you called their  
16 number and that would be the one that would respond  
17 to you what you were saying.

18 Q. Okay. Now, going back to the reports,  
19 after you wrote the reports -- are we looking at  
20 three stages here? You got the notes, then you go  
21 and you write out in handwriting your report, and  
22 then you submit that report to the dispatcher to  
23 type verbatim whatever you wrote in the handwriting.  
24 Is that the way it went?

1 A. Yes, sir.

2 Q. All right. But the report that we'd see  
3 typed would be identical to the one you wrote out  
4 assuming the dispatcher didn't make some typos or  
5 something, right?

6 A. Yes, sir.

7 Q. Would you then read over whatever your  
8 dispatcher typed out to make sure she or he got it  
9 correctly and didn't make some major mistake in your  
10 report based on not understanding your handwriting  
11 or something else like that?

12 A. I would say 99 percent of the time, yes,  
13 and if it was a -- if it was somebody spitting on  
14 the sidewalk, maybe not, but if it was a report that  
15 I knew was going to go on to trial or could possibly  
16 go on to court, yes, I did.

17 Q. So certainly in a homicide case you would  
18 be reviewing all your reports. Is that --

19 A. Yes, sir.

20 Q. -- fair to say? Now, when you first came  
21 on as a detective, did you have any homicides that  
22 you handled before the Rhoads case?

23 A. Yes, sir, I had been involved in some  
24 homicides.

1 Q. All right. And were they Paris homicides?

2 A. Oh, yeah. Yes, sir.

3 Q. Okay. And what homicides had you been  
4 involved in in Paris prior to the '86 Rhoads  
5 homicides?

6 A. Let's see. One of them when I was a  
7 street cop was -- I think his name was Thomas. He  
8 walked up to the front door of a house and shot his  
9 girlfriend through the front door with a shotgun. I  
10 was a street cop in that case.

11 Q. Was this your first tour of duty or  
12 second? Don't remember?

13 A. No, sir, I don't.

14 Q. All right. But you were -- I take it you  
15 weren't really involved in the investigation of that  
16 case because you were a street cop rather than a  
17 detective?

18 A. The detective would let the street cop, I  
19 guess for better words, tag along so you got an idea  
20 of what they would be expecting or what should be  
21 done in case it would come along again, but as far  
22 as writing reports, no, but you was just like a  
23 tagalong.

24 Q. And so the stress that you testified about

1 in doing investigations really wasn't the same kind  
2 of stress you would have in a case like that that  
3 you would, say, in the Rhoads case. Is that fair to  
4 say?

5 A. Yes, sir.

6 Q. Now, up in Chicago they call -- unsolved  
7 murders the detectives call mysteries. Now, one  
8 like this that you just described where the guy went  
9 and shot his girlfriend through the door, that's not  
10 really a mystery because it was solved right from  
11 the jump, right?

12 MS. EKL: Objection, form, foundation.

13 Q. You were just working up the case, right?

14 A. Yes, sir.

15 Q. Okay. Other than the Thomas case, did you  
16 have any other homicides prior to the Rhoads case?

17 A. Betty McNay. I don't remember if she was  
18 before the Rhoadses or after the Rhoadses.

19 Q. That's McMay?

20 A. McNay, M-C --

21 Q. Uh-huh.

22 A. McNay, M-C-N-A-Y.

23 Q. And that was an unsolved case for -- at  
24 least for a while, wasn't it?

1 A. Yeah. As far as I know, still is.

2 Q. Still an unsolved case?

3 A. Yes, sir.

4 Q. And that was -- could you tell us a little  
5 bit about that case?

6 A. Betty disappeared and she was gone,  
7 according to her family, about a month, month and a  
8 half, and her boys kept saying, well, where's mom,  
9 where's mom? Well, the husband, Lynn McNay, he  
10 never reported her missing, and finally they did a  
11 missing report on her and then there was a body that  
12 came up over in Quincy, Illinois.

13 Q. Way over by the river?

14 A. Yes, sir, it was on the other side of the  
15 state, and we finally did identification and  
16 determined that was Betty McNay. Well, everybody is  
17 dead now, but we were pretty sure it was him that  
18 did it, but we just couldn't prove it.

19 Q. Did he continue to live in Paris?

20 A. Yes, sir, he did.

21 Q. Okay. And so how long did you investigate  
22 that case before you determined that even though you  
23 thought he was the prime suspect that you didn't  
24 have sufficient evidence to prosecute?



1           A.    Well, a murder case, you never really quit  
2    investigating it.  It goes --

3           Q.    Well, let's say --

4           A.    I guess, according to TV, it would be a  
5    cold case.

6           Q.    Yeah.  When did you sort of put it on the  
7    back burner and decided there was really no fresh  
8    leads and that you weren't really going to do much  
9    more with it?

10          A.    We probably worked on it several months,  
11    but like you say, eventually it's...

12          Q.    And tell me, can you fix this in terms of  
13    whether it was before or after Rhoads?

14          A.    Sir, I can't.  I don't remember.

15          Q.    You need to see a report on it?

16          A.    Yes, sir, I would have to.

17          Q.    Because you don't remember whether it  
18    happened after the trial or before the trial or  
19    anything like that?

20          A.    I -- if I was a guessing, I would guess it  
21    was before the Rhoadses because we worked the  
22    Rhoadses from July until basically the trial, and  
23    then after the trials I wasn't at the Paris PD very  
24    long, so I think -- I think it would have been prior

1 to the Rhoadses.

2 Q. Now, the Rhoads case got a tremendous  
3 amount of notoriety and publicity particularly in  
4 Paris, right?

5 A. Yes, sir.

6 Q. Was there any kind of similar type of  
7 publicity with regard to this McNay case or was it a  
8 much lower profile case in terms of homicides in  
9 Paris?

10 A. Oh, yes, sir.

11 Q. Much lower?

12 A. Oh, yes, sir.

13 Q. Okay. So there really wasn't the same  
14 kind of pressure on you to solve or to prosecute  
15 that case that there was in Rhoads. Is that fair to  
16 say?

17 MS. EKL: Objection, form, assumes facts  
18 not in evidence.

19 A. Maybe not public pressure, but yeah, I  
20 guess you're right, yeah. Yeah, you didn't have the  
21 media and everybody beating on you.

22 Q. Was McFatriidge State's Attorney when McNay  
23 was involved -- was being investigated?

24 A. Yes, sir.

1 Q. Okay. Did you have any discussions with  
2 him about whether to prosecute the husband?

3 A. Oh, yes, sir, would have.

4 Q. Okay. So it was an open question for a  
5 while whether to bring charges against him or not.  
6 In other words, were you debating perhaps a bit with  
7 McFatridge and maybe people over at ISP about  
8 whether to actually go ahead against this guy or  
9 not?

10 MS. EKL: Objection, form.

11 A. No, sir, wasn't much question in anybody's  
12 mind. We just knew we didn't have enough to get a  
13 -- you could arrest him, yeah, but you could have  
14 never got a conviction on him.

15 Q. So you felt like you had probable cause,  
16 but you didn't feel like you had enough evidence --

17 A. Exactly, right.

18 Q. -- to convict him. And that you were  
19 pretty much in agreement with McFatridge and whoever  
20 else was involved in the case on that, on that  
21 decision?

22 A. Yes, sir.

23 Q. Was Eckerty involved in that case?

24 A. Yes, sir.

1 Q. Okay. So is this the first big case that  
2 you worked with Jack on?

3 A. I would say no because back then each area  
4 kind of had its own DCI agent in that area, so Paris  
5 area was kind of where Jack would be and Charlie  
6 McGrew would be in Tuscola area, but they just kind  
7 of would float in and out, if you need anything, let  
8 us know, and Jack worked the area back when -- he  
9 was the detective working that area back when I  
10 became a cop because he worked with Tommy Martin and  
11 Bill Nicholas a lot.

12 Q. So you knew Jack way back from the day  
13 when you first became a cop?

14 A. I've known Jack all my life.

15 Q. Okay. Is he from Paris?

16 [REDACTED]

17 Q. Is that very close to Paris? Is that  
18 next --

19 A. Close. And his wife worked for my dad [REDACTED]  
20 [REDACTED] -

21 Q. Okay. So you guys basically come up at  
22 the same time as kids?

23 A. Oh, no. Jack would be 63 or 4. 63 or --

24 Q. He graduated --

1 [REDACTED]

2 [REDACTED]

3 Q. Three or four years before you did?

4 A. Oh, yeah.

5 Q. Okay. So when did you first meet him?

6 A. Jack?

7 Q. Uh-huh.

8 A. Well, my mom's brother-in-law used to live  
9 next door to him [REDACTED], so I mean I don't know,  
10 maybe this tall (indicating) that I've known Jack  
11 Eckerty, Jack [REDACTED].

12 Q. Okay. So did you -- even though you were  
13 different ages, you were friends as kids?

14 A. No, no. I mean I knew who he was.

15 Q. But after you both became adults, that's  
16 when you through fam -- initially was through family  
17 connections and did you say your wife worked for --  
18 his wife worked for your -- tell me that again.

19 A. His wife [REDACTED] worked for my dad.

20 Q. Okay. All right. And when was that?

21 A. Oh, man. I have no idea.

22 Q. But a long time ago?

23 A. Oh, yeah.

24 Q. Okay.

1 A. Yeah.

2 MS. EKL: Flint, at some point --

3 MR. TAYLOR: Yeah, I was just going to say  
4 let's take a break. I don't know what time it  
5 really is. It's one of those times.

6 (Recess at 11:31 a.m. to 11:42 a.m.)

7 BY MR. TAYLOR:

8 Q. You mentioned that there were two  
9 detectives that preceded you at the department. I  
10 think one was Martin and did you say the other was  
11 Nichols?

12 A. Nicholas.

13 Q. Nicholas. Nicholas, does he have -- was  
14 he married to a woman who was a lawyer or do I have  
15 that mixed up somehow?

16 A. Oh, you're thinking about Jean. Her name  
17 was Jean Nichols and she was married to a guy named  
18 Greg Ochs.

19 Q. Okay. Any connection?

20 A. No, no, no.

21 Q. None, okay. Now, going back to that  
22 strange pallet at Morgan's place that you saw back  
23 when you were working for him, you said there was a  
24 later piece of that story that led you to have some

1 -- that we didn't get to. You want to finish that  
2 one off for us?

3 A. Sure.

4 Q. Go right ahead.

5 A. Let's see. I left Morgan's and I went  
6 back to the police department. Several years later,  
7 that's when they made the arrest and had the trials  
8 for the Pizza Connection.

9 Q. All right.

10 A. When specifically, I don't remember, but  
11 then a couple years after, sometime after that,  
12 there was an article that came out in a magazine or  
13 a book that -- the FBI agent back then was I think  
14 Kenny Temples, and he stopped down by the police  
15 department one day to show us -- I guess that's when  
16 the FBI finally brought out their case and put it in  
17 an article form so you could read what the Pizza  
18 Connection was all about. And in this article,  
19 there was explained in there that the -- how they  
20 transported the drugs was in pallets of tile and  
21 that.

22 Q. And what?

23 A. And, sir, that's the -- I mean --

24 Q. That's what you saw.

1           A.    You know, if it was tile, I don't know if  
2           that's -- you know, like I said before, I don't know  
3           if it was -- what was in that heat shrink, if it was  
4           tile. I mean it could have been, you know, a pallet  
5           full of post holes, I don't know what it was, but --

6           Q.    But you were told that it was tiles for  
7           the new -- for Las Vegas, right?

8           A.    Yeah.

9           Q.    Flooring, right?

10          A.    Right.

11          Q.    Which would be tiles, right? So that was  
12          the cover they used to ship the dope according to  
13          the Pizza Connection case; is that right?

14          A.    Yes, sir.

15          Q.    And so when you heard that, you put two  
16          and two together and thought what you had seen at  
17          Morgan's was evidence of shipping of narcotics?

18          A.    That there -- very probably been what it  
19          was. I had no -- been so many years, you know.  
20          That was the first thing that came to my mind when I  
21          read the article.

22          Q.    Now, was -- the pizza trial was before the  
23          Rhoads homicides, wasn't it?

24          A.    Yes.



1 Q. Okay. So you would have known about this,  
2 made this connection in your own mind, prior to the  
3 Rhoads homicides. Is that fair to say?

4 A. I don't think so.

5 Q. When do you think you read this article?

6 A. Well, I don't know. You'd have to get  
7 with the FBI and see when it came out in their book  
8 and then whenever it was brought to -- whenever it  
9 was brought to our attention down at Paris.

10 Q. Okay. Now, the pizza case or the Pizza  
11 Connection case had to do with Joe's Pizza, right?  
12 That was -- had some aspect to it, didn't it?

13 A. It's what they said. I mean, you know, I  
14 -- you know, Joe Vitale from Paris went to prison  
15 for five years, so yeah.

16 Q. And he was on trial in that case?

17 A. Yes, sir.

18 Q. In what's commonly known as the Pizza  
19 Connection case?

20 A. Part of it, yes, sir.

21 Q. And that was tried where did you say?

22 A. I believe it was in New York.

23 Q. Okay. All right. There was a Joe's Pizza  
24 run by Joe Vitale in Paris, right?

1 A. Right.

2 Q. And did you have any dealings with Joe's  
3 Pizza while you were a police officer?

4 A. Did I eat pizza there? Yeah.

5 Q. Other than to get pizza there, did you  
6 have any suspicions about any illegal trafficking  
7 activity going on there?

8 A. At one time there was a file at the Paris  
9 Police Department that Carter Metcalf when he was --  
10 well, I think he was a street cop when he was doing  
11 that.

12 Q. That's the same Metcalf that became a  
13 chief for a while?

14 A. Yes. Yes, sir, it was. That he was  
15 keeping file on license plates and activity at the  
16 Joe's Pizza. Joe's Pizza to start with was just an  
17 old farmhouse down there that they made the pizza  
18 joint out of.

19 Q. Okay.

20 A. But the files I think were at the police  
21 department.

22 Q. All right. And did you ever look at those  
23 files?

24 A. You know, sir, I don't think I did. I

1 think I was just told about them.

2 Q. Now, you said you used to go and get pizza  
3 yourself at Joe's Pizza from time to time.

4 A. Sure.

5 Q. Did you ever observe anything unusual  
6 going on there?

7 A. Oh, no, sir.

8 Q. All right. Did other officers go in there  
9 as well?

10 A. Oh, yes, sir.

11 Q. Okay. Including Gene Ray?

12 A. That I couldn't tell you.

13 Q. But it was a place not unlike the Bon Ton  
14 in the sense that a lot of people hung out there  
15 from various walks of life in Paris?

16 A. Sure.

17 MS. EKL: Objection, form, foundation.

18 Q. And did you know Joe?

19 A. Sure.

20 Q. Okay. And did he seem like just a regular  
21 guy to you?

22 A. Yes, sir.

23 Q. Did he live in Paris?

24 A. Yes, sir.

1 Q. Okay. Did there seem to be people that  
2 were unfamiliar that went into Joe's Pizza a lot?

3 MS. EKL: Objection, foundation.

4 A. Not that I ever observed.

5 Q. Okay. Did you ever have any discussions  
6 with anyone else on the force, whether it be Carter  
7 Metcalf or anyone else, about the suspicions that  
8 Joe Vitale might have been involved in any criminal  
9 trafficking activity?

10 A. Well, not that I recall.

11 Q. Okay. Now, when you read this article and  
12 made the connection between the pallet you saw at  
13 Morgan's and the idea of trafficking with pallets,  
14 tile pallets, were you still working as a Paris  
15 police officer or had you left the force at that  
16 time?

17 A. Oh, no, I would have still been there.

18 Q. Did you ever make a report on that or  
19 bring it up to anybody now that you had -- saw that  
20 there might be some actual evidentiary value to what  
21 you had seen many years before?

22 MS. EKL: Objection, form.

23 A. As far as making a report, I didn't, but  
24 the day I wrote -- the day I read the article, there

1 was an FIB agent sitting right there in the room  
2 with me when I read it.

3 Q. That's Kenny Temples? Can you --

4 A. Kenny Temples.

5 Q. And this is an article that the FBI itself  
6 wrote or was it just --

7 A. That's what I remember. I don't remember  
8 if it was an FBI bulletin or what, I don't have a  
9 clue what it was, but it was something in kind of  
10 like a story form.

11 Q. Okay. And it had just recently come out?

12 A. I think so.

13 Q. And did you mention to Kenny Temples that  
14 you -- about your previous observations? When you  
15 read this, did you say, oh, man, and tell him about  
16 it?

17 A. Yeah, I just told him I said -- you know,  
18 I said this sure looks like a familiar thing that I  
19 saw when I worked down to Morgan's, and I said --  
20 and like I told him, I said I don't know if there's  
21 anything to it, whether -- because there had been  
22 several years lapse, but I said -- I just told him  
23 what, you know, my observations were.

24 Q. Uh-huh.

1           A.    As far as me writing paperwork on it, no,  
2    I never did.

3           Q.    Now, by that time there had been more  
4    conversation, had there not, both in the police  
5    department and in the community in general about  
6    Morgan and suspicions that he might be involved in  
7    criminal activity?

8           MS. EKL:  Objection, form, foundation.

9           Q.    Isn't that fair to say?

10          MS. EKL:  Objection, form, foundation.

11          A.    Yes, sir.

12          Q.    Okay.  And had you done any investigation,  
13    outside of the Rhoads case now, we'll put that to  
14    the side, of Morgan while you were working as a  
15    detective in the Paris Police Department?

16          A.    Oh, yes, sir.

17          Q.    And what kind of investigations had you  
18    done?

19          A.    Like I said earlier, when I left, I didn't  
20    leave on good grounds, so if there was some way that  
21    I could have legally made an arrest on Bob Morgan, I  
22    would have made it.  He -- he was in business with a  
23    guy by the name of Tommy Forsythe.  What the  
24    business was I'm not too sure of.  It could have

1       been some oil business or something. I don't --  
2       been a long time. I'm trying to remember all this  
3       stuff for you.

4               But there was a semi involved in this  
5       deal. It was an old auto car semi that we got  
6       paperwork on it that Forsythe had reported the semi  
7       stolen from his place of work in northern Indiana  
8       and they believed that Morgan had been the one to  
9       steal the semi truck, but now keep in mind, they  
10      were both still in -- had a legal partnership going.

11             Q.    Forsythe is reporting this to you now?

12             A.    No, he would have reported it to whoever  
13      the police department was up north, and then they  
14      would have sent a teletype or a message to our  
15      police department about the stolen vehicle report on  
16      the semi. And I finally managed to locate the semi  
17      in Paris and I sat on it for two or three days until  
18      he finally got it out of the building and moved it  
19      and then I seized the semi. We arrested the driver  
20      in it and seized the semi truck.

21             Q.    Who was driving it?

22             A.    Impounded it. Griffin. Last name was  
23      Griffin.

24             Q.    Worked for Morgan?

1 A. Yes, sir.

2 Q. Was it Guy Griffin?

3 A. No. He had Guy, Art and Bill that worked  
4 for Morgan, three brothers, so --

5 Q. Okay, one of the brothers.

6 A. -- put the names in a hat and pull one and  
7 we'll go with it, but --

8 Q. Okay.

9 A. So I seized the vehicle, put it in  
10 impound, and then Morgan was highly upset with me,  
11 but we held it probably, I don't know, five or six  
12 hours. Paul Teagardin, who was a state trooper at  
13 the time who -- I don't know his title, he -- he  
14 worked stolen vehicles, and he came down and I mean  
15 he did his paperwork with the serial numbers and so  
16 forth and so on, and then phone calls had been made  
17 and then we were told to go ahead and release --  
18 release the semi, so the semi was released back to  
19 Morgan.

20 Q. Okay. Did you get the impression that  
21 there had been some intervention over your heads to  
22 resolve the case in Morgan's favor?

23 A. No. We went ahead and charged the driver  
24 and everybody.



1 Q. Uh-huh.

2 A. What we -- I assumed and what we were told  
3 was that the legal aspect between Morgan and  
4 Forsythe. Then Forsythe took the truck off of the  
5 wanted list up there, so -- and then after he took  
6 it off the computer, whatever, up north, then it was  
7 no longer wanted and so the semi was released back  
8 to Morgan.

9 Q. Okay. But you did prosecute Griffin for  
10 it?

11 A. He was arrested for it.

12 Q. Uh-huh. But once it was taken off the  
13 computer, then the whole case went away, didn't it?

14 A. No, because he -- I think we got him with  
15 a weapon.

16 Q. Okay. Now, were you still a patrolman at  
17 this time?

18 A. You know, sir, I don't -- no, I think I  
19 was a detective then.

20 Q. Okay.

21 A. I think.

22 Q. Now, did you make any other efforts to  
23 aggressively enforce the law with regard to Morgan  
24 and his people?

1           A.    I don't think I ever arrested anybody else  
2           of his people or him, but there was no -- there was  
3           nothing at any time that I would not have arrested  
4           him if I didn't get a chance.

5           Q.    Okay.  Did you have a file on Morgan that  
6           -- in terms of putting evidence in that from time to  
7           time that you heard or developed even though it  
8           might not lead to an arrest?

9           A.    I don't think so, sir.

10          Q.    Did you know whether Morgan was at all a  
11          target or a person of interest when it came to the  
12          Pizza Connection case?

13          A.    No, I had no idea.

14          Q.    Okay.  So you were never asked for any  
15          information that you or the Paris Police Department  
16          might have had on Morgan and any connection that  
17          anyone in the department might have known about  
18          Morgan and Joe Vitale?

19          A.    Not to my knowledge.

20          Q.    Was there any connection that you knew of  
21          in terms of Morgan and Vitale, whether it be  
22          friendship or business relation or any kind of  
23          evidence that was developed to your knowledge that  
24          connected Vitale to Morgan in any way?

1           A.    I could never link them together in any  
2 way, any way that I could.  That's why the pallet  
3 deal I didn't get -- yes, it caught my eye, but I  
4 could never make a connection between the two.

5           Q.    Now, at some point you heard from, either  
6 directly or indirectly, from Karen Rhoads's family  
7 that she had seen Morgan shipping drugs and machine  
8 guns to Chicago, right?

9           MS. EKL:  Objection, foundation.

10          Q.    Remember that?

11          MS. EKL:  Objection, foundation.

12          A.    Was it drugs or cash?

13          Q.    Well, do you remember generally the idea  
14 that -- maybe it was cash for drugs.

15          MS. EKL:  Objection, form, foundation.

16          A.    So I remember -- yeah, I remember what  
17 Karen said, yes, if that's -- or hearing it from  
18 others, whoever it was.

19          Q.    Yes.  Was it before or after you learned  
20 that information that you made the connection with  
21 regard to the pallets?

22          A.    Oh, I think the pallets would have been  
23 before.  I think I said earlier the pallet deal,  
24 that was prior to the homicide, to the Rhoads

1 homicide.

2 Q. Well, now I know you said seeing the  
3 pallets was.

4 A. Right, before I made the connection.

5 Q. My question is, yeah, where you made a  
6 mental connection.

7 A. I don't remember when I saw the article in  
8 the magazine.

9 Q. Okay. But I'm asking you whether you can  
10 place it before or after you learned the information  
11 that Morgan might have been involved in some other  
12 drug-related activity according to Karen Rhoads?

13 MS. EKL: Objection, foundation.

14 A. I never had -- I'm trying to -- I don't  
15 remember when I learned the information on the --  
16 from the FBI report about the pallets, so I don't  
17 remember whether that was before or after, but I do  
18 remember, you know, when it came out about her mom  
19 saying Karen had seen -- said what she had seen.  
20 The time correlation, I can't -- I don't remember  
21 the time correlation.

22 Q. Okay. All right. Would you say they were  
23 somewhat close in time or would you say that there  
24 was a long period?

1 A. I just -- I just don't remember.

2 Q. Okay. Now, let's go back for a moment to  
3 homicides that you investigated. We've got the one  
4 that you couldn't make a pinch on or there wasn't  
5 enough evidence to and we got the one where it  
6 was -- the Thomas, I think, case where one husband  
7 killed the girlfriend or the boyfriend killed the  
8 girlfriend.

9 Other than Rhoads and those two homicides,  
10 were there any other homicides that you worked while  
11 you were a Paris police officer? That includes the  
12 time you were a detective.

13 A. Nothing's coming to mind, but there may  
14 be.

15 Q. Okay. So I guess you would say that given  
16 the way memories work, that these three were the  
17 most significant homicides that at least your memory  
18 brings to mind.

19 MS. EKL: Objection, form.

20 A. At that time.

21 Q. Yeah.

22 A. There was other homicides that I remember  
23 being involved in, but I think they were after this.

24 Q. You think they were after Rhoads?

1           A.    I can give you some names, but you would  
2           have to try to go back and figure out when they  
3           happened to put them in a chronologic order.  There  
4           was a Chuck Herrington that got killed at a party  
5           out on 150 in a trailer.

6           Q.    Did you arrest someone for that case?

7           A.    Gary Twigg.  I'm thinking then I was  
8           working the county jail I think, working for the  
9           sheriff's department.

10          Q.    So that would be after --

11          A.    That would be after.

12          Q.    -- '88.  But that's a Paris case?

13          A.    A what?

14          Q.    Paris case.  That would have --

15          A.    Yeah, Paris or Edgar County case.

16          Q.    Okay.

17          A.    Then they had the one up on the square at  
18          the Tap Room, shooting right on the sidewalk out in  
19          front of the bar.  Been too many years.  He was a  
20          biker.

21                MR. TAYLOR:  Do you remember it?

22                MR. RAUB:  No, he was just saying he  
23          worked that case too.

24                MR. TAYLOR:  Oh, do you know who it is?

1 THE WITNESS: Oh, okay, he knows his name,  
2 I don't.

3 MR. TAYLOR: Should we swear him in now  
4 and find out what case it was?

5 MS. EKL: Just for the record, Kara is no  
6 longer here, so I don't think it's fair for you to  
7 be speaking to Mr. Marlow without his attorney  
8 present.

9 MR. ACKERMAN: Thank you, Beth. I didn't  
10 realize Kara had left.

11 MR. TAYLOR: That's fine. I wasn't  
12 speaking with him. Mr. Raub --

13 MS. EKL: Just I wanted to make that  
14 clear.

15 BY MR. TAYLOR:

16 Q. So that case, were you aware that Marlow  
17 worked that case?

18 A. Pardon me?

19 Q. Were you aware that Marlow worked that  
20 case?

21 A. No.

22 Q. This is a Tap Room shooting, biker. Was  
23 there an arrest in that case?

24 A. I think so.

1 Q. Was that the Boards? Were the Boards  
2 involved in that case?

3 A. Don't think so.

4 Q. Okay. And you don't know whether there  
5 was an arrest or you think there was?

6 A. I -- I think there was.

7 Q. All right. And do you know whether you  
8 were working -- you had left the department or not  
9 when this case --

10 A. You know, I don't know if I was working  
11 the state or the county or maybe I was just -- maybe  
12 it was a newspaper article I read it in, I don't  
13 know, but I'm just -- I'm just trying to come up  
14 with homicides, like I said, that you can correlate  
15 the times. If you can come up with the dates, then  
16 I can tell you where I was working.

17 Q. That's good. Any others you can think of?

18 A. Not off the top of my head, sir.

19 Q. Okay. Now, at some point you married Ann  
20 Parrish, right?

21 A. Yes, sir.

22 Q. And that was what year?

23 A. Well, I've been married 26 years.

24 Q. That's 1983 or --



1 A. There you go.

2 Q. -- 1984? 2?

3 A. 2, okay.

4 Q. 1982. And at that time was she working  
5 for either the county or the City of Paris?

6 A. She was working -- oh, yeah, she was  
7 working probation office, yeah.

8 Q. Okay. And she -- prior to working  
9 probation, in the probation office, she worked for  
10 the State's Attorney, correct, as a secretary?

11 A. She had a dual role then.

12 Q. Okay. So she was at that point working  
13 for probation and the State's Attorney --

14 A. Yes, sir.

15 Q. -- is that right?

16 A. Yes, sir.

17 Q. Who was the State's Attorney at that time?

18 A. That would have been Pete Dole.

19 Q. All right. And was McFatridge working  
20 for -- as an Assistant State's Attorney at that  
21 time, do you know?

22 A. Yes, sir, he was.

23 Q. Okay. And was he the sole assistant at  
24 that point?

1 A. Yes, sir.

2 Q. All right. And Dole was the elected  
3 State's Attorney; is that right?

4 A. Yes, sir.

5 Q. And was he a Republican or a Democrat?

6 A. Pete Dole?

7 Q. Yeah.

8 A. I don't know.

9 Q. Okay. And at some point McFatridge ran  
10 for State's Attorney. Do you remember what year  
11 that was?

12 A. Let me see here. He and I both started  
13 the same day. Be '77. I -- I think that was Pete's  
14 last term. Then Mike ran I think.

15 Q. So --

16 A. So whenever the -- I don't know whether he  
17 would have been on his first half or second half of  
18 his four year term, but I think Mike ran -- worked  
19 for him and then ran against him.

20 Q. So that would be sometime around '83, '84  
21 that McFatridge ran or am I --

22 A. Wouldn't it have been before that?

23 Q. Well, you're saying -- I don't want to  
24 confuse the dates here. Pete Dole was the State's

1 Attorney you think in '77 when you became a cop.

2 A. I know he was in '77, right.

3 Q. Okay.

4 A. So I mean what I'm saying is I don't know  
5 if his term would have been over in '78. I'm not up  
6 on politics to know to what years they ran, if he  
7 would have been at the end of his four year term or  
8 he would have been halfway through his four year  
9 term when Mike and I started, but I'm sure -- I'm  
10 almost sure that Mike ran against him because Pete  
11 ran for reelection and Mike ran against him and beat  
12 him.

13 Q. Okay. Do you know what party McFatridge  
14 is? Is he a Democrat or --

15 A. Mike's a Democrat.

16 Q. Okay. Now, did you know McFatridge prior  
17 to starting to work with Paris Police Department?

18 A. No, sir.

19 Q. Is he a local person or did he -- was he  
20 from somewhere other than Paris?

21 A. He came from somewhere else.

22 Q. Okay. And were you -- did you socialize  
23 with him? Were you friends with him?

24 A. No. I -- no, I wasn't.

1 Q. Okay. Now, Gene Ray, when did you first  
2 meet Gene Ray?

3 A. Oh, I have no idea.

4 Q. Okay. It was before you became a police  
5 officer?

6 A. I knew Gene prior to becoming a police  
7 officer, yes.

8 Q. Now, he did plumbing work, did he?

9 A. Yes, sir.

10 Q. And did you ever cross paths in terms of  
11 your construction work with him?

12 A. No. No, we didn't.

13 Q. Never did any jobs together --

14 A. No, sir.

15 Q. -- or anything like that? Okay. Did you  
16 socialize with Gene Ray and his wife?

17 MS. EKL: Objection, foundation, time  
18 period.

19 Q. All right, let's break it down.

20 A. No.

21 Q. Did you socialize with Gene Ray?

22 A. Not until later on.

23 Q. Okay. And that was after you both were on  
24 the force together?

1 A. Yes, sir.

2 Q. Okay. And did you become friends with him  
3 when you were both on the force?

4 A. Yes, sir.

5 Q. And do you continue to be friends with him  
6 to this day?

7 A. Yeah.

8 Q. Have you discussed this deposition with  
9 him?

10 A. Mine?

11 Q. Yeah.

12 A. No.

13 Q. Have you discussed his?

14 A. Well, I was here.

15 Q. That's true. Can't argue with that one.

16 That doesn't really answer the question completely.

17 A. After, have we sat down and -- you know, I  
18 don't -- I don't think so. To be truthful, I don't  
19 think so.

20 Q. Okay. Have you discussed Ann's deposition  
21 with her?

22 A. Very little.

23 Q. When did you discuss it?

24 A. I'm sure we talked about it on the way

1 home that evening.

2 Q. You brought her over that day?

3 A. Yes, sir, and I sat downstairs all day.

4 Q. Okay. Anything you remember that you and  
5 she discussed with regard to the deposition?

6 A. No. She just said he just asked basic  
7 questions and you people were very nice, so --

8 Q. Well, she was right on that, right? Did  
9 you ever read the transcript of her deposition?

10 A. No, I have not.

11 Q. Have you looked at the transcript of  
12 Gene's deposition?

13 A. No, I have not.

14 Q. Okay. When you were sitting there, you  
15 were watching -- you were what, here in this room?

16 A. You guys were in Chicago.

17 Q. And we were in Chicago, right, and Gene  
18 was in Chicago for the dep, right?

19 A. Yes, sir.

20 Q. And Eckerty, you, and was Marlow here as  
21 well when you -- the three of you or was it just  
22 Eckerty and you?

23 A. You know, I'm thinking it was just Jack  
24 and I because we started out up here getting to

1 watch you on TV, and I'm thinking that afternoon  
2 they moved us downstairs and all we could do was  
3 hear you.

4 Q. Right.

5 A. So I think it was just Jack and I that was  
6 here.

7 Q. And then there was a second day. Did you  
8 also --

9 A. I came up and listened, and Jack -- Jack  
10 and I both came up and listened, yes.

11 Q. And the second day, was it on TV or --

12 A. I think we just stayed downstairs.

13 Q. Okay. Were either you or Jack taking  
14 notes?

15 A. No.

16 Q. Okay. So neither of you were. Were you  
17 discussing with Jack from time to time answers that  
18 Gene might have given?

19 A. Oh, I'm sure we were.

20 Q. Okay. Do you remember anything  
21 specifically that struck you that Gene was saying  
22 that did not square with your memory of events?

23 A. No, I didn't.

24 Q. Okay. So did you feel that what he was

1       testifying to, whenever it had anything to do with  
2       you, that it was accurate as far as your memory was  
3       concerned?

4             A.    Yes, sir.

5             Q.    And similarly, did Eckerty voice to you  
6       any times that he thought that Ray's testimony was  
7       at odds with his memory of events?

8             A.    No, sir.

9             Q.    All right.  When you were watching Gene  
10       Ray's deposition and listening to it later, did you  
11       have any documents in front of you?  Did you have  
12       any exhibits or police reports or anything that you  
13       could refer to?

14            A.    Nothing, sir.

15            Q.    So when we were talking about various  
16       reports that you and Eckerty and others wrote, you  
17       didn't have access to looking at them at the time  
18       that we were showing them to Gene; is that right?

19            A.    No, sir.

20            Q.    Okay.

21            MS. SUSLER:  That wasn't clear.

22            MR. TAYLOR:  I'm sorry?

23            MS. SUSLER:  That answer isn't clear  
24       because you asked if it was correct and he said no,



1 sir.

2 Q. Okay, we've got one of those double  
3 negative answers. You did not have any documents to  
4 look at when -- when you were watching Gene's  
5 deposition or listening to it --

6 A. No, sir.

7 Q. -- is that correct? Okay. Have you had  
8 an occasion to review any documents prior to your  
9 deposition today?

10 A. Yes, sir.

11 Q. And what have you had an occasion to  
12 review?

13 A. Whatever Beth gave me.

14 Q. Okay. Did you review police reports?

15 A. Yes, sir.

16 Q. And what police reports did you review?

17 A. The ones I reviewed were the ones that I  
18 wrote.

19 Q. Okay. Now, do you remember the date on  
20 the reports?

21 A. No, sir.

22 Q. Do you remember how -- was it the 60 page  
23 report or the 30 page report or do you remember?

24 A. Pretty thick.

1 Q. Pretty thick.

2 A. It was one -- it was my report from the  
3 start of the investigation to the end of it, I  
4 believe.

5 Q. Okay. So that would have been the 59 or  
6 so pager?

7 A. Could be, yes, sir.

8 Q. Okay. And it went basically from July  
9 through June of the next year. Is that about when  
10 it --

11 A. Yes, sir.

12 Q. Did you review any other reports that you  
13 wrote other than that major report?

14 A. I'm sure I did. I read those and I read  
15 Darrell's statement.

16 Q. Okay. Which Darrell's statement did you  
17 read?

18 A. Oh, it was the one -- it was the one we  
19 took off him before we took him down to get him  
20 hypnotized.

21 Q. Was it a sworn-to statement?

22 A. No, it was just a typed statement, and  
23 then I think in there that said also there was a  
24 taped statement and a videotaped statement.

1 Q. Okay. And that was the one in November?

2 A. Couldn't tell you. I --

3 Q. Okay.

4 A. It was one prior to us taking him to Dr.  
5 Lum in St. Louis to get him hypnotized.

6 Q. All right. So you read the major report  
7 that you wrote, you read Darrell's statement that --  
8 was it the statement that was videotaped, do you  
9 remember?

10 A. Yes, sir.

11 Q. All right. So it was his videotaped -- a  
12 transcript of his video statement, right?

13 A. There was a handwritten statement. Then  
14 when we was taking the statement from him, there was  
15 a tape recorder going and also a video machine  
16 videoing us, so I guess you would call it triple  
17 kill.

18 Q. So was it the same statement or did you  
19 get only portions of it on the video and portions on  
20 the tape or is it all the same?

21 A. Should be a complete statement on all  
22 three of them.

23 Q. Okay.

24 A. I haven't heard the taped statement. I

1 haven't seen the video.

2 Q. When you say the handwritten statement,  
3 did you sit down and -- how did the statement get --  
4 was it -- did you transpose[sic] the tape or what?

5 A. No, I took notes. I took notes as we went  
6 through it again, as I always have, and then  
7 handwritten it out and then it was typed into a  
8 report.

9 Q. Okay. All right. So did you -- when you  
10 took the handwritten notes while Darrell was giving  
11 the statement and the video was running and the tape  
12 was running, did you check your handwritten notes  
13 with the video and the audio to make sure you were  
14 accurate in your taking or did the handwritten notes  
15 get transcribed into the typewritten statement  
16 without reference to either the video or the tape?

17 A. Back when we did it?

18 Q. Uh-huh.

19 A. I have no idea.

20 Q. You don't know whether you double-checked  
21 your own notes with the video or not; is that right?

22 A. I guess, yeah, that would be right.

23 Q. Now, you told us that your practice with  
24 regard to your detective work was to take as copious

1 notes as you could with regard to witnesses and  
2 suspects, right?

3 A. Yes, sir.

4 Q. Okay. And after you -- did you carry --  
5 you said you carried like kind of a folder or a --  
6 that had the note pad in it, the legal pad in it; is  
7 that right?

8 A. Yes, sir.

9 Q. Was that like a file? Could you put  
10 reports in it too or did you -- did you carry a  
11 separate file where you might carry the reports in  
12 the case, whatever they might be?

13 A. It didn't have any file in it. If I  
14 remember right, back then it had a pocket on the  
15 left-hand side of it where you could put loose  
16 papers or tuck them in there, and the other side was  
17 the tablet.

18 Q. Okay. Well, did you in an open homicide  
19 case like Rhoads or like the Mayfair or --

20 A. McNay.

21 Q. -- McNay case, did you have a file, a  
22 working file or a file that you'd carry with you if  
23 you'd go out on the street to investigate that would  
24 have more than just that yellow pad in it but would

1 have whatever reports or prior notes that you  
2 thought might be necessary to help you when you're  
3 out on the street?

4 A. No, sir.

5 Q. Okay. So would there be more than one  
6 file in the police department with regard to a case?  
7 In other words, I take it that there was a main  
8 filing system within the Paris Police Department  
9 where a file on each case would be kept. Is that  
10 fair to say?

11 A. Yes, sir.

12 Q. All right. And so there was a main file  
13 with regard to the Rhoads homicide, right?

14 A. Yes, sir.

15 Q. And would you expect that all of the  
16 reports that you wrote would go into that file?

17 A. Yes, sir.

18 Q. And, in fact, would you -- on the reports,  
19 would there be something that you would do in order  
20 to make sure that it did go into the file? In other  
21 words, would the dispatcher know when you gave them  
22 a report to write up to send that to the file, a  
23 copy of it?

24 A. Dispatchers would not have typed any of

1       them reports.

2           Q.     Okay.  And why is that?

3           A.     Paris is a small town and word gets around  
4       pretty quick of what goes on, so the reports would  
5       have all been typed by somebody that Gene Ray would  
6       have specifically designated to type our reports  
7       that was trusted or the reports would have gone to  
8       the State's Attorney's office to be typed.

9           Q.     All right.  So you're saying in the Rhoads  
10       investigation you didn't follow normal practice with  
11       regard to how reports were typed.  Is that fair to  
12       say?

13          A.     Yes, sir.

14          Q.     And that was at the instigation of Chief  
15       Ray; is that right?

16                MS. EKL:  Objection to form.

17          A.     That was probably something that was  
18       discussed by he and I because of the -- of the  
19       importance of the case and the information, that we  
20       didn't want everybody to have access to it.

21          Q.     Okay.  So you felt that in order to  
22       maintain security of the information that you were  
23       developing in the case, that you didn't want the  
24       dispatcher to be the one that had access to all that

1 information through typing the reports; is that  
2 right?

3 A. That and also the dispatcher was trying to  
4 answer phones and dispatch cars, and people was a  
5 coming in and out, and there's no way that she could  
6 or he or whoever was working could not have had time  
7 to do all them jobs at once, and then you sure  
8 didn't want people off the street coming in and  
9 looking over your shoulder and seeing what was in  
10 the reports and everything.

11 Q. So when you say the chief designated  
12 someone to do the typing of these particular reports  
13 in the Rhoads case, who was it that he designated?

14 A. Sir, I do not remember.

15 Q. Was it -- was it like an officer, a police  
16 officer within the Paris department, or was it a  
17 civilian that was hired just for that job? Who was  
18 it?

19 A. I -- I don't remember. I don't remember.  
20 You'd have to ask Gene.

21 Q. So you have no memory of who it was that  
22 was typing up your reports.

23 A. No, sir.

24 Q. All right. But that person would have had



1 to have been familiarized with the process of typing  
2 and reading the reports, right?

3 A. Yes, sir.

4 Q. And so there would have had to have been  
5 some kind of orientation that that person was given  
6 in order to properly type up the reports and send  
7 them to the right places, right?

8 A. Yes, sir.

9 Q. Okay. But it is true, is it not, that  
10 there was a file in the Paris PD in which all of the  
11 official reports were going that were generated by  
12 the Paris Police Department and particularly by you  
13 as the lead investigator in the case.

14 A. Yes, sir.

15 Q. And you were the lead investigator as far  
16 as Paris goes; is that right?

17 A. Yes, sir.

18 Q. And the lead investigator with regard to  
19 the Illinois State Police was Jack Eckerty, right?

20 A. Yes, sir.

21 Q. And Gene Ray was also involved in the  
22 investigation on basically a day-to-day basis,  
23 right?

24 A. Yes, sir.

1 Q. And also McFatridge, if not on a  
2 day-to-day basis, he was very integrally involved in  
3 the investigation from the beginning as well; is  
4 that right?

5 MR. RAUB: Objection, foundation.

6 A. Yes, sir.

7 Q. Okay. So basically the four of you were  
8 the -- the integral parts of the investigation in  
9 the Rhoads case from July 5th basically until it was  
10 -- went to trial; is that right?

11 MR. RAUB: Objection, foundation.

12 MS. EKL: Objection, form.

13 A. Yes, sir.

14 Q. Okay. Now, were you also receiving  
15 reports that Eckerty and ISP were writing based on  
16 interviews that they did?

17 A. Yes, sir.

18 Q. Were those also official reports not of  
19 Paris, but these were official reports of ISP,  
20 right?

21 A. Yes, sir.

22 Q. And do you know how they were being  
23 generated? Was it the same person typing those  
24 reports or was someone else typing those?

1           A.    I don't know.  Jack would have to be the  
2           one to answer that one.

3           Q.    Now, Jack was working out of the Paris  
4           Police Department, right?

5           A.    Yes, sir.

6           Q.    Okay.  And so there was a back area in the  
7           building that the detectives worked out of normally;  
8           is that right?

9           A.    Yes, sir, very small room.

10          Q.    And was Jack working out of that area too?

11          A.    Yes, sir.

12          Q.    Okay.  So you all were working out of the  
13          same room?

14          A.    Yes, sir.

15          Q.    All right.  Got a little crowded in there?

16          A.    Yes, sir, it did.

17          Q.    Now, where was the file physically kept  
18          with regard to Rhoads?  Was it right there in that  
19          small little room?

20          A.    Right there in that one room.

21          Q.    All right.  Now, did you have that under  
22          lock and key or could people, for instance, Gary  
23          Wheat or a patrolman, you know, I won't call a name  
24          but, you know, a Paris patrolman, could they have

1 access to the Rhoads file?

2 A. Gary Wheat could have because he worked in  
3 that same office.

4 Q. All right.

5 A. But no other street cop could have got in  
6 that office.

7 Q. All right. So when you left that office,  
8 you locked it up?

9 A. You bet.

10 Q. All right. Now, other than Wheat and  
11 yourself, were there any other Paris detectives at  
12 that time?

13 A. No, sir.

14 Q. All right. So the other two guys you  
15 mentioned had retired and gone.

16 A. Oh, yes, sir.

17 Q. Yes, sir, they were gone?

18 A. Retire -- yes, sir. Bill Nicholas went  
19 back to construction and Tommy Martin went on to be  
20 the head crime scene technician for the State of  
21 Illinois.

22 Q. Right. And they had long -- not long, but  
23 they were gone like before this Rhoads  
24 investigation; is that right?

1 A. Yes, sir.

2 Q. All right. Now, were there any other ISP  
3 detectives or investigators other than Eckerty that  
4 had access to the room and the file?

5 A. No. No, sir.

6 Q. Snyder or Bensyl, those guys didn't --

7 A. No.

8 Q. -- have access? No?

9 A. Let me answer like this. Jack would not  
10 have had access to that room unless Gary or I would  
11 have let him in.

12 Q. Okay. And he didn't have his own key?

13 A. No, sir.

14 Q. But he -- but he would be someone who  
15 would be in there on a day-to-day basis working on  
16 the case.

17 A. Yes, sir.

18 Q. And, of course, Gene Ray had access to the  
19 files.

20 A. Yes, sir.

21 Q. And you saw he testified that he suspected  
22 that he saw these reports as they were being  
23 generated or close thereto, right?

24 A. Yes, sir.

1 Q. Is that your memory as well, that he was  
2 reviewing your reports?

3 A. Yes, sir.

4 Q. Okay. Now, was there a formal procedure  
5 with regard to review of your reports? I mean, was  
6 there a supervisor who was in charge of reading the  
7 reports, making sure they were complete, and signing  
8 off on them?

9 A. Not on the Paris Police Department, but  
10 I'm assuming -- well, no, I don't know.

11 Q. Well, what --

12 A. Not at the Paris Police Department, no.

13 Q. Okay. You're assuming what?

14 A. I assume that Mike overread every report  
15 when it came into his office.

16 Q. And, in fact, the reports all were routed  
17 to Mike's office as well as to your file, right?

18 A. Yes, sir.

19 Q. Okay. And would Mike come down and meet  
20 with you guys sometimes at the police department,  
21 and other times you would go up to the State's  
22 Attorney's office and meet up there?

23 A. Yes, sir.

24 MR. RAUB: Objection, foundation.

1 Q. And particularly in the early stages of  
2 the investigation, the four of you were meeting  
3 quite often to discuss the progress of the  
4 investigation; isn't that right?

5 MR. RAUB: Objection, foundation.

6 A. Yes, sir.

7 Q. Now, how far from the Paris Police  
8 Department is the State's Attorney's office?

9 A. A block.

10 Q. Okay. Now, I take it that did you and  
11 your wife come to work together in the morning and  
12 go home at night together or did you take separate  
13 cars or how did that work?

14 MS. EKL: Objection, foundation as to time  
15 period.

16 A. We traveled separately.

17 Q. Okay. But you would be over at the  
18 State's Attorney's office quite frequently, right?

19 MS. EKL: Objection, foundation, time  
20 period.

21 A. Yes.

22 Q. And she worked out of the State's  
23 Attorney's office, right?

24 A. No.

1 Q. No? The probation office wasn't over  
2 there?

3 A. No.

4 Q. Where was the probation office?

5 A. As you come up the -- are you familiar  
6 with Paris, the courthouse?

7 Q. Yeah, we are a little bit.

8 MS. SUSLER: Been there.

9 Q. Been there a couple times.

10 A. One's on one corner of the building and  
11 one's on the other corner of the building upstairs.

12 Q. All right. So they're in the same  
13 building?

14 A. They're in the same building, but they're  
15 not attached in any way.

16 Q. Yeah, okay. Actually that's what I was  
17 referring to. I meant the same building not the  
18 same office.

19 Okay. Now, did you discuss your cases  
20 with your wife?

21 A. Some of them I might have, but some I  
22 might not.

23 Q. Okay. And over the course of the Rhoads  
24 case, given the stress that you were under and the



1 fact that you were coming home late often, if not --  
2 you know, did you have occasion to explain from time  
3 to time to your wife some of the aspects of the  
4 investigation that you were doing that was causing  
5 you to stress and causing you to come home late or  
6 not at all sometimes?

7 MS. EKL: Objection, form, foundation.

8 A. I'm sure I did.

9 Q. Okay. And she was also in law  
10 enforcement, right?

11 A. Yes, sir.

12 Q. Okay. So she could bring a rather unique  
13 perspective than a wife who wasn't involved in the  
14 same general kind of work that you were could bring,  
15 right?

16 A. Yes, sir.

17 Q. Okay. So I would take it -- my wife's a  
18 lawyer. I take it that from time to time you'd talk  
19 to her about business in a way that would not just  
20 be to receive sympathy but also to get some actual  
21 input from her in terms of what you were doing.

22 A. Yes, but she was more of a listener than  
23 she was an inputter.

24 Q. Okay, that's good as well. So going back

1 to the idea of the notes you took, would you -- what  
2 would you do with the notes once you had written up  
3 your handwritten report?

4 A. They were destroyed.

5 Q. Right then?

6 A. Yes, sir.

7 Q. So you never kept them?

8 A. No.

9 Q. Never felt that maybe you needed to go  
10 back to see if the report was -- was consistent with  
11 your notes?

12 MS. EKL: Objection.

13 A. No, sir.

14 Q. When you wrote your notes up, would you do  
15 your own self-editing? In other words, if you had  
16 some notes, would you think, well, I don't need to  
17 put that in the report, and so that the notes might  
18 have things in them that the report doesn't?

19 A. No, sir.

20 Q. Would you -- conversely, your notes  
21 weren't verbatim a lot of the time, right? They  
22 would be the best you could write down while you  
23 were talking to somebody, right?

24 A. Yes, sir.

1 Q. And so the notes would also serve the  
2 function of bringing to your memory what the  
3 conversation was that you had with the witness,  
4 right?

5 A. Yes, sir.

6 Q. So I would take it that when you look at  
7 your notes and you're writing your report, you might  
8 think of something that's only partially in your  
9 notes or you might have had some kind of designation  
10 that led you to remember something that the witness  
11 said that might not actually be in the notes, right?  
12 At least not in a verbatim way.

13 A. Yes, that's right.

14 Q. Okay. So in some -- sometimes you'd be  
15 editing your notes in your report in the sense that  
16 you would be writing it in a more formal way and you  
17 might be including things that weren't in your  
18 notes, right?

19 A. Could be very possible, yes.

20 Q. Okay. And -- but you're saying that you  
21 would never leave out anything that was in your  
22 notes even if you determined that it wasn't  
23 relevant?

24 A. I'm not -- if it was relevant, yes, it

1 went into the report.

2 Q. Okay. But as you looked over the notes,  
3 and, you know, you've been an investigator for a  
4 couple of months and there's something in there that  
5 you think is either -- is not relevant, you might  
6 not put that in the report, right?

7 A. This case here, I -- I would not have left  
8 anything out whether it seemed relevant at the time  
9 or not.

10 Q. All right. So your practice particularly  
11 in this case was to put everything in the reports  
12 that you had written in your notes. Is that your  
13 testimony?

14 A. I tried to do that. I tried to do it on  
15 every case I ever worked, whether a homicide,  
16 burglary or whatever.

17 Q. Okay. But unless there's some stray notes  
18 in some file, we really can't compare your notes to  
19 the reports to see really how that all came out,  
20 right?

21 MS. EKL: Objection, form.

22 A. That's right.

23 Q. We're looking at something that's gone  
24 through two phases since you wrote your notes and

1 talked to the witness, that is, your written report  
2 and then to the typewriter, right?

3 A. Yes, sir.

4 Q. Okay. Now, at some point the department,  
5 at least in this case, converted to having you read  
6 your notes into a tape recorder rather than to write  
7 them into a report, right? Do you remember that?

8 A. Yes, sir.

9 Q. Okay. And do you remember Gene Ray  
10 testifying about that at his deposition?

11 A. Yes, sir.

12 Q. All right. Now, is it true that in the  
13 Rhoads case you dictated your reports into some kind  
14 of tape recorder and that the typing was done based  
15 on your dictated recitation of your notes rather  
16 than through handwritten reports?

17 A. On the -- on the long reports, I would  
18 take my notes and I would handwrite them -- I would  
19 handwrite them, and then if they were a short  
20 report, somebody would type them. If it was a long  
21 report, then we would put them on a tape recorder  
22 because I -- at the time I think the State's  
23 Attorney's office is the only person that had a --  
24 what do you call them?

1 Q. Dictaphone?

2 A. -- dictaphone that could do that, because  
3 I don't remember the police department having one at  
4 that time.

5 Q. Okay.

6 A. So if it was going to be a long report,  
7 then it was put on tape and then the State's  
8 Attorney would do the dictaphoning.

9 Q. Okay. So, in other words, let me see if I  
10 got this right. You did do some long reports. You,  
11 in fact, looked at one before this dep, right? The  
12 59 page one?

13 A. Oh, yes, sir.

14 Q. Okay. Now, the process with regard to  
15 that was -- did that go to the State's Attorney's  
16 office to be dictated, is that what you're saying,  
17 or did you dictate it at the State's Attorney's  
18 office?

19 A. Oh, no, I would have -- that report was so  
20 long there's -- you'll see in that as you read it  
21 there's a whole bunch of pages that's got the same  
22 date on them, like 29 or 30 pages, I -- without  
23 going back and looking. That report I would have  
24 handwritten because all the reports weren't -- all

1 the reports weren't made the same day, but if you  
2 look at it, it looks as if I sat down and did two  
3 months reports at one time.

4 Q. Right.

5 A. But what -- what was done was every day or  
6 the next morning I would handwrite my notes into a  
7 report, and then prior to sending it to the State's  
8 Attorney's office, I would take my handwritten  
9 reports and dictate them into a tape recorder and  
10 then send the tape to the State's Attorney's office.

11 Q. To create the report that we have.

12 A. Right.

13 Q. Now, did you have a practice within the  
14 police department, in the Paris Police Department as  
15 to whether you kept the handwritten reports or not?

16 A. After a report -- no.

17 Q. No, okay. So would that be up to an  
18 individual detective to determine whether he'd keep  
19 the handwritten report that he wrote out or whether  
20 he would discard it after he either dictated it or  
21 had it typed into a typed report?

22 A. Yes.

23 Q. What -- what was your practice with regard  
24 to the Rhoads investigation? Did you keep the

1 handwritten reports or did you discard them after  
2 you either dictated them or had them typed?

3 A. I discarded them.

4 Q. All right. And that was contemporaneously  
5 with your dictation or your -- or the typing you  
6 discarded the notes?

7 A. Yes, sir.

8 Q. Now, with regard to those big reports that  
9 you dictated and then sent to the State's Attorney's  
10 office for typing, did you check those reports with  
11 either the dictation or the handwritten reports that  
12 you wrote out in order to make sure that the typed  
13 report was consistent with and accurate with regard  
14 to what you originally generated?

15 A. I would have writ -- I would have read  
16 over it after it was dictated.

17 Q. Okay. You mean after it was dictated and  
18 typed?

19 A. Yes, I'm sorry.

20 Q. But would you compare it to your dictation  
21 or to your handwritten notes or to your written  
22 reports?

23 A. Probably not, no, sir.

24 Q. Okay. So now what we're really looking at



1 with regard to those big reports is a -- the fourth  
2 stage of the generation of the reports, right? It  
3 started out with your notes, your notes went to a  
4 handwritten report, your handwritten reports went to  
5 a dictation, the dictation went to a typed report.  
6 Is that what I'm understanding now?

7 A. Yes, sir.

8 Q. And the first three phases of that are  
9 gone, right?

10 A. Yes, sir.

11 Q. Now, the dictation tape, you didn't keep  
12 that either, right?

13 A. Not to my knowledge, no.

14 Q. Now, were there circumstances where you  
15 might leave things out of your notes -- you said  
16 that you tried to keep most information in the  
17 Rhoads case, but were there circumstances where you  
18 looked at when you were reading -- taking your notes  
19 and putting them into a handwritten report, that  
20 you'd leave something that was in the notes out of  
21 your handwritten report?

22 MS. EKL: Objection, asked and answered.

23 A. No, sir.

24 Q. And when you read your handwritten report

1 into the dictation machine, did you ever look at  
2 something that you were reading in the report and  
3 say that doesn't need to go in the dictating  
4 machine, that's, you know, a waste of my breath, and  
5 leave something out of the handwritten report into  
6 the dictating machine?

7 A. No, sir.

8 Q. All right. So it's your testimony as you  
9 sit here today that everything that you wrote down  
10 in your notes we're going to see in the reports that  
11 we have now.

12 A. Yes, sir.

13 Q. All right. Now, do you know who the name  
14 of McFatridge's secretary was who was typing up the  
15 dictation?

16 A. Would have been Phillippi.

17 Q. And where is she now? Is she still alive?

18 A. Oh, yes, sir, she's still alive.

19 Q. Is she a local from Paris?

20 A. I don't think so.

21 Q. Okay. You don't know where she is now?

22 A. No, sir.

23 Q. Okay. I take it she's no longer working  
24 at the State's Attorney's office?

1 A. She still resides in Paris.

2 Q. Yeah, but she doesn't -- she's retired.

3 A. Yes, sir.

4 Q. Okay. And she's the one who typed up your  
5 dictation.

6 A. Would have been -- yes, sir, I think she  
7 did most of it.

8 Q. Okay. Who might have -- was there someone  
9 else who might have done some of it?

10 A. I think Frieda Witters worked in the  
11 State's Attorney's office at that time.

12 Q. Frieda?

13 A. Frieda Witters.

14 Q. Okay. T-T-E-R-S?

15 A. Yes, sir.

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22 Q. Now, there were -- Gary Wheat, did he  
23 write any reports with regard to the Rhoads

24 [SUBJECT TO PROTECTIVE ORDER]



1 homicide?

2 A. I don't recall.

3 Q. Was there anyone else from the Paris  
4 Police Department writing any reports with regard to  
5 the Rhoads homicide?

6 A. I don't recall.

7 Q. Okay. Gene Ray, did he write reports when  
8 he was involved in various aspects of the  
9 investigation, the Rhoads investigation?

10 A. I don't recall.

11 Q. Okay. Did Ray ever ask you to write a  
12 report when you and he were together doing an  
13 interview or doing anything with regard to the  
14 investigation?

15 MS. EKL: Objection, form, foundation,  
16 compound, and part of it assumes facts not in  
17 evidence.

18 A. He --

19 MS. EKL: Sorry, go ahead.

20 A. He wouldn't have had to ask because I  
21 probably automatically would have done it as far as  
22 writing reports.

23 Q. Okay. So if the two of you were there,  
24 because he's the chief and you're the detective,

1 you'd write the report, right?

2 A. Yeah.

3 Q. Okay. And here's a harder one for you.

4 You and Eckerty did a lot of investi -- interviews,  
5 right?

6 A. Yes, sir.

7 Q. Did you have any kind of practice which  
8 you had worked out with Jack about who would write  
9 the report if there was one of you from the Paris  
10 Police Department and someone from ISP, i.e., Jack,  
11 both at that particular interview?

12 A. Our rule of thumb was if we were doing  
13 interviews, if I did you, then I'd write. If we had  
14 another one coming in, then Jack. We just switched  
15 back and forth so one person didn't have to do all  
16 the writing.

17 Q. Okay. So if you did five interviews, Jack  
18 might write up two of them and you might write up  
19 three?

20 A. Three or vice versa.

21 Q. Now, would you include in your report what  
22 Jack wrote? In other words, if you did five  
23 interviews, okay, you write up three, Jack writes up  
24 two, okay? Does all five of those interviews go in

1 your report and do all five of those interviews to  
2 your knowledge go in Jack's report or does only the  
3 ones that you wrote up go in your report and only  
4 the ones Jack wrote up go in his report?

5 A. The latter.

6 Q. All right. So you were counting to some  
7 degree on Eckerty to write up aspects of the  
8 investigation that he was writing up and so you  
9 didn't duplicate at least in some instances in your  
10 reports what he was putting in his.

11 A. Exactly, right.

12 Q. Did you have any method for checking what  
13 Jack was writing with what you were writing to make  
14 sure all the complete information was being included  
15 in either one or the other of the reports?

16 A. No, sir, because I trusted what Jack put  
17 in his report was the same thing that -- we was on  
18 the same interviews, so I never questioned Jack in  
19 his reports.

20 Q. Okay. So it's fair to say --

21 MS. SUSLER: We forgot to mark when it  
22 was --

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BY MR. TAYLOR:

7

Q. If you were both at an interview or a

8

series of interviews and Jack wrote up some of those

9

interviews and you wrote up some of them, you would

10

-- your notes -- you'd take notes of some of them

11

and he'd take notes of the others or would you both

12

take notes at each interview?

13

A. Only one of us would take them. Whichever

14

one was going to write the report would take the

15

notes.

16

Q. Okay. So if you and I are going to

17

interview Ms. Ekl, we walk into the room and you and

18

I say, okay, it's yours. And if it's yours, you

19

write the notes of the interview and you write the

20

report, you put it in your report.

21

A. Right.

22

Q. And Eckerty is there, he is involved in

23

the questioning, he hears what goes on, but he

24

doesn't write anything. Is that fair to say?



1 A. Yes, sir.

2 Q. Now, is there -- if I say it's yours to  
3 interview Ms. Ekl, does that mean you're going to do  
4 the questioning as well or is it more likely I'll do  
5 the questioning because you're taking the notes?

6 A. That would be agreed upon prior to going  
7 in.

8 Q. Okay. But would it be your practice that  
9 the note taker wouldn't be the primary questioner  
10 because he's got the job of taking the notes and the  
11 other person could focus on the questioning; is  
12 that --

13 A. Yes. More than likely, yes.

14 Q. Okay. So would it be fair to say that if  
15 we compared the Eckerty reports or -- to your  
16 reports and we synthesized them, we should have  
17 everything that you guys did and reported with  
18 regard to this investigation?

19 A. Yes, sir.

20 Q. And if someone other than you from the  
21 Paris Police Department did an interview, would you  
22 incorporate that into your reports or particularly  
23 your big reports?

24 A. No, sir.

1 Q. All right. So those would be separate.

2 A. Yes, sir.

3 Q. And if other ISP people did an interview  
4 that didn't include you or someone from the Paris  
5 Police Department, would you include what they did  
6 in your reports?

7 A. No, sir.

8 Q. All right. But would -- were all of the  
9 ISP reports being generated by Jack and the others,  
10 Bensyl and Snyder, were they going into the main  
11 file as well?

12 MS. EKL: Objection, foundation.

13 A. At the Paris Police Department, yes.

14 Q. Okay. So were there two files? Was there  
15 a file, a Paris Police Department file that was  
16 getting all of the reports from ISP and from Paris  
17 PD, and then did Jack and ISP have a similar file or  
18 was he relying on your file?

19 MS. EKL: Objection, form, foundation.

20 A. I don't know.

21 Q. You don't know what he had?

22 A. No, sir.

23 Q. All right. But you know that when he was  
24 in Paris he was relying on your file.

1 MS. EKL: Objection.

2 A. Yes, sir.

3 MS. EKL: Foundation.

4 A. Yes, sir.

5 Q. And I take it that he was sending all of  
6 the ISP reports that he was generating to McFatridge  
7 in the same way that you were; is that right?

8 MS. EKL: Objection, foundation.

9 A. As far as I know, yes, sir.

10 Q. Okay. So we should expect that McFatridge  
11 had a complete file of all ISP and Paris reports in  
12 the same way that you did in your office.

13 A. Yes, sir.

14 Q. Is that fair?

15 A. Yes, sir.

16 Q. Okay. Now, if McFatridge happened to be  
17 in your office for a meeting or whatever, he would  
18 have access to your files, right?

19 A. Yes, sir.

20 Q. And I take it that if he came down to the  
21 department and asked to see something in your files,  
22 you'd make it available to him, right?

23 A. Oh, yes, sir.

24 Q. All right. And did he tell you at any

1 point in the investigation that he didn't want you  
2 to write down anything negative?

3 A. No, sir.

4 MR. RAUB: Objection.

5 Q. Did he ever tell you once the  
6 investigation had focussed after Herrington had come  
7 -- you had talked to Herrington and Randy Steidl and  
8 Herb Whitlock had become a focus of your  
9 investigation, did he ever tell you that he didn't  
10 want you to write down anything that was in any way  
11 negative to them as being the suspects?

12 A. Can you go over that one more time?

13 Q. Yeah, I'm asking -- maybe that's not the  
14 best way to phrase it. Did he ever tell you --  
15 after Herrington had stated that Randy and Herbie  
16 were involved in the case, did he ever tell you that  
17 he didn't want you to write down anything that  
18 contradicted or was negative to that conclusion?

19 A. No, sir.

20 Q. All right. Did Jack Eckerty ever tell you  
21 that McFatridge had told him that?

22 A. No, sir.

23 Q. So is it your testimony that no one ever  
24 communicated to you that there was information --

1 you were not to write down information that  
2 contradicted in any way the idea that Steidl and  
3 Whitlock were involved in the homicides?

4 A. You're getting me confused.

5 Q. All right.

6 MR. TAYLOR: Would you read that question  
7 back if it wouldn't be too difficult?

8 (Requested portion of the deposition was  
9 read by the court reporter.)

10 BY MR. TAYLOR:

11 Q. Does that clear it up or should I --

12 A. No. So what you're asking, if I might put  
13 it this way --

14 Q. All right.

15 A. -- did McFatrige -- after Darrell came  
16 forward and said that Randy and Herbie were the  
17 suspects, did McFatrige ever tell us to ignore any  
18 other information on anybody else but besides --

19 Q. That's close enough, yes.

20 A. No, he never did tell us.

21 Q. All right. Did anyone else tell you that?

22 A. No, sir.

23 MS. EKL: When you -- I was just going to  
24 suggest that when you're finished with this line of

1 questioning if we could --

2 MR. TAYLOR: Yeah, why don't we take --  
3 it's two o'clock.

4 MS. EKL: No, one o'clock.

5 MR. RAUB: Two o'clock someplace.

6 MR. TAYLOR: I was going to say two  
7 o'clock in Boston is what I was going to say. Good.  
8 Take an hour or what?

9 MS. EKL: Can we go off the record?

10 (Discussion off the record.)

11 (Recess at 1:00 p.m. to 2:03 p.m.)

12 BY MR. TAYLOR:

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

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Q. -- is that right? Okay. Now, when you were a patrolman, did you have any informants?

A. Yes, sir.

Q. All right. And who were your informants when you were a patrolman?

A. Sir, I don't have -- I don't have any recollection of who they might have been.

Q. You don't remember anybody.

A. Not off the top of my head. As patrolman you just didn't -- people would give you -- I wouldn't -- people might stop you as you're driving by and give you information, so I guess informant wouldn't be the proper word for as a street cop.

Q. Okay. How about a confidential informant? Did you have any of those when you were a street cop?

A. Not that I recall.

Q. Okay. When you became a detective, did you develop any informants?

A. Yes, sir.

Q. All right. And who were they?

A. Well, it's confidential.

Q. Well --

1           A.    I mean I know what you're getting at.  I  
2    mean --

3           Q.    Well, first of all, let's talk about the  
4    procedures involved.  When you developed a  
5    confidential informant, was there some procedure  
6    within the police department to document the fact  
7    that you had an informant?

8           MS. EKL:  Just so we're clear, you've gone  
9    back and forth between informant and confidential  
10   informant.  Are all your questions when you say  
11   informant related to confidential informant?  If you  
12   could just clarify that.  So I guess my objection is  
13   as to form.

14          Q.    Well, when you use the word informant,  
15   you're talking about just somebody on the street who  
16   gives you some information, right?

17          A.    Yes, sir.

18          Q.    And there's no guarantee, implied or  
19   explicit, of confidentiality; is that right?

20          A.    Right.

21          Q.    But then you have someone who's a grade  
22   above that in terms of the information they're  
23   giving and the confidentiality at the time that they  
24   expect and you give them; is that right?



1 A. Yes, sir.

2 Q. All right. Did you have any confidential  
3 informants when you were a detective?

4 A. Yes, sir, I did.

5 Q. And was there a procedure with regard to  
6 confidential informants?

7 A. The procedure was the one I adopted I  
8 guess myself of how I handled it.

9 Q. And how was that?

10 A. Say, for instance, if you were my  
11 confidential informant, then in this book here, I  
12 would have your name and all your pertinent  
13 information, and then there would be a number beside  
14 your name. Now, that book, nobody ever saw that  
15 book except either me or Chief Ray to know exactly  
16 who's who.

17 Q. All right.

18 A. Then the other book would have just the  
19 number in it. And then I would keep my own notes  
20 mainly on drug information; that if I was going to  
21 meet you tonight, in this one notebook it would be  
22 met No. 1 at so-and-so place at so-and-so time and  
23 No. 1 gave me specific information and all this  
24 information, so in case anybody would get access to

1 that book, they may know what I was working on and  
2 what kind of case it was, but all they would see  
3 would be a number, so they could not correlate that  
4 number with who that was.

5 Q. Now, were any of these confidential  
6 informants that you developed paid confidential  
7 informants?

8 A. On -- per se as on payroll, no. If they  
9 would produce good information in drug cases, now  
10 I'm talking about drug cases now, you know, they  
11 needed five bucks for gas or something like that to  
12 go run to make a controlled buy or to do for  
13 surveillance, yes, they would -- but as far as  
14 paying them out cash money, no.

15 Q. So you'd pay them expenses if they gave  
16 you good information but not -- not any money for  
17 either the information itself or for their  
18 employment as an informant.

19 A. No, sir.

20 Q. So your paid informants were expenses  
21 only, is that fair to say?

22 A. Basically, you know, and I should maybe  
23 back up. If they made a good bust, which didn't  
24 happen very often, you might slip them a few extra

1 dollars for doing something, but as far as on like  
2 if you had an informant come in and say, well, I  
3 need 20 bucks for this or that or this or that, that  
4 just didn't happen.

5 Q. All right. Now, the notebook that you  
6 kept was a -- you kept a record of the information  
7 that the informants were giving you; is that right?

8 A. Yes, sir.

9 Q. And would that notebook also contain any  
10 payments that you made to that informant?

11 A. Yes, it would have.

12 Q. And was that information in that notebook,  
13 was that part of an official file or was that your  
14 personal file?

15 A. That would have been -- it would have been  
16 the police department's slash personal file which  
17 would have been kept at the police department locked  
18 up.

19 Q. And you say that the only persons that  
20 would have access to it would be you and the chief?

21 A. Chief and -- well, Gary Wheat would have  
22 been back there in the same office, yes.

23 Q. So did you know whether Gary Wheat had any  
24 confidential informants or not?

1 A. That I don't know, sir.

2 Q. Would you -- did he keep a notebook like  
3 you did with regard to confidential information from  
4 informants?

5 A. I don't -- I don't have any knowledge of  
6 that.

7 Q. All right. Well, would you record what  
8 you had in your notebook into official Paris Police  
9 Department reports?

10 A. Not unless it -- not unless the  
11 information I received ended up being an arrest.

12 Q. All right. Now, did you use informants in  
13 other cases other than drug cases?

14 A. Sure.

15 Q. All right. And did you use the same  
16 procedure for informants if they were working  
17 another case, such as a homicide or a burglary or  
18 something, that you would as you've described it for  
19 a drug case?

20 MS. EKL: Objection.

21 Q. Drug informant?

22 MS. EKL: Objection. Form again. He just  
23 described to you confidential informants, so is your  
24 question in reference to confidential informants in

1 other cases as opposed to what he's described as  
2 regular informants?

3 Q. I'm talking about confidential informants.

4 A. Yes, sir, they would.

5 Q. Okay. Now, was Phil Sinclair ever one of  
6 your informants?

7 A. Yes, sir, he was.

8 Q. And from what period of time was he your  
9 informant?

10 A. I can't give you exact times. I can tell  
11 you what he was an informant in reference to.

12 Q. All right.

13 A. But what the times and dates are, I can't  
14 tell you.

15 Q. All right. It was during your time as a  
16 detective, right?

17 A. Yes, sir.

18 Q. And you were a detective from 1983 to 1988  
19 when you left the force, right?

20 A. Approximately, yes.

21 Q. So at some time -- was it off and on the  
22 entire time you were a detective?

23 A. Oh, I'm sorry, no. He wasn't constantly.  
24 He -- Phil Sinclair, if he would get himself in a

1 bind, which I don't know how else to put it, then  
2 he'd want to work off a deal for you, so he would be  
3 an informant.

4 Q. A lot of informants did that, right?

5 A. Exactly. They always wanted to keep an  
6 ace in the hole and that's --

7 Q. And that's how you got informants, because  
8 they were looking for some break in some criminal  
9 conduct they were involved in, so they were ready to  
10 give up somebody else, right?

11 MS. EKL: Objection, form, foundation.

12 A. Yes, sir, it was.

13 Q. All right. And Sinclair certainly was one  
14 of those types of people, right?

15 A. Yes, sir.

16 Q. And he helped you on drug cases?

17 A. One.

18 Q. All right. And do you remember the name  
19 of that case?

20 A. No, because Phil -- to start with, he was  
21 writing bad scripts, forgery on scripts. Caught him  
22 doing that.

23 Q. Prescriptions are you saying?

24 A. Prescriptions, I'm sorry.

1 Q. That was drug-related?

2 A. Yes, sir, because he was trying to buy --  
3 he had pharmaceutical prescriptions and he was  
4 filling them out and scribbling some doctor's name  
5 on them, probably Dr. Sinclair, but -- so we caught  
6 him doing that. And he rolled over. He said, well,  
7 I can give you so-and-so just like we just  
8 mentioned. And he got -- was clear the way out of  
9 Paris.

10 And so immediately I mean I'm sure I  
11 notified Jack of that, and Jack -- Jack had a couple  
12 of guys out of his office that worked drugs, Dave  
13 Crouch and Cary Grant I think was his name. So we  
14 would contact them, and basically we got a guy down  
15 here that's got information too big for us to handle  
16 because he's -- it's just too much for a little  
17 police department to handle, so what we did -- what  
18 I did, well, we just turned Phil Sinclair over to  
19 them.

20 Q. So would it be fair to say that Phil  
21 Sinclair also operated as a confidential informant  
22 for Eckerty and the ISP?

23 A. I guess indirectly.

24 Q. All right. Now, did Sinclair testify in

1 that case?

2 A. No, sir, I don't think he did.

3 Q. So his cover was not blown by his  
4 involvement in that case.

5 A. No, sir. Well, I don't know.

6 Q. All right. To your knowledge, was his  
7 cover ever blown while you were operating him?

8 A. Only if he would have blown it himself.

9 Q. So you had no knowledge that he had blown  
10 his cover, right, when you were --

11 A. Not that I know of.

12 Q. As far as you knew, he was still a good --  
13 an effective informant in the sense that he wasn't  
14 exposed in the community as an informant for you?

15 A. Yes, sir.

16 Q. All right. Who else other than Phil  
17 Sinclair worked as an informant for you?

18 A. Oh. Gosh, I couldn't tell you. Now  
19 you're talking informer, back to this confidential  
20 informant?

21 Q. Yes.

22 A. Oh, I had several of them, but as far as  
23 names coming out, I just can't remember exactly who  
24 they were. I can't think of any right offhand, sir.



1 Q. Okay. Well, did -- with regard to  
2 Sinclair, did he give you any information on any  
3 other case than this one case about writing bad  
4 prescriptions?

5 A. I can't think of any offhand, sir.

6 Q. All right. Now, can you tell me -- I know  
7 you can't recall any other names of confidential  
8 informants at this time. Can you tell me  
9 approximately how many you had, how many you  
10 operated from time to time while you were a  
11 detective?

12 A. I couldn't even -- I couldn't even guess  
13 to give you a number on that either.

14 Q. Well, are we talking more than ten or less  
15 than ten?

16 A. I just -- I don't know.

17 Q. You don't know.

18 A. Because if you had a confidential  
19 informant, he just may only give you information on  
20 one -- on one case and then you never see or heard  
21 of him again, so, you know, I don't -- I don't know.

22 Q. Well, if we -- even if he only gave you  
23 information on one case, would he or she end up in  
24 your book?

1 A. Oh, yes, sir.

2 Q. All right. Now, what happened to that  
3 book when you left the department?

4 MS. EKL: Objection, foundation.

5 A. I destroyed it myself.

6 Q. You destroyed it?

7 A. Yes, sir.

8 Q. All right. Were you under any orders to  
9 do that or did you do that on your own volition?

10 A. Did it on my own.

11 Q. All right. And was there any other record  
12 in the police department about who your informants  
13 were other than your black book or -- I don't know  
14 if it's black -- your notebook?

15 A. No, sir.

16 Q. All right. And would you have records of  
17 the payments that you obtained to pay the informants  
18 for various costs and occasionally for the  
19 information as you said?

20 A. They would have been in that book.

21 Q. All right. So I take it you destroyed  
22 both books, the book that had the person's name in  
23 it and the book that had the information in it --

24 A. Yes, sir.

1 Q. -- is that right?

2 A. Yes, sir.

3 Q. Were there any pending cases that were  
4 going on when you left the office that you were  
5 working on that had any relevance to any of these  
6 informants?

7 MS. EKL: Objection, form.

8 A. Not that I recall.

9 Q. Did you turn over information in the  
10 informant's book to the State's Attorney when cases  
11 that the informants worked on resulted in  
12 prosecutions?

13 A. You're asking me if I turned the book over  
14 to the State's Attorney or the information in it?

15 Q. Well, but let's -- let's put it this way.  
16 Did you turn over all the reports in your book that  
17 were relevant to the case if the case resulted in  
18 prosecution?

19 MS. EKL: Objection, form, assumes facts  
20 not in evidence. He never testified there were  
21 reports contained within the book.

22 A. What was in the book, if it was pertinent  
23 to the case, then it was included in my report that  
24 went to the State's Attorney.

1 Q. All right. So you would put any  
2 information that you got from the informant that was  
3 in your book in a formal police report if it was a  
4 case that was prosecuted?

5 A. Yes, sir. If I might elaborate, per se  
6 like a controlled buy on a drug case, that the  
7 controlled buy would have to be put in the report or  
8 in the information to get a search warrant or  
9 whatever you needed in the deal, so that part would  
10 have been put into the report for the arrest or it  
11 would have been put into the information to obtain a  
12 search warrant, so yes, that information would have  
13 been used in the report which would have then gone  
14 into the State's Attorney's office.

15 Q. Now, did you ever make the book itself  
16 available to the State's Attorney?

17 A. No, sir.

18 Q. Did the State's Attorney -- did you make  
19 available to the State's Attorney the identity of  
20 your informants if, in fact, it was a case that was  
21 in court?

22 A. Yes, sir, probably I did.

23 Q. And how would you do that? By report or  
24 would you do that orally?

1 A. Orally.

2 Q. So that when McFatridge was State's  
3 Attorney, you'd tell him, hey, this confidential  
4 informant is so-and-so?

5 A. Yes, sir.

6 Q. On how many occasions did you do that?

7 A. I have no idea.

8 Q. Now, did you sometimes share your  
9 informants with -- and again, we're talking  
10 confidential informants here -- with other law  
11 enforcement agencies? You said you did with the ISP  
12 and Jack. Any other agencies that you'd share an  
13 informant with?

14 A. I'm sure if we were working with another  
15 city or a county or -- and that informant had  
16 information in their area, yes, I would introduce  
17 the informant, confidential informant to that agency  
18 that was in that area handling it and then they  
19 would go ahead and use him.

20 Q. Okay. Did you ever share an informant  
21 with the FBI?

22 A. I don't ever remember working anything  
23 with the FBI.

24 Q. Did you ever have an informant, a

1 confidential informant, that was also working for  
2 the FBI?

3 A. I have no idea.

4 Q. How about the Secret Service?

5 A. Secret Service, yes.

6 Q. All right. And did you -- on how many  
7 occasions did you share an informant with the Secret  
8 Service?

9 A. One that sticks out in my mind is, would  
10 be Debbie -- well, Debbie Reinbolt who had told us  
11 about a Debbie Jordan on a counterfeit deal, and  
12 then Debbie Jordan would have been the one turned  
13 over -- well, the Secret Service would have met with  
14 Debbie Jordan I believe.

15 Q. All right. So Debbie Reinbolt was working  
16 as an informant for whom?

17 MS. EKL: Objection, form, foundation.

18 A. She -- she was -- I wouldn't call -- I  
19 wouldn't call her an informant. She just told us  
20 about Debbie Jordan in a counterfeit case, which I  
21 then relayed on to the Secret Service for them to  
22 get involved, and then they handled the case from  
23 there.

24 Q. All right. Now, you mentioned a Debbie

1 Jordan. Was she an informant for you?

2 A. I guess -- no, she wasn't, because she was  
3 a target, so she would not have been an informant.

4 Q. All right. Well, had she given you  
5 information in the past?

6 A. Don't believe so, no.

7 Q. All right. So she was the target and  
8 Debbie Reinbolt was the informant?

9 MS. EKL: Objection, form.

10 A. Yeah, she was an informant, but she --  
11 yeah.

12 Q. Okay. Now, Debbie has said that you asked  
13 her to be an informant sometime earlier in that  
14 year, is that -- or the year before. Is that fair  
15 to say?

16 MS. EKL: Objection, form, foundation.

17 MR. RAUB: Yeah. Debbie who?

18 MR. TAYLOR: I thought I said Debbie  
19 Reinbolt, I'm sorry.

20 MS. EKL: Same objection.

21 A. That's got to be impossible because I  
22 didn't know Debbie Reinbolt until my wife brought  
23 her down to my house in February of '87.

24 Q. So you would contest her testimony that

1 you made overtures to her to be an informant any  
2 time prior to the first time you say you met her  
3 which was --

4 A. Absolutely.

5 Q. -- in February of '87; is that right?

6 A. Absolutely.

7 Q. All right. Now, this communication or  
8 sharing of Debbie Reinbolt with the Secret Service  
9 was just about the time that Randy Steidl was  
10 sentenced, right?

11 A. I'd have to look at reports for dates. I  
12 thought it was -- I thought it was after all that.

13 Q. Okay.

14 A. I could very possibly be wrong because I  
15 don't remember what was in the reports without going  
16 back through everything.

17 Q. But it is true, is it not, that the Secret  
18 Service utilized Debbie as a confidential informant  
19 when you introduced -- after you introduced them to  
20 her?

21 MS. EKL: Objection, foundation.

22 Q. Introduced her to them, I'm sorry.

23 MS. EKL: Same objection.

24 A. Yes. I'm assuming they did, yes.



1 Q. All right. Other than Debbie Reinbolt,  
2 was there any other informant that you took to the  
3 Secret Service?

4 A. Not that I remember.

5 Q. Okay. Did you also take Debbie Reinbolt  
6 to the FBI at any time?

7 A. Pardon me?

8 Q. The FBI. Did you ever take Debbie  
9 Reinbolt to the FBI --

10 A. No.

11 Q. -- as an informant?

12 A. No, sir.

13 Q. All right. Do you know what became of  
14 Debbie Reinbolt's work with the Secret Service with  
15 regard to Debra Jordan?

16 A. Yes, sir, I do.

17 Q. And what happened?

18 A. She -- she -- her husband wore a wire and  
19 then Debbie and -- Debbie Jordan and Debbie Reinbolt  
20 I think had a conversation.

21 Q. Whose husband wore a wire?

22 A. Dick Reinbolt which would be Debbie's --

23 Q. All right.

24 A. -- if I'm remembering, and got Debbie

1 involved in conversation.

2 Q. That being Debra Jordan?

3 A. Debra Jordan. And I don't know if  
4 Reinbolt ever wore another wire or not for the  
5 Secret Service. I don't know. Whatever it was, you  
6 asked me about the case, the case went on and Debbie  
7 Jordan got leery of Debbie Reinbolt, and somehow or  
8 another Phil Sinclair come back into the picture.

9 Q. All right.

10 A. And --

11 Q. Go ahead.

12 A. And then Phil Sinclair was -- he wore a  
13 wire with Debbie Jordan. Then after all that, then  
14 it ended up everything went dry and ended up that  
15 Debbie Jordan had been making all this story up and  
16 the case went flat and the Secret Service pulled  
17 out.

18 Q. So when Sinclair wore a wire, was he  
19 wearing a wire for you or was he wearing a wire for  
20 the Secret Service?

21 A. Oh, it would be the Secret Service.

22 Q. All right. But was he still an informant  
23 for you when he went to the Secret Service and wore  
24 the wire?

1           A.    Sir, I don't remember how he even came in  
2   the picture.

3           Q.    Well, would one way that he could have  
4   come into the picture been through you?

5           MS. EKL:  Objection, form, foundation.

6           A.    He could have.  He could have came in  
7   through Debbie Reinbolt.  I don't know.

8           Q.    Okay.  So -- and this was before Debbie  
9   Reinbolt had been sentenced in the murder case,  
10   wasn't it?

11          A.    Without looking at dates, I can't tell  
12   you, but I'm assuming it was.

13          Q.    All right.  Have you had an occasion to  
14   look at any Secret Service documents?

15          A.    I looked at them in -- and I don't  
16   remember what I read.

17          Q.    Okay.  Well, how recently did you look at  
18   them?

19          A.    A couple days ago.

20          Q.    Okay.  Now -- so even though Reinbolt as  
21   an informant and Sinclair as an informant both  
22   attempted to get inculpatory information on this  
23   Debbie Jordan character, they were not able to,  
24   right?

1 MS. EKL: Objection, foundation.

2 A. Right.

3 Q. And that was because either the story that  
4 Deborah Reinbolt was telling -- or the story was  
5 untrue or the fact that Jordan was telling  
6 falsehoods, one or the other, right?

7 MS. EKL: Objection, form, foundation.

8 A. It was Jordan that wasn't telling the  
9 truth.

10 Q. And how do you know that?

11 A. It's in the transcripts. She admitted to  
12 it.

13 Q. So she later admitted that she had been  
14 leading Debbie Reinbolt astray when she was telling  
15 her that she was involved in a counterfeiting  
16 operation?

17 A. Yes, sir.

18 Q. All right. Now, did the -- you  
19 communicate to McFatrige the fact that she was  
20 cooperating with you and the Secret Service in an  
21 informant way before she was sentenced?

22 MS. EKL: Objection, form, foundation.

23 A. I'm sure I did.

24 Q. And did you as a seasoned detective

1 understand that one of the reasons she might have  
2 been so cooperative in terms of trying to develop  
3 this information was in order to help her position  
4 vis-a-vis the sentence that she faced?

5 MS. EKL: Objection, form.

6 A. I have no idea because Debbie Reinbolt had  
7 her own attorney and I mean the sentencing would  
8 have been between Debbie Reinbolt's attorney and  
9 McFatridge.

10 Q. Right. But she was a key witness for you  
11 in the prosecution of Whitlock and Steidl, right?

12 A. Yes, sir.

13 Q. And she had been promised at some point  
14 some sort of leniency in terms of her charges if she  
15 continued to cooperate as a witness, right?

16 A. I don't know what she was told.

17 Q. Well, you were aware of the fact that she  
18 was going to get a plea deal that was more  
19 beneficial to her if she continued to testify for  
20 the state against Whitlock and Steidl, right?

21 MS. EKL: Objection, form.

22 A. Yes, sir.

23 Q. All right. And so did you not also know  
24 that she was attempting to further promote her

1 position with regard to that sentence when she went  
2 with you to the Secret Service to work as a  
3 confidential informant?

4 MS. EKL: Objection, form, foundation.

5 A. I had no idea because I don't know whether  
6 -- I don't know what -- if her attorney and  
7 McFatridge had already struck a deal prior to this  
8 or not. I have no idea what was --

9 Q. Okay. But she hadn't been sentenced,  
10 right?

11 A. I assume not because she was still at  
12 home.

13 Q. Right. Did you go to her sentencing?

14 A. Don't remember.

15 Q. Did you testify on her behalf at the  
16 sentencing?

17 A. Don't recall.

18 Q. Did you give any kind of letter or any  
19 kind of written documentation to aid her in her  
20 sentence?

21 A. No, sir.

22 Q. All right. No affidavit, no letter,  
23 nothing like that?

24 A. Not that I recall.

1 Q. All right. Were you aware of what  
2 sentence she ultimately got from the judge?

3 A. Five years.

4 Q. All right. Was it two to five or was it  
5 five?

6 A. I always thought it was five years.

7 Q. All right. Did you have any discussions  
8 with Mike McFatrige about what sentence he was  
9 going to recommend for her as State's Attorney?

10 A. No, sir.

11 Q. All right. Did anyone to your knowledge  
12 have a conversation -- from the Paris Police  
13 Department have a conversation with McFatrige about  
14 the sentence that he was going to recommend for  
15 Debbie Reinbolt?

16 A. No, sir.

17 Q. Now, Debbie Reinbolt's attorney was the  
18 former State's Attorney Peter Dole, right?

19 MS. EKL: Objection, foundation. Are you  
20 talking about her sentencing?

21 MR. TAYLOR: Yeah.

22 A. Give me a second to think here, sir. Gene  
23 Ochs was somebody's attorney and Steve Garst was  
24 somebody's attorney, sir. I don't remember who had

1 who for what attorney.

2 Q. All right. Well, at some point Dole  
3 represented her, right?

4 A. I don't recall.

5 Q. Did she have an attorney when you were  
6 working with her prior to the two trials?

7 MS. EKL: Objection, foundation.

8 A. Yes, sir.

9 Q. All right. And who was her attorney then?

10 A. I don't remember.

11 Q. All right. So you have no memory of who  
12 represented her at any of these times when you were  
13 dealing with her?

14 A. No, sir, I don't.

15 Q. Now, going back to the informant  
16 situation, did you ever receive information from  
17 Darrell Herrington prior to the Rhoads  
18 investigation?

19 A. No, sir.

20 Q. He never gave you information on the  
21 street, not -- whether it be confidential or  
22 otherwise?

23 A. No, sir.

24 Q. Did he, to your knowledge, give



1 information to other Paris police officers?

2 A. Not to my knowledge.

3 Q. All right. Now, did you at any time  
4 receive any information, other than from Debbie  
5 Reinbolt, from any confidential informant with  
6 regard to the Rhoads homicide?

7 MS. EKL: Objection, form, foundation,  
8 assumes facts not in evidence.

9 A. I don't remember -- we got other  
10 information, but I don't remember any from any  
11 confidential informant, no.

12 Q. All right. If there had been information  
13 from a confidential informant in the Rhoads  
14 investigation, would you have included it in your  
15 reports and identified it as confidential informant  
16 information?

17 A. Yes, sir, I would have.

18 Q. All right. And it's your testimony that  
19 all relevant information was included in either your  
20 or Eckerty's reports; is that right?

21 A. Yes, sir.

22 Q. I take it with regard to informants you  
23 would take notes in the same way you would take  
24 notes with regard to other witnesses that you

1 questioned; is that right?

2 A. On a case, yes.

3 Q. All right. And would you destroy those  
4 notes in the same way as the notes that -- those  
5 notes that you got -- that recorded information from  
6 an informant in the same way that you destroyed the  
7 other notes?

8 A. Yes, sir.

9 Q. All right. Now, going back to the  
10 information that you -- that you reviewed for this  
11 deposition, you told us that you reviewed the  
12 reports, you told us you reviewed the Darrell  
13 Herrington affidavits or statements, excuse me, you  
14 said you looked at the Secret Service documents.  
15 Anything else that you reviewed with regard to this  
16 deposition?

17 A. I think there was some paperwork in there  
18 on some of the appeals. I don't recall what else I  
19 read up on. I don't recall.

20 Q. Do you still have the materials that you  
21 reviewed?

22 A. I gave them back.

23 Q. So you don't have them with you today?

24 A. No.

1 Q. If you think of any other documents or  
2 testimony that you reviewed other than what you've  
3 told us, would you be sure to let us know?

4 A. I would.

5 Q. Did you read any of your testimony in any  
6 of these trials and hearings?

7 A. I think -- I think I did. I read a lot in  
8 a very short time, so I think I did.

9 Q. Do you remember which transcripts and of  
10 what testimony you read?

11 A. I don't, sir.

12 Q. Now, did you ever receive any information  
13 from any of your confidential informants with regard  
14 to Morgan and his operations at his -- his  
15 operations in Paris?

16 A. No, sir.

17 Q. Did you ever attempt to have any of your  
18 informants gather any information with regard to  
19 Morgan?

20 A. I always kept my ear to the ground on Bob  
21 Morgan, but never picked up anything substantial  
22 enough to do anything with.

23 Q. Now, did you also -- you say that you went  
24 to school with Smoke Burba?

1 A. Uh-huh, yes, sir.

2 Q. And did you have any -- did you have a  
3 friendship with him at all?

4 A. Casual friendship.

5 Q. Did you ever learn any information about  
6 any illegal activity that he was involved in?

7 A. No, sir.

8 Q. Did you ever receive any tips about him?

9 A. No, sir.

10 Q. Do you know the Board family?

11 A. Yes, sir.

12 Q. And Jerry Board, right?

13 A. Yes, sir.

14 Q. And was he someone that you grew up with  
15 as well?

16 A. No, he's younger than I am. I've worked  
17 with his dad a little bit in the construction world.

18 Q. Okay. And did he have any brothers, Jerry  
19 Board?

20 A. Sure. He had -- Duke was his older  
21 brother, or Herb Board Junior, and then there was  
22 Jerry, and there's some sisters in there and then  
23 there was Ernie.

24 Q. Okay. Now, were any of them ever

1 implicated in any criminal activity?

2 A. Not in this case, no, sir.

3 Q. How about in other cases?

4 A. Yes, sir. Ernie was implicated in drugs,  
5 Jerry I think was armed robbery, and Duke was always  
6 pretty quiet about it. I mean he was pretty mild  
7 mannered, but if you heard about the brothers, it  
8 was usually Jerry and Ernie.

9 Q. Was there ever -- any of these cases that  
10 you've mentioned, did you work at all?

11 A. Yeah. One was with -- Jerry was waiting  
12 to go to the penitentiary and they faked a drowning  
13 on him out at the lake, and Duke or Herb Board  
14 Junior was the one that reported that, so I worked  
15 that case. I was a street cop then, I was the first  
16 officer on the scene, so then I -- another deal, I  
17 turned that over to Bill Nicholas and Tommy Martin.

18 Then there was a homicide investigation  
19 with two gentlemen from Terre Haute that the Boards  
20 were prime suspects in. We worked that  
21 investigation up to a point where between us and  
22 Indiana it just kind of went stale and never went  
23 any further --

24 Q. And that was --

1 A. -- until later in years.

2 Q. Were they ultimately charged in that case?

3 A. Yeah. That one they were, yes.

4 Q. And they went to trial?

5 A. Yes, sir.

6 Q. And they were acquitted?

7 A. Yes, sir.

8 Q. All right. Did you have any involvement  
9 in that, working up the case for prosecution?

10 A. My only part in that was I was working  
11 north of Indianapolis construction and they came  
12 over and looked at our -- asked me what I had had on  
13 them at the time or our files, and they brought me  
14 back to testify in court just to what I had been  
15 told way back when, because I testified on what I  
16 had worked up in my investigation whenever it was.

17 Q. And you testified for the Boards or for  
18 the prosecution?

19 A. Prosecution.

20 Q. Now, have the Boards ever been convicted  
21 of any of these crimes that they've either been  
22 charged with or you investigated?

23 MS. EKL: Objection, foundation.

24 A. One of the -- the armed robbery Jerry went

1 to the penitentiary on. I didn't investigate it. I  
2 was just a street cop. Ernie Board's been to the  
3 pen on different occasions for drugs, so he's had an  
4 arrest and penitentiary time.

5 Q. Did you ever develop any information that  
6 either or any of the Boards were associated with Bob  
7 Morgan?

8 A. Not back then. I couldn't -- well, I take  
9 that -- no, not back then. But since then I know  
10 they have done some concrete work for him. That's  
11 -- I wasn't even a cop then. That was just the talk  
12 around town they were doing some -- they were  
13 concrete finishers, so they had done some concrete  
14 work for Bob.

15 Q. How about in terms of any criminal  
16 activity?

17 A. None that I have knowledge of.

18 Q. So the Boards are still in Paris --

19 A. Yes, sir.

20 Q. -- as far as you know?

21 A. Yes, sir.

22 Q. All right. And you say their business is  
23 construction?

24 A. Yes, sir.

1 Q. Had you ever worked any jobs with them?

2 A. Their dad.

3 Q. Okay. And dad runs the company?

4 A. No. No, they -- I don't -- well, his dad  
5 didn't have the company, him and another guy  
6 finished concreting, and I'd help them finish  
7 concrete once in a while where I'd be on the same  
8 job they was for a little bit and they'd be  
9 finishing concrete, but as far -- I never worked for  
10 them per se. Worked a little bit with them but  
11 never with them -- worked for them or took payroll  
12 from them per se.

13 Q. Now, at some point Gene Ray became the  
14 chief, right?

15 A. Yes, sir.

16 Q. And do you remember when that was?

17 A. No, sir, I don't.

18 Q. But it was prior to the Rhoads  
19 investigation, right?

20 A. Yes, sir.

21 Q. And you had been working with Gene Ray  
22 prior to him becoming the chief, right?

23 A. Yes, sir.

24 Q. Now, as a detective, were there any



1 supervisory officers between you and the chief?

2 A. No, sir.

3 Q. All right. So you answered directly to  
4 Chief Ray?

5 A. Yes, sir.

6 Q. And any sergeants or lieutenants or  
7 captains that were on the force were not in your  
8 chain of command --

9 A. No, sir.

10 Q. -- is that correct?

11 A. No, sir.

12 Q. All right. Now, when you became a  
13 detective, did you get a bump in pay?

14 A. I think a little bit. Nothing great, but  
15 I think a little bit.

16 Q. So you got more responsibility and a  
17 little more status and a little more money is what  
18 it amounted to.

19 A. Yes, sir.

20 Q. Is that fair to say?

21 A. Yes, sir.

22 Q. All right. Now, how many cases would you  
23 be handling on the average at any one particular  
24 time when you were a detective?

1 A. Sir, I have no idea. I have no idea.

2 Q. Given that there were in '86 just two  
3 detectives, right, you and Wheat.

4 A. Wheat was -- Wheat was titled a juvenile  
5 officer, detective/juvenile officer.

6 Q. So there was one and a half detectives?

7 A. Right.

8 Q. So whatever -- and did you have  
9 jurisdiction over investigating all crimes or just  
10 felony crimes?

11 A. No, all of them.

12 Q. All right. So whatever -- would you break  
13 down with Wheat, you'd take, say, two-thirds of the  
14 cases, he'd have one-third, or did you work together  
15 with him on cases?

16 A. We worked together on them.

17 Q. All right. So you basically were working  
18 every case that was open in the department that was  
19 under investigation, whether it be a misdemeanor or  
20 a felony --

21 A. Yes, sir.

22 Q. -- is that right? Are we talking -- let's  
23 take 1986 just prior to the homicides here. Would  
24 you say that you were working more than twenty cases

1 or less than twenty?

2 A. I have no idea.

3 Q. But it was more of a full-time job, is  
4 that fair to say, even before the homicide?

5 A. Yes, sir.

6 Q. And when the homicides happened, you were  
7 assigned to it almost instantly, right?

8 A. Yes, sir.

9 Q. All right. Let me go back for a moment  
10 and ask you a couple of other questions. Did Randy  
11 Steidl grow up in Paris, to your knowledge?

12 A. Oh, yeah.

13 Q. And did you know his family?

14 A. We're related.

15 Q. All right. And how are you related?

16 A. Randy's -- let me -- this is going to be  
17 complicated. Randy's dad or adopted dad, Ben  
18 Steidl, his sister -- I forgot my aunt's name --  
19 Frances was married to my dad's brother.

20 Q. All right. So what does that make --

21 A. I don't know.

22 Q. -- Randy to you?

23 A. I have no idea. Some kind of cousin.

24 Q. All right. Now, in terms of age, were you

1 roughly the same age or --

2 A. I think Randy and I are halfway close to  
3 the same age.

4 Q. Do you remember him -- going through  
5 either grammar school or high school together?

6 A. No, because they went to Catholic school.  
7 We would have family get-togethers, not a lot, once  
8 in a great while, down at Uncle Harry and Aunt  
9 Fran's house and I would see him there and so -- I  
10 mean it wasn't a real tight knit family, but I  
11 mean --

12 Q. Okay. So did you -- did you also got to  
13 know Rory's -- I mean Randy's brother Rory?

14 A. Sure.

15 Q. And did he grow up with you at all?

16 A. No, Rory is younger.

17 Q. Now, did you while you were a police  
18 officer with the Paris Police Department have any  
19 occasion to ever deal with Randy Steidl?

20 A. Yes, sir, I did.

21 Q. And how did you deal with him?

22 A. I think a couple of times we've had to  
23 arrest him on some of his battery charges, and  
24 that's about it. I mean he had been arrested other

1 times. I don't believe I was probably involved in  
2 -- not in every arrest I wasn't involved in.

3 Q. All right. Well, tell us about the  
4 arrests you were involved in.

5 A. I think it was a battery charge upon his  
6 ex-wife or girlfriend, and we ended up arresting him  
7 that evening. And what the outcome of it was, I  
8 have no idea. I investigate -- well, when I was a  
9 street cop, we went -- Leland Humphrey and I went on  
10 a call one night where he had beat up on one wife  
11 called Barb. I think she was Barb Steidl. Off the  
12 top of my head, that's about all I'm aware of.

13 Q. Do you remember any more details in either  
14 of those occasions other than what you've told us?

15 A. No, sir, I don't.

16 Q. And you weren't a witness to either of  
17 these events. You came on the scene because you got  
18 a call --

19 A. Yes, sir.

20 Q. -- is that right? And did you testify in  
21 either of those cases?

22 A. I don't recall.

23 Q. Did you notice any injuries on Barb Steidl  
24 in either of those cases?

1 A. Barb Steidl was beat up pretty bad.

2 Q. You were involved in that case?

3 A. As a street cop, yeah.

4 Q. And did you -- what did you do with regard  
5 to noting any injuries that she had?

6 A. I'm -- they would have been put in the  
7 report which would have been forwarded on to the  
8 State's Attorney's office. As far as regards, she  
9 was just bruised up pretty bad.

10 Q. All right. Did you take her to the  
11 hospital?

12 A. I don't believe so, sir, because she was  
13 in the other police officer's squad car that was on  
14 duty that night.

15 Q. And who was that?

16 A. Be Leland Humphrey.

17 Q. Other than these two occasions -- were  
18 they both battery situations?

19 A. Yes, sir.

20 Q. And both domestic?

21 A. Yes, sir.

22 Q. Now, did you know Randy Steidl's wife Barb  
23 either through your growing up with her or being  
24 related to her or anything like that?

1 A. No. I just knew her to be Randy's wife.

2 Q. And did she come to these family  
3 get-togethers that you occasionally saw Randy at?

4 A. No. No, sir. We was young kids when we  
5 was doing that.

6 Q. All right. Other than these two incidents  
7 that you've told us about, are you aware of any  
8 other incidents in any detail that -- in which Randy  
9 Steidl was involved with the Paris Police  
10 Department?

11 A. There was an incident at Pinnell Motel  
12 with him and Herbie.

13 MR. RAUB: What hotel please? I didn't  
14 hear the name of the hotel.

15 THE WITNESS: Pinnell.

16 MR. RAUB: Okay.

17 A. North edge of Paris. There was an  
18 incident out there. There was an incident once. I  
19 don't know if --

20 Q. What kind of incident was that?

21 A. What? At the motel?

22 Q. Yeah.

23 A. Oh, I thought I said, I'm sorry. They  
24 were shooting up the motel one night.

1 Q. And when was that?

2 A. When was that?

3 Q. Yeah.

4 A. It was prior to the murders. Exact time  
5 and date, I can't -- I don't remember.

6 Q. And were there any arrests in that case?

7 A. The county worked the case. I don't  
8 remember.

9 Q. All right. But you were not involved in  
10 the investigation or the prosecution?

11 A. Oh, no, sir.

12 Q. You said they were shooting up the motel.  
13 Who are you referring to?

14 A. Oh, Randy and Herbie.

15 Q. All right. Any other incidents that you  
16 can recall?

17 A. Where an arrest was made?

18 Q. Or that they came -- that Randy came into  
19 contact with the Paris Police Department.

20 A. Well, just when we arrested them for the  
21 murders.

22 Q. Now, did you also -- did Herb Whitlock  
23 also grow up in Paris?

24 A. Yes, sir.



1 Q. And did you know him?

2 A. No, sir.

3 Q. Did you know his family?

4 A. Knew who they were and that's it.

5 Q. Did you ever have any incidents with him  
6 while you were a Chicago -- a Paris police officer?

7 A. Oh, boy. I don't recall any right off the  
8 hand -- right offhand.

9 MR. TAYLOR: Do you need a break?

10 MS. EKL: No.

11 MR. RAUB: Needs a coke.

12 Q. All right. Did any of your confidential  
13 informants ever give you any information about  
14 either Randy or Herbie?

15 A. We had heard a lot of -- not a lot. We  
16 had heard information about their, their drug  
17 trafficking.

18 Q. All right. And what did you hear?

19 A. That they were just -- they were selling  
20 drugs in Paris.

21 Q. And you say they. You mean --

22 A. Herbie and Randy.

23 Q. All right. And did you have information  
24 about whether -- what the nature of their selling of

1 drugs was in Paris?

2 A. What kind?

3 Q. What kind and were they -- you know, to  
4 whom and were they were working together or  
5 separately or with others.

6 A. Randy and Herbie were always together and  
7 basically what we were hearing was cocaine was the  
8 big thing that their names kept coming up in. We  
9 heard and it supposedly was being -- a lot of it was  
10 supposedly being sold at the Friendly Restaurant  
11 Tavern, and so off the top of my head, that's  
12 basically a ball park of what we were hearing about  
13 it.

14 Q. Okay. And what time frame are we talking  
15 about here where you were getting this information  
16 that they were selling cocaine at the Friendly  
17 Tavern?

18 A. This went on for quite a while. I mean it  
19 was --

20 Q. Was it while you were a detective or while  
21 you were --

22 A. Street cop.

23 Q. -- a street cop?

24 A. I would have heard more as a detective

1 than I would have as a street cop.

2 Q. So your informants were from time to time  
3 bringing you information about Herbie and Randy with  
4 regard to the sale of cocaine; is that right?

5 A. Yes, sir.

6 Q. And were you recording that in your book?

7 A. Yes, sir.

8 Q. And were you -- did you attempt at any  
9 time to have any of your informants make a buy from  
10 either Randy or Herbie in order to arrest them if  
11 they -- for sale of narcotics?

12 A. Not my informant, but I think the state  
13 police brought in some people to try to make buys  
14 from them.

15 Q. And would that be Eckerty?

16 A. Yeah, he would have been in charge of  
17 that, yes, sir.

18 Q. All right. And did they use an undercover  
19 Illinois State Police officer or did they use a  
20 confidential informant to try and make the buy?

21 A. Sir, I don't recall.

22 Q. Was Phil Sinclair involved in that in any  
23 way?

24 A. Not to my knowledge.

1 Q. Was he one of the people that was bringing  
2 you information about Herb and Randy?

3 A. Not that I recall.

4 Q. All right. Do you recall who it was that  
5 was bringing you that information?

6 A. No, sir, I don't.

7 Q. Do you remember when it was that the state  
8 police came in and attempted to set up a buy or buys  
9 from -- was it from both Randy and Herb or one or  
10 the other?

11 A. I don't remember -- I don't recall all the  
12 details. Something just clicks that the state  
13 police tried to make a buy or something off of them.

14 Q. And what was the result?

15 A. I think it was zero. I don't -- I don't  
16 think it happened.

17 Q. All right. And did you say that you --  
18 when it was?

19 A. No.

20 Q. It was sometime when you were a detective?

21 A. I'm not even going to say that. I don't  
22 recall.

23 Q. All right. But it was before the Rhoads  
24 homicide obviously.

1 A. Yes, sir.

2 Q. Now, other than information about Herb and  
3 Randy selling cocaine, did you receive any other  
4 informant -- information from your informants  
5 concerning Randy and Herb Whitlock?

6 A. No, that's basically about the -- if you  
7 heard anything, it was about them and usually drugs.

8 Q. All right. Did you personally ever  
9 observe them selling or buying drugs?

10 A. No, sir.

11 Q. Did you ever learn any information about  
12 either -- whether they worked with any other people  
13 with regard to selling drugs?

14 A. The name Jeb Ashley would come up in  
15 conversation. From what I can remember, Ovid  
16 Chambers's name would arise through some of this,  
17 but that's just the best of my -- what I can  
18 remember way back when.

19 Q. So whatever information you were getting  
20 with regard to Ashley and Chambers would also have  
21 been recorded in your book, right?

22 A. Should have been, yes, sir.

23 Q. All right. So -- but you destroyed that  
24 book.

1 A. Yes, sir.

2 Q. Any other way that we can corroborate your  
3 testimony that you were getting this kind of  
4 information on Herbie and Randy and this connection  
5 to drug sales?

6 A. Not to my knowledge.

7 Q. Okay. Now, did you also receive any  
8 information from your informants about State's  
9 Attorney McFatridge and either gambling or use of  
10 drugs?

11 A. Never had anything from informants, but  
12 that was just what you heard on the street.

13 Q. All right. And when you say heard on the  
14 street, is that from nonconfidential informants,  
15 people would just come up to you and say, hey, I saw  
16 McFatridge in this bar sniffing cocaine or something  
17 like that?

18 A. They wouldn't say they saw him sniffing  
19 cocaine in a bar. They would say -- you know,  
20 they'd say we keep hearing McFatridge is hooked up  
21 on drugs.

22 Q. And did you ever follow-up and investigate  
23 that?

24 A. I sure did.

1 Q. And when did you do that?

2 A. The whole time I was there.

3 Q. Because you -- this was persistent  
4 information that you were getting while you were a  
5 detective?

6 A. Yes, you heard it all the time.

7 Q. So at the same time you were working with  
8 McFatridge and giving -- helping him to put together  
9 cases to prosecute, you were hearing that he was  
10 involved in narcotics, right?

11 A. Yes, sir, and I was also trying to catch  
12 -- if he was, I was trying to catch him.

13 Q. And how were you trying to catch him?

14 A. Just through information and observances  
15 and whatever information you can come up with.

16 Q. Did you ever come close to getting him?

17 A. No, sir.

18 Q. Did you ever use any of your informants to  
19 try to set up a buy or a sale with McFatridge?

20 A. No, sir.

21 Q. Was the information that you got  
22 concerning McFatridge about sale or purchase or  
23 both?

24 A. Neither. Just usage.

1 Q. Usage. But he -- were people telling you  
2 who he was getting the stuff from?

3 A. No.

4 Q. So you never learned from your people on  
5 the street where McFatrige was allegedly getting  
6 the stuff, just that he was using it; is that right?

7 A. So they were saying.

8 Q. And this was quite a -- I mean you didn't  
9 hear that -- was Paris such a town that it was not  
10 -- was it surprising to you that the State's  
11 Attorney was, according to your street information,  
12 involved in use of narcotics, particularly cocaine?

13 A. Yes, sir, it was.

14 Q. All right. Were you ever able to talk to  
15 people who had a relationship with him to either  
16 attempt to corroborate or to somehow debunk the idea  
17 that he was using cocaine?

18 A. I never found anybody that could prove or  
19 had been with any of the alleged rumors about his  
20 cocaine habits or usage.

21 Q. All right. Any time you ever saw him, did  
22 you observe him appear to be under the influence of  
23 either narcotics or alcohol?

24 A. No, sir, I never did.



1 Q. Did you receive any information that he  
2 was also an abuser of alcohol?

3 A. Well, I don't -- no, not really.

4 Q. And there was also some kind of illegal  
5 gambling operations that were going on in Parrish?

6 MS. EKL: Objection.

7 Q. Parrish -- Paris.

8 A. Not to my knowledge.

9 Q. All right. No gambling games or anything  
10 like that in any of the bars?

11 A. Well, I don't know what you call illegal  
12 gambling. I mean Paris, Illinois, had pull tabs at  
13 the bars and -- like every other club, pull tabs and  
14 stuff like that, so -- and still got it this very  
15 day. So if that's illegal gambling, yes, there's  
16 illegal gambling.

17 Q. Well, pull tabs are technically illegal.

18 A. I understand that, yes.

19 Q. So that's something that's kind of the --  
20 part of the culture of Paris?

21 A. And every other town I think in the United  
22 States.

23 Q. So was there pretty much a tacit practice  
24 in Paris not to prosecute people for that kind of

1 gambling?

2 MS. EKL: Objection, foundation.

3 A. Not to my knowledge.

4 Q. So if you -- if you were able to uncover  
5 some kind of gambling of that nature, you would  
6 prosecute it or you would arrest people for it?

7 A. No, not necessarily.

8 Q. Okay.

9 A. Not necessarily.

10 Q. Well, that's why I asked you.

11 A. I understand what you're saying, yeah.

12 Q. You would kind of look the other way on  
13 that --

14 A. You did.

15 Q. -- would that be fair to say?

16 A. Yes, sir, I did.

17 Q. And was that pretty much Chief Ray? I  
18 mean Chief Ray knew everybody looked the other way  
19 in the department?

20 MS. EKL: Objection, foundation.

21 A. Yes, sir.

22 Q. Because if you didn't, you would be  
23 arresting a lot of the citizens, right?

24 A. Well, no, I wouldn't say all the citizens

1 in Paris, but, you know.

2 Q. I said a lot not all of them.

3 A. Well, okay, but it was just one thing you  
4 let go by.

5 Q. Okay. Was there also any prostitution in  
6 Paris?

7 A. In Parrish?

8 Q. No, I'll stick with Paris. I'm not  
9 talking about France either.

10 A. Not to my knowledge there wasn't any  
11 prostitution.

12 Q. All right. So you weren't involved in any  
13 kind of arrests having to do with prostitution in  
14 Paris?

15 A. No.

16 Q. All right. Was there any prostitution in  
17 any nearby towns in the county?

18 MS. EKL: Objection, foundation.

19 A. Not to my knowledge.

20 Q. Now, were the -- do you remember any of  
21 the names of any of the individuals who were giving  
22 you information about McFatridge?

23 A. No, sir.

24 Q. Was it -- did you have information that

1 McFatridge was involved in this kind of gambling  
2 that you've described before?

3 A. No, sir.

4 Q. All right. So you had no information on  
5 that?

6 A. No, sir.

7 Q. All right. Did you ever tell McFatridge  
8 that -- about the information that you were getting  
9 and ask him directly about whether he was involved?

10 A. Yes, sir.

11 Q. And when did you do that?

12 A. Don't remember the date, but I can  
13 remember confronting him. It was right up there in  
14 his office, another police officer and I did, and I  
15 just flat told him right there on the spot, I said,  
16 I keep hearing it and if I ever prove it, I got no  
17 problem dragging your butt right down to county  
18 jail.

19 Q. What was his response?

20 A. He said I don't. And he said, if you can  
21 prove it, then you won't have to drag me, I'll walk  
22 down there with you.

23 Q. Okay. And were you a street cop then or  
24 were you a detective?

1           A.    You know, I believe I was a street cop  
2    then.

3           Q.    Okay.  Was it your first stint or your  
4    second stint?  Was he the State's Attorney then or  
5    was he the Assistant State's Attorney?

6           A.    It would have been -- it would have been  
7    the second stint.

8           Q.    Because he was the State's Attorney when  
9    you confronted him?

10          A.    (Nods head).

11          Q.    You're saying yes?

12          A.    I'm sorry, yes, sir.

13          Q.    And, in fact, when you did this, you say  
14    you had another copper with you?

15          A.    Yes, sir.

16          Q.    And who was that?

17          A.    Be John McKenna.

18          Q.    How do you spell that?

19          A.    J-O-H-N.

20          Q.    Got that one.

21                MS. EKL:  There's different spellings for  
22    John.

23          A.    M-C-K-E-N-N-A.

24          Q.    Okay.  Now, did you write down anything

1 with regard to this confrontation with McFatridge?

2 A. No, sir.

3 Q. Did you at that time tell him who was  
4 saying this about him?

5 A. No, sir.

6 Q. Did he ask you? Did he say who's -- who's  
7 been saying that about me?

8 A. The letter came -- if I remember right,  
9 another person that was involved in that would have  
10 been the chief of police at that time, which would  
11 have been Jim Lindley. The letter came down from  
12 the Attorney General's office I think to McFatridge.

13 Q. A letter from the Attorney General's  
14 office to McFatridge saying what?

15 A. That his name had been brought up with  
16 drugs, and I don't remember whether John McKenna's  
17 name was mentioned in the letter or not, but I can  
18 remember Jim Lindley got called up there, he was the  
19 chief of police then, and then McKenna and I got  
20 called up there.

21 Q. Up there meaning Springfield?

22 A. No, I'm sorry, McFatridge's office there  
23 in Paris.

24 Q. All right. So McFatridge gets a letter

1 from the Attorney General.

2 A. Yes, sir.

3 Q. The Attorney General is telling him that  
4 there's information to support the concept that he's  
5 involved in drugs, right?

6 MR. RAUB: Objection.

7 MR. MANCINI: Objection as to form.

8 MR. RAUB: Yeah, same objection.

9 A. No, the letter was informing McFatridge,  
10 and it was John McKenna who apparently wrote a  
11 letter to the Attorney General's office, if I got  
12 the right office up there, I think it was the  
13 Attorney General's office, that complaining or  
14 requesting somebody do an investigation of him over  
15 his cocaine usage.

16 Q. All right.

17 A. And then they forwarded the letter back  
18 down to Mike saying that we were -- how do I put it?  
19 -- looking at him I guess.

20 Q. Oh, so they revealed to McFatridge that  
21 you guys were looking at him.

22 A. Yes, sir.

23 Q. So it wasn't you that went to him to  
24 confront him. He actually called you up and

1       confronted you.

2           A.    He called the chief of police.

3           Q.    Said get those guys up here?

4           A.    He said what are you doing investigating  
5       me?

6           Q.    All right.  Okay.  And so that caused you  
7       and the chief and McKenna to have to go up to  
8       McFatrige's office and to answer to him about what  
9       you had and why you were saying what you were  
10      saying, right?

11          A.    Right.

12                MR. MANCINI:  Objection as to form.

13          Q.    And McKenna was what, a detective?

14          A.    No, he was a street cop too.

15          Q.    Flatfoot too, okay.  But he felt the  
16      information that you guys were getting was serious  
17      enough to contact the Attorney General because  
18      obviously he wasn't going to contact the State's  
19      Attorney because he was the subject of the  
20      investigation, right?

21                MR. RAUB:  Objection, foundation.

22                MR. MANCINI:  And as to form.

23          A.    Yeah.  I guess that's how you would put  
24      it, yeah.



1 Q. Okay. And did you and McKenna have a  
2 discussion before you sent the letter up to the  
3 Attorney General?

4 A. I didn't know John McKenna had sent the  
5 letter.

6 Q. Okay. Did you get upset when you heard he  
7 sent the letter with him?

8 A. Well, I didn't know anything about the  
9 letter until we got called into the State's  
10 Attorney's office.

11 Q. Well, did -- so when you went up to the  
12 State's Attorney's office, you didn't know why they  
13 were calling you up there?

14 A. I didn't, no. And I don't think John did  
15 either. And he told us about the letter and he  
16 said, have you guys got a problem, or something to  
17 this effect. Mike was upset that we was making  
18 innuendoes about him or that John had written a  
19 letter about him and -- I'm losing my train of  
20 thought here.

21 Q. You said that John -- McFatrige said he  
22 was upset that John had written a letter.

23 A. Yeah. And that's when I said right then  
24 and there I didn't know anything about the letter.

1 Q. Uh-huh, but you did know information.

2 Both you and McKenna were independently getting  
3 information about McFatridge, right?

4 A. Well, it was over -- John McKenna and I  
5 rode together in a squad car.

6 Q. Uh-huh. So you and he were getting the  
7 same information on the street, but he acted on it  
8 in a different way than you did. He wrote the  
9 Attorney General.

10 A. Yes, sir.

11 Q. You at that point were -- were looking for  
12 more information.

13 A. Yes, sir. I was just compiling it in my  
14 head, and if it was true, then try to get enough to  
15 make a case.

16 Q. And again, correct me -- or excuse me if  
17 I'm repeating this question, but did you go to your  
18 -- did you have informants then, and if you did, did  
19 you go to them to try to develop any information on  
20 McFatridge?

21 A. I don't -- I don't believe -- I don't  
22 recall -- I don't recall.

23 Q. All right. And you say that the chief  
24 himself was also called down to talk to McFatridge,

1 right?

2 A. Yes, sir.

3 Q. And that's Lindley?

4 A. Jim Lindley.

5 Q. And when was he the chief?

6 A. Oh, before Gene.

7 Q. He was the guy before him or did Metcalf  
8 come in between or --

9 A. No. Metcalf -- Metcalf -- Metcalf,  
10 Lindley and Gene.

11 Q. Okay. And Gene was the one he left --  
12 wasn't he asked to resign or something or am I  
13 getting mixed up with another chief?

14 A. I don't -- I don't know.

15 Q. All right. Did -- was the chief upset  
16 that McKenna had sent this letter?

17 MS. EKL: Objection, foundation.

18 A. I don't -- I don't know. I just -- I  
19 don't recall.

20 Q. All right. Did you have -- after you went  
21 up to see McFatridge -- or did the chief respond and  
22 call you guys into the office or talk to you at all  
23 about why did you send that letter, McKenna, let's  
24 drop this, or something like that?

1           A.    I can remember -- I can remember we got  
2           our butts or John got his butt ate for sending a  
3           letter off without letting Jim Lindley, the chief,  
4           know about it.

5           Q.    Okay.  And was McKenna disciplined in any  
6           way for doing that?

7           A.    Sir, I don't know.

8           Q.    Okay.  Did you receive any kind of  
9           write-up or anything like that from the department?

10          A.    No, sir, because I didn't know anything  
11          about it.

12          Q.    You didn't know anything about it and you  
13          don't know whether McKenna got a write-up or not?

14          A.    No, sir, I don't.

15          Q.    McKenna still around?

16          A.    I don't know where he's at.

17          Q.    When did he leave the force?

18          A.    I don't have a clue.

19          Q.    Okay.  So did he leave before or after you  
20          did?

21          A.    Oh, he left before I did.

22          Q.    Okay.  Do you know what -- was he a  
23          flatfoot when he left or was he -- what rank did he  
24          obtain?

1 A. He was still a street cop I believe.

2 Q. Did he resign or was he fired or did he --  
3 do you know under what circumstances he left?

4 A. I'm a thinking he went -- he left to go to  
5 another job.

6 Q. Okay.

7 A. Because I remember nothing out of line  
8 with him why he left.

9 Q. Did you get a message from the chief  
10 either by what he said or by the way he, as you  
11 said, ate McKenna's ass that you weren't to go any  
12 further in looking into McFatridge?

13 A. No.

14 Q. Did the chief tell you to keep looking at  
15 him?

16 A. I don't recall, but I worked there under  
17 three chiefs and none of them ever told us not to go  
18 after somebody for a crime. We'd never be deterred  
19 from not going after them.

20 Q. Is it possible that McKenna had other  
21 knowledge about McFatridge that you didn't know?

22 MS. EKL: Objection, form.

23 MR. RAUB: Speculation.

24 MS. EKL: Foundation.

1 A. I have no idea.

2 Q. All right. Had he worked -- when did he  
3 start out as a Parrish cop -- Paris cop? I'm going  
4 to have problems with that all day.

5 MR. TAYLOR: Is that a Catholic county?

6 MR. RAUB: Only in Louisiana.

7 A. I have no idea.

8 Q. Okay, but was he there when you came back?  
9 I'm trying to figure out whether he was -- you know,  
10 what kind of experience he had on the department.

11 A. This would have happened under my second  
12 stint.

13 Q. Would you say he was your partner or --

14 A. No.

15 Q. Well -- go ahead.

16 A. Oh, I'm sorry. Jumped in there on you.

17 Q. That's all right.

18 A. You were just assigned to a shift and they  
19 just kept -- nobody got to work together very long.

20 Q. So you worked with him for a little while,  
21 but when you weren't working with him, he could have  
22 been developing other information you had no  
23 knowledge of, right?

24 A. Exactly right.

1 Q. Did you ever see the letter itself to see  
2 what he told the AG?

3 A. No, sir, I didn't.

4 Q. All right. Did you ever talk to him about  
5 the information that he included in the letter to  
6 the AG?

7 A. No, sir, I didn't.

8 Q. Now, did he send that up to Chicago or to  
9 Springfield, do you know?

10 A. Sir, I don't know.

11 Q. After McFatrige called Lindley, you and  
12 McKenna up to his office, did you have any other  
13 contact with McFatrige about his alleged drug use?

14 A. Just what I told him that day.

15 Q. Okay. So he said to you -- he raised or  
16 confronted you and the chief and McKenna about this  
17 letter, and you told him you'd continue to  
18 investigate him and if you found anything on him,  
19 you'd bring him down to jail yourself?

20 MR. MANCINI: Objection as to form.

21 Q. Is that basically --

22 A. Basically, yes, that's what I told him.

23 Q. All right. And what did McKenna say to  
24 him?

1 A. I don't remember McKenna saying anything.

2 Q. And did the chief say anything to  
3 McFatridge?

4 A. I have no idea.

5 Q. Well, it certainly made for kind of an  
6 uncomfortable relationship between your department  
7 and the State's Attorney, did it not, to have one of  
8 your members calling him on the carpet and then him  
9 calling you on the carpet for calling him on the  
10 carpet?

11 MS. EKL: Objection, form, foundation.

12 MR. MANCINI: Same objection.

13 Q. Right?

14 A. I guess it was that way for a while, but,  
15 you know, after it was all said and done, I mean I  
16 worked with Mike and every once in awhile he'd kid  
17 me and say have you proved anything on me yet, and  
18 I'd say no, not yet.

19 Q. Okay. Sort of like with Morgan.

20 MS. EKL: Objection, form.

21 A. Yeah.

22 Q. Now, did Gene Ray and you discuss the  
23 ongoing information you were getting on the street  
24 about McFatridge and drug use?



1           A.    It was very doubtful Gene Ray ever knew  
2    about that.

3           Q.    And why do you say that?

4           A.    Because he was -- I just don't imagine --  
5    I don't know if it was ever shared with him.

6           Q.    All right.  So when he became chief, you  
7    certainly didn't talk to him about it; is that  
8    right?

9           A.    No.

10          Q.    So the only way Gene Ray would have heard  
11    about it would have been if he was -- when he was a  
12    street cop if he was getting the same kind of  
13    information?

14                MS. EKL:  Objection, form, foundation.

15          A.    Yeah, I guess so.

16          Q.    But to your knowledge, he didn't know  
17    anything about it, certainly not from you or  
18    McKenna.

19          A.    Not to my knowledge, no.

20          Q.    All right.

21                MR. TAYLOR:  Let's take a break now.

22                        (Recess at 3:21 p.m. to 3:32 p.m.)

23                BY MR. TAYLOR:

24          Q.    Did you ever find out what or did you ever

1 discuss with McKenna what it was that he knew that  
2 caused him to write such an unusual letter to the  
3 Attorney General?

4 A. No, sir, because I wasn't real too happy  
5 with McKenna myself for getting drug through the  
6 coals and not knowing why.

7 Q. Okay. So from your point of view, McKenna  
8 had got you in this bag with McFatridge that got  
9 McFatridge mad at you and he's mad at the chief and  
10 he's mad at McKenna?

11 MS. EKL: Objection, form.

12 Q. Is that fair?

13 A. Yes, sir, it is very fair.

14 MR. MANCINI: Same objection.

15 Q. Your reaction is why the hell did he do  
16 that, right?

17 MR. MANCINI: Objection to form.

18 A. Right.

19 Q. So you weren't going to ask him, well,  
20 what have you got on this guy that I don't got. You  
21 didn't ask him that, right?

22 A. No, sir, I didn't.

23 Q. You never said let me look at that letter  
24 and see what it was that got the Attorney General

1 sufficiently interested to get right back to  
2 McFatridge, right?

3 MS. EKL: Objection, form.

4 A. That letter I never saw either.

5 Q. Right. But McKenna must have said  
6 something to get the Attorney General to get right  
7 back to McFatridge, right? There must have been  
8 something pretty serious in what he said.

9 MS. EKL: Objection, form, foundation.

10 MR. RAUB: Speculation.

11 A. I assume. I don't know.

12 Q. Okay. And did you -- do you know whether  
13 there was any follow-up done by the Attorney General  
14 after McFatridge called you guys in?

15 A. I have no idea.

16 Q. And you don't know what kind of  
17 communication, if any, went on beyond the letter  
18 between the Attorney General and McFatridge, right?

19 A. No, sir.

20 Q. For all you know, they could have called  
21 him in and he had to put his hand up and swear that  
22 he never did nothing, right?

23 MR. MANCINI: Objection to form.

24 A. I have no idea, but --

1 Q. Was the ISP, the Illinois State Police,  
2 aware of this, this information with regard to  
3 McFatridge?

4 MS. EKL: Objection, foundation.

5 A. I have no idea.

6 Q. Ever discuss with Jack Eckerty the  
7 McFatridge connection to drugs information?

8 A. To that letter you're talking about?

9 Q. Ever talk about the letter to him?

10 A. I don't recall. I don't recall.

11 Q. Now, at any time did you discuss the  
12 McFatridge drug situation with him?

13 MS. EKL: Objection, form.

14 Q. Him being Eckerty.

15 MS. EKL: Same objection.

16 A. About the street rumors and all this and  
17 so forth?

18 Q. Yeah.

19 A. Yes.

20 Q. Okay. When did you do that?

21 A. Couldn't give you a specific time and  
22 date, but Jack had heard the same stuff that I had  
23 heard.

24 Q. Okay. And he had heard that -- the

1 cocaine piece about McFatridge; is that right?

2 MR. MANCINI: Objection as to form.

3 A. Yes, the usage of it.

4 Q. Okay. And had he also heard anything  
5 about gambling?

6 MS. EKL: Objection, foundation.

7 A. I don't recall, don't know.

8 Q. Now, do you know whether the FBI was  
9 informed about the McFatridge information?

10 A. Have no idea.

11 Q. Were you aware that Randy and Herb went to  
12 the FBI prior to the Rhoads killings and told the  
13 FBI about their knowledge about McFatridge and  
14 gambling and narcotics?

15 MS. EKL: Objection, form.

16 MR. MANCINI: Objection as to form.

17 A. No, sir.

18 Q. Did you ever talk to Kenny Temples about  
19 that?

20 A. No, sir, I didn't.

21 Q. So this is the first time you ever heard  
22 it when I'm telling you or had you heard about it  
23 sometime subsequent to when they went?

24 A. No, sir. During the trial -- during the

1 trial, the FBI came in and talked to Randy, but they  
2 stopped the trial up there because the FBI came in  
3 over a letter, and that's all the knowledge I have  
4 of that.

5 Q. Okay. And that was a letter having to do  
6 with McFatridge, wasn't it?

7 MS. EKL: Objection, form, foundation.

8 A. I don't know.

9 MR. RAUB: Objection.

10 Q. All right. Now, to your knowledge, were  
11 there any Paris cops that were in any way associated  
12 with organized crime or drugs?

13 A. No, sir.

14 Q. Was there any investigation at all with  
15 regard to any involvement of law enforcement in  
16 either the county or Paris with regard to drugs or  
17 organized crime that was running somewhat wild in  
18 the area?

19 MS. EKL: Objection, form.

20 A. No, not to my knowledge.

21 Q. Would it be fair to say that in the mid  
22 '80s that drugs, organized crime and related  
23 criminal activity was a major problem in the Paris  
24 area?

1 MS. EKL: Objection, form.

2 A. The drugs were there. Whether it's a  
3 major problem or not, that would be a matter of  
4 somebody's opinion. The organized crime, if that's  
5 in reference to Joe Vitale, that would be kind of an  
6 isolated incident, so I don't know. I didn't  
7 foresee -- I myself, I didn't see it to being  
8 overwhelming the biggest problem in Paris.

9 Q. Well, not to belabor the point, but a drug  
10 conspiracy that took you from Paris to New York to  
11 Sicily wasn't actually an isolated incident, was it?

12 MS. EKL: Objection, form, foundation.

13 A. We had no knowledge of that. If I might,  
14 we had -- the Paris Police Department, from my  
15 understanding, had no knowledge of Joe Vitale's  
16 arrest until the FBI showed up in Paris, Illinois,  
17 like at 5:30 in the morning and went down to Joe  
18 Vitale's house and arrested him.

19 Q. But after they arrested him, you started  
20 to learn about the breadth of this particular Pizza  
21 Connection case, right?

22 A. Well, obviously, yes.

23 Q. And that was before the Rhoads homicide,  
24 wasn't it?

1 A. Yes, sir.

2 Q. Okay. So it wouldn't quite be fair to say  
3 that the Pizza Connection and organized crime case  
4 was an isolated incident, would it?

5 MS. EKL: Objection, form.

6 A. No, it wouldn't.

7 Q. Okay.

8 A. But the Paris Police Department had no --  
9 nothing to do with it.

10 Q. It had no active involvement in the  
11 investigation.

12 A. Exactly right.

13 Q. But it did have active involvement in  
14 trying to deal with the drug trade in Paris, right?

15 A. Yes, sir.

16 Q. And you were cultivating informants along  
17 those lines, right?

18 A. Trying to.

19 Q. And you were trying to build cases against  
20 people who were selling the drugs, right?

21 A. Yes, sir, I was.

22 Q. And did you have through your informants  
23 any idea of -- other than the four names that you've  
24 told us that these folks were selling drugs, did you



1 have any idea of who the major suppliers of drugs  
2 were to the Paris area?

3 A. Let me -- I don't think so or that would  
4 have been one person we'd have wanted to try to hung  
5 it on if we would have known.

6 Q. Were you trying to develop that  
7 information?

8 A. Oh, yes, sir, I always tried to develop  
9 information on drugs.

10 Q. And you didn't develop any information  
11 that either Herb Whitlock or Randy Steidl were some  
12 kind of major supplier, only that they were involved  
13 in some kind of hand to hand sales; is that right?

14 A. Yes, sir.

15 Q. All right. And what about Ashley and  
16 Chambers? What was the nature of the information  
17 you had about them? Again, that they were just  
18 involved in sales or were they involved in the  
19 supplying of the drugs in a major way?

20 A. The name Ashley would always come up as  
21 like a supplier.

22 Q. All right. Anyone else -- and did you  
23 have any information about where the drugs were  
24 coming from?

1           A.     Street rumors were they was coming I  
2 believe from Ovid who was living down in Florida.

3           Q.     All right.   So you had some information  
4 that there was a connection coming up from Florida  
5 to Paris and that Ovid and Ashley were involved in  
6 that, right?

7           A.     Yes, sir.

8           Q.     Now, other than those four guys, any other  
9 names can you give us that you were getting  
10 information about with regard to drugs in Paris,  
11 Illinois?

12          A.     There were several names that kept popping  
13 up.   For one would be Morgan, the four that we  
14 talked about, there was -- there was several names,  
15 and off the top of my head, I would say them would  
16 have to be the big players back there.

17          Q.     All right.   Well, did any of the names of  
18 anyone that was working at Morgan's, were they  
19 brought up in connection with the drugs?   Let's say  
20 Burba or Board or any of those people?

21                 MS. EKL:   Objection, form, foundation.

22          A.     The Boards, there's a name I forgot,  
23 Boards name did come up.   Burba.   When you heard  
24 Morgan's name, you heard Burba's name.   It went hand

1 in hand. So, you know, if you talked about Bob  
2 Morgan, then you talked about Smoke Burba. If you  
3 talked about Smoke Burba, then you talked about Bob  
4 Morgan. It was just a hand-in-hand deal.

5 Q. So when you heard information about  
6 Morgan, you'd hear it about Burba and vice versa?

7 A. Yeah. I guess that's the way you'd put  
8 it, yeah.

9 Q. All right. What, if anything, did you do  
10 to try to follow up on information that Morgan and  
11 Burba were involved in the drug trafficking?

12 A. My tenure there, we never had anybody that  
13 could -- a lot of street gossip, a lot of street  
14 talk, but we never had anybody that could prove it  
15 or that could bring us evidence or anything to  
16 substantiate anything we were hearing.

17 Q. Now, when Morgan first came to Paris, he  
18 really didn't have any money, right?

19 MS. EKL: Objection, foundation.

20 A. So the rumor has it, yes.

21 Q. And he opened up some kind of business  
22 right behind the pizza place, right?

23 A. No. I said earlier, he started out in the  
24 chicken house.

1 Q. Okay. But over the next five to ten and  
2 fifteen years, he went on to be a very wealthy and  
3 influential man in Paris, right?

4 A. That he did.

5 Q. And, in fact, he ended up owning or being  
6 a controlling partner in one of the banks there,  
7 right?

8 A. That he did.

9 Q. So at some point he was controlling a lot  
10 of the business through finances in the city, right?

11 MS. EKL: Objection, form.

12 A. I --

13 MS. EKL: Foundation.

14 A. -- guess so. I guess that would be right.

15 Q. Was it ever a subject of investigation how  
16 Morgan went from someone who didn't have a pot to  
17 pee in to being one of the more wealthy men in the  
18 southeastern part of Illinois?

19 A. You heard -- you heard all kinds of  
20 stories and street rumors. One of the stories that  
21 I heard, that it came from his father-in-law that  
22 helped him out get started in business, but there  
23 was never anything that I -- that I could come up  
24 concrete to link them to anything illegal.

1 Q. Okay. But was it information you were  
2 getting on the street that at least some of his  
3 wealth was coming from illegal transactions and  
4 businesses?

5 A. Sure.

6 Q. And did you hear that he had -- prior to  
7 the Rhoads investigation, did you hear information  
8 that he was trafficking drugs to Chicago in the dog  
9 food that he was selling?

10 A. That was one of the rumors, yes.

11 Q. And do you know who you heard that from?

12 A. Have no idea.

13 Q. I take it that one of the sources of  
14 information that you would have with regard to Bob  
15 Morgan would be people who worked for him and with  
16 him; isn't that right?

17 MS. EKL: Objection, form.

18 A. Yes.

19 Q. Did you have confidential informants who  
20 actually worked for Morgan?

21 A. Not that I remember, sir.

22 Q. Did you ever send anybody, any of your  
23 confidential informants, over to try to get close to  
24 Morgan by either getting a job or somehow

1 befriending him?

2 A. No, sir, I didn't.

3 Q. Did you ever interview any of the  
4 businessmen around town that had business or working  
5 relationships with Morgan in order to try to develop  
6 any information concerning any illegal activities  
7 that he was involved in?

8 A. Not that I recall.

9 Q. All right. Did you from time to time  
10 receive information from people of the -- of the  
11 higher classes, let's say, in business classes and  
12 that kind of people in Paris?

13 MS. EKL: Objection, form.

14 A. No.

15 MS. EKL: Compared to what kind of  
16 information?

17 Q. Information that -- with regard to Morgan  
18 and criminal activities.

19 A. No, because I would not associate with  
20 them. I didn't associate with business people.

21 Q. All right. Do you know whether anyone  
22 else in the Paris Police Department had any contacts  
23 either with people working in -- at Morgan's  
24 Manufacturing or with business associates with

1 Morgan in terms of trying to develop information of  
2 his illegal conduct?

3 A. No, sir, I don't.

4 Q. Was there ever an open investigation into  
5 Morgan and illegal activity by the Paris Police  
6 Department?

7 A. No, sir, there wasn't.

8 Q. Do you know --

9 A. Not an open investigation.

10 Q. Okay. How about -- how about a file? Was  
11 there a file over there in the department which you  
12 put in information having to do with Morgan and  
13 people who worked for Morgan and any criminal  
14 activities they might have been involved in?

15 A. No, sir.

16 Q. Do you know whether the -- back when you  
17 were working with Jack Eckerty, whether there was  
18 any open investigation with regard to Morgan by the  
19 Illinois State Police?

20 A. I have no knowledge of that.

21 Q. Did you ever discuss Morgan with Eckerty  
22 in terms of -- putting aside now the Rhoads  
23 investigation, did you ever discuss with Eckerty any  
24 evidence or information you were getting on the

1 street concerning Morgan and criminal activities?

2 A. Oh, yes, sir.

3 Q. All right. And did he -- did he tell you  
4 he was getting the same kind of information?

5 A. Yes, sir.

6 Q. All right. And did you and he discuss any  
7 strategies that you might employ to try to further  
8 develop the information that both you and he were  
9 obtaining on the street?

10 A. Yes, sir, our conversation would be that,  
11 you know, that we would like to arrest him for --  
12 make a case on him I guess is the proper word to  
13 say, we'd like to make a case on him, but we just  
14 couldn't -- couldn't come up with anything. Things  
15 you might think and which you hear are altogether  
16 different than making a case on somebody and getting  
17 an arrest.

18 Q. Particularly hard to get the hard  
19 information when the man is one of the most powerful  
20 people in the town; isn't that right?

21 MS. EKL: Objection, form.

22 A. Yes. Yes, it was.

23 Q. And so there was a certain fear factor at  
24 work in Paris when it came to Morgan and people who



1 work for him. Would that be fair to say?

2 MS. EKL: Objection, foundation.

3 A. That I have no idea, but there wasn't no  
4 fear factor between me and Jack and Bob.

5 Q. I wasn't asking you that. I was asking in  
6 terms of people and their ability or their  
7 willingness to come forward against a powerful  
8 person in the town who ran the bank and may well  
9 have been involved in very serious criminal  
10 activity. People were not forthcoming as they might  
11 be in other circumstances concerning what they might  
12 know.

13 MS. EKL: Objection, form, foundation.

14 A. I have no knowledge -- I have no knowledge  
15 of that. Only, like I said, not to repeat myself,  
16 you know, if the information would have been there  
17 we could have made a case, we would have made a  
18 case, but we just couldn't come up with the  
19 information.

20 Q. Okay. Now, in July of 1986, you were  
21 working at the Paris Police Department, right?

22 A. Yes, sir.

23 Q. You were a detective at that time, right?

24 A. Yes, sir.

1 Q. Gary Wheat was the other detective, right?

2 A. Yes, sir.

3 Q. And Chief Ray was there as well, right?

4 A. Yes, sir.

5 Q. And you would -- at that time, there were  
6 what, around ten total officers there? I mean how  
7 many police officers and supervisors were there?

8 A. You're probably pretty close, 10, 11, 12,  
9 somewhere in that area.

10 Q. Okay. And that was -- would you say you  
11 were below full staff or was that about full staff  
12 for Paris during that time period?

13 A. I don't know what full staff would have  
14 been at that time, but it would have been pretty  
15 close to full staff.

16 Q. All right. And on July 6th, you were  
17 summoned to the home of the Rhoadses, right?

18 A. Yes, sir.

19 Q. And how were you summoned?

20 A. By telephone.

21 Q. What time was it when you were first  
22 contacted by telephone?

23 A. It -- 6:00, 6:30, somewhere like that in  
24 the morning.

1 Q. Okay. And who called you?

2 A. Would have been the police department.

3 Q. All right. And that would be the  
4 dispatcher?

5 A. Yes, sir.

6 Q. Do you know who was the dispatcher that  
7 morning?

8 A. No idea, sir.

9 Q. With regard to Morgan and Herrington and  
10 all of those folks, there's been testimony  
11 previously that they were regulars along with Chief  
12 Ray at the Bon Ton for coffee in the morning.  
13 Darrell would go to work, Chief Ray would be there,  
14 and Morgan would often be there. Does that jibe  
15 with your memory?

16 MS. EKL: Objection, form, foundation.  
17 Flint, you continuously keep making these -- asking  
18 these questions inserting facts that are not facts  
19 and implying that there's testimony that's taken  
20 place that --

21 MR. BALSON: You can just object to the  
22 form.

23 MS. EKL: Well, I'm just saying --

24 MR. BALSON: You do not have --

1 MS. EKL: -- this has happened a number of  
2 times. And I'm just pointing out what my problem is  
3 with the form.

4 MR. TAYLOR: You weren't at Betty  
5 Herrington's deposition when she --

6 MS. EKL: I was at Betty Herrington's  
7 deposition. I took Betty Herrington's deposition.

8 MR. TAYLOR: Well, then you were asleep at  
9 the switch.

10 MS. EKL: I was also present at Gene Ray's  
11 deposition. So to the extent you keep putting  
12 people together, I'm just saying quit  
13 misrepresenting prior testimony.

14 MR. TAYLOR: Okay, you've signaled him.  
15 Now, let's see what he has to say, okay?

16 You want to read back the question?

17 (Requested portion of the deposition was  
18 read by the court reporter.)

19 MR. BALSON: That's exactly what Betty  
20 Herrington testified to.

21 MS. EKL: For the record, Betty Herrington  
22 said she did not go to the Bon Ton in the morning,  
23 and so she didn't have a foundational basis for  
24 testifying as to who was present in the Bon Ton in

1 the morning. Her testimony was --

2 MR. BALSON: You're wrong.

3 MS. EKL: -- that she would go in the  
4 afternoon.

5 MR. BALSON: No, I think you're wrong. I  
6 think she went there to get coffee in the morning,  
7 so I think the question is appropriate. Anyway, you  
8 can object to the form, but the fact of the matter  
9 is I think she talked about there being a morning  
10 coffee drinkers club.

11 MS. EKL: She did. That part is true.

12 MR. BALSON: Right, and she named them.

13 A. I have no knowledge of the morning coffee  
14 drinkers club.

15 BY MR. TAYLOR:

16 Q. Okay. Well, did you go into the Bon Ton  
17 in the morning often to have a cup of coffee or  
18 breakfast or anything like that?

19 A. No, sir.

20 Q. Wasn't one of the places you went to  
21 regularly?

22 A. No, sir.

23 Q. Okay. Now, when you got the call from the  
24 dispatcher around 6:30 in the morning, this was out

1 at your house where the cabin is?

2 A. (Nods head).

3 Q. Yes?

4 A. Yes, sir.

5 Q. And what were you told?

6 A. Told the address to go to, that they had  
7 had a fire and I believe there had been a couple  
8 people killed in there.

9 Q. All right. And the address was over on  
10 Court Street at the corner?

11 A. Yes, sir.

12 Q. All right. And were you told who the  
13 people were who had been killed?

14 A. No, sir, not until I got there.

15 Q. And at that point, were you -- did they  
16 know and were you told that it was a homicide or at  
17 that point was it thought to have been a fire and  
18 people were killed in a fire?

19 A. Best of my recollection, it was just two  
20 people were found dead in a fire.

21 Q. All right. And what did you do upon  
22 receiving that call?

23 A. Got dressed, got in the car and drove  
24 right straight to the house.

1 Q. Okay. Did you tell your wife Ann what --  
2 about what the call was about?

3 A. More than likely, no.

4 Q. Now, did you -- at any time on your way  
5 over to the scene of the fire, did you receive any  
6 additional calls?

7 A. Yeah, I did. From I think it was Ray  
8 Sollers.

9 Q. Who?

10 A. Ray Sollers. He was a street cop, one of  
11 the street cops that was down there to start with.

12 Q. Okay. And what did Ray Sollers say?

13 A. I think he said there had been two people  
14 murdered, and I just couldn't believe at the time he  
15 put it out over the air.

16 Q. Okay. Why couldn't you believe he put it  
17 over the air?

18 A. Well, that's something you don't  
19 communicate over the air on a two-way radio when  
20 everybody is listening to it.

21 Q. So that would -- would people in -- were  
22 there ham radios and that kind of thing they could  
23 monitor the police calls, right?

24 A. Scanners, yes.

1 Q. Scanners, yeah. So -- and in a small  
2 town, you got some regulars, right, who are  
3 listening to all the radio calls, right?

4 A. Yes, sir.

5 Q. And they pretty much -- I guess in some  
6 culture they'd say they would be kind of the yentas;  
7 right?

8 A. Yes, sir.

9 Q. And, once again, out there on the  
10 scanners, it was pretty much out there in terms of  
11 the gossip and rumor mill in Paris, right?

12 A. Yes, sir.

13 Q. And Paris had a pretty strong rumor mill  
14 to begin with, right?

15 A. Yes, sir.

16 Q. And you were tapping into that through  
17 informants and on the street and any other way that  
18 -- that you could develop information, right?

19 A. Yes, sir.

20 Q. So in any event, by 6:30 it was out in the  
21 community that this wasn't just a fire, a tragic  
22 fire with two victims, but that this was a murder,  
23 this was a double homicide, right?

24 A. Yes, sir.



1 Q. Did you tell Sellers or Sollers -- did he  
2 receive any criticisms for that either from you or  
3 from anyone else?

4 A. No, I don't believe he did, sir.

5 Q. All right. Well, when you -- when you got  
6 the call from Chief -- strike that, from the  
7 dispatcher and you were told the information, were  
8 you also given any instructions in terms of maybe  
9 what the chief said or what anyone said that you  
10 were to do when you got there?

11 A. No, sir.

12 Q. And, in fact, was it your understanding  
13 when you were going to the scene that you would be  
14 the -- in charge of the investigation in terms of  
15 the Paris Police Department?

16 A. Yes, sir.

17 Q. And that's because you were the detective  
18 that was going, right?

19 A. Yes, sir.

20 Q. Did you know or make any attempt to have  
21 Gary Wheat show up or do you know whether he was  
22 supposed to be there too or --

23 A. I didn't call Gary. I don't -- I don't  
24 remember what time exactly Gene got there, whether

1 he got there a little ahead of me or me ahead of  
2 him. And I don't think Gary was called that morning  
3 that early.

4 Q. Okay. So when you arrived, what did it  
5 take, about 10, 15 minutes to get there?

6 A. By the time I got dressed and got --  
7 probably something like that. Maybe ten minutes.

8 Q. So you would have gotten there around a  
9 quarter to 7:00, that time frame?

10 A. Could be possibly, yes.

11 Q. All right. And it was daylight?

12 A. Yes.

13 Q. And when you arrived, what did you see?

14 A. Firemen were still putting water on the  
15 house because they had had the fire out I guess and  
16 they were still on the scene. I believe they were  
17 putting up the yellow tape around everything at that  
18 time.

19 Q. Okay. And these are Paris firefighters?

20 A. Yes, sir.

21 Q. And how many of them were there there?

22 A. Sir, I couldn't tell.

23 Q. You was -- did you recognize them?

24 A. I don't remember even looking at the

1 firemen because that was not my -- I was focussed on  
2 the house and what was going on, not the firemen.

3 Q. Okay. And what did you see when you  
4 looked at the house?

5 A. The house was burnt.

6 Q. All right. Was it entirely burned or was  
7 it partially burned?

8 A. The back -- partially burnt, but there was  
9 more damage to the northeast corner.

10 Q. All right. Now, did you see any Paris  
11 police cars when you got there?

12 A. There was a policeman on the scene, yes.

13 Q. And who was on the scene when you got  
14 there?

15 A. I remember Ray Sollers being there because  
16 he's the one that called me. And I don't remember  
17 what other police officers were there.

18 Q. Had you been working late the night before  
19 at the police department?

20 A. I don't recall, sir.

21 Q. All right. Now, did you then enter the  
22 building?

23 A. Yes, sir. I think Chief Hartley and I  
24 went up -- went upstairs and looked at the room,

1 made a quick walk-through. I took some quick  
2 photographs. Then we got out of the house and it  
3 was sealed up and -- I take that back. I think Gene  
4 Ray went through that, me and Gene and Carroll.

5 Q. Carroll?

6 A. Hartley, the fire chief.

7 Q. Uh-huh.

8 A. Went upstairs for the initial take a quick  
9 peek, shot a few photographs, and then we exited the  
10 house and then it was all sealed off, and that would  
11 have been when crime scene techs were called in.  
12 Jack would have been called. McFatridge would have  
13 been called.

14 Q. Now, when you say would have been, did you  
15 make these calls?

16 A. No, sir, it would have been -- this is  
17 before cell phones.

18 Q. Much.

19 A. We would have called back to the police  
20 department and used -- had the dispatcher make the  
21 phone calls.

22 Q. Okay. So when you went in the house, did  
23 you go up into the bedroom area?

24 A. Yes, sir.

1 Q. And did you look at the downstairs area as  
2 well?

3 A. Real quickly.

4 Q. Did you notice anything unusual in the  
5 downstairs?

6 A. Been on fire.

7 Q. Well, other than the fire-related, did you  
8 notice anything else --

9 A. No.

10 Q. -- that you noted?

11 A. No. Like I said, we just made a quick  
12 walk-through and went straight upstairs because  
13 that's where apparently the crime had been  
14 committed.

15 Q. Okay. Now, did you have your note pad,  
16 your yellow pad with you?

17 A. No, sir, I wouldn't have had.

18 Q. So when you left your house, you didn't  
19 bring anything to take notes with?

20 A. The pad was probably in my car.

21 Q. But you didn't bring it into the house?

22 A. Don't remember. I remember taking the  
23 camera in.

24 Q. All right. And this is a camera you use

1 for business in terms of police business?

2 A. Yes, sir.

3 Q. Some kind of Polaroid, was it?

4 A. No, it was a 35 millimeter camera.

5 Q. All right. And did you normally take  
6 pictures when you did investigations if the crime  
7 scene warranted it?

8 A. Yes, sir.

9 Q. And what was your thinking in terms of  
10 taking pictures at the scene on the morning of the  
11 6th, right?

12 A. Yes, sir.

13 Q. And why were you taking pictures at that  
14 time?

15 A. I took pictures that time of everything  
16 the way it was when I arrived and in case if that --  
17 if the house rekindled and burnt to the ground for  
18 some odd reason or something like that or caught on  
19 fire and they had to flush it with water or  
20 something got disturbed, we had a set of pictures of  
21 what everything looked like at the time I got there.

22 Q. Did you speak to the firemen when you got  
23 there or were they still working?

24 A. They were still working.

1 Q. Okay. The bodies were gone, right?

2 A. Yes, sir.

3 Q. Did you interview any of the firemen to  
4 try to find out anything about what they had seen  
5 with regard to the crime scene when they first got  
6 there?

7 A. Probably -- I don't recall.

8 Q. Now, normally if you go to a crime scene,  
9 you would want to take pictures of where the bodies  
10 were before the bodies were removed; isn't that  
11 right?

12 A. Exactly.

13 Q. But when you arrived there, the bodies  
14 were gone, right?

15 A. Yes, sir.

16 Q. And did you speak to Sollers about whether  
17 the bodies were there when he got there?

18 A. No, I didn't.

19 Q. Did you talk to any of the firemen about  
20 how the bodies were taken out of there?

21 A. Somebody there told me, don't remember who  
22 it was, that the bodies had been removed in body  
23 bags and they was out at the emergency room at the  
24 hospital with a police officer standing -- standing

1 by them. So whoever had their bodies removed knew  
2 that we had to keep a police officer with the bodies  
3 for the chain of evidence.

4 Q. Okay. But you learned when you got to --  
5 when you spoke to the people about the bodies being  
6 taken out, that they were clearly dead and there was  
7 no question about medical treatment for them, right?

8 A. Exactly right.

9 Q. Did you find that to be disturbing that,  
10 in fact, there was -- that the bodies were gone  
11 before you got there?

12 A. Not in that incident, no, for the mere  
13 fact get the bodies out and get them preserved the  
14 best you can in case the house would rekindle or  
15 something else would happen where they might be  
16 damaged or destroyed.

17 Q. Okay. But, in fact, if the house  
18 rekindled, you could get the bodies out at that  
19 point, couldn't you? I mean it wasn't going to be  
20 an instant burndown if the house rekindled.

21 MS. EKL: Objection, form, foundation,  
22 incomplete hypothetical.

23 A. In my opinion, if the house caught back on  
24 fire, I don't know if the fire department would let



1 anybody go back into it once it gets on fire again.

2 Q. But it was the fire department who took  
3 out the bodies, right?

4 MS. EKL: Objection, form.

5 A. I don't recall.

6 Q. Well, who else could have taken the bodies  
7 out other than the fire department?

8 A. Well, you're probably right. I don't  
9 know. I don't remember.

10 Q. All right. But it would have been  
11 preferable for the fire department to either  
12 themselves have taken photos of where the bodies  
13 were or to have called you to the scene much earlier  
14 to take pictures of where they were, right?

15 A. I don't know because I wasn't there. I  
16 don't know the circumstances of what all went on  
17 before I got there.

18 Q. And there were no Illinois crime lab  
19 people there when you got there, right?

20 A. Oh, no, sir.

21 Q. So you were the first investigators to get  
22 there, right?

23 A. Yes, sir.

24 Q. You were.

1 A. Yes, sir.

2 Q. And the fire department, to your  
3 knowledge, didn't have the capacity to take pictures  
4 when they went to a scene to put out a fire, right?

5 A. That's right.

6 Q. And you later learned or did you learn at  
7 the scene that there were no pictures taken before  
8 you took yours? In other words, did you learn from  
9 the people on the scene that there were no pictures  
10 that had been taken?

11 A. Right.

12 Q. So you were the first person to take  
13 pictures --

14 A. Yes, sir.

15 Q. -- right? And, in fact, the crime scene  
16 had not been sealed until you got there, right?

17 A. No, because the firemen were -- still had  
18 the hoses out and dousing down the fire when I got  
19 there.

20 Q. Now, did you learn from the firemen at the  
21 scene when they approximated that the fire had  
22 started?

23 A. No, sir.

24 Q. All right. Did you learn at some point

1 early in the investigation that the fire was  
2 estimated to have started sometime in the area of  
3 four o'clock and to have lasted for about 20 or 25  
4 minutes?

5 A. I don't recall that.

6 Q. All right. What -- what did you learn  
7 about when the fire started and how long it lasted?

8 A. As of right now, I don't recall.

9 Q. All right. But it was -- it was at least  
10 an hour or two, you were there at least an hour or  
11 two after the fire was out originally; isn't that  
12 right?

13 MS. EKL: Objection, form.

14 A. I don't recall. Like I said, when I got  
15 there, they still had the hoses out pouring water on  
16 it.

17 Q. Right. So did you learn that the fire had  
18 restarted one time after the bodies had been taken  
19 out?

20 A. I don't recall that, no.

21 Q. All right. Did you at the scene interview  
22 the firemen to find out exactly what they had to say  
23 about the circumstances of the -- of the discovery  
24 of the bodies?

1           A.    No, because like I said, they were still  
2           working when I was there and they would have  
3           probably been interviewed back at the fire  
4           department after they had returned or after they got  
5           the fire out and returned to the firehouse.

6           Q.    Did you interview any of the firemen?

7           A.    I don't recall.

8           Q.    Did Eckerty to your knowledge interview  
9           any of the firemen?

10          A.    I don't recall.

11          Q.    Do firemen normally write their own  
12          reports when they come -- when they go to a scene of  
13          a fire?

14          A.    They would have -- they would write a  
15          report on the initial fire.

16          Q.    And have you seen that report?

17          A.    Not that I recall.

18          Q.    Did you learn that day where the bodies  
19          were found in relationship to the building?

20          A.    Oh, yes, sir.

21          Q.    And where were they found?

22          A.    Upstairs in the bedroom which would be on  
23          the west side of the house.  The bedroom was up on  
24          the west side of the house.

1 Q. And did you learn where in the bedroom the  
2 bodies were found?

3 A. Yes, sir.

4 Q. And where did you learn they were found?

5 A. Dyke's body was by the door and Karen's  
6 body was at the -- by the foot of the bed.

7 Q. You say by the foot. Does that mean on  
8 the bed or on the floor?

9 A. On the floor, on the floor by the foot of  
10 the bed.

11 Q. Okay. So both bodies were on the floor?

12 A. Yes, sir.

13 Q. And did you learn anything about the  
14 mattress and the bed itself in terms of the  
15 location?

16 A. Not at that time.

17 Q. All right. And did you make any attempt  
18 to ask any of the firemen how the bed was located in  
19 relationship to the bodies of Karen and Dyke Rhoads?

20 A. Not at that time.

21 Q. Now, at that time did you learn anything  
22 about whether there were any wounds on either of the  
23 bodies?

24 A. I don't think at that time.

1 Q. Who had gone with the bodies to the  
2 hospital?

3 A. Kevin Ring.

4 Q. Kevin Green?

5 A. Ring.

6 Q. Okay. And was he an officer with the  
7 Paris Police Department?

8 A. Yes, he was.

9 Q. And is he the one who learned that it was  
10 a homicide?

11 MS. EKL: Objection, foundation.

12 A. I don't know. I don't -- I don't know.

13 Q. Well, prior to you getting there, Sollers  
14 had put out on the air that it was a double  
15 homicide, right?

16 A. Yes, sir.

17 Q. And he put that out based on the fact that  
18 the bodies had been examined and there had been  
19 multiple stab wounds seen on both bodies, right?

20 MS. EKL: Objection, foundation.

21 A. Yes, but he didn't put that on the air.

22 Q. No. But either he or Ring determined that  
23 there were those stab wounds, right?

24 MS. EKL: Objection, foundation.

1 A. Yes, sir.

2 Q. All right. So they both had -- one or  
3 both, they both had that knowledge --

4 MS. EKL: Objection.

5 Q. -- prior to you getting there, right?

6 MS. EKL: Objection, foundation.

7 A. Yes, sir.

8 Q. And did the firemen as well?

9 MS. EKL: Objection, foundation.

10 A. I would have to assume.

11 Q. And people at the hospital would have as  
12 well, right?

13 A. No, sir.

14 Q. Okay. There was no medical personnel or  
15 coroner or anything like that that examined the  
16 bodies?

17 MS. EKL: Objection, foundation as to time  
18 period.

19 A. The coroner was there.

20 Q. What was the name of the coroner in Paris  
21 at that time?

22 A. At that time it was David Dick.

23 Q. Okay. So he was there at the hospital  
24 where they brought the bodies, right?

1           A.    I think he was at the fire scene at the  
2 house.

3           Q.    All right.  When you got to the fire  
4 scene, had any -- were there any civilians there?

5           A.    Oh, yeah.

6           Q.    And at that point, there was no tape  
7 around the house?

8           A.    They were putting it up as I got there.

9           Q.    Okay.  And they meaning who?

10          A.    Firemen.

11          Q.    And were there people -- were there  
12 civilians inside of where the cordoning off was  
13 taking place --

14          A.    No, sir.

15          Q.    -- or had they been pushed back?

16          A.    There was nobody -- the house was on a Y.  
17 Well, I'm sure you know this, but there was nobody  
18 on the Y side of the street.

19          Q.    Okay.

20          A.    The civilians were on the other side of  
21 the street all around.

22          Q.    All right.  And how many people would you  
23 approximate were there?

24          A.    I have no idea.



1 Q. Would you say as many as 20, 25 people?

2 A. I have no idea.

3 Q. All right. Well, did you recognize some  
4 of the people there?

5 A. Didn't even look at them.

6 Q. All right. Well, at some point you  
7 recognize Bob Morgan to be there, right?

8 A. I never saw Bob Morgan there.

9 Q. You did not?

10 A. No, I did not.

11 Q. All right. Did someone tell you that  
12 Morgan had been there?

13 A. Somebody -- yes, somebody informed us that  
14 he was there.

15 Q. And who was that?

16 A. I don't -- I don't know.

17 Q. Well, was it a civilian interview that you  
18 did or was it a law enforcement person who told you?

19 A. I don't recall.

20 Q. All right. Did you find that to be  
21 unusual that Morgan was there?

22 A. No, sir.

23 Q. All right. Because you knew that Karen  
24 worked for him?

1 A. Yes, sir.

2 Q. At that time did you know that -- that  
3 information about Karen observing what appeared to  
4 be illegal conduct by Morgan and Smoke Burba, that  
5 being the machine guns and the money?

6 A. I had no idea about that.

7 Q. Did you know who Karen Rhoads was before  
8 you went to the crime scene?

9 A. No, sir.

10 Q. Did you know who Dyke Rhoads was?

11 A. No, sir.

12 Q. All right. Did you know either of the  
13 Spesard or Sepsard or Rhoads families at all?

14 A. I knew Tony Rhoads.

15 Q. And that was the older or younger brother  
16 of Dyke?

17 A. Younger brother.

18 Q. And how did you know Tony?

19 A. I arrested him for drugs.

20 Q. Was he another person whose name would  
21 come up with the informants in terms of drugs?

22 A. No, not really.

23 Q. So you had arrested him for --

24 A. Possession I think, sir.

1 Q. And was -- what were the circumstances of  
2 your arrest of Tony Rhoads?

3 A. Oh, I don't recall. I don't recall. It  
4 was just a possession charge of marijuana I think.

5 Q. Was it like an auto stop or a search or do  
6 you know?

7 A. I -- I just don't recall.

8 Q. Was it when you were a patrolman?

9 A. Yeah, it would have had to have been I'm  
10 sure.

11 Q. Okay. So you went for a walk-through, you  
12 -- did you go up to the bedroom where the bodies  
13 were taken out?

14 A. Yes, sir.

15 Q. And you knew at that point that that was  
16 where the bodies were found, right?

17 A. Yes, sir.

18 Q. And who was describing to you this  
19 information in terms of where the bodies were found  
20 and any other relevant information that you were  
21 gathering?

22 A. I'm sure it would have been Chief Hartley.

23 Q. And did he tell you how long he had been  
24 on the scene?

1 A. No, he didn't.

2 Q. All right. And once again, at this point  
3 you weren't taking any notes concerning what you  
4 were being told at the scene, right?

5 A. No, sir.

6 Q. What was the next thing you did after you  
7 went on the walk-through and came back out of the  
8 building?

9 A. All the support services were notified.  
10 Like I said, McFatridge was notified. What  
11 uniformed cops we had down there we started doing --  
12 had them do a neighborhood canvass door to door  
13 talking to people, anything they had seen or heard.  
14 Of course, the crime scene was totally secured at  
15 that time.

16 Q. So you directed the street cops to do what  
17 they call a canvass?

18 A. Neighbor canvass, neighborhood  
19 walk-through, yes.

20 Q. And did anyone attempt to interview the  
21 crowd, people in the crowd that were there?

22 A. Sir, I don't know.

23 Q. And did Hartley or anyone else tell you  
24 whether any civilians had made it into the building

1 before it was cordoned off?

2 A. No, there was nobody had been in the  
3 building.

4 Q. Did you notice whether there were any cars  
5 in the driveway, anything like that?

6 A. There was a car in the driveway up by the  
7 house and there was a car in the garage I think.

8 Q. All right. And did you also determine  
9 whether any of the doors were locked, unlocked, what  
10 the status of entry and exitways were in the  
11 building?

12 A. The doors were open when I got there, but  
13 that was due to the firemen and that Newman, a  
14 neighbor I believe, kicked the door in or something  
15 trying to get in there that morning.

16 Q. Did you talk to any of the firemen about  
17 what the status of the doors were when they first  
18 got there? In other words, were the doors locked,  
19 were they unlocked, were they open, were they  
20 closed?

21 A. I don't think we would have at that time.

22 Q. Do you know a person by the name of Mary  
23 Easton --

24 A. Yes.

1 Q. -- or Eastham?

2 A. I know Mary.

3 Q. And did you know Mary before July 6th?

4 A. Oh, yeah.

5 Q. And who was she and is she?

6 A. Mary Eastham, Mary Eastham. Husband's  
7 name was Ed and he worked for the monument company  
8 and they got a couple boys. I guess I knew Mary to  
9 know her and if I saw her I'd say hi to her or  
10 whatever.

11 Q. Did she live in the neighborhood where the  
12 Rhoadses did?

13 A. Yes, sir.

14 Q. Where did she live specifically?

15 A. On down the hill on Court Street side. On  
16 the south side -- south side of Court Street on past  
17 the Rhoads house.

18 Q. How many doors down?

19 A. Two or three houses.

20 Q. All right. And did you see her outside as  
21 one of the people who were congregating in the  
22 street on the opposite side?

23 A. No, sir. I didn't pay any attention to  
24 anybody that was standing around outside.

1 Q. So no one came up to you and you didn't go  
2 up to anyone to talk about what anyone might know or  
3 believe about the crime at that point --

4 A. Yes, sir.

5 Q. -- is that right? Now, either on your way  
6 to the scene or at any time while at the scene, did  
7 you learn of any other fires that had been -- had  
8 happened that night or in the early morning hours?

9 A. No, sir.

10 Q. Did you ever learn about what was known as  
11 the Kansas fire or the Kansas Street fire?

12 A. No, sir.

13 Q. So you -- your investigation never  
14 revealed that there were any other fires either that  
15 day or the night before or the night after.

16 A. The night after.

17 Q. The night after. Where -- when was --  
18 what fire was that?

19 A. You had the Dudley fire and you had The  
20 Barn fire uptown.

21 Q. And they both happened pretty much  
22 simultaneously?

23 A. Yes, sir.

24 Q. And were they arson fires?

1 A. Yes, sir.

2 Q. All right. Was it ever determined who set  
3 either of those fires?

4 A. Not rock hard evidence, no.

5 Q. I'm sorry?

6 A. Not rock hard evidence, no.

7 Q. So nobody was ever prosecuted for either  
8 of those fires?

9 A. No, sir.

10 Q. Well, were there suspects in those cases?

11 A. Yes, sir.

12 Q. And who were they?

13 A. Herb and Randy and Debbie Reinbolt.

14 Q. All right. And when did they become  
15 suspects in those fires?

16 A. Would have been after Debbie Reinbolt came  
17 forward.

18 Q. So there were no -- was there an  
19 independent investigation open with regard to those  
20 fires?

21 A. Would have been, yes, sir.

22 Q. Okay. So would it have been a separate  
23 file with regard to those fires?

24 A. Should have been, yes, sir.



1 Q. All right. And who was the detective that  
2 was in charge of that investigation?

3 A. Me.

4 Q. You were, all right. And did you --  
5 you're saying that Herb and Randy were not suspects  
6 in those fires until Debbie -- you talked to Debbie  
7 in February of the next year, right?

8 A. Yes, sir.

9 Q. Did you in your mind -- or strike that.  
10 Did you as the investigator in the fires, the  
11 subsequent fire cases, did you link them to the fire  
12 and homicide of the Rhoadses prior to Debbie  
13 Reinbolt?

14 A. We thought that they were -- they were set  
15 to try to steer us in a different direction and  
16 that's the only thought we had on them.

17 Q. So in a sense you did think they were  
18 connected. You thought that the perpetrators of the  
19 murders were set -- I mean the perpetrators of the  
20 murders set those fires in order to throw you off in  
21 terms of your Rhoads investigation; is that right?

22 A. Yes, sir.

23 Q. And did you develop any names of suspects  
24 in those -- in those two fires?

1 MS. EKL: Objection.

2 A. No, sir.

3 Q. So you really had nothing --

4 A. No.

5 Q. -- at all except that would it be fair to  
6 say that the various suspects that you were  
7 developing in the Rhoads case would have become  
8 suspects in the arsons because you were linking the  
9 two of them?

10 A. That would be fair to say.

11 Q. So if Morgan were a suspect in the Rhoads  
12 murders, he would also be a suspect in these two  
13 subsequent arsons. Is that fair to say?

14 A. Fair to say.

15 Q. All right. So you were really  
16 investigating a triple arson/double murder, right,  
17 in your -- in view of your -- in what you were  
18 investigating; is that right?

19 A. Yes, sir.

20 Q. And did you discuss this connection  
21 between the cases with your -- with your I'll use  
22 the word team, your investigative team, being Ray,  
23 McPatridge and Jack Eckerty?

24 MR. RAUB: Objection to the

1 characterization.

2 MR. MANCINI: Objection as to form.

3 A. Yes, sir.

4 Q. Okay. And was it pretty much shared  
5 amongst the four of you that that was a legitimate  
6 approach to this investigation, to link those cases  
7 together?

8 A. Yes, sir.

9 Q. And at any time from the time that those  
10 fires took place until Debbie Reinbolt and you had  
11 your conversations in February of '87, did you  
12 develop any suspects beyond those who were suspects  
13 in the Rhoads murders for the fires?

14 A. No, sir.

15 Q. The other fires.

16 A. No, sir.

17 Q. And what was it that Debbie Reinbolt said  
18 that led you to suspect Herbie and Randy and she as  
19 the perpetrators of the fires the next night?

20 A. She said they burned them, so I mean --

21 Q. She told you that?

22 A. She told us that, yeah.

23 Q. And she said the three of them burned both  
24 of those places down?

1 A. Yes, sir.

2 Q. All right. And when did she tell you  
3 that?

4 A. It would have been in one of the  
5 interviews we did with her after she came forward.

6 Q. Okay. Did you ever charge Herbie and  
7 Randy and she for these two additional arsons?

8 A. No, sir, we didn't.

9 Q. You said one of them was a bar; is that  
10 right?

11 A. Yes, sir.

12 Q. Did it burn to the ground?

13 A. Pretty much so I think, sir.

14 Q. Anybody injured? Anybody in the place?

15 A. No, sir.

16 Q. And what did you say? Was this a late  
17 nighttime fire?

18 A. Yes, it was. I -- don't ask me the time,  
19 I forget the time, but it was in the darkness hours.

20 Q. So was the bar open or closed?

21 A. Closed.

22 Q. Okay. So that would have been after 2:00  
23 or so in the morning?

24 A. July 6th was on a Sunday? If the date is

1 right and it was on a Sunday, then it wouldn't have  
2 been open period.

3 Q. Because bars had blue laws at that time  
4 like they have in Boston?

5 A. Yeah, they couldn't be open on Sunday.

6 Q. So if it was Sunday, it was closed when it  
7 burned?

8 A. If the dates are right.

9 Q. Yeah, you're right, it was -- I think the  
10 calendar shows that the 6th was a Sunday. So if it  
11 was, we're talking about 24 hours after the Rhoads  
12 fire, this other fire, the tavern -- what tavern did  
13 you say it was?

14 A. Barn Tavern.

15 Q. Bar, B-A-R?

16 A. Barn, B-A-R-N.

17 Q. Okay. Who owned that place?

18 A. Bud Cunningham.

19 Q. All right. And did he ever become a  
20 suspect in the cases?

21 A. No, sir, he didn't.

22 Q. Okay. Was he another guy who had  
23 drug-related cases?

24 A. Bud?

1 Q. Yeah.

2 A. No.

3 Q. Okay.

4 A. Not until recently.

5 Q. Okay. Was there any insurance involved in  
6 that particular place? Was there any suspicion that  
7 it could have been an insurance-related fire?

8 A. Sir, I don't recall.

9 Q. All right. Now, the second fire, where  
10 was that?

11 A. It was out at Dudley.

12 Q. Now, by Dudley, is that a street you're  
13 talking about?

14 A. No, it's a little town. It's maybe three  
15 people live in it. Probably not many more than  
16 three people that live in Dudley. It's just a  
17 little bitty burg. If you leave Paris, it's out  
18 west of Paris, I don't know, five, six, seven mile  
19 out in the middle of nowhere.

20 Q. All right.

21 A. Just a little town.

22 Q. Okay. A gas station and --

23 A. No, no.

24 Q. -- county store or what?

1 A. No, no.

2 Q. Nothing but a sign?

3 A. That's about it. If you blink your eyes,  
4 you done drove through it.

5 Q. Okay, got that one. What was out -- what  
6 kind of a building burned down in Dudley?

7 A. Be truthful with you, I never went out  
8 there, so -- I was told it was an old house, so I --  
9 I never went out there to that fire because that  
10 would have been in the county, so --

11 Q. And was this the Sunday night/early Monday  
12 morning as well? Were these simultaneous fires?

13 A. What I can remember, they was about the  
14 same time.

15 Q. And how far away was the location in  
16 Dudley from The Barn Tavern in terms of the fires --  
17 in terms of miles or whatever?

18 A. Eight miles.

19 Q. Eight miles. So do you know in terms of  
20 the timing how close together in time the two fires  
21 were? I know they were on the same night, but --

22 A. Timing, sir, I don't know.

23 Q. But they -- but you did have whatever  
24 reports there were from the fire department and I

1 take it that you -- did you investigate those cases  
2 in terms of going to the scene?

3 A. No. I don't believe I went to The Barn  
4 Tavern. The investigators would have been -- the  
5 fire marshal's office would have already been in  
6 town, so they went up there and investigated the one  
7 at The Barn. And did the county call them out there  
8 to the house? I don't -- I don't know.

9 Q. You said the fire investigators. Is that  
10 either a county or a state --

11 A. State. Name is Tankersley.

12 Q. Okay. So he worked for the state?

13 A. Yes, sir.

14 Q. And he -- first he came to the Rhoads  
15 house, right?

16 A. Yes, sir.

17 Q. And then the next night he investigated  
18 the other two fires?

19 A. I'm assuming he's the same one they sent  
20 back in.

21 Q. Okay. Now, I'm going to go back to the  
22 scene for a moment. Did you see Darrell Herrington  
23 there when you went there?

24 A. Didn't see anybody there.



1 Q. In other words, you didn't -- people were  
2 there, but you didn't notice who they were?

3 A. Exactly right.

4 Q. When you went into the building and up to  
5 the second floor, did you have a mask on or were you  
6 able to go in and breathe normally?

7 A. Oh, normal breathing.

8 Q. All right. So at that point, the smoke  
9 had cleared enough so that you weren't going into a  
10 smokey building; is that right?

11 A. Yes, sir.

12 Q. Did you notice when you went in any  
13 furniture other than the bed?

14 A. If you got reference to the lamp, yes, it  
15 was outside the door if I remember. The bed was in  
16 disarray. Lamp or vase, whatever you want to call  
17 it, was outside the door.

18 Q. All right. Was it broken at that time or  
19 not?

20 A. I believe it was.

21 Q. Did you make any effort to take any notes  
22 about where it was and what kind of condition it was  
23 in?

24 A. No, I didn't.

1 Q. Did you take a picture of it?

2 A. Took a picture of it.

3 Q. And did you take a picture of the bed or  
4 several pictures or just one or what?

5 A. Yes, sir.

6 Q. Several?

7 A. Several. I -- probably just one of  
8 everything in the room.

9 Q. Sir, you had 35 millimeter camera?

10 A. Yes, sir.

11 Q. Flash attachment?

12 A. Yes, sir.

13 MR. TAYLOR: Why don't we take a quick  
14 break?

15 (Recess at 4:30 p.m. to 4:42 p.m.)

16 BY MR. TAYLOR:

17 Q. Other than the lamp and the -- you say the  
18 mattress was in disarray, is that what you said?

19 A. Well, bedclothes and stuff like that.

20 Q. Okay. Do you know what direction the  
21 mattress was vis-a-vis the bed?

22 A. The mattress was laying on the bed as a  
23 mattress should lay on a set of box springs.

24 Q. All right. Was it at all angled off of

1 it?

2 A. Not that I recall.

3 Q. All right. And did you see any blood?

4 A. Oh, yes, sir, or what seemed to be blood.

5 Q. All right. Where did you see the blood?

6 A. Everywhere.

7 Q. All right. And you took pictures of all  
8 of that?

9 A. Yes, sir.

10 Q. How many pictures did you take?

11 A. No bigger than that room is, I reckon 10  
12 or 12 or so.

13 Q. And after you left the scene, where did  
14 you go next?

15 A. I would imagine we went to the -- we had  
16 the scene secured, made sure that the scene was  
17 secured -- no, then we went out to the hospital I  
18 think and opened up one body bag, which had the male  
19 in it, which was Dyke, and did see that we had stab  
20 wounds and zipped the bag back up, and then we would  
21 have probably gone back then to the police  
22 department to regroup to get organized until  
23 everybody gets here and get our strategy down how  
24 we're going to do it.

1 Q. Did you go -- who went to the hospital  
2 with you?

3 A. I think it was me, Gene, McFatridge and  
4 the coroner.

5 Q. So --

6 A. I could have left somebody out or had too  
7 many in there, but --

8 Q. Okay. Was Eckerty there by that time?  
9 Had he gotten to the scene before you left?

10 A. I don't recall him there yet.

11 Q. But McFatridge had gotten to the scene and  
12 went with you to the hospital, right?

13 A. I believe so, yes, sir.

14 Q. All right. And at that point when you got  
15 to the hospital, you saw the stab wounds, you had  
16 seen the scene, did you have -- did you develop any  
17 theory, as preliminary as it might be, about the  
18 motive for the crime, the nature of the crime or any  
19 suspects to the crime?

20 A. Absolutely nothing.

21 Q. And did you have any discussion about any  
22 of those topics on the 6th with McFatridge, Ray and  
23 Eckerty?

24 A. I'm sure we did.

1 Q. Okay. And where did you have those  
2 discussions?

3 A. I'm sure it would have been at the police  
4 department.

5 Q. All right.

6 A. Because with myself, I didn't know Dyke or  
7 Karen Rhoads. As far as I know, Jack Eckerty didn't  
8 know Mike -- Dyke or Karen. So we just didn't know  
9 anything about anything or, you know, just didn't  
10 know them or know why or why anybody would pick them  
11 or anything like that.

12 Q. Did either Ray or McFatridge know anything  
13 about them?

14 A. Mike knew them because he said he knew  
15 Dyke because I think he said he played softball with  
16 him.

17 Q. All right. And so after you were at the  
18 hospital, you came back to the police station with  
19 the three of them and continued to have discussions  
20 about the case?

21 A. Yes, waiting on the crime scene guys to  
22 get there, and, well, we had Tankersley on his way  
23 and Eckerty and everybody to get there.

24 Q. Did the four of you map out a strategy for

1 investigating the case?

2 A. Yeah, I guess we would have. First thing  
3 would have been to do would have been to walk the  
4 neighborhoods and do a good door-to-door interview  
5 with all neighbors and everything, and after Jack  
6 got there, due to the size of the crime, he made  
7 some phone calls and we got more agents brought down  
8 to help.

9 Q. And was one of those agents Gary Knight  
10 from the crime lab?

11 A. Well, he wasn't a DCI agent. He was a  
12 whole different offshoot of that. He was in the  
13 crime scene unit which had nothing to do with the  
14 DCI units.

15 Q. All right.

16 A. But, yes, he was called though.

17 Q. And was he at the scene before you left to  
18 go to the hospital?

19 A. I don't recall.

20 Q. Now, the meetings you had on the 6th, what  
21 other than that did you determine to do other than  
22 to do a thorough neighborhood canvass?

23 A. Well, we would have been -- we had been  
24 gathering background on Dyke and Karen to see if

1 there were -- you know, what was going on with them  
2 or why anybody would want to kill them and figuring  
3 out who their friends are and relatives. And  
4 basically they just started basic investigation of  
5 what's going on. You know, Gary Knight was going to  
6 be there for a while and Tankersley was going to be  
7 there for a while, but there was a lot of things we  
8 could do without -- they didn't -- they didn't want  
9 us in there anyway tromping around.

10 Q. Okay. Now, within a couple of days you  
11 went back to that apartment, back to that -- to the  
12 Rhoads building and did a reenactment, right?

13 A. Yes, sir, we did.

14 Q. Is that something that the four of you  
15 determined was appropriate to do?

16 A. Yes, sir. Well, we went and checked, did  
17 our interviews with the police department, police  
18 department -- sorry, fire department, and after  
19 talking to them gentlemen, asking them if they had  
20 moved anything when they had gone in there --

21 Q. Uh-huh.

22 A. -- and they had said yeah, we moved this  
23 and moved this, moved the bed and mattress to get it  
24 out of the way of the body and everything, so that's

1 when we decided to go back down there and have the  
2 firemen that were there put the bedroom back as they  
3 specifically found it when they went into the room,  
4 and then we rephotographed the room after we did  
5 that.

6 Q. All right. Now, you say that you  
7 interviewed the firemen, right?

8 A. Yes, sir.

9 Q. And who specifically interviewed the  
10 firemen?

11 A. Without looking at my reports, I couldn't  
12 tell you which one of us interviewed them.

13 Q. Okay. Well, what I'm going to do here is  
14 I'm going to put in front of you a bound version of  
15 the Ray deposition exhibits, and Exhibit No. 2 is  
16 the series of Eckerty reports.

17 A. Okay.

18 Q. And Exhibit 6 I believe, 7, 8 and 9, are  
19 various versions of the report that -- that bears  
20 your name on it and appears to cover successively  
21 the time periods that you were investigating, and if  
22 you want to refer to it and I'll call your attention  
23 to parts of it as we go along.

24 MS. EKL: Did you bring copies, Flint?



1 MR. TAYLOR: I brought you a copy.

2 MS. EKL: Okay.

3 MR. RAUB: Were they furnished by the  
4 court reporter to all of us?

5 MR. TAYLOR: Yes.

6 MR. RAUB: Okay.

7 MS. SUSLER: That's what I emailed about.

8 MR. RAUB: I was wondering. I'll look for  
9 it again tonight.

10 MS. EKL: I was already gone by the time I  
11 got the email, so --

12 MR. RAUB: If I can find mine, I'll bring  
13 it tomorrow. Oh, you've got --

14 MR. TAYLOR: No, I've only got one for  
15 Beth because I --

16 MS. SUSLER: She was the only one who said  
17 she needed it.

18 MS. EKL: Thank you.

19 MR. TAYLOR: Okay.

20 MS. EKL: What do you want him to be  
21 doing?

22 MR. TAYLOR: I'm sorry?

23 MS. EKL: What did you want Jim to be  
24 doing in regard to the --

1 MR. TAYLOR: I want him to have them in  
2 front of him and maybe we can both refer to it.

3 BY MR. TAYLOR:

4 Q. You say without reference to your report  
5 you can't really tell who interviewed the firemen.  
6 Why don't you take a look at your report. It could  
7 be any of them because this is early in the  
8 investigation, and maybe we -- they were all the  
9 same with regard to that, and see if that refreshes  
10 your recollection as to who interviewed the firemen.

11 A. Got any ideas in there where it's at?

12 MR. RAUB: I'm looking at his long report  
13 and I see it on page 3, references to interviews  
14 with the firemen, firefighters.

15 MR. TAYLOR: Okay.

16 MR. RAUB: Fireman McConchie about halfway  
17 down that page.

18 MR. TAYLOR: That's Steidl 11985.

19 MR. RAUB: I've got a Whitlock number,  
20 so --

21 MS. EKL: Why don't we just refer to the  
22 Paris Police Department numbers at the top because  
23 there's so many different versions, so that we're  
24 all looking at the same police report.

1 MR. TAYLOR: Yeah, page 3.

2 BY MR. TAYLOR:

3 Q. So this report indicates that you returned  
4 to the scene of the fire and spoke with the firemen  
5 who were at the fire scene on the original call; is  
6 that right? Do you see that in the middle of page 3  
7 of your report of -- dated January 29?

8 A. Okay.

9 Q. Right? You see where we are there?

10 A. Yeah, I see that.

11 Q. Then it says RO, that's you, right?

12 A. That's me.

13 Q. And reporting officer spoke with McConchie  
14 who was one of the first firemen on the scene and he  
15 talks about the back door, right?

16 A. Yes, sir.

17 Q. Now, does this indicate to you that you  
18 interviewed McConchie on the 6th?

19 A. It does.

20 Q. And did you make a report on or about the  
21 6th? Does it contain this interview?

22 A. Yes, sir.

23 Q. All right. But did you preserve that  
24 report or is that the written report that you

1 destroyed when you dictated this particular July  
2 29th report?

3 A. Yeah, right.

4 Q. But everything that was in that written  
5 report it's your testimony is in this report. Is  
6 that fair?

7 A. Yes, sir.

8 Q. All right. Now, it continues, Captain  
9 Wallace stated that a male body was lying on the  
10 floor on his side with his head toward the door  
11 leading out of the bedroom. Do you see that?

12 A. Yes, sir.

13 Q. Is this also information that you yourself  
14 took during an interview on the 6th?

15 A. Yes, sir.

16 Q. And it says that she was found, that being  
17 Karen Rhoads, with a pillow over her face, right,  
18 and bedclothes around her. Is that what Wallace  
19 told you?

20 A. Yes, sir.

21 Q. All right. And that the bodies were put  
22 in body bags, right?

23 A. Yes, sir.

24 Q. So there's nothing in this report that

1 indicates anything about the location of the  
2 mattresses, is there?

3 A. No.

4 Q. So if, in fact, any of the firemen told  
5 you on the 6th about the mattresses being in a  
6 different -- the mattress being in a different  
7 position than how you photographed it, it didn't  
8 make it into this report, right?

9 MS. EKL: Objection to form, foundation.

10 A. If they had told me -- what you're saying  
11 is if they had told me, then I didn't put it in this  
12 part of my interview?

13 Q. Right.

14 A. Right.

15 Q. It's not in the report, right?

16 A. I don't see it in this report, no.

17 Q. And, in fact, are you testifying now that  
18 you remember that they told you on the 6th that the  
19 mattress was in a different position when they came  
20 in the bedroom than it was when you got there?

21 A. No.

22 Q. So when did they tell you that, if they  
23 did, and who did?

24 A. As of right now as I sit here, I don't

1 know when I was told or when they -- we went back  
2 and re-put it back.

3 Q. Is there anywhere in this report that you  
4 can point to me that shows that the firemen told you  
5 that the bed mattress was in a different position  
6 when you got there than it was when the firemen  
7 first came on the scene?

8 A. No, sir.

9 Q. So if I'm to believe your testimony  
10 previously, then, you weren't told that, right?

11 A. Obviously I wasn't.

12 Q. Okay. And so you were in error when you  
13 just testified a few moments ago that they told you  
14 that, and that was one of the reasons you wanted to  
15 do a reconstruction, right, or a reenactment?

16 MS. EKL: Objection, form. Flint, your  
17 question specifically said within a few days. I  
18 typed it as you said it.

19 MR. TAYLOR: The reenactment was within a  
20 few days, wasn't it not?

21 MS. EKL: Right, but now you're talking  
22 about the 6th. You're trying to impeach him about  
23 his testimony that he talked about regarding what  
24 happened a few days later and now you're trying to

1 impeach him with his report on the 6th.

2 MR. TAYLOR: No, I'm not. No, you're  
3 misunderstanding the question.

4 MS. EKL: Then I object to form. It's  
5 confusing.

6 BY MR. TAYLOR:

7 Q. Is there anything in this report about the  
8 reenactment or the reconstruction?

9 A. Without reading the report all the way  
10 through, I don't know.

11 Q. Well, I think you've read it before, and  
12 would it be fair to say that it goes  
13 chronologically, right?

14 A. Should be, yes.

15 Q. So if you, in fact, were told and wrote in  
16 a report anything having to do with the change of  
17 location of the mattresses by any of the firemen,  
18 you would expect that if you were told that before  
19 the reenactment on the 9th, we would find it in this  
20 report sometime in the entries from the 6th to the  
21 9th, right?

22 A. Right.

23 Q. And we don't find that there, right?

24 A. No, you don't.

1 Q. All right. Is there anything about the  
2 reenactment in this report?

3 A. Not that I recall in this first, first  
4 bunch of papers.

5 Q. All right. Is there any other bunch of  
6 papers in which you wrote a report about the  
7 reenactment?

8 A. I -- I don't remember, sir.

9 Q. All right. Have you seen any in  
10 preparation for this deposition?

11 A. Not that I recall.

12 Q. All right. Have you called any -- called  
13 to the attention of your attorneys any reports that  
14 they did not have or did not give to us which talked  
15 about the reenactment that reflected your  
16 involvement in it?

17 MR. RAUB: Flint, just for your  
18 information, it is in Eckerty's report. I just  
19 found it here.

20 MR. TAYLOR: Okay.

21 MR. RAUB: 7/9/86.

22 MR. TAYLOR: All right. Well, then let's  
23 go to that.

24 MR. RAUB: I don't know what number. I'll



1 show it to you here.

2 MR. TAYLOR: I see it. I've got it right  
3 here. It's Steidl 12215. This is Exhibit -- Ray  
4 Exhibit 2.

5 MS. EKL: I believe it's actually Steidl  
6 12216.

7 MR. RAUB: Is that page 8 on the top?

8 MS. EKL: Right.

9 MR. RAUB: Says page 8, okay.

10 THE WITNESS: What one are you at?

11 MS. EKL: Here, I'll just show you this  
12 page out of here.

13 BY MR. TAYLOR:

14 Q. Okay. You see an entry here on page 0009  
15 of the exhibit and it's Steidl 12216 in the exhibits  
16 you're looking at. Do you see that? It's page 8 of  
17 Eckerty's report. You got that, right?

18 A. I think so, yeah. Yeah, I got it, yes,  
19 sir.

20 Q. So Eckerty was present at the reenactment,  
21 right?

22 A. Okay. Yes, he was.

23 Q. But he wasn't present when you interviewed  
24 the firemen on the 6th, right?

1 A. No.

2 Q. Okay. So we're looking at the 9th and  
3 there's an entry by Eckerty, and you and he must  
4 have decided that he was the one to write in his  
5 report about the reenactment rather than you, right,  
6 given what you've told us before, right?

7 A. Yes, sir.

8 Q. Now, in this document, it mentions the  
9 reenactment or reconstructed the scene and talks  
10 about that the back door of the residence was most  
11 certainly open and that the firemen were unable to  
12 enter the door because it was apparent at that point  
13 that that was the origin of the fire, right?

14 A. That's what it says.

15 Q. But it doesn't say anything about how the  
16 mattress was arranged or rearranged before you got  
17 there on the 6th, does it?

18 A. No, we had pictures of that.

19 Q. All right. But there's no mention in this  
20 report now, is there?

21 A. No, we had pictures of it.

22 Q. You didn't have pictures of how the  
23 mattress was before. You only had pictures of how  
24 the mattress was when you got there, right?

1 A. Oh, right.

2 MS. EKL: Objection, form.

3 A. That's why we did the reenactment.

4 Q. Right. So there's nothing in either you  
5 or Eckerty's reports that in any way corroborates  
6 the testimony that you're giving us that the  
7 mattress was changed according to the firemen from  
8 the time they got there until the time you took the  
9 picture, right?

10 MS. EKL: Objection, form, argumentative.

11 Q. Am I right?

12 A. You got me confused. We went there, I  
13 took the pictures when we got to the fire scene that  
14 morning, so we had pictures of that. Gary Knight's  
15 probably crime scene photos would have showed  
16 drawings of the room, how everything was.

17 Q. Yes.

18 A. And then when we went back and did the  
19 reenactment or put everything back as it was when  
20 the firemen found it, then we rephotographed the  
21 room.

22 Q. Right.

23 A. As -- what you're saying is we didn't  
24 specifically write anything that we rephotographed

1 the room for --

2 Q. No, I --

3 A. -- that's how the changes were?

4 Q. What I understood your testimony to be was  
5 that because of the fact that the firemen told you  
6 when you interviewed them that the mattress was in a  
7 different position when they got into the room than  
8 it was when the photos were taken by you, that you  
9 did a reconstruction. Isn't that what you just told  
10 us?

11 A. Yes, it would. I think so.

12 Q. And what I'm saying to you is that you  
13 didn't put that in your report and Eckerty didn't  
14 put it in his report that the firemen told you that  
15 the mattress was in a different position when they  
16 came there than it was when the photos were taken.  
17 Right?

18 A. Yes.

19 Q. Okay. So there's only one or two  
20 explanations for that or maybe three. There's a  
21 report that we don't have, number one; number two,  
22 they didn't tell you that; or number three, you  
23 didn't write it down and neither did Eckerty. Do  
24 you know which of those three explanations is the

1 accurate explanation?

2 MS. EKL: Objection, form.

3 A. I know there's no reports missing because  
4 we haven't -- we didn't hold back any reports, so it  
5 would have to be the other -- we either forgot to  
6 write it in there or like you said.

7 Q. One of the other two, either they didn't  
8 tell you or you didn't write it in there, right, one  
9 or the other?

10 A. Exactly.

11 Q. Okay. Now, I -- now, Gary Knight was  
12 perhaps the most skilled and experienced crime scene  
13 person of all the people involved in the  
14 investigation; isn't that right?

15 A. Absolutely.

16 MS. EKL: Objection, foundation.

17 Q. How come you didn't have him at the  
18 reenactment?

19 A. I have no idea.

20 Q. Okay. Who called this reenactment  
21 together? Who was the one that said let's go do  
22 this? Was it a joint decision by you and McFatridge  
23 and Eckerty and Ray?

24 A. I'm sure it was --

1 MR. MANCINI: Objection.

2 A. -- everybody combined.

3 Q. Now, your report indicates that in -- and  
4 let's look at both of them now and let's look at  
5 July 6, 7 and 8. I got your report on my left hand  
6 here and Eckerty's on the right because what you've  
7 told us is that's going to give us the picture of  
8 all the information that the two of you were  
9 developing, right?

10 A. Trying to, yes.

11 Q. Okay.

12 A. 6th, 7th, 8th.

13 Q. Now, your report on page 6 of your report  
14 says that you talked to Carolyn Rhoads, is that  
15 right, the mother?

16 A. Let me find it here. Page 6 of my report.

17 Q. Yes.

18 A. I don't see that on page 6 of my report.

19 MS. EKL: Do you have a different page  
20 than what -- you're looking at Eckerty's report.

21 MR. TAYLOR: Oh, okay. Thank you.

22 Q. Page 6 of Eckerty's report indicates that  
23 you and he talked to Carolyn Rhoads. Right top of  
24 the page.

1 A. Yes, sir, it does.

2 Q. Okay. And your -- this is on the 7th,  
3 right?

4 A. Who? Jack's is on the 7th.

5 Q. Yes, uh-huh.

6 A. Yeah.

7 Q. And also on the 7th, if we jump to your  
8 report, it says RO conducted an interview with Tony  
9 Rhoads. Tony Toads but I assume you're talking  
10 about Tony Rhoads, right?

11 A. Okay.

12 Q. So does that indicate that either before  
13 or after you and Eckerty talked to the Rhoads's  
14 mother, you singly talked to Tony Rhoads, the  
15 brother; is that right?

16 A. That's what -- that's what it says.

17 Q. Okay. Do you know whether Eckerty was  
18 with you?

19 A. I would say he wasn't or it would be in  
20 there.

21 Q. Okay. So at this point, you're trying to  
22 find out motive primarily, right?

23 A. Exactly.

24 Q. And you're trying to find out -- did you

1 know before you talked to Tony that -- that Karen  
2 worked for Morgan Manufacturing or was that the  
3 first you had heard of that?

4 A. I don't know exactly when would have been  
5 the first we would have heard of it. We may have  
6 heard of it the day of the fire.

7 Q. Okay. So after you talked to Tony, you  
8 yourself, turn to the next page, talked to a Joseph  
9 McCoskey; is that right?

10 A. Yes, sir.

11 Q. And this was also someone who knew Karen  
12 and Dyke, right?

13 A. Yes, sir.

14 Q. And then we go back to Eckerty and it says  
15 that he interviewed a Lon Gardner; is that right?

16 A. Yes, sir.

17 Q. Now, does that mean that you and he  
18 together interviewed him or it was just him?

19 A. I would say it was Jack by himself.

20 Q. Well, now on the 7th and the 8th, you all  
21 both are focussing on Karen Rhoads, people that work  
22 with Karen Rhoads, people who were related to Karen  
23 and Dyke Rhoads -- excuse me, people who knew Dyke  
24 and Karen, people who were related to them, people



1 who work with them, right? Would that be fair to  
2 say that was your focus, you and Eckerty, at that  
3 point?

4 A. Yes.

5 Q. And sometimes you were interviewing them  
6 together, sometimes you were interviewing them  
7 separately, right?

8 A. Yes, sir.

9 Q. Okay. Now, he talks to a Lon Gardner in  
10 the Colonial Kitchen over in Chrisman. Now, how far  
11 away is that from Paris?

12 A. 12 miles north of Paris on Route 1.

13 Q. Okay. And he tells Eckerty that he's  
14 talked to Tim -- a Tim who related the incident at  
15 work at Morgan Manufacturing and said she advised  
16 that Bob Morgan, the owner of the company, and a man  
17 by the name of Smoke loaded a machine gun and  
18 briefcases containing money into the trunk of Bob  
19 Morgan's Corvette and both subjects went to Chicago.  
20 Lon stated that during this interview that he and  
21 his wife, meaning Rhoads, Karen and Tony -- the  
22 Rhoadses were very much afraid and were making plans  
23 to move to another address, right?

24 A. That's what it says.

1 Q. All right. Now, that was important  
2 information about a potential motive, right?

3 A. Yes.

4 Q. And I take it that Eckerty shared that  
5 with you.

6 A. Oh, I'm sure he did.

7 Q. Okay. And you -- at the same time, it  
8 says here on your report at 10:30 a.m. on the 8th,  
9 which is before this interview, you're out talking  
10 to somebody named Pandorf, right?

11 A. Right.

12 Q. What was your angle on that interview?  
13 What were you trying to determine? What did you --  
14 what was the connection that you thought you had  
15 there? Were they the landlord or landlady or  
16 something?

17 A. Okay.

18 Q. That could be right.

19 A. Pandorfs were the owner of the house I  
20 believe that Dyke and Karen were in.

21 Q. Okay. And this was a connection with  
22 Morgan's wife to some degree because Barb Morgan was  
23 Bob Morgan's wife, right?

24 A. No.

1 MS. EKL: Objection, form.

2 Q. No, no relation?

3 A. No.

4 Q. Okay. Well, then that didn't connect  
5 Morgan there then, right?

6 A. No, sir.

7 Q. Okay. So then that evening you reunited  
8 with Eckerty and did an interview with a Brenda  
9 Licocci, right?

10 A. Yes, sir.

11 Q. And she was a close friend of Karen; is  
12 that right?

13 A. That's what it says, yes, sir.

14 Q. Okay. And you learned something about  
15 their personal relationship of Dyke and Karen's,  
16 some of the problems that they were having with each  
17 other; is that right?

18 A. Yeah.

19 Q. Now, it says that Brenda did bring a  
20 letter to Paris, which Agent Eckerty and myself do  
21 have at this time, that she had received from Karen  
22 prior to June 20th which is in evidence and enclosed  
23 with the reports, right?

24 A. Yes, sir.

1 Q. All right. And what was the content of  
2 that letter?

3 A. I do not recall.

4 Q. All right. Now, also at 10:55 p.m. on the  
5 8th you conducted an interview with a Paul Wombles,  
6 right?

7 A. Yes, sir.

8 Q. And he told you that a Randy who he knew  
9 used to go with a Peggy Wells was standing out in  
10 front of the Horseshoe and that he heard this Randy  
11 state that he was getting out of town because  
12 something was going to happen that was going to rock  
13 the town, and Paul also said he heard the state of  
14 Florida mentioned. And there was a large amount of  
15 money involved; is that right?

16 A. Yes, sir.

17 Q. And you write that a quick follow-up the  
18 next day, Eckerty and yourself found out that  
19 Charles McClaskey has a report on -- in reference to  
20 a Randy Steidl. So you had connected Randy Steidl  
21 at this point to this information about knowledge of  
22 something big happening in Paris and that he was  
23 going to leave town, right?

24 A. Yes.

1 Q. Now, did that make Steidl a suspect at  
2 that point because he allegedly made these comments  
3 about something happening big in -- that had to do  
4 with money in Paris on the weekend of the 6th?

5 A. He would be a person of interest to look  
6 at.

7 Q. All right. And did the information that  
8 Eckerty shared with you from Lon Gardner about  
9 Morgan and Smoke, did that provide you with  
10 information of a motive that would lead to Morgan  
11 and Smoke being suspects?

12 A. Yes, sir.

13 Q. All right. So at this point you've got at  
14 least two suspects and a person of interest. This  
15 is on the 8th and 9th. You've got Morgan on the one  
16 hand and Smoke, and you've got Randy Steidl on the  
17 other, right?

18 A. Yes, sir.

19 Q. Got any other persons of interest or  
20 suspects at that point?

21 A. I don't remember now going through all  
22 these things, but this early in the investigation,  
23 probably not.

24 Q. Okay. Now, in your report on page 8, it

1 says on July 9th at about 1:15 p.m., you conducted  
2 an interview with a Rothenburger who was an employee  
3 of Morgan Manufacturing in the same plant that Karen  
4 was an employee of. And he talks about how he  
5 worked with -- with Karen and that Wimsett had told  
6 Mark Burba -- who's Smoke, right?

7 A. Yes, sir.

8 Q. -- Griffin and Johns and himself that  
9 Karen had gone to Wisconsin on a trip for Morgan and  
10 that George had made the comment to Daryn that Karen  
11 had talked to him about having a lot of trouble with  
12 her ex-boyfriend from Danville, and her ex-boyfriend  
13 from Danville was Busby or was that someone else?

14 A. Oh, I would -- yes, I think so.

15 Q. Okay. Now, when you talk to Rothenburger,  
16 you didn't bring up with him or ask him what he  
17 knew, if anything, about Karen Rhoads and Morgan and  
18 Smoke and the guns and the briefcase, did you?

19 MS. EKL: Objection, form, foundation.

20 A. No, I didn't. Or, no, we didn't.

21 Q. And why did you not?

22 A. Because that's -- we -- because we -- he  
23 didn't have anything to say about any of that.

24 Q. Well, how do you know that? I mean

1 wouldn't you put it in your report we asked them  
2 about the guns and the machine gun and the money and  
3 he said he didn't know anything about it?

4 MS. EKL: Objection.

5 Q. Wouldn't that be something you'd write  
6 down if, in fact, you asked him and he gave you a  
7 negative answer about it?

8 MS. EKL: Objection, foundation. Sorry, I  
9 meant not foundation, form.

10 A. Why we didn't ask him I don't recall.

11 Q. All right. But you would agree with me  
12 that would have been a pertinent question to ask  
13 given the information you just got from Lon Gardner,  
14 right?

15 A. If we thought it pertained to his  
16 interview. I -- I don't remember all the  
17 circumstances why we talked to him back then.

18 Q. Well, you were talking to him about Morgan  
19 Manufacturing and what he knew as an employee of  
20 Morgan Manufacturing about Karen, right?

21 A. Yeah. But also -- he also says in here  
22 that he doesn't have -- that he doesn't know of  
23 anybody down at the plant that would have any  
24 problems or words with Karen.

1 Q. Okay. So are you telling me that because  
2 he said that, you didn't bother to ask him about the  
3 information you had. You didn't say to him  
4 something like, well, the family says that thus and  
5 so is going on between Morgan and Karen and that she  
6 had witnessed some criminal activity. You didn't  
7 ask him whether that, in fact, was something he knew  
8 as well, did you?

9 MS. EKL: Objection, form.

10 A. No, we didn't.

11 Q. All right. Would you agree with me that  
12 that would be something that would be important to  
13 do as an investigator if you, in fact, had a suspect  
14 at that time who you had information about?

15 A. If I could remember all the circumstances  
16 there, yes, and maybe no. I don't know.

17 Q. All right. Now -- and then on the 9th  
18 later that night -- well, let me go back in time  
19 here. On the 9th during the day, you had an  
20 occasion to go to the Tap Room -- is that what it's  
21 called, Tap Root pub?

22 MS. SUSLER: Tap Room.

23 Q. -- Tap Room where Randy and Herbie were  
24 having some beers, right?



1 A. Okay.

2 Q. Is that right?

3 A. I think that's right, yes.

4 Q. Okay. And at that point, you had some  
5 information that connected Randy and Herbie to the  
6 crimes, right?

7 A. If I remember right, somebody made a phone  
8 call to the police department and said they was up  
9 there making remarks about the crime.

10 Q. All right. So someone called in from the  
11 bar saying they were -- they were talking about the  
12 crime?

13 A. Something similar to that.

14 Q. All right. Did they tell you what they  
15 were saying about the crime?

16 A. No, sir.

17 Q. Who took the call at the police  
18 department?

19 A. I have no idea.

20 Q. So on the 9th when you went to the Tap  
21 Room in the afternoon, you had this information that  
22 Randy was saying, according to a witness, that  
23 something big was going to happen in Paris that  
24 weekend and that he was getting out of town and you

1 had some information on a phone call from the bar,  
2 right?

3 A. Yes, sir.

4 Q. But you don't remember right now what the  
5 information was; is that right?

6 A. No, sir, I don't.

7 Q. And, in fact, there's no entry in either  
8 your report or Eckerty's report about what the  
9 information was that was coming from the bar to the  
10 police department, right?

11 A. Right.

12 Q. And did a detective take that --

13 MR. BALSON: Give me one minute, just give  
14 me one minute to interrupt you for a minute. Could  
15 you come here for a second because I'm confused  
16 about something.

17 (Pause at 5:21 p.m. 5:23 p.m.)

18 BY MR. TAYLOR:

19 Q. Okay. Mr. Balson has pointed out to me  
20 that I was misreading this report, that being the  
21 Eckerty report, or is it your report? Let's see  
22 which one it is.

23 MR. TAYLOR: What page was that, Ron?

24 MR. BALSON: I was looking at page 8.

1 MR. TAYLOR: Okay. All right.

2 MS. EKL: Of which report?

3 MR. BALSON: Of Parrish's report.

4 BY MR. TAYLOR:

5 Q. Okay. What your report says is that  
6 Wombles told you that there was a guy named Randy  
7 Chaney who was -- who had made this statement about  
8 getting out of town because something was going to  
9 happen and it was going to rock the town, right?

10 A. Right.

11 Q. He used the name Chaney, right?

12 A. That he did.

13 Q. And then the -- the report goes on to say  
14 you did a quick follow-up and Agent Eckerty and  
15 yourself ran this lead down which turned out to be a  
16 Charles McClaskey who Agent Eckerty has a report on  
17 in reference to a Randy Steidl not Randy Chaney; is  
18 that right?

19 A. Yes, sir.

20 Q. Tell us what that means.

21 A. Well, he was -- he was saying -- Wombles  
22 was saying Randy Chaney, and Chuck McClaskey's name  
23 came up and we went and interviewed Chuck McClaskey  
24 and he says, no, it wasn't Randy Chaney. And I

1 haven't read Eckerty's report. Have I got it?

2 MS. EKL: (Handing document.)

3 THE WITNESS: Where are we at here?

4 MS. EKL: (Indicating).

5 Q. Oh, here we are.

6 A. Where Randy or where Chuck McClaskey says  
7 that it wasn't Randy Chaney, it was Randy Steidl who  
8 made that comment.

9 Q. So you're talking to -- you're telling  
10 Eckerty about the information you got from this guy  
11 Wombles and you're mentioning that they said this  
12 Randy Chaney made this comment and Eckerty says,  
13 well, I just talked to this guy McClaskey and he had  
14 similar information, but he said it was Randy Steidl  
15 not Randy Chaney; is that right? Is that what we're  
16 saying?

17 A. Look at these times here. No, because  
18 Wombles's statement was taken on July the 8th.

19 Q. Okay.

20 A. On July the 8th. And the report that Jack  
21 wrote was taken on the next day.

22 Q. All right. So how did you get McClaskey  
23 from Wombles?

24 A. Well, for one thing, we knew that

1 McClaskey was best friends with Randy Steidl, knew  
2 that back then just from information. And so I'm  
3 saying we just went down and -- we went down and  
4 conducted an interview with Chuck McClaskey to see  
5 if he had heard the same story.

6 Q. So when you were told that this guy was  
7 Randy Chaney, did you jump to the conclusion that it  
8 was probably Randy Steidl rather than Randy Chaney  
9 and so you went to talk to a good friend of Steidl's  
10 to see if you could corroborate some of the  
11 information that this guy Wombles gave you?

12 A. Hell, I guess that -- yes, if I'm  
13 understanding your question properly here. Like I  
14 said, Wombles was using the name Chaney, and the  
15 next day we went and talked to Chuck McClaskey to  
16 confirm I guess Wombles's story and he said it  
17 wasn't Randy Chaney, it was Randy Steidl.

18 Q. Yeah, but you -- the story wasn't the  
19 same, right? It was -- you got Wombles saying that  
20 it was July 5th at approximately 11:30 p.m. standing  
21 in front of a bookstore at the intersection of Court  
22 and Main Streets and you got McClaskey saying he was  
23 in a bar drinking beer on the 25th of July.

24 MS. EKL: Objection, form, argumentative.

1 Q. So it wasn't the same information at all,  
2 was it?

3 MS. EKL: Same objection.

4 MR. BALSON: 25th of June.

5 MR. TAYLOR: Yeah, thank you, 25th of  
6 June.

7 Q. And the other one was July 5th.

8 A. Well, my report says that Wombles said it  
9 was July the 5th.

10 Q. Right, Wombles said July the 5th, but  
11 McClaskey said June 25th.

12 A. Okay, let me get caught up here to you.  
13 I'm a guessing that's a typo.

14 Q. You're guessing it's a double typo that  
15 what, that Wednesday -- Wednesday wasn't -- it would  
16 be quite a typo because Wednesday wouldn't be July  
17 5th, would it? July 5th was a Saturday, right?

18 A. I haven't got a calendar in front of me.

19 Q. Well, we know that the 6th was a Sunday  
20 and we know that the 4th was a Friday, so we know  
21 that the 5th was a Saturday, right?

22 A. That's right.

23 Q. Okay, so it wasn't a typo. We got two  
24 different things here. We got -- we got McClaskey

1 saying that Randy Steidl said a week or two before,  
2 that being June 25th, he was going to get out of  
3 town because there was going to be some big boys in  
4 town, right?

5 A. Yes.

6 Q. And yet you got Wombles saying that  
7 another guy, Randy Chaney, said that he was going to  
8 get out of town because there was something big  
9 going to happen that was going to rock the town and  
10 that Florida was mentioned and the drugs were  
11 mentioned; is that right?

12 A. Yes, sir.

13 Q. All right. So you and Eckerty came to the  
14 conclusion that the guy that Wombles was talking  
15 about was Randy Steidl and not somebody else; is  
16 that right?

17 A. That's the way the reports read.

18 Q. All right. But, in fact, you made a  
19 fairly big leap there, didn't you?

20 MS. EKL: Objection, form.

21 Q. Did you answer the question?

22 A. Oh. No, I didn't.

23 Q. Okay. Would you like to?

24 A. Sure.

1 MS. EKL: Your question was did he make a  
2 big leap there?

3 MR. TAYLOR: Yes.

4 MS. EKL: Same objection.

5 A. Made a mistake.

6 Q. All right. Did you ever find a Randy  
7 Chaney?

8 A. Yeah, I know Randy -- I don't -- I don't  
9 know whether we interviewed him or not, but yes.

10 Q. So there is a Randy Chaney?

11 A. There was. He's dead.

12 Q. Okay. So, in fact, the information you  
13 got from Wombles, which was in more detail and  
14 showed more alleged knowledge by Randy, was not  
15 Randy Steidl at all, right?

16 MS. EKL: Objection, foundation.

17 A. Says Randy Chaney.

18 Q. Okay. So if, in fact, you got the  
19 information on the same day from -- or the day  
20 before from McClaskey and then you got this  
21 information from Wombles about a Chaney, Chaney  
22 would be more of a subject of interest than Steidl,  
23 right?

24 MS. EKL: Objection, form.



1 A. At that time in the investigation, yes.

2 Q. All right. But you never went to talk to  
3 Chaney?

4 A. Not -- I don't know. I don't recall. I  
5 don't remember who all we talked to.

6 Q. Well, there's no report, is there --

7 A. Okay.

8 Q. -- showing it?

9 A. If we didn't -- if there's no report, then  
10 we didn't talk to him.

11 Q. Okay. And there's no report documenting  
12 the phone call from the Tap Room, right, if we go  
13 back to that?

14 A. That would have been on the Paris Police  
15 Department log.

16 Q. All right. On the 9th, right?

17 A. Whenever the call came in from the Tap  
18 Room.

19 Q. All right. Well, let's -- I think we have  
20 that log surprisingly. Let's see what exhibit  
21 number that is and see if it shows up on the log or  
22 not. It's Exhibit No. --

23 MR. TAYLOR: Do you know offhand, Beth?

24 MS. EKL: What -- what are you looking

1 for?

2 MR. RAUB: The log for July 9th showing --

3 MS. EKL: Oh, I don't know.

4 MR. TAYLOR: Is that 14?

5 MR. BALSON: I have one if you need it.

6 MR. TAYLOR: We just need to locate it.

7 MS. EKL: Are you talking within the Ray  
8 dep?

9 MS. SUSLER: Try Exhibit 14.

10 MR. TAYLOR: Yes.

11 MS. EKL: 14 is the log from July 9th.

12 MR. TAYLOR: Okay. What is it?

13 MS. SUSLER: Exhibit 14 is the log for  
14 July 9th.

15 MR. TAYLOR: Okay.

16 BY MR. TAYLOR:

17 Q. Do you find that, Exhibit 14, Ray  
18 deposition, which is the log from the -- here's  
19 Exhibit 12.

20 MS. SUSLER: Give me that. Here it is.

21 MR. TAYLOR: All right. Thank you.

22 Q. Now, looking generally at the log, it  
23 looks like you're at the Tap Room along with several  
24 other officers around 4:30, right, in the afternoon?

1 A. Yeah.

2 Q. 4:26 or so?

3 A. Yes, sir.

4 Q. We got a log from -- and I take it that  
5 once you got that call, you hustled on down to the  
6 Tap Room, right?

7 A. Yes, sir.

8 Q. You certainly didn't take more than a few  
9 minutes to gather at the Tap Room after the call  
10 came in, right?

11 A. Right.

12 Q. And if you look at this log, unless I'm  
13 missing something, there's nothing on this log from  
14 2:46 p.m. to 4:20 when people -- or 4:26 when people  
15 are out at the back door of the Tap Room and the  
16 front of the Tap Room, right?

17 A. You're right.

18 Q. So there is no record of a call from the  
19 Tap Room, right?

20 A. No.

21 Q. Anywhere else you can imagine, other than  
22 in your report or Eckerty's report or on this log,  
23 that there would be any recording of a call from the  
24 Tap Room?

1 A. No, that would be the only places.

2 Q. Okay. What's your memory of what you were  
3 told about this call from the Tap Room with regard  
4 to Randy and Herbie?

5 A. My recall --

6 MS. EKL: Objection. He's never said  
7 anything about Herbie at this point in time.  
8 Objection, form.

9 Q. Was it a call that talked about both  
10 Herbie and Randy at the bar or just Randy?

11 A. I don't remember, sir.

12 Q. All right. Do you remember the content of  
13 the call that came from the Tap Room, any  
14 particulars in terms of what the dispatcher was told  
15 with regard to what Randy and/or Herbie were saying  
16 at the bar?

17 A. The only thing that I can remember is that  
18 they were both up there at the bar making snide  
19 comments about Dyke and Karen getting murdered or  
20 dying or their death and some other comments which I  
21 don't remember.

22 Q. So the thing that most sticks in your mind  
23 is they were making snide comments about the murder,  
24 right?

1 A. Something like that, yes, sir.

2 Q. What do you mean by snide comments?

3 A. Like I said, I don't remember everything.

4 I just -- it was something that whatever they were  
5 saying wasn't -- shouldn't have been said at the  
6 time or they was leading people to believe that they  
7 had something or they had knowledge of or something  
8 that we went up there.

9 Q. Well, the snide comments led you -- four  
10 of the -- five of the ten people on the force to  
11 show up at the Tap Room, right?

12 A. It did, yes.

13 Q. And in Paris that's a fairly big  
14 mobilization, isn't it?

15 A. Yes, it is.

16 Q. All right. And Eckerty and -- and Ray  
17 were -- strike that. Eckerty and McFatrige were  
18 over at the State's Attorney's office, right?

19 A. I don't know where they were.

20 Q. Well, they were consulted, were they not,  
21 about going to the Tap Room?

22 A. I don't know.

23 Q. You don't know. Well, you were out by  
24 Randy's house, weren't you?

1 A. Yes, sir.

2 Q. And that's indicated by the log, right?

3 A. Yes, sir.

4 Q. Are you D2?

5 A. Yes.

6 Q. All right.

7 A. Yes, sir.

8 Q. And at 4:19 -- let's start at 4:09. It  
9 says D2 out on Douglas Street, right?

10 A. I need to back up. I think I was D1.

11 Q. Okay. Well, up here it says D2, Detective  
12 Parrish.

13 A. Well, there it is, okay.

14 Q. Is that correct?

15 A. I forgot my car number, okay.

16 Q. All right. So let's go back to 4:09 p.m.,  
17 D2 out on Douglas Street, right?

18 A. Okay.

19 Q. All right. And what were you doing out on  
20 Douglas Street?

21 A. Douglas Street would have been -- that  
22 would be where Randy's apartment is at.

23 Q. All right. And so it looks like 15  
24 minutes later it says D2 10-28 on Illinois 132649.

1 Now, tell us what that means in layman's English.

2 A. Illinois license plate 132649, which would  
3 have been a valid plate issued to Herbert Whitlock,  
4 Rural Route 3, Paris, on a '72 Triumph vehicle  
5 sitting on the square.

6 Q. All right. So does this mean at 4:09 you  
7 were out where Randy's apartment was and then you  
8 drove back to town to -- to surveil Herbie  
9 Whitlock's car; is that right?

10 A. That's what it would appear to be.

11 Q. All right. What did you find out when you  
12 went out to Douglas Street to Randy's apartment?

13 A. I have no recollection. I have no idea.

14 Q. Do you know whether you had -- when you  
15 went out to Douglas Street, I assume you were  
16 looking for Randy, right?

17 A. I assume, yes.

18 Q. So would it be fair to say that sometime  
19 just before 4:09 there was some kind of  
20 communication that led you to go looking for Randy  
21 and Herbie?

22 A. I would have to only assume that, yes.

23 Q. But we don't know from the log what that  
24 communication was, right?

1 A. No, we don't.

2 Q. And we don't know from your reports  
3 because you didn't write up this incident at all,  
4 right?

5 A. Whether it was -- don't know whether it  
6 was an incident there or we were just wanting to  
7 talk to them, I don't know.

8 Q. Well, I mean you just determined that you  
9 just got a call according to you --

10 A. Right.

11 Q. -- that made -- that they were making  
12 snide comments about the murders sufficient that you  
13 were going to go pick them up and bring them down to  
14 the station, right?

15 A. Yes, sir.

16 Q. And you hadn't picked up anybody else up  
17 until July 9th and brought them down to the station  
18 for questioning, had you?

19 A. Not in my recollection.

20 Q. All right. So this was a fairly big event  
21 in the investigation. First time you felt you had  
22 enough information to mobilize at a place and bring  
23 two people of interest to the station, right?

24 A. Yes.



1 Q. Again, it was basically made on some snide  
2 comments about the murder, right?

3 A. Yes.

4 Q. Now, after you go to Randy's and then you  
5 come down to the square and see that Herbie's car is  
6 on the square --

7 MR. RAUB: Motorcycle.

8 MR. TAYLOR: Oh, right, I'm sorry.

9 A. Yeah, his vehicle.

10 MR. TAYLOR: I'm thinking of a Triumph  
11 car.

12 Q. Was it -- is it a car or was it a  
13 motorcycle?

14 A. I thought it was a vehicle.

15 MR. RAUB: Oh, okay.

16 A. A car.

17 MR. RAUB: I didn't know they made those.

18 MS. SUSLER: We have one witness per  
19 deposition.

20 MR. BALSON: Raise your right hand.

21 BY MR. TAYLOR:

22 Q. Yeah. And then it says D19[sic] out to  
23 Steidl residence on North Main. Now, is that the  
24 parents' home?

1 A. Oh, okay. I see where you're at.

2 Q. You see me?

3 A. Yeah. I thought you said D19. 4:19,  
4 yeah.

5 Q. Now, was that to see if Randy was out at  
6 -- is that his parents' home?

7 A. Yes, sir, it is.

8 Q. And then it says D2 10-8. What does that  
9 tell us?

10 A. That means I'm back in the car, sure.

11 Q. So you wasn't --

12 A. Apparently not there.

13 Q. -- there. What does that tell us?

14 A. 10-8 means I'm back in the car going.

15 Q. All right. So --

16 MS. SUSLER: Then he said apparently he  
17 wasn't there.

18 MR. TAYLOR: I see.

19 MS. SUSLER: No, he said that.

20 BY MR. TAYLOR:

21 Q. And he --

22 MS. EKL: Again --

23 Q. So Randy wasn't there, right?

24 A. Oh, no. Obviously he wasn't, no.

1 Q. Okay. So it appears that starting a  
2 little bit before 4:09 you're out looking for Randy  
3 and Herbie, right?

4 A. Yes, sir.

5 Q. And that again is based on the snide  
6 comments they're making in the bar, right?

7 A. Yes, sir.

8 Q. All right. And you must have between 4:20  
9 and 4:26 figured out that they were at the Tap Room,  
10 right?

11 A. Don't know.

12 Q. All right. Well, let's look at this. D1  
13 and Unit 10. So Unit 10 is the chief, right?  
14 That's Ray, right?

15 A. Yes, sir.

16 Q. And D1 is Wheat, right?

17 A. Yes, sir.

18 Q. And it says out at the back door D1, front  
19 of the Tap Room ADV11[sic]. Well, that must be a  
20 typo, right? Is that D2 because you went to the  
21 front of the Tap Room, didn't you?

22 A. It doesn't say, but I assume.

23 Q. Well, you were -- at about this time on  
24 the 9th, 4:26 p.m., you were at the front door of

1 the Tap Room, right, looking for Randy and Herbie,  
2 right?

3 A. Doesn't say that.

4 Q. I know, but you remember that to be the  
5 case, don't you?

6 A. No, I don't remember that to be the case.

7 Q. Well, do you remember going to the Tap  
8 Room on the 9th after you -- after you were looking  
9 for Herbie and Randy at their homes?

10 A. Yes.

11 Q. All right. So -- and you went to the  
12 front of the Tap Room, didn't you?

13 A. Yes. I assume that's the door I went to  
14 because the other two were at the back door.

15 Q. Yes. And did you go inside the Tap Room?

16 A. I don't recall.

17 Q. Did the -- were there other people -- was  
18 there a crowd gathering outside the Tap Room as you  
19 guys staked the front and the back of it out?

20 A. I don't recall.

21 Q. Had you ever staked out the Tap Room  
22 before then that you remember?

23 A. For this -- for this crime --

24 Q. Yeah. Well, at any time.

1 A. -- or at any time?

2 Q. Yeah.

3 A. I don't recall.

4 Q. All right. And this is about 4:30 in the  
5 afternoon; is that right?

6 A. Yes, sir.

7 Q. And do you know how many people were in  
8 the bar?

9 A. No idea.

10 Q. It's about time for people getting off  
11 work, right, and going to have a beer?

12 MS. EKL: Objection, form.

13 A. Yes, sir.

14 Q. So it's pretty likely that the Tap Room  
15 would be pretty well populated at 4:30 on a weekday,  
16 correct --

17 MS. EKL: Objection, form, foundation.

18 Q. -- by people who were getting off of work  
19 and others?

20 MS. EKL: Objection, form, foundation.

21 A. Could have been. I don't know.

22 Q. Okay. Well, did they serve food at the  
23 Tap Room?

24 A. I don't -- I don't think so, sir.

1 Q. Okay. So it was just people having  
2 drinks, right?

3 A. Yes, sir.

4 Q. All right. Did you ever enter the Tap  
5 Room that day around 4:30?

6 A. Like I said, I don't remember.

7 Q. You don't remember. But were Herbie and  
8 Randy in that bar when you got there?

9 MS. EKL: I'm sorry?

10 Q. In the Tap Room when you got there.

11 A. I don't recall.

12 Q. But that was the information you got,  
13 wasn't it, that they were at the Tap Room making  
14 snide comments?

15 A. Yes, sir.

16 Q. All right. And, in fact, they were taken  
17 out the back door of the Tap Room by Gene Ray and  
18 Gary Wheat, right?

19 A. Okay.

20 Q. Is that right?

21 A. I don't remember.

22 Q. You don't have any memory of that?

23 A. No, I don't.

24 Q. Well, they ended up back at the police

1 station, did they not, and you -- a few minutes  
2 after that and you questioned at least one of them,  
3 right?

4 A. Yes, sir. I do remember questioning them  
5 down at the police station, yes.

6 Q. And were they taken out of the Tap Room to  
7 your knowledge in handcuffs?

8 MS. EKL: Objection, foundation.

9 A. Do not recall.

10 Q. All right. Did you ever hear that that  
11 was the case?

12 A. Never did hear.

13 Q. All right. But in any event, you -- you  
14 weren't physically present when they were taken out  
15 of the Tap Room. In other words, you were in the  
16 front when they were taken out the back, right? Is  
17 that your best understanding of what happened?

18 A. That would be the best I could recall  
19 anything, yes.

20 Q. And either Ray or Wheat or both of them  
21 transported them back to the station. Is that your  
22 best understanding of what happened?

23 A. I don't remember, recall whether they were  
24 transported or they went down on their own or they

1 were asked to come down there. I don't recall.

2 Q. All right. Well, how far is the back door  
3 of the Tap Room from the police station?

4 A. Just basically down the alley, across the  
5 street and down a short alley.

6 Q. So whether they were taken out in  
7 handcuffs or asked to come down after some of  
8 Paris's finest, including the chief, went inside,  
9 that would have caused a lot of attention to be  
10 focussed on Randy and Herbie with regard to your  
11 investigation; isn't that right?

12 MS. EKL: Objection, form, foundation.

13 A. Yes, it would.

14 Q. And anybody who was in the Tap Room,  
15 outside the Tap Room or in any way in the area would  
16 have known that Herbie and Randy were being brought  
17 down to the Paris police station by the chief and  
18 the chief detective on the case, among others, to be  
19 questioned about their involvement, right?

20 MS. EKL: Objection, form, foundation.

21 A. Yes, sir.

22 Q. All right. And, in fact, that's what you  
23 did, right?

24 A. Yes, sir.



1 Q. And who did you question first? Did you  
2 question both of them or did you just question  
3 Randy?

4 A. I think I only remember questioning one of  
5 them.

6 Q. And did you -- were they suspects at that  
7 time or were they just people you wanted to talk to  
8 because they made snide comments about the murder?

9 A. I'd say just over the comments they made  
10 at the bar.

11 Q. All right. Did you say -- your report  
12 doesn't indicate anything with regard to this whole  
13 incident, does it?

14 MS. EKL: Objection, form, as to what you  
15 mean by this whole incident.

16 Q. The incident from the time that you were  
17 called to look for the two of them and received the  
18 phone call up and until the time that they were  
19 released from the police station.

20 A. My interview is in there with him I  
21 believe, isn't it?

22 Q. Well, not in the major report, right? Not  
23 in this report that's -- that's marked as Ray No. 8,  
24 right? Do you see anything in that report that has

1 anything to do with the 9th?

2 MS. SUSLER: Are you talking about Eckerty  
3 or are you talking about Parrish?

4 MR. TAYLOR: Right now I'm talking about  
5 Parrish in this report. This is Ray No. 8.

6 MS. EKL: You don't have --

7 MS. SUSLER: That's Eckerty he's talking  
8 about.

9 MR. TAYLOR: I'm talking Parrish right  
10 now.

11 MS. EKL: I know, but do Ray's reports  
12 include all the ISP reports?

13 MS. SUSLER: No.

14 MS. EKL: So Snyder's report is in there  
15 too.

16 MR. TAYLOR: Yeah, I'm getting there.

17 MS. EKL: You said all these and I --

18 MS. SUSLER: Did he answer that question?

19 BY MR. TAYLOR:

20 Q. Nothing in your report, right?

21 A. I haven't found anything in it.

22 Q. Okay. And in Eckerty's report which is  
23 marked 2, there's nothing either, is there?

24 A. Where Eckerty's report is I don't -- it

1 may have been one of the other agents that  
2 interviewed him.

3 Q. Okay. What I'm asking you now is whether  
4 Eckerty had anything in his reports?

5 A. I don't have any idea.

6 Q. All right. But in the one you're looking  
7 at, there's nothing, right?

8 A. Of Eckerty's or mine?

9 MS. EKL: Talking about in regards to  
10 Steidl?

11 Q. Eckerty's. It's Ray No. 9. I'm sorry,  
12 it's Ray No. 2, right?

13 MS. EKL: I don't know what you're talking  
14 about.

15 MR. TAYLOR: I'm talking about Eckerty's  
16 report.

17 MS. EKL: There is an Eckerty report.

18 MR. TAYLOR: I know. I'm talking about  
19 Ray No. 2. There's nothing in that report that in  
20 any way talks about any portion of the incident that  
21 we're talking about.

22 MS. EKL: I'm going to object because the  
23 record -- the reports speak for themselves, and  
24 you're having him go through -- there are hundreds

1 of pages of reports, and I can represent as an  
2 officer of the court there is an Eckerty report --

3 MR. TAYLOR: Well, will --

4 MS. EKL: -- related to this, so --

5 MR. TAYLOR: -- you let me do my  
6 examination?

7 MS. EKL: I'm just saying --

8 MR. TAYLOR: You're jumping the gun. I'm  
9 going to ask him about the report if you just wait,  
10 okay? You don't have to lead him by the nose. I'm  
11 an intelligent lawyer, he's an intelligent witness,  
12 okay? Let me get to it unless you want to take over  
13 my examination.

14 MR. BALSON: Oh, no, you don't want to  
15 do --

16 MS. EKL: I would be glad to do that.

17 MR. RAUB: I'm voting for Beth.

18 MS. EKL: I'm just trying to speed things  
19 along. The documents speak for themselves.

20 MR. TAYLOR: Fine. Your objection is  
21 noted.

22 BY MR. TAYLOR:

23 Q. In the main compendium report of Eckerty,  
24 which is marked Ray 2, if we look on the 9th, and in

1 that general vicinity of entries, we see nothing  
2 about the Tap Room and taking Randy and Herbie into  
3 custody and questioning them, right?

4 A. No, I don't.

5 Q. Okay. So there is a report of Eckerty  
6 that has to do with some portion of it, isn't there?

7 A. I don't know.

8 Q. All right. Well, let's see if we can find  
9 it.

10 MR. TAYLOR: Jan, do you know where it is?

11 MS. SUSLER: There was a Parrish report,  
12 so it --

13 (Discussion off the record.)

14 MR. TAYLOR: Where is that list of  
15 exhibits that you had?

16 MS. SUSLER: Oh, here.

17 MR. TAYLOR: Okay. Now, do you know which  
18 one it is, Beth? You were anxious to have us show  
19 it to him.

20 MS. SUSLER: We have a Bates number but  
21 not an exhibit number. It's July 9th.

22 MR. TAYLOR: July 9th?

23 MS. SUSLER: Yeah.

24 MR. TAYLOR: Maybe we --

1 MS. SUSLER: Might have confused this and  
2 not referred to it. Maybe refer to a Ray exhibit  
3 because --

4 MR. TAYLOR: Okay. All right, because I  
5 can't find it in the Ray exhibits, I'm going to mark  
6 this --

7 MS. SUSLER: It's right here.

8 MR. BALSON: But that's not Parrish's.

9 MR. TAYLOR: All right. Well, let's mark  
10 this as -- where are we in terms of his exhibits?  
11 So this would be 3 or this would be 2?

12 MS. SUSLER: 2.

13 (Parrish Exhibit No. 2 was marked by the  
14 court reporter.)

15 MR. TAYLOR: Okay, I want to indicate for  
16 the record that these two documents that I was  
17 looking so hard for are the first two pages of Ray  
18 Exhibit No. 2.

19 MR. RAUB: Well hidden.

20 MR. TAYLOR: I thought they were a  
21 separate exhibit, but in fact they were the  
22 beginning of the Eckerty reports.

23 BY MR. TAYLOR:

24 Q. Now, this -- the one that is dated 7/9/86

1 at approximately 4:35 p.m., RA, which is Tony  
2 Snyder -- do you see this report?

3 A. Yes, sir.

4 Q. -- and Detective Jim Parrish interviewed  
5 Gordon R. Steidl, right?

6 A. Yes, sir.

7 Q. And so this is a report of the interview  
8 you did with Randy Steidl, right?

9 A. It was an interview of Randy Steidl, yes.

10 Q. Right. And this is the interview that was  
11 done when he was either taken to or asked to come to  
12 the station after being -- you all going to the Tap  
13 Room, right?

14 A. Yes, sir.

15 Q. And, in fact, it's about five or eight  
16 minutes after you were at the Tap Room, right?

17 A. Yes, sir.

18 Q. All right. And so does this refresh your  
19 recollection that you and ISP Agent Snyder  
20 interviewed Randy?

21 A. Yes, sir.

22 Q. And it recounts that he gave an alibi,  
23 right?

24 A. Yes, sir.

1 Q. So you were questioning him about whether  
2 he was involved in the murders; is that right?

3 A. I was getting his alibi for that night,  
4 yes, sir.

5 Q. All right. And so that is apparently most  
6 of what you and Snyder and he discussed; is that  
7 right?

8 A. Yes, sir, according to the report.

9 Q. And according to the report, he said that  
10 he knew nothing about the murders and he really  
11 didn't give a shit if they were dead or not, right?

12 A. Exactly, yes, sir.

13 Q. Is that the snide comment that you were  
14 talking about?

15 A. Could have very possibly been.

16 Q. So the fact that he didn't give a shit  
17 about the murders even though he wasn't involved in  
18 it was what led you to him. Is that what you're  
19 saying?

20 A. No.

21 Q. All right. Well, what additionally led  
22 you to him other than that snide comment?

23 A. There was -- I don't know what the comment  
24 was. Like I said, it came over the phone to the



1 police department, so I don't -- and the clerk,  
2 whoever it was working the desk, which would have  
3 been Gordon, didn't write down when the call came in  
4 or what it was about, and we just went over there,  
5 and what it was -- what she specifically relayed on  
6 to us, I don't have any recollection what it was.

7 Q. All right. But was it similar to this  
8 comment?

9 A. I don't remember.

10 Q. All right, you don't remember. So this  
11 doesn't refresh your recollection.

12 A. No, it doesn't.

13 Q. All right. Now, you said that whatever it  
14 was, it was something that shouldn't have been said  
15 about the murders, right?

16 A. From my recollection, whatever it was.

17 Q. Would you say that him saying that he  
18 really didn't give a shit if they were dead or not  
19 is something that shouldn't have been said about the  
20 murders?

21 A. I don't -- well, I guess not.

22 Q. All right. And then according to this  
23 report, Steidl denied making any statements to other  
24 persons about being involved in the murders. Now,

1 is that reference to what was said allegedly in the  
2 bars or somewhere else?

3 A. I don't know.

4 Q. Well, did you ask him about any comments  
5 he made in the bars or bar, Tap Room bar?

6 A. Looking after Tony Snyder did his  
7 interview, I myself probably did not ask Herbie or  
8 Randy any specific questions --

9 Q. All right.

10 A. -- because of the family ties.

11 Q. Because you were somehow distantly related  
12 to him through his --

13 A. Yeah.

14 Q. -- stepdad?

15 A. Yes, sir.

16 Q. But you were present, right?

17 A. I was, yes, sir.

18 Q. And you were listening, right?

19 A. Yes, sir.

20 Q. And would you then -- if you didn't do the  
21 questioning, why weren't you taking the notes?

22 A. I don't know.

23 Q. Did Snyder take notes?

24 A. Obviously he did. It's his report.

1 Q. Well, you sure you didn't take the notes  
2 and give him your notes --

3 A. No, sir.

4 Q. -- to make the report?

5 A. No, sir, that wouldn't have happened.

6 Q. You never did that; is that right?

7 A. No, sir.

8 Q. All right. And then the report says  
9 Steidl stated that about 30 minutes earlier Bob  
10 Morgan and Smoke Burba had asked him, Steidl, about  
11 having information about the deaths, right?

12 A. That's what it says, yes, sir.

13 Q. Now, this -- do you remember Steidl saying  
14 this?

15 A. Just by reading this report here, yes.

16 Q. All right. And by 30 minutes earlier,  
17 does that mean 30 minutes earlier than the interview  
18 at 4:35?

19 A. I would have to assume, yes.

20 Q. So that would mean that Morgan and Smoke  
21 Burba were in the Tap Room just before you got  
22 there?

23 A. Could have been.

24 Q. Well, what I'm asking you is if this

1 report is accurate, that's what that would mean,  
2 right?

3 A. Yes, sir.

4 Q. All right. Did you know when you went to  
5 the Tap Room that Morgan and Burba were in there  
6 either at that time or just previously to that time?

7 A. No, sir.

8 Q. Now, on the 9th did you know that Morgan  
9 had been going around to the bars and offering a  
10 \$25,000 reward?

11 A. I don't know if it was the 9th, but we had  
12 received information that he was going around  
13 offering a \$25,000 reward, yes.

14 Q. And that was very early on in the  
15 investigation, within a day or two, wasn't it?

16 A. Yes, it was, sir.

17 Q. So by the 9th you had to have known that  
18 Morgan and Burba were offering a reward, a large  
19 one, right?

20 A. Like I just said, I don't know if it was  
21 the 9th or prior to the 9th or when it was, but it  
22 was early in the investigation, but so was this  
23 report here, so --

24 Q. Okay. But \$25,000 was probably twice the

1 average salary in Paris at that time, right?

2 A. Yes, sir. And still is.

3 Q. And certainly was more than double the  
4 salary of anybody drinking at the Tap Room, right?  
5 Is that right?

6 A. Yes, sir.

7 Q. Now, after he made these comments about  
8 Bob Morgan, did you follow-up -- did either you or  
9 Snyder follow-up with regard to any more information  
10 that Steidl might have had about Morgan?

11 A. Not to my knowledge, sir.

12 Q. But Morgan was a suspect when he brought  
13 up Morgan in this interview; isn't that right?

14 A. Yes, sir, we had a lot of suspects in this  
15 case.

16 Q. Right. But you told us that Morgan and  
17 Burba were two of them, right?

18 A. Yes, sir.

19 Q. All right. And you told us that really  
20 they were the only ones real early on, right, at  
21 least --

22 A. Yes, sir.

23 Q. All right. And then directly after he  
24 mentioned Morgan and Burba, the report says he

1 became belligerent and uncooperative. Do you  
2 remember that happening?

3 A. No, I don't.

4 Q. All right. But it also says the interview  
5 was then terminated. Do you remember anything -- do  
6 you remember that the interview was terminated after  
7 he gave his alibi and made some comments about  
8 Morgan and Burba asking about information?

9 A. No, sir, I don't.

10 Q. Did you -- okay.

11 MS. EKL: Good place to stop?

12 MR. RAUB: Yes, it's 6:05, so I don't know  
13 if --

14 MR. TAYLOR: Yeah, that's fine.

15 MR. RAUB: Nine o'clock tomorrow.

16 Everyone agree to that?

17 MS. EKL: That's fine.

18 (Recessed at 6:03 p.m. and resumed the  
19 following day, March 6, 2009, commencing at 9:00  
20 a.m.)

21 \* \* \* \* \*

22

23

24

1 (Commencing at 9:06 a.m.)

2 BY MR. TAYLOR:

3 Q. You're the same Mr. Parrish, a defendant  
4 in this case, that testified yesterday, right?

5 A. Yes, sir, I am.

6 Q. And you understand you're still under  
7 oath --

8 A. Yes, sir.

9 Q. -- is that correct? Now, we were talking  
10 about the days just after the homicide yesterday  
11 when we ended for the day. You remember that  
12 generally?

13 A. Yes, sir, I do.

14 Q. Okay. And let me give you back the  
15 exhibits that have the reports including your major  
16 reports and Eckerty's major reports so that we can  
17 continue to look at those from time to time as we  
18 proceed.

19 Now, after -- you say that -- is it true  
20 that after the interview that you and Snyder were  
21 doing with Randy Steidl, he was free to leave and he  
22 left?

23 A. Yes, sir.

24 Q. How long would you say that your interview

1 or questioning of Randy Steidl took? If it started  
2 around 4:35 like the document indicates, about what  
3 time was he free to leave?

4 A. I would have no idea, but no longer than  
5 the report is, I'd say it was a very short  
6 interview.

7 Q. All right. Had you -- prior to talking to  
8 Steidl on the 9th, had you had an occasion to talk  
9 to the family of either Dyke or Karen Rhoads?

10 A. I don't recall, sir.

11 Q. Do you have any memory of any conversation  
12 that you had with them prior to bringing Herb and/or  
13 Randy in on the 9th?

14 A. No, sir, I don't.

15 Q. Now, did you inform either of the family  
16 -- any of the family members of either Karen or Dyke  
17 Rhoads that you had suspicions or information that  
18 Randy and Herb were involved in the murders of their  
19 children?

20 A. You're talking about on the 9th?

21 Q. Before the 9th.

22 A. Oh, no, sir.

23 Q. On or before the 9th?

24 A. No, sir.



1 Q. You're positive of that?

2 A. Yes, sir, we didn't -- we didn't suspect  
3 either one of them at the time.

4 Q. All right. After you talked to Randy, did  
5 you participate in any questioning of Herb?

6 A. I don't recall. I don't -- I don't  
7 recall, no.

8 Q. All right. Well, let's take a look at the  
9 Eckerty reports or the ISP reports which are I  
10 believe Ray No. 2. Can you locate those in the  
11 exhibits that you have?

12 A. Yes, sir, I found Ray No. 2.

13 Q. All right. If you look at the second page  
14 of the report and it's an Eckerty report, it says  
15 reporting date 6/9/86, but given the subject matter,  
16 I assume that's a typo and it's 7/9/86 which would  
17 be the same day that Randy Steidl was interviewed at  
18 the police station. Do you see that report?

19 A. Yes, sir, I do.

20 Q. And was -- when Randy and Herb were  
21 brought to the station on the 9th, was Bensyl there  
22 of the ISP, investigator named Bensyl?

23 A. The report indicates that he was, sir.

24 Q. Do you remember him being there?

1 MS. EKL: Objection. Foundation.

2 A. I remember Lee being there through the  
3 investigation. He was one of the DCI agents that  
4 came in on the case.

5 Q. Okay. So if these reports are accurate,  
6 Ray and yourself and Jones and Wheat were at the  
7 bar, right?

8 A. Yes, sir.

9 Q. And that's the Tap Room pub, right, and  
10 that's where the men were taken out of there, right?

11 A. Yes, sir.

12 Q. And at the station, were Wheat and Ray and  
13 you and Jones also there?

14 A. Yes, sir.

15 Q. Okay. And you also had three ISP people  
16 there according to the report, Tony Snyder, Eckerty  
17 and Bensyl, right?

18 A. Yes, sir.

19 Q. Now, I assume that McFatridge came as  
20 well?

21 A. I have no idea if he was there or not.

22 Q. Well, given the fact that the four of you  
23 were working together and heading up this  
24 investigative team, you'd expect that he would have

1 shown up for this kind of significant aspect of the  
2 investigation, would you not?

3 MR. MANCINI: Objection, form.

4 MR. RAUB: Speculation.

5 A. Not necessarily.

6 Q. All right. So you have no memory whether  
7 he was there or not?

8 A. I absolutely do not.

9 Q. All right. Now, you do remember, however,  
10 that Whitlock was interviewed at the station about  
11 the same time Randy was, whether or not you  
12 participated; is that right?

13 A. That's right, sir.

14 Q. And you also remember getting a report  
15 either from Eckerty or Bensyl or both about what  
16 Whitlock had said.

17 A. Yes, sir.

18 Q. And was that basically consistent with  
19 what is reflected in this report dated the 9th?

20 A. Yes, sir.

21 Q. All right. So Whitlock denied that he  
22 knew either of the victims and said he had never  
23 been to the Rhoads residence, right?

24 A. Yes, sir.

1 Q. And he also said that if he would say  
2 anything about the homicide, it would get him  
3 killed; is that right?

4 A. Yes, sir.

5 Q. Was that reported to you that he also said  
6 that?

7 A. Through the report, yes.

8 Q. And Whitlock also stated he had heard a  
9 rumor along the lines that Rhoads -- that the  
10 Rhoadses had been killed because of a drug deal?

11 A. Yes, sir.

12 Q. All right. And he was asked, according to  
13 this report, if he and Randy had made statements at  
14 the Tap Room tavern on this date regarding the  
15 homicides and he denied that, right?

16 A. He denied that he made any statements --

17 Q. Okay.

18 A. -- at the Tap Room.

19 Q. Okay. But it -- the report is silent on  
20 whether he said anything about whether Randy made  
21 any statements --

22 A. Yes, sir.

23 Q. -- right? So that was -- was that to your  
24 understanding the sum total of the interview with

1 Whitlock?

2 A. Yes, sir.

3 Q. All right. So that didn't take very long  
4 either, right?

5 A. I would assume not, sir.

6 Q. I take it, given the amount of energy and  
7 attention you brought to bringing both of them down,  
8 that you were hopeful that you might get a more  
9 substantive statement about the murders than you  
10 got, right?

11 MS. EKL: Objection, form.

12 A. Yes, sir.

13 Q. And did you or did anyone in your presence  
14 give Randy Steidl any kind of warnings, Miranda  
15 warnings?

16 A. No, sir.

17 Q. All right. And was Whitlock given any  
18 Miranda warnings?

19 A. I have no idea. I have not -- I don't  
20 recall -- I don't know.

21 Q. Now, was it your practice as a detective  
22 to give warnings if someone was considered a suspect  
23 in an investigation?

24 A. No, sir.

1 Q. All right. What was your practice with  
2 regard to when you gave warnings to a person you  
3 were questioning?

4 A. After they had been arrested or they were  
5 a suspect that you had evidence against that you  
6 knew that their statement may be used in court at a  
7 later date.

8 Q. So if, in fact, these two men were  
9 suspects and you felt you had enough evidence to  
10 target them as suspects, you would have given them  
11 their warnings. Is that fair to say?

12 A. Yes, sir.

13 Q. So at this point, you were proceeding not  
14 as if they were suspects; is that right?

15 A. Yes, sir.

16 Q. And after you talked to them, did you  
17 consider them less in terms of your interest or more  
18 because -- in terms of the interest you had in them  
19 as potential suspects?

20 MS. EKL: Objection, form.

21 A. I don't know at that time if we would have  
22 made any decision whether they were any greater  
23 suspects or any lesser suspects because it was so  
24 early in the investigation.

1 Q. All right. Did you -- do you know an  
2 individual by the name of Mike Dunlap?

3 A. Yes, sir.

4 Q. How long have you known him for?

5 A. Went to school with him, graduated with  
6 him.

7 Q. Okay. Would you consider him a friend?

8 A. Yeah, I guess so. Acquaintance or I know  
9 him.

10 Q. All right. Did you have an occasion to  
11 discuss the investigation with him in the first week  
12 or so of the case?

13 A. No, sir, I didn't.

14 Q. Did you have any discussions with him  
15 about the case at any time in the first month or two  
16 of the investigation?

17 A. There was an interview in there that I did  
18 with Mike Dunlap which specifically the time and  
19 date I could not tell you at this time.

20 Q. Do you remember Dunlap and you having a  
21 conversation early in the investigation in which he  
22 mentioned the fact that Herb had been brought to the  
23 station and questioned?

24 A. No, sir.

1 Q. Do you -- did you have a conversation with  
2 Dunlap in which he told you that Herb and Randy were  
3 not involved in the crime?

4 A. I would have to read my report in more  
5 detail to tell you exactly what Mike did tell me at  
6 that time. I did interview him.

7 Q. So you have no memory of that conversation  
8 including any discussion about whether Herb or Randy  
9 were involved in the crime.

10 A. I don't recall that, no, I don't.

11 Q. All right. And did you tell Dunlap any  
12 time early in the investigation that, in fact, Randy  
13 and Herb were involved in the crime?

14 A. No, sir, I didn't know.

15 Q. So if Dunlap were to testify that that  
16 indeed was the case, he would be mistaken. Is that  
17 your testimony?

18 A. Yes, sir.

19 Q. And you're positive of that?

20 A. Yes, sir.

21 Q. All right. Now, when you released Randy  
22 and Herb on the 9th, did you give them  
23 transportation home or did they just walk out the  
24 door and then they were off to wherever they wanted



1 to go?

2 A. I believe they left the police department  
3 on their own.

4 Q. All right. Now, I want to go back, if I  
5 may, to the investigation and the fact that you had  
6 determined that Morgan and Smoke Burba were suspects  
7 at the time that you got the information from Lon  
8 Gardner and Busby. Do you remember information that  
9 was obtained from Tim Busby in the first two days of  
10 the investigation?

11 A. I know we spoke to him, but I don't  
12 remember specifically what he said.

13 Q. All right. Well, do you remember that he  
14 confirmed the information that Gardner had given you  
15 about Karen Rhoads having seen Morgan and Smoke  
16 Burba loading a machine gun and money into a car to  
17 go to Chicago late one night at the Morgan  
18 Manufacturing?

19 A. I remember that statement. Who made it, I  
20 don't remember which of the interviews it was  
21 without going through my reports and specifically  
22 reading them.

23 Q. Okay. Now, I believe this was one of the  
24 interviews that Eckerty wrote up rather than

1 yourself. Do you also remember at this time  
2 receiving information about Jeb Ashley and Ovid  
3 Chambers concerning this case?

4 MS. EKL: Objection to foundation in terms  
5 of what time frame you're talking about now.

6 Q. Talking about the 8th, 9th and 10th, the  
7 first few days of the investigation.

8 A. I need to refresh myself on the reports.

9 Q. All right. Do you want to take a look at  
10 your report -- have you had a chance to look at the  
11 reports overnight?

12 A. No, sir, I haven't.

13 Q. All right. So the last time you looked at  
14 them was two or three days ago?

15 A. Yes, sir.

16 Q. All right. So having looked at them two  
17 or three days ago, your recollection is not  
18 sufficiently refreshed to be able to answer that  
19 question?

20 A. That's right.

21 Q. All right. Well, let me call your  
22 attention to Exhibit No. 2, page 9 and 10. This is  
23 the Eckerty report of July 29 -- I'm sorry, this is  
24 your report. This is Ray 8, I apologize. Take a

1 look at page 9 of your report.

2 A. Ray 8 you say, sir?

3 Q. Yeah.

4 A. Okay.

5 Q. If you could look at any of your reports,

6 they're all -- they all would include this

7 particular section.

8 A. Ray, okay, yes, sir.

9 Q. All right. If you look at the bottom, you

10 see an entry of 10:45 p.m. on July 9th?

11 A. Are you on the first page?

12 Q. I'm on page 9.

13 A. Oh, okay.

14 Q. Up at the top, the pagination of the typed

15 report.

16 MS. EKL: He's got it.

17 Q. Okay.

18 A. Page 9, yes, sir, I got it.

19 Q. Yes. See at the bottom it says at

20 approximately 10:45 p.m. on July 9th, RO -- which I

21 take it is you, right?

22 A. Yes, sir.

23 Q. -- conducted an interview with John Henry;

24 is that right?

1 A. Yes, sir.

2 Q. Is that the same John Henry you said that  
3 you worked with on the night shift at Morgan?

4 A. Yes, sir.

5 Q. All right. So you knew Mr. Henry pretty  
6 well, huh?

7 A. Yes, sir, to work with him.

8 Q. All right. So you went and you realized  
9 that he was still working at Morgan Manufacturing  
10 and that he worked the midnight shift, right?

11 A. Yes, sir.

12 Q. And at this point you had the information  
13 from either Busby and Gardner about what happened  
14 late one night with regard to Karen Rhoads seeing  
15 Morgan and Smoke Burba with the guns and the money,  
16 right?

17 A. Yes, sir.

18 Q. All right. But when you talked to Henry,  
19 you didn't ask him about that, did you?

20 A. No, sir, I didn't.

21 Q. And can you tell us why you didn't ask  
22 him?

23 A. Because it was early in the investigation  
24 and if there was anything to what we would have been

1 told through Busby or the other --

2 Q. Gardner.

3 A. -- Gardner's report, we wouldn't have  
4 tipped our hand by letting an employee of Morgan's  
5 know what we were looking at in that sense because  
6 he was an employee of Morgan's.

7 Q. But who better to talk to about that, to  
8 corroborate the information about what happened on  
9 the midnight shift, than someone who worked on the  
10 shift? How else are you going to corroborate? What  
11 was your plan in terms of corroborating the  
12 information that Busby and Gardner had given you if  
13 not to talk to witnesses who could corroborate it?

14 MS. EKL: Objection, form.

15 A. We would have -- for no more than we had,  
16 we wasn't going to tip our hand to an employee of  
17 Morgan's, so we would have been just collecting more  
18 tidbits of information until we had enough that we  
19 felt that then we could come out and do a -- then go  
20 back and talk to the people in more depth.

21 Q. Well, tell me exactly what you were  
22 looking for outside of the other employees at Morgan  
23 Manufacturing who might also be witnesses to illegal  
24 activities at Morgan's place that might supply a

1 motivation for his involvement in the murders.

2 Where else were you going to look other than other  
3 potential witnesses at the plant?

4 A. We would have investigated other people  
5 and just sat back and saw what other people would  
6 talk to us about.

7 Q. So, in other words, you weren't taking the  
8 tips or the information you had seriously enough to  
9 interview other people at Morgan Manufacturing and  
10 ask them specifically about what they knew about  
11 Morgan and Smoke Burba and any motivation that they  
12 had to kill Karen Rhoads?

13 MS. EKL: Objection, form.

14 A. No, that's not it at all, sir.

15 Q. Well, I'm asking --

16 A. We took -- we took every lead that we got  
17 very seriously in this case. Now, we did not share  
18 every lead with every Tom, Dick and Harry on the  
19 street. You just don't do investigations that way.  
20 That's like you don't go to war with no bullets in  
21 your guns. So until you have more information to  
22 where you can develop a case, then you keep  
23 everything under -- under wraps.

24 Q. Well, obviously the people that worked on

1 the midnight shift at a time when Burba and Morgan  
2 were moving guns and money and Karen would have seen  
3 it, they're not just any Tom, Dick and Harry on the  
4 street, they're people who would have been potential  
5 witnesses to that. Isn't that right?

6 MS. EKL: Objection, form, foundation.

7 A. Yes, but Karen worked the day shift.

8 Q. Right, but the information you had already  
9 was that she sometimes came back at night to do  
10 work, right?

11 A. Yes, sir.

12 Q. And, in fact, that the over -- what she  
13 saw was at night, right?

14 A. I don't know when she saw it.

15 Q. Well, the reports indicate you knew when  
16 she saw it. According to Gardner and Busby, she saw  
17 it at night, right?

18 A. That's hearsay.

19 Q. Well, that's the point, isn't it? You're  
20 trying to get some direct information that  
21 corroborates the hearsay, as you call it, that came  
22 from Karen Rhoads. Well, she's dead, right?

23 A. That's right. So we could not  
24 substantiate only through hearsay what Karen Rhoads

1 had said.

2 Q. So you want to substantiate what's now  
3 hearsay because she's dead with some witnesses who  
4 also saw it, right?

5 A. I don't know whether they saw it or not.

6 Q. Well, you've got to ask them to find out  
7 now, don't you?

8 A. Exactly right.

9 Q. And why didn't you ask them then?

10 A. Because it was too early in the  
11 investigation.

12 Q. All right. So you were putting this off  
13 until later in the investigation to follow up on  
14 Morgan being a suspect. Is that fair to say?

15 MS. EKL: Objection.

16 A. Yes, sir.

17 Q. All right. Now, did you ever follow up on  
18 it?

19 A. We just collected information as we went  
20 through.

21 Q. Did you ever go back to John Henry and ask  
22 him the question that you didn't ask him that night?

23 A. I don't recall, sir.

24 Q. Well, if I were to tell you it's not in



1 any report, would that tell you that in all  
2 likelihood you didn't go back to John Henry?

3 A. Without reading the reports, I don't know.  
4 I don't have an answer for that.

5 Q. Okay. Well, you did read them a couple  
6 days ago, right?

7 A. I did, sir.

8 Q. And without taking the time to have you  
9 reread them today, when you read them a couple days  
10 ago, you don't recall going back to John Henry, do  
11 you, from what you read?

12 MS. EKL: Objection, form.

13 A. Not at this time right now, no, I don't.

14 Q. Okay. Now, in the discussion here with  
15 Henry, he did talk about a story that Jeb -- you see  
16 the next page that Jeb Ashley, Dyke Rhoads, Jeb's  
17 wife and Karen Rhoads went to Florida and brought  
18 back a large shipment of drugs. Do you see that?

19 A. Yes, sir.

20 MS. EKL: I'm sorry, what page are you on?

21 MR. TAYLOR: That's the top of the next  
22 page. It starts at the bottom of the page we were  
23 on and goes -- says John stated that Karen -- do you  
24 see that, Beth.

1 MS. EKL: What's the page number?

2 THE WITNESS: Page 10 right here.

3 MR. TAYLOR: Page 9 and 10.

4 MS. EKL: Okay.

5 BY MR. TAYLOR:

6 Q. Make sure everything was all right, and  
7 John, meaning John Henry, did state that he heard  
8 the story after the fire that Jeb Ashley, Dyke  
9 Rhoads, Jeb's wife and Karen Rhoads went to Florida  
10 and brought back a large shipment of drugs. Do you  
11 see that?

12 A. That's what it says, yes, sir.

13 Q. Okay. And that that was, in fact, why  
14 they were killed, the people were killed, that being  
15 Dyke and Karen?

16 A. Yes, sir.

17 Q. And had you heard that information that  
18 connected Dyke and Karen and Jeb Ashley prior to  
19 Henry telling you this?

20 A. I don't recall, sir.

21 Q. All right. Did what Henry told -- did Jeb  
22 Ashley become a suspect early in the investigation  
23 based on this and other information that you and  
24 Eckerty were receiving?

1           A.    He -- he would have been somebody that we  
2           would have talked to, and I do believe he was  
3           interviewed.

4           Q.    All right.  And was he interviewed as a  
5           person you were interested in as a potential  
6           suspect?

7           A.    He was just interviewed I believe, if I  
8           recall, just for information.  I guess that would be  
9           the word to use.

10          Q.    Now if, in fact, what Henry was telling  
11          you was accurate, this would supply a different  
12          motivation than the one you had with regard to  
13          Morgan and Smoke Burba, right?

14          A.    If it was true, yes.

15          Q.    All right.  And did you go and ask -- and  
16          you went and asked Ashley about this Florida stuff,  
17          right?

18          A.    I don't think I spoke to Ashley.

19          Q.    Well, did Eckerty speak to Ashley?

20          A.    I don't remember who went to talk to  
21          Ashley.

22          Q.    When the investigators went to talk to  
23          Ashley, did they ask him about the Florida vehicles  
24          here and the motivation about a shipment of drugs

1 from Florida?

2 MS. EKL: Objection, foundation.

3 A. I don't recall what they asked him. I  
4 don't know.

5 Q. Did you hold back on talking to witnesses  
6 about this information the same way you say you held  
7 back on the Morgan information?

8 A. I don't know.

9 Q. All right. Now, looking at your next  
10 entry which is in the morning of the 10th, you did a  
11 phone interview with someone in Florida, right, who  
12 was another Morgan employee, Harmon Yates, right?

13 A. Yes, sir.

14 Q. And you didn't ask him about the  
15 information you had about Smoke Burba and Morgan and  
16 the money and Chicago, did you?

17 A. No, sir.

18 Q. And that's for the same reason you just  
19 told me, that you didn't want to ask any -- just any  
20 Tom, Dick and Harry about this information until you  
21 got some more from somewhere else, right?

22 A. Yes, sir.

23 Q. What were you affirmatively doing, if  
24 anything, to try to further develop the information

1 that connected Burba and Morgan as suspects to the  
2 murder of Dyke and Karen Rhoads?

3 A. We were just collecting information as we  
4 went through the investigation.

5 Q. But you weren't asking the people that  
6 worked with them, right?

7 A. No, sir.

8 Q. And you and Eckerty also talked to a  
9 long-time -- a couple of long-time employees at  
10 Morgan's, Norma Pruitt and a George Wimsett, right?

11 A. Yes.

12 Q. Do you know those people?

13 A. Yes, sir.

14 Q. They both had worked with Morgan for a  
15 long time, right?

16 A. Yes, sir, Norma had.

17 Q. Norma was his personal secretary, right?

18 A. Yes, she was.

19 Q. Very loyal individual, right?

20 A. Yes, she was.

21 Q. And George was some kind of foreman or  
22 something out there as well, wasn't he?

23 A. I don't recall if he was a foreman or he  
24 was like a salesman.

1 Q. All right.

2 A. I don't -- I don't know without going  
3 through my report and specifically --

4 Q. But again, you talked to them about Karen  
5 working at Morgan Manufacturing and you asked them  
6 generally if they knew about anybody that she might  
7 have had any problems with, right?

8 A. Yes, sir.

9 Q. But you never asked either of them about  
10 the motivation and the information that you had from  
11 Busby and Gardner that connected Morgan and Smoke  
12 directly to the murders, did you?

13 MS. EKL: Objection, form.

14 A. Without reading my interviews, I'm going  
15 to say no.

16 Q. Okay. Well, you don't remember asking  
17 them, and it certainly would have gone against your  
18 Tom, Dick and Harry theory to be talking to them  
19 about that, right?

20 A. Yes, sir.

21 Q. All right. Now, would it be fair to say  
22 that you talked to at least ten -- when I say you, I  
23 mean either you together with Eckerty or Eckerty who  
24 then reported to you or you on your own, talked to

1 at least ten people who worked at Morgan  
2 Manufacturing on the 8th, 9th, 10th, those three,  
3 four days after the murder?

4 A. Without going through and counting up, I  
5 would assume somewhere in that area.

6 Q. Yeah. And would you also agree with me  
7 that you didn't ask any of them about the  
8 information you had gotten about Morgan and Smoke  
9 Burba?

10 A. Yes, sir.

11 Q. All right. Yes, sir, you didn't ask them,  
12 right?

13 A. Yes, sir.

14 Q. All right. Now, at some point during the  
15 same period, you actually talked to Morgan, right?

16 A. I don't know whether I would have talked  
17 to him or one of the other agents.

18 Q. Okay. Do you remember talking to Morgan?

19 A. No, sir, I don't. Bob and I didn't have a  
20 real good relationship.

21 Q. So it may have been Eckerty that talked to  
22 him and then reported back to you, right?

23 A. Could have been, sir, I don't recall.

24 Q. I take it that you and Eckerty and, in

1 fact, the entire investigative leadership team of  
2 McFatridge, Ray, you and Eckerty talked about this  
3 Morgan/Smoke Burba information, is that fair to say,  
4 because you told us yesterday that it put him and  
5 Smoke in the category of a potential suspect, so  
6 that was something you all talked about, right?

7 MR. RAUB: Objection to the form of the  
8 question.

9 A. Absolutely right.

10 Q. Okay. And this Tom, Dick and Harry  
11 theory, for lack of a better way to characterize it  
12 so we know what we're talking about here, I take it  
13 that's something that all of you agreed to. It  
14 wasn't just you acting on your own on that. That  
15 was something that the group decided to put that off  
16 and not talk to the people at Morgan's about that;  
17 is that right?

18 A. Yes, sir.

19 Q. And so was that -- did that decision also  
20 go for the interview with Morgan himself, that you  
21 consciously decided not to confront him with that  
22 information?

23 A. Yes, sir.

24 Q. Okay. And so, in fact, when he was



1 interviewed, whoever did it, and I think the reports  
2 show that it was at least Eckerty maybe with another  
3 ISP person, he carried out the intent of the group  
4 and didn't confront Morgan with that specific  
5 information, right?

6 MS. EKL: Objection, foundation.

7 MR. RAUB: Objection to the form of the  
8 question as well.

9 A. Yes, sir.

10 Q. All right. Now -- but Morgan did talk  
11 about the murders, right?

12 MS. EKL: Objection, foundation.

13 A. I do not recall what was in the report.

14 Q. Okay. Let's see if we can find that. I  
15 think it's in Eckerty's report.

16 MS. EKL: I think it's page 9 of Eckerty's  
17 report.

18 MR. TAYLOR: Okay.

19 A. Is that in this --

20 Q. No, I don't think it is.

21 A. -- pamphlet I've got here?

22 Q. Yeah, I don't think --

23 MS. EKL: Eckerty's report that starts  
24 July 6 of 1986.

1 MR. TAYLOR: Okay, yeah.

2 BY MR. TAYLOR:

3 Q. So if we look at -- it was on the 10th  
4 which was the next day after many of these  
5 interviews and after the -- the day after Randy and  
6 Herb have been brought to the station. It says  
7 Morgan said that he had offered money to anyone  
8 giving information about the death of Karen and Dyke  
9 Rhoads; is that right? Do you see that at the  
10 bottom?

11 A. I'm not finding that.

12 Q. Morgan stated during the interview that he  
13 had been to several bars, approached several people  
14 in the Paris area and had offered money to anyone  
15 giving information about the death of Karen and Dyke  
16 Rhoads.

17 A. Found it, sir, yes, sir.

18 Q. Okay. Now -- and you were -- so you were  
19 aware that Morgan was offering a reward, right?

20 A. Oh, yes, sir.

21 Q. And you knew that it was \$25,000. We  
22 talked about that yesterday, right?

23 A. Yes, sir.

24 Q. And this -- do you know whether Eckerty --

1 Eckerty said anything to Morgan about the -- whether  
2 he thought it was a good law enforcement approach to  
3 offer a large reward like that?

4 A. I do know that Morgan was told not to do  
5 that because it would -- it could hindrance the  
6 investigation this early on and ask him to retract  
7 the -- what he was putting out, the \$25,000 or  
8 putting out the \$25,000 reward.

9 Q. Now, was this something that was  
10 communicated to Morgan after this interview of 7/10  
11 or did Eckerty communicate it to him at the  
12 interview?

13 A. Sir, I have no idea.

14 Q. Were you present when that was  
15 communicated to Morgan?

16 A. I don't recall, no, I don't.

17 Q. But by the 10th it was pretty widely  
18 known, particularly in the bars of Paris, that  
19 Morgan was offering \$25,000, right?

20 MS. EKL: Objection, foundation.

21 A. Absolutely.

22 Q. And did anyone discuss with Morgan how he  
23 was going to unring the bell in the small gossipy  
24 community of Paris that there was a \$25,000 reward

1 out there for information leading to the arrest of  
2 the people who killed Karen and Dyke?

3 A. The only thing I remember is he said he  
4 was not -- he was not going to mention it anymore.

5 Q. All right. So a person like Darrell  
6 Herrington or Randy Steidl or any other of the  
7 numerous people who frequented the bars in Paris,  
8 all they knew was that he offered the reward and for  
9 all they knew it was still out there, right?

10 MS. EKL: Objection, foundation.

11 A. Yes, sir.

12 Q. Okay. So the damage that you all -- and I  
13 take it all four of you knew about this reward and  
14 you agreed to tell Morgan to stop pushing that idea,  
15 right?

16 A. Yes, sir.

17 Q. Because you all agree that it was a bad  
18 law enforcement tactic. It didn't help your  
19 investigation. It would, in fact, in all likelihood  
20 cause people to bring in information that was not  
21 credible, right?

22 A. Absolutely.

23 Q. So -- but you don't remember whether you  
24 were present when Morgan was actually told that?

1 A. No, sir, I don't.

2 Q. But Morgan himself threw something into  
3 the mix and that was another motive. He suggested  
4 the motive of rape in this interview with Eckerty,  
5 right?

6 A. Yeah, I remember that in the report, yes.

7 Q. Yeah. And did -- and, in fact, in  
8 Eckerty's report, Eckerty wrote this particular  
9 entry, right?

10 A. Yes, sir.

11 Q. Eckerty put in the report that in his  
12 opinion, that meaning Morgan's, that there were at  
13 least two or more suspects with the intention of  
14 rape and it was an impulse killing, right?

15 A. Yes, sir, that's what it says.

16 Q. Okay. And Eckerty discussed that with the  
17 members of your investigative team, the four of you,  
18 right?

19 A. I'm sure we did, yes, sir.

20 Q. All right. And you were having periodic  
21 meetings if not basically daily in the early stages,  
22 right?

23 A. Yes, sir.

24 Q. Okay. And McFatridge and Ray and you and

1 Eckerty were the main ones who were meeting on all  
2 these occasions, right?

3 A. Yes, sir.

4 Q. All right. Now, in the report it doesn't  
5 say who the suspects are that Morgan identified if  
6 he did identify them, right?

7 A. Yes, sir.

8 Q. Do you remember whether he did identify  
9 suspects or not? Did you hear that?

10 A. I never heard anything like that, sir.

11 Q. Okay. Well, let me ask you this. Did you  
12 keep in the office along with the file a file  
13 cards -- a series of file cards where you wrote  
14 information about the witnesses?

15 A. Yes, sir, we did.

16 Q. And when you reviewed all those documents,  
17 did you review the exhibit of file cards that --  
18 among the information you reviewed for your  
19 deposition?

20 A. No, sir, I didn't.

21 Q. Well, let me ask you to take a look in  
22 that to Ray Exhibit No. 13, okay? Did you find it?

23 A. Not yet, sir.

24 Q. Okay, keep looking.

1 A. Okay.

2 Q. It's --

3 A. There we go. Sorry it took so long.

4 Q. That's okay. All right. So it's -- this  
5 is a lengthy exhibit. It goes from Steidl 12638 to  
6 Steidl 12736. Now, it starts -- it looks like it's  
7 alphabetical, right?

8 A. Yes, sir.

9 Q. Why don't you thumb through it quickly and  
10 see if this seems to you to be a reproduction of a  
11 card catalog that was kept at the Paris Police  
12 Department with regard to the Rhoads investigation.

13 A. Without going through every page, I'll say  
14 that's it.

15 Q. Okay. And did you have a card catalog  
16 system in the department, Paris department in 1986  
17 for all cases or was this something that was  
18 instituted for this case only?

19 A. This was something that the Illinois State  
20 -- Jack Eckerty had suggested we do so we can keep  
21 everything in order.

22 Q. Okay. And did you start to do this right  
23 from the inception of the case?

24 A. Yes, sir, we did.

1 Q. All right. And was there someone that was  
2 in charge of putting information in the file or did  
3 a particular detective or investigator write up  
4 their own card and put it in?

5 A. I believe that was the incident, sir.

6 Q. Okay. Well, do you -- take a look here at  
7 page 12646, okay?

8 A. 12646?

9 Q. Yes.

10 A. Okay.

11 Q. You see the second entry? It says 9/8/86  
12 10:00 p.m. Paris.

13 A. Yes, sir.

14 Q. Mike Dunlap.

15 A. Yes, sir.

16 Q. Does this indicate to you that you  
17 interviewed Mike Dunlap in September of '86?

18 A. Yes, sir.

19 Q. And is this your handwriting?

20 A. That is.

21 Q. All right. Now, if you interviewed  
22 somebody more than once, would -- how would that be  
23 reflected in the card catalog? I don't see any of  
24 those kind of entries.



1           A.    This -- this would indicate that's the  
2 first time that I talked to Mike Dunlap.

3           Q.    And how does that indicate that to you?

4           A.    With the date and time.

5           Q.    Okay.  And if you talked to him earlier or  
6 later, would there be a subsequent entry or how  
7 would that work?

8           A.    There would have been a report.

9           Q.    Okay.  Now, looking at Steidl 12644, do  
10 you see that?

11          A.    12644?

12          Q.    Yeah.

13          A.    Okay.

14          Q.    And do you see the entry at the top?  
15 Busby, Timothy A., interview with Eckerty/Snyder.  
16 Do you see that?

17          A.    Yes, sir.

18          Q.    Now, whose writing is that?

19          A.    I don't know, sir.

20          Q.    That's not yours.

21          A.    It's not mine.

22          Q.    All right.  But this does not include --  
23 this card entry does not include the information  
24 that Busby gave concerning -- it just says info

1 Morgan Manufacturing, right?

2 A. Yes, sir.

3 Q. And that info is, of course, the info  
4 about the guns and Karen seeing the Chicago, being  
5 loaded for Chicago, right?

6 MS. EKL: Objection, form, foundation.

7 A. If they -- yeah, if that's what's in the  
8 report, yes.

9 Q. Okay. Now, let's take a look, and I see  
10 an entry for Gerald Burba on page 12643. Now that's  
11 not Smoke, that's Gerald, right?

12 A. That's Smoke's older brother.

13 Q. Do you know whether -- did anybody talk to  
14 Smoke around the time that you were getting this  
15 information that put him into the -- into the case  
16 as a suspect for the information that you were  
17 getting from Busby and Gardner? Did anyone talk to  
18 Smoke?

19 A. I don't recall if anybody talked to him or  
20 not.

21 Q. But he -- assuming that this card catalog  
22 that has been given us is complete and somewhat  
23 alphabetical, there's no entry for Smoke, just for  
24 Gerald, right?

1 A. Yes, sir.

2 Q. You'd anticipate that if someone talked to  
3 Smoke, it would be in the card catalog, right?

4 A. I'm not going to sit here and tell you  
5 everybody that we talked to was in that card  
6 catalog.

7 Q. But the major characters should be, right?

8 A. They should be.

9 Q. And you'd suspect Smoke would be a major  
10 character, at least early in the investigation,  
11 wouldn't he?

12 A. He would have been.

13 Q. Okay. And he's not in here, right?

14 A. Not that I see, no, sir. Not what I have.

15 Q. Okay. So let's see if we can find the  
16 entry for Morgan quite quickly here, if there is  
17 one, that is. Okay, I'm looking here at Steidl  
18 12685. It says -- this looks to be the same writing  
19 as the Busby writing. Would you agree with me on  
20 that?

21 A. Similar, yes, sir.

22 Q. But it's not yourself, is that your  
23 testimony?

24 A. Yes, sir.

1 Q. Okay. But given that it says this is an  
2 Eckerty and Bensyl interview, it would be a pretty  
3 good assumption that either one of them wrote it, is  
4 that right, since they did the interview?

5 A. I would assume that.

6 Q. And it says in this interview, it says  
7 Karen well-liked and no problems at work, suspects  
8 impulse killing, at least two or more suspects,  
9 intention of rape. So so far we're right along with  
10 this -- what's in the report, right?

11 A. Yes, sir.

12 Q. Has been in contact with people offering  
13 money for information. That's similar as well.  
14 Does not believe drug connected. Named Kenny  
15 Ziegler and Jeff Simons. Do you see that?

16 A. Yes, sir.

17 Q. Now, for some reason, Bensyl -- excuse me,  
18 Eckerty does not put in his report the name of the  
19 two people that Morgan named as potential suspects  
20 in a rape, right?

21 MS. EKL: Objection.

22 Q. In a rape motivation, right?

23 MS. EKL: Objection, form, foundation.

24 A. It's not in here, but it doesn't say that

1 they were -- according to how I read it, no, it's  
2 not.

3 Q. Right. And at least according to the card  
4 catalog, that the entry there, Morgan named two  
5 individuals, Simons and Ziegler, right?

6 MS. EKL: Objection, calls for  
7 speculation.

8 A. The way I read the card is there's a  
9 period after related and then the names of Kenny  
10 Ziegler and Jeff Simons are written under that, and  
11 what does that mean, I don't know.

12 Q. Well, it says named, right?

13 A. That's what it says.

14 Q. So that would -- common reading of that  
15 would mean that Morgan named Ziegler and Simons,  
16 right?

17 A. Yeah. That's the way you read it, yes.

18 Q. All right. And since he says above that  
19 he -- that suspects impulse killing, at least two or  
20 more suspects, intention of rape, and he's saying  
21 there's two or more suspects and then named -- and  
22 he names two people, right?

23 MS. EKL: Objection, form, calls for  
24 speculation.

1           A.    Yes, sir, but keep in mind the cards  
2 weren't the complete -- they were just highlights of  
3 what we were told so we could very easily look the  
4 cards up and give us an idea of what -- what  
5 information referred to what names.

6           Q.    I understand that, but I'm asking you,  
7 isn't it true that Morgan named Ziegler and Simons  
8 as two potential suspects in his scenario which it  
9 was an impulse killing and rape?

10          A.    Yes, sir.

11                MS. EKL:  Objection, form, foundation.

12          A.    Yes, sir.

13          Q.    Okay.  And do you know any reason why that  
14 -- that would be fairly significant information if  
15 it were credible, right?

16          A.    Yes, sir.

17          Q.    And if you were at that interview and  
18 Morgan told you those two names, you'd put them in  
19 the report, wouldn't you, if you were writing the  
20 report?

21          A.    More like where they was related to, yes.

22          Q.    Okay, because the card catalog stayed in  
23 the police station.  That wasn't something that was  
24 going to the State's Attorney or going to the

1 defense lawyers. That card catalog was an internal  
2 mechanism for you to keep track of information,  
3 right?

4 A. Yes, sir.

5 Q. So if something was significant in the  
6 card catalog, you'd suspect that it would be in the  
7 report so that the State's Attorney and ultimately  
8 any defense lawyers would have that information,  
9 right?

10 A. Yes, sir.

11 Q. So this was a major error by the people  
12 who wrote the report that did the interview with  
13 Morgan to not include Ziegler and Simons's names,  
14 right?

15 MS. EKL: Objection, form, foundation.

16 A. Yes, sir, but I think at a later date  
17 Simons was interviewed. If I remember what I read  
18 through all the -- and don't hold me to that either.  
19 I remember Simons's name in some interview I think.

20 Q. But that's not the same as identifying him  
21 as a suspect, is it?

22 MS. EKL: Objection, form, foundation.

23 A. I guess not.

24 Q. Because there's over a hundred people that

1 were interviewed, right?

2 A. There were a bunch, yes, sir.

3 Q. If I'm lawyer and I'm reading these  
4 reports and I see 120 names of interviews, that  
5 doesn't necessarily tell me that all 120 of those  
6 people are suspects, right?

7 A. No, sir.

8 Q. And doesn't tell me that someone who ran  
9 Morgan Manufacturing had fingered two people as  
10 potential suspects, does it?

11 A. No, sir.

12 Q. But you all did follow up on Morgan's  
13 lead, didn't you?

14 A. On the lead against Morgan?

15 Q. No, on the lead that he gave you. Well,  
16 you just told me that they went and talked to Simons  
17 and Ziegler, right?

18 A. I don't know about Ziegler, but I seem to  
19 recall seeing a Simons report in there, and when it  
20 was, I don't know.

21 Q. So my point is you did follow up on  
22 Morgan's lead that he gave you.

23 A. Yes, sir.

24 Q. All right. And that included talking to



1 the people that he named in his lead about the  
2 murders, right? At least one of them, that being  
3 Simons, right?

4 A. Yes, sir, because I believe Simons was an  
5 employee of Morgan's if I remember right.

6 Q. And you also talked to other people  
7 concerning the possibility that this was a  
8 sex-related crime; is that right?

9 A. I don't recall that.

10 Q. All right. Well, did you discuss this  
11 lead that Morgan gave you with the other people of  
12 your investigative team? And again, when I say  
13 that, I mean the four -- the four of you,  
14 McFatridge, Ray and Eckerty.

15 MS. EKL: Objection, foundation. He's  
16 never testified that Morgan gave him that  
17 information.

18 MR. MANCINI: I'm going to object to the  
19 form also.

20 A. I'm confused. Could you repeat that  
21 please?

22 Q. Yes. Did you discuss with McFatridge,  
23 Eckerty and Ray the fact that Morgan had given a  
24 different motivation, that being the motivation

1 being a rape, and had given the names of two  
2 suspects?

3 A. Yes, sir, but I'm not too sure that we  
4 didn't -- prior to that interview, that we didn't  
5 have that as one of our --

6 Q. Theories?

7 A. Theories, yeah, thank you, for the crime.

8 Q. Okay. And did you discuss how to approach  
9 Ziegler and Simons, if at all, in your group, in  
10 your investigative group? Or was that a decision  
11 that was made individually by you or Eckerty?

12 A. I don't recall.

13 Q. All right. Now, did you -- early in the  
14 investigation, did you or any of the other  
15 investigators involved receive any information that  
16 Darrell Herrington was in any way involved in the  
17 murders?

18 A. I don't remember Darrell's name coming up.

19 Q. All right. Did anyone interview Darrell  
20 early on in the first week or two?

21 A. I don't recall to be specific, but I don't  
22 think so.

23 Q. Did Detective Wheat inform Betty  
24 Herrington early in the investigation, that being in

1 the first couple of weeks, that Darrell was  
2 suspected of being involved in the murders?

3 MS. EKL: Objection, foundation.

4 A. I don't recall anything like that ever  
5 being said.

6 Q. So you never heard anything like that?

7 A. No, sir, I didn't.

8 Q. And you didn't participate in any way in  
9 communicating to either Darrell or Betty that he was  
10 a suspect or thought to be involved in any way in  
11 the --

12 A. No, sir.

13 Q. Okay. And, in fact, looking at this card  
14 catalog, I don't see either Betty or Darrell's name  
15 in here. Does that indicate to you that neither of  
16 them were interviewed or, if they were, there was no  
17 record kept of it?

18 A. I don't remember ever Darrell or Betty's  
19 name coming up period in anything until Darrell came  
20 forward.

21 Q. All right. So if Betty were to testify  
22 that she was told early on that Darrell might have  
23 been involved, that's not consistent with your  
24 memory of the events; is that right?

1 A. No, sir, it's not.

2 Q. All right. Now, can you tell me, did you  
3 do any other follow-up with regard to the  
4 information that led you to take Herb and Randy to  
5 the station on the 9th and question them after you  
6 let them go?

7 A. Are you saying did we continue to  
8 investigate those two specifically after we let them  
9 leave the police department or the police department  
10 that day?

11 Q. Yes.

12 A. Not per se, no.

13 Q. All right. Did you receive -- prior to  
14 your first contact with Darrell Herrington, did you  
15 receive any additional information concerning Herb  
16 and Randy with regard to the -- the homicides?

17 A. That without going back through the  
18 reports and going through the chronologic order and  
19 everything going on, I can't answer that.

20 Q. Well, is there anything that you remember  
21 independently?

22 A. Not at this time, no, I don't. I don't  
23 recall I mean.

24 Q. All right. Now, at some point in the

1 first two or three weeks, did you receive  
2 information about a threat that a person that lived  
3 near the residence of the Rhoadses had received that  
4 he or she was next? Do you remember?

5 A. Is there a name that goes with that, sir?

6 Q. Taylor.

7 A. Oh, the neighbors across the street. I  
8 would have to read that interview to refresh my  
9 memory on what they said.

10 Q. Okay. So you don't have any independent  
11 recollection of that?

12 A. No, not right now at this time.

13 Q. Do you remember doing any kind of  
14 investigation that led to a determination of who  
15 made the threat, doing a phone call investigation?

16 MS. EKL: Objection, foundation or form.

17 A. No, sir, I don't.

18 Q. Well, take a look at Exhibit No. 8 and  
19 specifically Steidl 11995 which is page 13.

20 A. Is that my report or Eckerty's?

21 Q. It's yours.

22 A. Okay. That would be Ray 9.

23 Q. Yes. Or 8. It doesn't really matter.

24 A. What page number, sir?

1 Q. Page 13 of your typed report.

2 A. Okay. The Lorne Taylor entry.

3 Q. Yes.

4 A. Okay.

5 Q. You interviewed Taylor at about 11:00 on  
6 the 11th, right?

7 A. Yes, sir.

8 Q. And he told you that he had received -- I  
9 take it Lorne, is he a male or woman?

10 A. He -- he was a male in the -- in the  
11 house, yes.

12 Q. Okay. And that he said that he received  
13 three threatening phone calls saying you're next,  
14 right?

15 A. Yes, sir, he did.

16 Q. And he lived in close proximity to where  
17 the murders took place; is that right?

18 A. Right across the street.

19 Q. Okay. So did you take that as a serious  
20 lead or a serious --

21 A. Yes, sir.

22 Q. -- case?

23 A. Yeah.

24 Q. And you did trace the calls back to a

1 couple of individuals by the name of Sanderson and  
2 Sawlaw, right, S-A-W-L-A-W? If you look at the next  
3 entry.

4 A. I remember that, yes, sir.

5 Q. Okay. And you acted within an hour to get  
6 that trace made and to get the names, right?

7 A. Yes, sir.

8 Q. And you arrested two people, right?

9 A. Yes, sir.

10 Q. And what happened when you arrested them?  
11 Did you question them?

12 A. Yes, sir.

13 Q. And what did you find out?

14 A. If I remember, they just told us they just  
15 were doing it to be smart alecks or something like  
16 that, to be -- because they were mischievous  
17 persons, people I guess.

18 Q. Okay. And was -- one was a man and one  
19 was a woman?

20 A. I thought they -- well, I thought they was  
21 both women, but I could be very wrong here.

22 Q. Well, it says John S. Sanderson.

23 A. I know, I see that. I'm assuming from  
24 reading this, a man and a woman.

1 Q. Okay. Well, did you consider this to be  
2 in the category of a snide comment or wise comment  
3 or how would you characterize it?

4 A. I would have characterized it I'm assuming  
5 at the time as a prank phone call.

6 Q. All right. Were they prosecuted?

7 A. They were arrested, I got that in my  
8 report. Prosecuted? I don't recall.

9 Q. Well, I see -- but were they -- I take it  
10 you had to question them to come to a conclusion  
11 that it was a prank and that it was unrelated to the  
12 murders, right?

13 A. Yes, sir.

14 Q. But yet I see nothing in your report about  
15 what they said or what you said or about your  
16 conclusions as to why you decided it was a prank  
17 rather than something that might lead to the  
18 perpetrators of the crime. Am I missing something  
19 here?

20 A. No, no, you're right, you're right.

21 Q. Did you take notes when you talked to the  
22 two arrestees, Sanderson and Sawlaw?

23 A. I don't recall.

24 Q. Would you expect as a detective when you



1 were following up on something that might lead  
2 directly to the murderers, if not them being the  
3 murderers, that you would take notes about what they  
4 said?

5 A. In the theory of why they were doing it,  
6 why they were doing it and who it was in line to,  
7 it's a possibility I just spoke to them and that was  
8 it. And I guess that is it because there is no  
9 report.

10 Q. Well, if I'm a defense lawyer and I'm  
11 looking at this report and I see that two people  
12 were arrested and interviewed by the lead detective,  
13 one of the lead detectives in the case, wouldn't I  
14 expect to be able to see what you said to them and  
15 what they said to you?

16 A. I see your point.

17 Q. And, in fact, this would kind of cut  
18 against the practice that you told us that you  
19 followed, which is that you wrote everything down  
20 that was significant, right?

21 A. I did.

22 Q. And yet you didn't write this down, right?

23 A. Must not have been significant.

24 Q. Well, couldn't we agree that it was

1 significant enough to get these people removed from  
2 the list of people who were suspects in the biggest  
3 murder case in the history of Paris?

4 MS. EKL: Objection, form, calls --  
5 objection, form.

6 A. Could have been, yes.

7 Q. Okay. Well, work with me a little bit  
8 here. When you first heard this information, I take  
9 it as a -- as a detective you said, well, if, in  
10 fact, there's credibility, if this is connected to  
11 the murders and these are some insane people who  
12 committed these murders and now they're saying that  
13 people who might have witnessed it because they were  
14 neighbors were next, that would be something that  
15 would be a pretty serious lead, right, if that were  
16 connected?

17 A. Until we would have talked to them and got  
18 their side of the story to find out --

19 Q. Right.

20 A. -- if it was just doing it for pranks or  
21 if they really meant it or -- excuse me, I didn't  
22 mean to upset your --

23 Q. Right. That would have been significant,  
24 right, until you got to a point where you

1       discredited it, right?

2             A.     Exactly.

3             Q.     And even though the report doesn't tell us  
4       how you discredited it, I'm assuming from the fact  
5       that it doesn't go into any more detail, that at  
6       some point after talking to them and interviewing  
7       them, you did discredit the fact that it was  
8       connected, right?

9             A.     We did.

10            Q.     All right.  But then again, there's  
11       nothing in writing about it.

12            A.     I did not write a report on it, no, sir, I  
13       didn't.

14            Q.     And were you alone -- it appears that when  
15       it says you received a call from Taylor, you talked  
16       to Taylor, and you made the pinch here -- well,  
17       excuse me, it says after receiving this information,  
18       RO and Eckerty followed up the investigation and  
19       made the arrest.  So you weren't on your own here,  
20       right?

21            A.     No, I wasn't.

22            Q.     But you wrote what -- you wrote it up not  
23       him, right?

24            A.     That I did, yes, sir.

1 Q. And this is the sum total of how it got  
2 written up.

3 A. Yes, sir.

4 Q. All right. Now, the next entry here in  
5 your report, it says at approximately 5:00 p.m. on  
6 July 14th, a briefing was conducted at the Edgar  
7 County Courthouse in the lower courtroom to the  
8 Rhoads and Spesard families. Do you see that?

9 A. Yes, sir, I do.

10 Q. And it says the family was allowed to ask  
11 questions and Eckerty reported on the progress of  
12 the case and what to expect; that Mike McFatridge  
13 was present, that Eckerty, I take it yourself and --  
14 yeah, it says yourself, Snyder, Bensyl were all  
15 present. Is that right?

16 A. Yes, sir.

17 Q. Was Ray also present or did he miss this  
18 particular meeting?

19 A. If he's not in the report, then he wasn't  
20 there.

21 Q. All right. Now, the report doesn't  
22 indicate what the substance of Eckerty's reporting  
23 of the case was, does it?

24 A. No, sir, it doesn't.

1 Q. Did Eckerty report to the family at that  
2 time that Steidl and Whitlock had been making snide  
3 remarks and that you had taken them in for  
4 questioning?

5 A. I don't recall what was even said at that  
6 meeting, sir.

7 Q. At that meeting, did you tell the family  
8 that Steidl and Whitlock were involved in the  
9 murders?

10 A. I don't recall what was said at the  
11 meeting, no, I don't recall anything which was said.

12 Q. Is that something that would be plausible  
13 to have said on July 14th to the family?

14 A. July 14th? No, sir, I don't believe so.

15 Q. All right. Now, I take it that you didn't  
16 tell the families about Karen -- the lead and the  
17 issue of Morgan and Burba being suspects. Did you  
18 tell the family that?

19 A. No, because that was part of the family  
20 members or close relationship to the families that  
21 turned that information over to us I believe.

22 Q. So when you had family members there, did  
23 you attempt to further corroborate the information  
24 about Karen and the motivation that Morgan and Smoke

1 Burba had for killing her?

2 A. Don't recall anything being said or what  
3 -- or I don't recall what was said.

4 Q. All right. Would that have been something  
5 that you would expect could have been discussed  
6 there?

7 A. I don't believe it would have been.

8 Q. All right. And is that the Tom, Dick and  
9 Harry approach still on the 14th?

10 A. Yes, sir.

11 Q. All right. Do you remember at any point  
12 in the investigation where the Tom, Dick and Harry  
13 approach to the Morgan information and Morgan  
14 motivation was cast aside and you aggressively  
15 approached that --

16 MS. EKL: Objection, form.

17 Q. -- information?

18 A. You're talking about going directly to the  
19 employees and laying the cards on the table?

20 Q. Yeah, with Morgan and the employees and  
21 anyone else that you felt was a potential witness.

22 A. No, sir, I don't think we ever did.

23 Q. Never did do it?

24 A. (Shakes head).

1 Q. Can you think of anything that was  
2 discussed at the meeting with the family when the  
3 family was briefed about the progress of the case?

4 A. No, sir, I can't.

5 Q. And you don't -- do you remember any  
6 questions the family asked? They were allowed to  
7 ask questions, right?

8 A. I assume they were, but I -- I don't  
9 recall anything.

10 Q. Do you remember any questions that they  
11 asked that you told them because of the sensitivity  
12 of the investigation you couldn't answer?

13 A. Don't -- I don't recall.

14 Q. Okay. Now, at some point, did you receive  
15 information about a person by the name of Cary  
16 Sexton, S-E-X-T-O-N?

17 A. Yes, sir, I remember that name.

18 Q. Okay. And what did you receive concerning  
19 Sexton, what kind of information?

20 A. Cary Sexton, if my memory serves me, was a  
21 -- I don't want to -- I believe he had some -- no,  
22 Cary Sexton, something comes up in my mind about  
23 Springfield and using a knife to cut somebody's  
24 throat. Without going back through everything,

1 that's what I recall on it. And I can't tell you  
2 right now if that's actually accurate or not.

3 Q. Okay. Well, you certainly would be  
4 interested in anyone who was -- had a history of  
5 using a knife in a criminal offense, particularly  
6 stabbings, right?

7 A. Oh, yes, sir.

8 Q. Threatened stabbing. So when this  
9 information came to your attention about Sexton, you  
10 followed up on it, right?

11 A. Yes, sir.

12 Q. You talked to him, right?

13 A. I believe we did talk to him, yes, sir.

14 Q. And you talked to people that had given  
15 information about his activities vis-a-vis the  
16 knife, right?

17 A. Yes, sir.

18 Q. And what did you determine after you did  
19 that investigation?

20 A. May I glance at my report so I can read it  
21 right quick?

22 Q. Sure. Take a look at pages 15 and 16.

23 A. Whose report?

24 Q. I'm looking at your report.



1 A. Page 15 and 16?

2 MS. SUSLER: At the top, your numbers at  
3 the top.

4 MS. EKL: Are you sure it's 15?

5 THE WITNESS: Mine shows 15.

6 MR. TAYLOR: Did I jump a page here?

7 THE WITNESS: My page 15 shows David Hart  
8 and interview with Laurie Griffin.

9 MS. EKL: I think you want page 16.

10 MR. TAYLOR: On page 16.

11 MS. SUSLER: Yeah.

12 BY MR. TAYLOR:

13 Q. Yeah, at the bottom of page 16, my fault.

14 A. Oh, okay. Yes, I see it now. Okay.

15 That's the interview of David Kessner about Cary  
16 Sexton.

17 MS. SUSLER: He's ready.

18 Q. Okay. So have you had a chance to look at  
19 your report?

20 A. Glanced over it, yes, sir.

21 Q. Okay. And does this refresh your  
22 recollection as to the Cary Sexton investigation?

23 A. Yes, sir. Basically, yes.

24 Q. Okay. And what did you determine with

1 regard to Sexton and the information that you had  
2 obtained about him?

3 A. That he had had similar -- he had used a  
4 knife and -- on that one woman and he carried a  
5 knife.

6 Q. Okay. And did you -- if you look --  
7 there's also some interviews that were written up by  
8 Eckerty with regard to Cary Sexton. If you look at  
9 Exhibit No. 2, and we're looking at 0045 -- 00045  
10 and 00046, they're entries on a Bensyl report and it  
11 talks about an interview you and Bensyl did with a  
12 Shannon Edwards and a -- an interview you did with a  
13 Springfield police detective, Amos Mitchell. Do you  
14 remember those interviews?

15 MS. EKL: Can you, before you ask any  
16 further questions, direct us to where you are?

17 MR. TAYLOR: Yeah. If you look at the --  
18 it's a report by Bensyl. It's page 3 of that  
19 report, and it's Steidl 12252 and 12253. Did you  
20 find -- did he find that?

21 MS. EKL: Yes.

22 A. Yes, sir.

23 Q. This indicates some additional interviews  
24 that you did in relationship to the Cary Sexton

1 information about him having a knife and using a  
2 knife; is that right?

3 A. Yes, sir.

4 Q. And you went so far as to interview  
5 someone, the woman who was actually threatened by  
6 Sexton, right, that he had gotten a knife from his  
7 -- no, her mother's kitchen and the baby was there  
8 and named some witnesses. Do you see all of that?

9 A. Yes, sir.

10 Q. So you were involved in that interview,  
11 right?

12 A. Yes. According to the report I was.

13 Q. Okay. And you also then -- do you know a  
14 Springfield detective by the name of Amos Mitchell?

15 A. No, sir. Apparently he was -- we talked  
16 to him, but I didn't know him.

17 Q. Okay. So he and you went and actually  
18 talked to Cary Sexton about the incident having to  
19 do with the knife and his girlfriend or wife or  
20 whoever she was?

21 A. And also Bensyl, yeah.

22 Q. Yeah. So would it be fair to say that you  
23 aggressively investigated this lead and what, if  
24 any, connection Sexton had to the murders since the

1 murders were stabbings and he had a history of  
2 attacking women or at least one woman with a knife?

3 A. Yes, sir.

4 Q. Okay. And what was -- what, if any,  
5 conclusion did you come to after aggressively  
6 pursuing this lead?

7 A. Conclusion would have had to have been he  
8 wasn't -- he wasn't a suspect or I'm not going to  
9 say he wouldn't have been a suspect, but he was not  
10 one of the people that would have done it to Dyke  
11 and Karen Rhoads I guess, however I put it.

12 Q. Well, you determined he was not involved,  
13 is that what you're saying?

14 A. Yes, sir, I guess that would be proper  
15 words.

16 Q. And was that based on an alibi he gave or  
17 was there some other reason?

18 A. I would believe it would just have to be  
19 in the facts that he had give us that we ruled him  
20 out.

21 Q. Okay. Can you tell from the reports, both  
22 the ones you wrote and the ones that Bensyl wrote,  
23 what the basis for your ruling him out was?

24 A. No, sir, it doesn't say in the reports.

1 Q. Well, wouldn't that be something you'd  
2 expect to be in the report?

3 A. Oh, under the circumstances, I -- I don't  
4 know.

5 Q. All right. Well, looking back on it now,  
6 it would be good to have in the report, right?

7 A. Absolutely.

8 Q. It would be -- it turns out to be a  
9 significant piece of information, right?

10 A. Yes, sir, it would be right now.

11 Q. Okay. And it would have been to a defense  
12 lawyer as well, right?

13 A. Absolutely.

14 Q. All right. And, in fact, as a detective,  
15 what was your understanding about what kind of  
16 information was -- have you ever heard the term  
17 Brady material as a detective?

18 A. No, sir.

19 Q. Ever heard of the term exculpatory  
20 information?

21 A. Yes, sir, but I don't remember what it  
22 refers to.

23 Q. Okay. Have you ever heard of the term  
24 impeachment evidence?

1           A.    Impeachment is when something -- you throw  
2 something out after it's -- I think it's something  
3 once you throw something out, then it's -- once it's  
4 been said or done, then you throw it out. Is that  
5 right?

6           Q.    Okay, that's your understanding that it's  
7 -- that you rule something out after --

8           A.    That's what I come up with impeachment,  
9 and the only reason I'm saying is the deal with the  
10 governor.

11          Q.    That's your understanding is the common  
12 usage of the word impeachment is with the governor  
13 and Clinton and all of that?

14          A.    Yes.

15          Q.    And that's how you interpreted it in  
16 relationship to your investigative work as well?

17               MS. EKL:  Objection, form.

18          Q.    I mean that's the definition that -- the  
19 only definition you have for it?

20               MS. EKL:  Objection, form, foundation.

21               MR. BALSON:  Is this a good time to take  
22 five minutes?

23               MR. TAYLOR:  Yes, let me finish this line.  
24 Let me ask a couple more questions.

1           A.    Yeah, I guess so, because I mean I don't  
2           know what all the big words mean and everything, so  
3           I -- and the only thing I know about impeachment,  
4           like, not to repeat myself, is the governor was in  
5           the office and they impeached him and he was out of  
6           office.

7           Q.    Okay.  So is it fair to say that you  
8           didn't receive any formal training as a detective or  
9           as a police officer with regard to, in the parlance  
10          of investigation and in legal cases, of what kind of  
11          evidence was termed to be Brady material or  
12          exculpatory information or information that was  
13          impeachment?  You really don't have much of a  
14          training or background in that, if any.

15          A.    No, sir.  No, sir, I don't.  We just left  
16          that up to McFatridge.

17          Q.    Okay.

18                MR. TAYLOR:  All right.  Let's take a  
19          break now.

20                (Recess at 10:24 a.m. to 10:38 a.m.)

21                MS. EKL:  I just want to remind everyone,  
22          too, obviously I've agreed to produce him for an  
23          extended period of time.  We are clearly over seven  
24          hours.  We do intend on being done at five o'clock

1 today, so use your time accordingly. I'm sure Mr.  
2 Balson has questions he wants to ask, and I'm making  
3 it clear on the record today we do intend on being  
4 done at 5:00 if not sooner, so plan accordingly.

5 BY MR. TAYLOR:

6 Q. I'm going to call your attention to a page  
7 12 of the Eckerty report of 7/6 to 8/1/86. It's  
8 00013, Steidl 12220, and it's an entry of 7/24.  
9 Looks like this (indicating). Have you found it?

10 MS. EKL: Uh-huh.

11 Q. Now, this is a report of an interview done  
12 on the 24th of July, 1986, by yourself and Eckerty,  
13 all right, and it's an interview of Marilyn Busby.  
14 Do you know who Marilyn Busby is?

15 A. She was Karen's mother I believe, wasn't  
16 she?

17 Q. Was she the mother of Tim Busby?

18 A. Yeah, you're right. I didn't read far  
19 enough. Yeah, mother of Tim Busby.

20 Q. Busby was a former boyfriend of Karen  
21 Rhoads before she married Dyke; is that right?

22 A. That's correct.

23 Q. And in this interview, Marilyn says that  
24 Karen had reported at some point previously that



1 Smoke Burba was giving her a lot of trouble at work,  
2 right?

3 A. Yes, sir.

4 Q. And that he had made allegations about her  
5 personal and sex life; is that right? If you look a  
6 little further down.

7 A. Yes, sir, I see that.

8 Q. And you were involved in this interview,  
9 but this is one of those that Eckerty was designated  
10 to write up rather than yourself, right?

11 A. Yes, sir.

12 Q. Okay. So now you had information that  
13 Smoke Burba -- that Karen had not only seen him  
14 involved in criminal activity with Morgan, but that  
15 he was harassing her and threatening her on the job,  
16 right?

17 A. Harassing her or making allegations, yes,  
18 sir.

19 Q. Okay. And despite that, there's no  
20 record, and I take it that means that you didn't --  
21 you never interviewed Smoke Burba, right?

22 A. I didn't. I don't remember if somebody  
23 else might have.

24 Q. Okay, but you have no memory of anybody

1 interviewing him?

2 A. Not at this time, no, I don't.

3 Q. And this wouldn't have changed the Tom,  
4 Dick and Harry approach to the Morgan/Burba  
5 information; is that right?

6 MS. EKL: Objection, form.

7 A. That's right.

8 Q. Okay. Now, in September, the card catalog  
9 reflects that you had a conversation with a Mike  
10 Dunlap. We looked at that earlier, right?

11 A. Yes, sir.

12 Q. But that's the only catalog entry with  
13 regard to Dunlap that we have, right?

14 A. Yes, sir.

15 Q. So your testimony previously was that that  
16 means that that's the only time that you met with  
17 him.

18 A. Yes, sir.

19 Q. So you have no memory of any earlier  
20 meeting with Dunlap before the 8th of September,  
21 right?

22 A. No, sir, I don't.

23 Q. And where was this meeting on the 8th of  
24 September?

1           A.    Well, I need to figure out where it's at  
2           in the report so I can tell you where I talked to  
3           him at.

4           Q.    Okay.

5           A.    Does anybody --

6           MS. EKL:  Do you have a page number?

7           MR. TAYLOR:  I'm looking at the card  
8           catalog.  I don't -- I haven't been able to find  
9           anything in the --

10          MS. EKL:  Page 23.

11          A.    Spoke with him by telephone, sir.

12          Q.    Okay.  And that is -- where do you see  
13          that?  On page 23?

14          A.    Yes, sir, about halfway down.

15          Q.    Okay.  So this was a telephone  
16          conversation not a face-to-face; is that right?

17          A.    Yes, sir.

18          Q.    And he -- according to this, he talked to  
19          you about a Hershel Wright; is that right?

20          A.    Yes, sir.

21          Q.    Now, during this conversation, did you  
22          have -- did he bring up the question of Herb  
23          Whitlock?

24          A.    No, sir.

1 Q. All right. And would you expect that if  
2 you had discussed Herb Whitlock and any statement he  
3 made about Herb Whitlock being innocent, that it  
4 would appear in this report that you have here?

5 A. Yes, sir.

6 Q. And if it didn't appear in the report, it  
7 would appear in the card catalog if it happened,  
8 right?

9 A. Not necessarily.

10 Q. All right. But if it didn't appear in  
11 either the card catalog or in the report, is it your  
12 testimony that in all likelihood didn't happen at  
13 this meeting? In other words, that if something  
14 along the lines of Dunlap saying that Herb Whitlock  
15 was upset that you had talked to him and that he was  
16 not involved in the crime, that would appear in the  
17 report if, in fact, he told you that, right?

18 A. Absolutely.

19 Q. That would be something that would be  
20 significant, right?

21 A. Yes, sir, it would be.

22 Q. So we're left with a couple of  
23 possibilities here. Either there was some other  
24 meeting either before this or after this that Dunlap

1 told you this information about Herb Whitlock or his  
2 memory that that happened is not accurate. We're  
3 dealing with one or two of those possibilities,  
4 right?

5 MS. EKL: Objection, form.

6 A. Yes, sir.

7 Q. And you're telling us -- do you have a  
8 memory of a conversation with him that's  
9 face-to-face rather than on the phone?

10 A. No, sir. The only thing I have that I can  
11 -- the only thing I can testify to is I had one  
12 interview with Mike Dunlap and it was by telephone  
13 and this is it.

14 Q. All right. Now, were you working  
15 consistently on this investigation starting on the  
16 6th of July all the way through the next year?

17 A. Yes, sir, as much time -- yeah, I -- yes,  
18 sir, I did.

19 Q. And were you working overtime many days on  
20 this?

21 A. Oh, yes, sir.

22 Q. All right. Were you receiving overtime  
23 pay for it or was this just part of being -- your  
24 job?

1 A. Part of the job, sir.

2 Q. And were you feeling a lot of stress,  
3 personal stress because of the fact that this case  
4 was so high profile and you weren't -- and you  
5 didn't have many suspects in custody?

6 MS. EKL: Objection, form.

7 A. No, sir, the stress -- well, every police  
8 officer wants to solve a case, so you do your best  
9 to get the facts and hopefully you can solve it, but  
10 not every case can you solve, so --

11 Q. But there was a lot of focus in the  
12 community on this case, right?

13 A. Oh, absolutely, yes, sir.

14 Q. This was a sensational case, right?

15 A. It was, sir.

16 Q. And you've been in Parrish[sic] your whole  
17 life and you've never seen another case like this?

18 A. Paris.

19 Q. Paris.

20 A. Yeah, I've been in Parrish my whole life  
21 too.

22 Q. You have been a Parrish and in Paris, is  
23 that correct --

24 A. There you go.

1 Q. -- your whole life?

2 A. Yes, sir.

3 Q. And you've never seen another case like  
4 this in terms of high profile. Is that fair to say?

5 A. No, sir, not in my lifetime.

6 Q. And really that's the case with regard to  
7 Edgar County. Has there ever been a case of this  
8 significance and sensationalism in the entire county  
9 that you know of?

10 MS. EKL: Objection, form.

11 A. Yes, sir.

12 Q. Okay. What other case can you tell us  
13 about?

14 A. Well, we've had two deputy sheriffs killed  
15 down there. One was -- name was George Redman. He  
16 was killed and throwed on a railroad track and they  
17 found him strung between Chrisman and Indianapolis.  
18 That was a pretty high profile case then.

19 Q. When did that happen? Was it before or  
20 after this case?

21 A. Oh, way before, sir.

22 Q. Okay.

23 A. I think --

24 Q. Before you came on the force?

1           A.    Yes, sir.  I -- I got out of the Army in  
2    '72, somewheres like that, in that -- in the '70s  
3    before I was ever a police officer.

4           Q.    Did they make an arrest or arrests in that  
5    case?

6           A.    Yes, they did.

7           Q.    And how long after the murders was the  
8    arrest?

9           A.    I have no idea.

10          Q.    Did it -- was it like months, literally  
11   almost a year, like this case?

12          A.    I don't know, but you can ask Jack Eckerty  
13   because he's the one that worked it.

14          Q.    Okay.  And did you say there was another  
15   case that has -- was high profile in the county?

16          A.    John Landrum, he was a deputy that got  
17   killed.

18          Q.    Is that this case you've already talked  
19   about or is this another case?

20          A.    This is another case.

21          Q.    This is another deputy?

22          A.    Yes.

23          Q.    All right.  And this is an Edgar County  
24   deputy?



1 A. Yes, sir.

2 Q. When did this one happen?

3 A. I don't recall. I mean you could go back  
4 through the records and find out, but you go through  
5 the records, you look for Landrum, him and Carl  
6 Farnum on a domestic call, and a shootout occurred  
7 and John was killed and then the other person was  
8 killed.

9 Q. So that was a sensational case, but there  
10 was no investigation because there was -- the  
11 perpetrator was killed as well.

12 A. Exactly right.

13 Q. Okay. So is it fair to say that that case  
14 didn't drag on in the media for literally years?

15 A. You're right there.

16 Q. Okay. And there wasn't any pressure on  
17 whoever those detectives were to solve the case  
18 because it was --

19 A. Right.

20 Q. -- solved right on the spot, right?

21 A. Yes, sir.

22 Q. So in that sense, that makes it a very  
23 different case than your case.

24 A. Then there was another one, a girl from,

1 oh, Charleston was found dead out in the woods.

2 That was around '72, '73. I can remember I just got  
3 out of the Army and I rode out there with my dad on  
4 that one.

5 Q. Your dad was a deputy sheriff, was he?

6 A. That he was. I don't remember whether  
7 that case was ever solved or not.

8 Q. Okay. In fact, going back to Phil  
9 Sinclair, your dad had some connection to Phil  
10 Sinclair becoming an informant for you, didn't he?

11 A. I don't recall that. I mean could be  
12 possible.

13 Q. Okay.

14 A. But I don't recall that.

15 Q. All right. But in terms of the  
16 sensational aspect of this case, this is by far the  
17 most sensational case that you ever worked, right?

18 A. Yes, sir.

19 Q. Okay. Now, I want to call your attention  
20 to September 19th which was a Friday.

21 A. Okay.

22 Q. All right. Did you have an occasion to  
23 pick up Darrell Herrington on Friday, September  
24 19th?

1           A.     September 19th.  If I might ask, was that  
2     the first meeting we had with him, that Gene Ray and  
3     I had had with him?

4           Q.     You heard Gene Ray's testimony, right?

5           A.     Yes, sir, I did.

6           Q.     Did you hear the testimony about it was a  
7     rainy night and --

8           A.     Okay.

9           Q.     -- Darrell Herrington you picked up, you  
10    and he picked him up?

11          A.     I'm with you now, sir.

12          Q.     Okay.  So let's focus on that night.  That  
13    was Friday, the 19th of September.

14          A.     Okay.

15          Q.     Now, is it your testimony that to your  
16    knowledge there had been no prior contact between  
17    the investigation and Darrell Herrington prior to  
18    that time?

19          A.     Not to my knowledge, sir.

20          Q.     All right.  And is it your testimony that  
21    there had been no contact between the investigation  
22    and Betty Herrington at that -- before that time?

23          A.     In reference to this case?

24          Q.     Yes.

1 A. No.

2 Q. Okay. I take it it's possible that either  
3 Darrell or she had been picked up -- I mean she  
4 might have made a domestic complaint during that  
5 time or Darrell might have been picked up for  
6 something during that period of time, but not in  
7 relationship to the murders, right?

8 A. That's right, sir.

9 Q. All right. Now, Betty testified at her  
10 deposition that it was well-known in the community  
11 that Darrell had a propensity to exaggerate stories.  
12 Is that something that you understood as a police  
13 officer prior to your connection with Darrell on the  
14 19th?

15 MS. EKL: Objection, form, foundation.

16 A. Not to my knowledge, sir.

17 Q. Okay. So when you had the contact with  
18 Darrell on the 19th, it wasn't in your frame of  
19 reference that Darrell was someone who exaggerated  
20 his stories and at times lied. Is that fair to say?

21 A. No, sir, I had no reason to believe that.

22 Q. All right. And when you picked him up --  
23 strike that. Why don't you tell us your memory of  
24 how you first came into contact with Darrell on that

1 Friday the 19th.

2 A. Of course, I listened to Gene's  
3 deposition, so my recollection was the same, was the  
4 same. We took him to the Paris -- you want to go  
5 on?

6 Q. Sure. I want to get your recollection not  
7 his.

8 A. Oh, right. My recollection would be that,  
9 you know, the rainy night and got him in the car,  
10 and of course he and Gene were better friends, Gene  
11 knew him better than I did. So, you know, him and  
12 Gene was a-talking and then Darrell got to saying,  
13 well, I don't want to talk about the murders and  
14 something similar into that deal.

15 Q. Okay. Well, let me stop you and go back  
16 to the circumstances of picking him up, all right?  
17 Did -- how did it happen that you and Gene Ray were  
18 out in the car that night together? I mean he's the  
19 chief, you're the detective. You wouldn't normally  
20 be patrolling or cruising around together, would  
21 you?

22 MS. EKL: Objection, form.

23 A. I have no idea why we were out that night  
24 together, but it wouldn't have been uncommon or it

1 had happened in the past, when I don't know, that we  
2 had all been keeping late night hours during the  
3 investigation, so I have no answer for that, why we  
4 were together that night.

5 Q. All right. Did you receive a tip of any  
6 kind that Darrell Herrington had information about  
7 the murders?

8 A. No, sir.

9 Q. So it's your testimony that when you  
10 encountered Darrell Herrington, you weren't looking  
11 for him. Is that fair to say?

12 A. Oh, no, sir.

13 Q. It's not fair to say?

14 A. Oh, yes, it's fair to say. Yeah, no, we  
15 weren't looking for him.

16 Q. All right. So what -- so how did you  
17 encounter him?

18 A. It was just, best of my recollection, we  
19 were just driving around and Darrell was -- well, he  
20 wasn't walking, he was wobbling down the street.

21 Q. Staggering?

22 A. Staggering. And Gene -- being that Gene  
23 knew him, he said stop and let's pick him up and  
24 take him home.

1 Q. All right. Had you done that in the past  
2 for Darrell Herrington on prior occasions, sometimes  
3 see him staggering, basically fall down drunk and  
4 pick him up and take him home?

5 A. I never have, no.

6 Q. Okay. Did you know that other detectives  
7 had done that or other police officers had done  
8 that?

9 A. I have no knowledge of that, no.

10 Q. So this is the first time you happened to  
11 do that; is that right?

12 A. Yes, sir.

13 Q. All right. And so you were driving or was  
14 Gene?

15 A. I don't recall.

16 Q. All right. And whose squad car were you  
17 in? Was it a squad car or unmarked car? Do you  
18 have unmarked cars in Paris?

19 A. Excuse me. Yes, sir, we did. I don't  
20 know -- I don't recall whether we was in my squad  
21 car and I don't remember if Gene had a squad car or  
22 back then if he drove back and forth to work or not,  
23 so I don't remember what kind of vehicle we were in.

24 Q. Now, when I see D1, D2, is that like

1 designating detective car 1 and detective car 2 on  
2 these logs?

3 A. Yes, sir.

4 Q. And would they be assigned on a daily  
5 basis or did you normally drive D2 and Wheat drive  
6 D1?

7 A. Yes, sir, that's correct. Wheat was D1  
8 and I was D2.

9 Q. Okay. And the chief, did he have his own  
10 car?

11 A. Like I just said, I don't recall.

12 Q. All right. So if you were driving, you  
13 would have been in D2; is that right?

14 A. That would have been correct, yes.

15 Q. And should there have been a log of your  
16 whereabouts on the 19th of September?

17 A. Not necessarily.

18 Q. All right. And why would that be?

19 A. Because I kind of came and went as I  
20 needed to or whatever the occasion arose, and I  
21 would be out working and -- and the dispatcher would  
22 not have any knowledge of what I was doing or where  
23 I was at.

24 Q. Would you -- did you -- after you picked



1 up Darrell, did you notify the dispatcher that you  
2 had picked him up?

3 A. I don't recall, but I doubt it.

4 Q. Okay. And so why was that that you didn't  
5 inform him that you had picked someone up?

6 A. I have no idea.

7 Q. Okay. So when you picked him up, was --  
8 what were the weather conditions?

9 A. Best of my recollection, it was raining.

10 Q. All right. Was that one of the reasons  
11 that the chief said that he should be picked up?

12 MS. EKL: Objection, foundation.

13 A. Yes, sir.

14 Q. All right. Now, you say that Darrell was  
15 staggering and stumbling; is that right?

16 A. Yes, sir.

17 Q. All right. Had you on prior occasions  
18 seen Darrell in a similar state to that?

19 A. Yes, sir, when I've arrested him.

20 Q. Okay. Did you ever -- so you knew that he  
21 was one of the town drunks. Is that fair to say?

22 A. Yes, sir.

23 Q. And you knew that he had a long history of  
24 drinking problems, right? In fact, going back to

1 the days when you came out of the service, he had a  
2 drinking problem, right?

3 MS. EKL: Objection, form, foundation.

4 A. That I don't know of because I didn't know  
5 Darrell -- know of Darrell probably until I got on  
6 the police department.

7 Q. But certainly from when you first got on  
8 the police department, you knew he was the town  
9 drunk or a town drunk and he had a serious drinking  
10 problem --

11 A. Yes, sir.

12 Q. -- right? Had you ever seen him having or  
13 did -- did anyone ever tell you that he had blackout  
14 problems, that when he drank sometimes he would  
15 black out?

16 A. No, sir.

17 Q. Did -- so, okay, you pick him up and what  
18 direction was he headed in?

19 A. I don't recall.

20 Q. All right. If any.

21 A. He may have been walking in circles, who  
22 knows.

23 Q. Really. But which direction -- what  
24 street were you on? Let's start out with that.

1 A. I don't recall that either.

2 Q. And did you see where he was coming from?

3 Was he coming from an alley, from a bar, do you

4 know?

5 A. I have no idea.

6 Q. Did Darrell have any habits in terms of

7 urinating in the alleys or anything like that?

8 MS. EKL: Objection, foundation.

9 A. I have no knowledge of that.

10 Q. Okay. So where did Darrell live at that

11 time?

12 A. South Central Street. I believe the

13 address was 1307.

14 Q. Okay. And what direction was that from

15 where you were?

16 A. I don't remember where I was at.

17 Q. All right. But was it your and the

18 chief's intention to take him home?

19 A. Yes, sir.

20 Q. Did you say South Central or North

21 Central?

22 A. I said South Central.

23 Q. Okay. So if, in fact, you were near,

24 somewhere near town, you would have to go in a

1 southerly direction to take him home?

2 A. Yes, sir.

3 Q. And without knowing exactly where you  
4 were, would you say it's pretty safe to say you were  
5 probably north of where he lived?

6 A. I would say that's safe to say, yes.

7 Q. All right. Now, September 19th, we're now  
8 into the third month of your investigation, right?

9 A. Yes, sir.

10 Q. And did you have any -- and you've said  
11 that you hadn't aggressively gone after the Morgan  
12 suspect lead, but you had gone after the Sexton  
13 lead, you had information about the Ashley Florida  
14 connection, and you had had some information about  
15 Steidl and Whitlock. Did you have any other leads  
16 or information -- and let me add one more. And you  
17 had the two people who made the threat that you're  
18 next. So you had had at least five different sets  
19 of leads or suspects prior to picking up Darrell.  
20 Is that fair to say?

21 A. Yes, sir.

22 Q. And would you say that any of those were  
23 open and -- or were -- other than the one that you  
24 closed that night with the prank conclusion and you

1 closed Sexton, so you've closed two leads, and then  
2 were the other three still open, that being  
3 Morgan/Burba, Ashley and the Florida, and Herb and  
4 Randy? Yeah, Herb and Randy.

5 A. Yes, sir. I guess all them leads would  
6 still be open leads, yes.

7 Q. All right. Did you have any other open  
8 leads?

9 A. We had other suspects during that time.  
10 What the time frame was to that, I don't know  
11 without going back through all the reports. We  
12 looked at a Harry Rothenburger.

13 Q. Was he open or had you ruled that one out?

14 A. We looked at Harry Rothenburger and we had  
15 ruled that one out.

16 Q. What was the basis of looking at him?

17 A. Seems, without looking at my reports and  
18 going through everything, I think he was kind of --  
19 we had heard that he might be called what you might  
20 call like a pervert, so I mean -- so we looked at  
21 him.

22 Q. Okay. Anyone else?

23 A. A Jeffrey Seebach, Seebrook.

24 Q. Seebach, yeah.

1           A.     Seebach, okay. Jack and I went to North  
2     Carolina or South Carolina and interviewed him.  
3     That lead didn't pan out. I mean that was a dead  
4     end lead again.

5           Q.     What was the basis of that lead?

6           A.     Something about a car that -- from the  
7     Paris area that had ended up out there and he was in  
8     there or something to that effect, and I don't know  
9     if that's all the facts of that or not either  
10    without going through everything. Was there any  
11    more? Oh, Phil Stark. Don't remember when that  
12    was. He was looked at. He was a guy that shot  
13    himself at the same time with two guns.

14          Q.     And lived to tell the tale?

15          A.     For a little bit.

16          Q.     But he killed himself?

17          A.     Yeah, one in the head and one in the  
18    chest. That lead we looked at up and down and that  
19    wasn't any -- there was no -- that one didn't go  
20    anywhere either. That's all I can think of that  
21    come to mind right now. If I think of some later,  
22    I'll --

23          Q.     Okay. And had you received information  
24    from someone at a gas station that someone had gone

1 and purchased a lot of gasoline in small containers?

2 A. Yes, sir.

3 Q. And did you also receive some information  
4 -- did you receive some descriptions from neighbors  
5 of people who had come and acted suspiciously at the  
6 Rhoads residence in the days and hours prior to the  
7 murders? Remember a Lisa Wheeler? Do you remember  
8 Lisa Wheeler? She had seen something that appeared  
9 to be that some kind of transaction happened on the  
10 steps. Do you remember that?

11 A. Yes, sir, I do now.

12 Q. Okay. And did you follow up that lead?

13 A. Yes, sir, we did.

14 Q. And she gave a description of a man with  
15 one leg shorter than the other, right? Do you  
16 remember that?

17 A. No.

18 Q. Or she saw he had a limp, he walked like  
19 he had one leg shorter than the other.

20 A. Without looking at my report, Lisa Wheeler  
21 I believe --

22 MR. TAYLOR: Am I confusing her with  
23 someone else?

24 MS. SUSLER: No, no.

1 MR. TAYLOR: I'm not.

2 A. Okay. I'd have to read the report to --

3 Q. Yeah.

4 A. I was thinking Lisa Wheeler was the one  
5 that lived across the street that was going to run  
6 away and she --

7 Q. Yes.

8 A. And she saw Karen slap a guy. I don't  
9 remember anything about the short leg.

10 Q. Did you have a set of pictures that you  
11 were showing to people when they said -- when they  
12 described someone, for instance, that had come to  
13 the house or at the Rhoads residence or had been  
14 seen lurking around the house or had -- or a gas  
15 station attendant had seen? Did you have any kind  
16 of pictures or sketches that you were showing? Were  
17 you doing any kind of lineup, picture lineup or  
18 showup or anything like that with pictures?

19 A. No, sir, we didn't have anybody to put in  
20 one of them.

21 Q. So you didn't have any kind of mug book or  
22 mug situation that you put pictures into?

23 A. No, sir, we didn't.

24 Q. Did you ever come to the conclusion that



1 Lisa Wheeler or anyone else was describing Jeb  
2 Ashley when they described the person who went to  
3 the door and that Karen or Dyke had interacted with?

4 A. Jeb Ashley's name never -- or nobody  
5 correlated Jeb Ashley's name with it, and for the  
6 record, to this very day, I've never seen Jeb  
7 Ashley.

8 Q. Okay.

9 A. I wouldn't know -- I wouldn't know him if  
10 he walked in the room.

11 Q. Did you have some pictures, access to  
12 pictures in the police department? If someone had  
13 been arrested, you could get their picture, right?

14 A. The county jail had the mug shots, mug  
15 pictures, because when we lock people up, we had to  
16 take them down to the county and process them, and  
17 so the mug books would have been at the county jail.

18 Q. Did you ever go to anyone and have their  
19 picture -- ask to have -- that they have their  
20 picture taken so that you could use it to show some  
21 potential witnesses in the case for identification  
22 purposes?

23 A. I don't recall that.

24 Q. Well, did you know whether you -- did you

1 have access to pictures of Randy Steidl and Herb  
2 Whitlock?

3 A. We had access because they had been  
4 arrested, yes.

5 Q. Did you -- did you show anyone or did  
6 anyone in the investigation to your knowledge show  
7 either Herb or Randy's picture to anyone who had  
8 said that they had seen people around the time of  
9 the incident or previously interacting with the  
10 Rhoadses at their house?

11 A. Not to my knowledge.

12 Q. Okay. And did you show any pictures to  
13 any gas station attendants around town to try to  
14 identify who, in fact, might have purchased the gas  
15 in the small containers?

16 A. No, sir, we didn't.

17 Q. Well, you had had three fires around --  
18 within a 24 hour period, right, including a fire  
19 that was connected to the murders, right?

20 A. Yes, sir.

21 Q. So any information you could get about  
22 gasoline being purchased in a suspicious manner  
23 would be something that would be relevant not only  
24 -- and you connected the three fires, so obviously

1 gas was -- the purchase of gas in a suspicious way  
2 was an important lead, right?

3 MS. EKL: Objection, form.

4 A. Yes, sir.

5 Q. And so you were attempting to obtain any  
6 identification you could of anyone who would be  
7 connected to purchase of gasoline in a suspicious  
8 manner; is that right?

9 A. Yes, sir.

10 Q. But yet you didn't show the gas station  
11 attendant any pictures. Is that fair to say?

12 A. Not to my recollection or knowledge, no.

13 Q. Now, you mentioned earlier that the Boards  
14 were someone that you knew, right?

15 A. Yes, sir.

16 Q. And did you have any information that any  
17 of the Boards brothers were involved in any way?

18 A. No, sir, we didn't.

19 Q. So you did have access to at least one of  
20 the Board brothers' pictures, right? One of them  
21 had been arrested and convicted, right?

22 A. Yes, sir.

23 Q. That's Jerry?

24 A. Jerry I believe so, and I don't know if

1 Ernie would have been arrested by then or -- I don't  
2 remember the time line on Ernie.

3 Q. Okay. But if Ernie had been arrested,  
4 you'd have access to his picture as well?

5 A. Oh, yes, sir, we would have.

6 Q. And had Jeb Ashley been arrested?

7 A. Sir, I don't know.

8 Q. All right. But you say you've never seen  
9 Jeb Ashley. Were you informed that Jeb Ashley  
10 walked with a limp?

11 A. No, sir.

12 Q. All right.

13 A. Not to my recollection, no.

14 Q. All right. So you made no connection with  
15 any information you got from Lisa Wheeler or anyone  
16 else between anyone who was interacting with Dyke or  
17 Karen in a suspicious way prior to the murders and  
18 Jeb Ashley. Is that fair to say?

19 A. Could you repeat that?

20 MR. TAYLOR: Could you read it back? I  
21 may not be able to ask it again.

22 (Requested portion of the deposition was  
23 read by the court reporter.)

24 MS. EKL: Objection, form.

1           A.    Now, this is what she said or after we did  
2   the composite drawing?

3           Q.    Okay.  So you did a composite drawing of  
4   the information she gave you?

5           A.    I -- yes, sir.  Best of my knowledge we  
6   did.

7           Q.    Okay.  And was this a composite drawing of  
8   how she described the person that interacted with  
9   Karen or Dyke?

10          A.    Yes, sir.

11          Q.    And did you do any attempt to -- did you  
12   try to match the sketch that she gave you with any  
13   suspects in the -- in the case?

14          A.    It resembled -- the composite drawing  
15   resembled -- it was either Herbie or Randy.

16          Q.    All right.  And did you record that  
17   somewhere?

18          A.    I don't know if it's in some of the  
19   reports or not.

20          Q.    All right.  Now, I'm looking at Eckerty's  
21   report.  It's page 00011.  It says on 7/11/86 at  
22   5:30 p.m.  Detective Parrish interviewed Lisa Wheeler  
23   in reference to Lisa seeing a male subject at the  
24   Rhoads residence on 5/24/86 talking with Karen

1 Rhoads.

2 MS. EKL: Can you wait a second until we  
3 get there? This is on what page?

4 MR. TAYLOR: This is on page 00011.

5 MS. EKL: This is a page out of Eckerty's  
6 report, so it's Steidl 12218.

7 MR. TAYLOR: Yes.

8 BY MR. TAYLOR:

9 Q. Do you see that entry, 7/11?

10 A. 7/11 entry?

11 Q. Yes. And it says that Gary Otey of the  
12 Illinois Division of Criminal Investigation arrived  
13 at the Paris Police Department and met with Lisa  
14 Wheeler and he's a police artist, and a composite  
15 was drawn for two subjects that Wheeler had seen at  
16 the Rhoads residence on 5/24/86. For complete  
17 details of the two subjects, see Detective Parrish's  
18 report. So the composite was drawn; is that right?

19 A. Yes, sir, according to that report.

20 Q. And you were involved in that, right?

21 A. Yes, sir.

22 Q. All right. And let's take a look at your  
23 report which is referenced in terms of Lisa  
24 Wheeler's information. And this should be before

1 the 11th, right, on or before the 11th?

2 MS. EKL: It's page 11, 12 and 13.

3 Q. Okay. Have you had an occasion to review  
4 your report with regard to the Lisa Wheeler  
5 information?

6 A. Not in any depth, sir.

7 MR. TAYLOR: Did you say 11?

8 MS. EKL: 11, 12 and 13, yes.

9 MR. TAYLOR: Okay.

10 BY MR. TAYLOR:

11 Q. Okay. So it's you and Wheat interviewed  
12 Lisa Wheeler, right?

13 A. Yes, sir, we did.

14 Q. All right. And this is when she says she  
15 was preparing to run away and she saw someone knock  
16 on the door and someone who had long hair and a  
17 moustache, and that she came to the door and that  
18 the subject was yelling at Karen wanting to talk to  
19 her, and goes on in some detail about the  
20 confrontation that Karen had with the people -- the  
21 person at the door, right?

22 A. Yes, sir.

23 Q. And then she recounts a second incident  
24 when Dyke was there and -- is that right? On the

1 next page.

2 A. Yes, sir.

3 Q. And it appeared to be that there was an  
4 exchange of money from Dyke and a package was given  
5 to Dyke; is that right? If you look down towards  
6 the end.

7 A. Okay.

8 Q. Okay?

9 A. Yeah, I'm with you now.

10 Q. You with me?

11 A. Yes, sir.

12 Q. All right. And so the second incident  
13 appeared to be a drug transaction of some nature,  
14 right?

15 A. I -- I have no idea what it was.

16 Q. Well, it was a package exchanged for some  
17 money, that's what it looked like to Wheeler from  
18 across the street, right?

19 A. Yeah, but it says in a small pizza box  
20 too.

21 Q. Okay. Could have been a pizza, it could  
22 have been something else.

23 A. Could have been.

24 Q. But in any event, she gave a detailed



1 description of both men that goes on from the bottom  
2 of one page all the way into page 13, right? Of  
3 both subjects she gives a description, right?

4 A. Yes, sir.

5 Q. Now, if you look in the middle of the  
6 paragraph on page 13, it says Lisa believes the left  
7 leg was a short leg on the subject and he was very  
8 clean shaven, and it says right above that, she said  
9 he walked as if one leg was longer than the other.  
10 Do you see that?

11 A. I see that.

12 Q. So that would indicate, would it not, that  
13 he had some kind of limp or gait that was unusual in  
14 terms of how he walked, right?

15 A. Yes, sir.

16 Q. And were you familiar with fact that Jeb  
17 Ashley had that kind of walk?

18 MS. EKL: Objection, asked and answered.

19 Q. That he limped?

20 A. I have no idea, sir.

21 Q. All right. But in any event, you're  
22 saying now that she did a composite after this long  
23 interview that you and Wheat did with her and that  
24 you're saying that one of the subjects that she drew

1 -- that she described in the composite looked to you  
2 like either Randy or Herb?

3 A. It was similar.

4 Q. And do you know which of the two it was?

5 A. I -- I don't remember at this time.

6 Q. All right. And you didn't write it down,  
7 right? It's not in this report.

8 A. No, it's not.

9 Q. And it's not in Eckerty's report either,  
10 is it?

11 A. No, sir, it's not.

12 Q. And it looks like he -- that that's an  
13 important bit of information that's missing from  
14 both your reports, isn't it?

15 A. Well, Eckerty's report says for complete  
16 details on the two subjects --

17 Q. Go to your report.

18 A. I am, I am, but my report was before  
19 Eckerty's.

20 Q. Right. But you never made a subsequent  
21 entry or a subsequent report or any kind of notation  
22 of the conclusion that you have told us now that you  
23 made that one of the two composites looked like  
24 either Herb or Randy, right?

1 A. You're right.

2 Q. And that's a significant conclusion, isn't  
3 it?

4 A. I guess so, yes.

5 Q. Well --

6 A. It's not in here, we didn't put it in  
7 here, so --

8 Q. Okay. Can you tell me, there's a  
9 description of the first man who has the full  
10 moustache, light-complected, grease or dirt, and the  
11 second subject is the one that's taller, six inches  
12 taller than Dyke, very broad shoulders, average  
13 weight, was dressed in a suit and tie, straight  
14 black hair, very neat, short, and that's the one  
15 that walked with a limp. Which of the two subjects  
16 did you conclude looked like either Herb or Randy?

17 MS. EKL: Objection, form, foundation.

18 A. Sitting here right now, I don't remember  
19 which one at the time had a moustache.

20 Q. All right. Well, do you remember -- okay,  
21 my question is not now? Are you -- which one of  
22 them meaning which one of the composite drawings or  
23 which one, Herb or Randy?

24 A. I don't -- Herb or Randy. The composite

1 drawings I don't remember.

2 Q. What I'm asking you now is which one of  
3 the composites did you think looked like either  
4 Randy or Herb?

5 A. I said I don't recall.

6 Q. You don't know. So you don't know whether  
7 it's the one with long hair or the one with short  
8 hair.

9 MS. EKL: Objection to -- objection, form.

10 A. I just don't recall.

11 Q. And you don't know whether it's the one  
12 that walked with a limp or the other one?

13 MS. EKL: Objection form.

14 A. I don't recall.

15 MS. EKL: Foundation.

16 Q. And you don't know as described by Lisa  
17 Wheeler whether it's the one that had a full  
18 moustache or the one that was wearing a dark suit  
19 and tie.

20 A. Don't recall.

21 Q. Okay. As you sit here now, do you  
22 remember whether either Whitlock or Steidl had very  
23 long hair?

24 A. No, sir, I do not.

1 Q. Do you remember whether either Steidl or  
2 Whitlock at that time had a moustache?

3 A. No, I don't remember.

4 Q. But when you drew this conclusion that one  
5 of the composites looked like one of the two people  
6 that you had brought down to the station a couple of  
7 days before, did you share that conclusion with  
8 Eckerty, Ray and McFatridge?

9 MS. EKL: Objection, foundation.

10 A. I'm sure I did.

11 Q. All right. And did they concur in your  
12 conclusion?

13 MR. MANCINI: Objection, form.

14 A. I don't recall.

15 Q. Was it a joint conclusion that all four of  
16 you made?

17 MR. MANCINI: Objection as to form.

18 A. I don't recall.

19 Q. Did you make the conclusion with the aid  
20 of pictures you had of Herb and Randy that you got  
21 from the jail?

22 MR. MANCINI: Objection, form.

23 MS. EKL: Objection.

24 Q. Or was it based on having seen them two

1 days before?

2 MS. EKL: Objection, form and foundation.

3 A. I just don't recall.

4 Q. But I would take it that now that you have  
5 some prior interaction of a suspicious nature by two  
6 individuals with the victims, that that would be  
7 additional information that would inform you and  
8 strengthen your view that Whitlock and Steidl might  
9 have been involved in the case, right?

10 A. They could have been.

11 Q. All right. So now I had asked you earlier  
12 whether you had any additional information after you  
13 brought them in and before you picked up Herrington,  
14 and you had said you didn't remember any, but this,  
15 in fact, is some additional information that you  
16 developed after -- after Herb and Randy were brought  
17 in that supported a view that they might be involved  
18 in the case, right?

19 A. Yes, sir.

20 Q. All right. Anything else you can now  
21 remember that pointed to Herb and Randy additional  
22 to what you had on the 9th of July other than this  
23 connection between the composite and one of them?

24 A. No, sir, I don't.

1 Q. All right. Now, going back to Herrington  
2 and the leads you had, we've gone through several of  
3 them. Some were fresh, some were rejected. Would  
4 it be fair to say when you picked up Darrell that  
5 there wasn't a lot of -- there wasn't -- that the  
6 investigation kind of hit a -- was kind of in  
7 neutral in the sense that you weren't developing any  
8 really strong new information that was helping you  
9 to determine who committed these crimes?

10 A. I guess you might say that, yes.

11 Q. Okay. That most of your leads were either  
12 dead ends or you didn't have enough new fresh  
13 information to keep you moving in one direction or  
14 another, right?

15 MS. EKL: Objection, form.

16 A. Right.

17 Q. And that was the case with -- particularly  
18 with Randy and Herb. You had brought them in  
19 hopeful that they would either confess or give you  
20 information about knowledge of the crimes, and you  
21 didn't -- and you got zero from both of them, right?

22 A. Yes, sir.

23 Q. And you really had nothing other than some  
24 kind of conclusion that you didn't write down that

1 one of them might have been by the Rhoads residence  
2 a month or so before, right?

3 A. Or somebody that resembled them, yes.

4 Q. Okay. So you picked up the town drunk  
5 Darrell in a rainstorm and this is -- what time of  
6 night is this? Is this real late at night?

7 A. Sir, I have no idea. I'm only assuming it  
8 was after the bars closed.

9 Q. Okay. And the bars closed when in -- on  
10 Friday nights in Paris?

11 A. Midnight.

12 Q. Okay. So you can assume pretty easily  
13 that Darrell had staggered out of a bar after  
14 closing it down and was trying -- was headed  
15 somewhere, and out of some compassion that Ray had,  
16 knowing Darrell better than you did, decided to give  
17 him a ride home in the rainstorm, right?

18 A. Yes, sir.

19 Q. Now, had you and Ray been talking about  
20 the fact that you were into the third month of this  
21 investigation and were kind of stymied here?  
22 There's a lot of heat on us to get this sensational  
23 murder resolved and what are we going to do?

24 A. No, I don't remember -- recall any



1 conversation like that.

2 Q. Well, were you thinking that at all or  
3 what's our next move here? There's a lot of heat on  
4 us and we really don't have much to work with.

5 MS. EKL: Objection, form.

6 A. Heat? I don't know what you're  
7 insinuating as heat.

8 Q. All right. A lot of pressure let's say, a  
9 lot of public opinion out there that this case  
10 needed to be solved, that there was two very nice  
11 young -- a very nice young couple and they had been  
12 murdered very viciously and fires set to try to  
13 cover it up apparently, and just didn't have anyone  
14 you could charge.

15 A. Sure, there was pressure. You know, we --  
16 people wanting to know who did it. Paris, Illinois,  
17 is a small town, and that's -- you know, that's the  
18 talk of the town. Everybody is wanting to know who  
19 did it and was it random. Was there somebody just  
20 going through or was it targeted maybe? I don't  
21 know if that's the proper word to say but --

22 Q. Was this more or less a hit you mean and  
23 it was something connected to --

24 A. Yes, I guess you could say something like

1 that.

2 Q. So a lot of people were nervous in the  
3 town that this killer appeared -- or killers was  
4 still loose, right?

5 MS. EKL: Objection, foundation.

6 A. Absolutely.

7 Q. And there was a lot of talk around town  
8 and still there was talk floating around about this  
9 reward even though Morgan hadn't -- hadn't been  
10 talking it up after you told him not to, right?

11 MS. EKL: Objection, form, foundation.

12 A. As far as my knowledge or memory, we never  
13 heard any more about the reward. Now, if they were  
14 talking about it amongst themselves, we had no  
15 knowledge of that.

16 Q. But would I -- would it be fair to say  
17 that among the topics of your meetings that you were  
18 having with the rest of the investigative team that  
19 included McFatridge and Ray, yourself and Eckerty as  
20 the leaders of that group, that there was a concern  
21 that you all had that this case needed to be solved  
22 if possible?

23 A. Yes, sir.

24 Q. And would it be fair to say if you're

1 riding around on a Friday night with the chief, that  
2 you -- the topic of this case and the inability to  
3 -- and the frustration that came from being unable  
4 to solve it was a topic of discussion?

5 A. Very possible it was, yes.

6 Q. And so then all of a sudden Darrell  
7 Herrington appears, right?

8 A. Yeah, I guess so.

9 Q. And you pick him up and are you -- do you  
10 and Ray continue your conversation while you've got  
11 him in the back seat?

12 MS. EKL: Objection, form.

13 Q. Are you engaged in a conversation with  
14 him?

15 A. I don't recall.

16 Q. All right. Is it likely that you were  
17 talking about some aspect of the case when you  
18 picked up Darrell?

19 MS. EKL: Objection, form, calls for  
20 speculation.

21 A. I don't recall, but it could be possible.

22 Q. Okay. So he gets in your car and you're  
23 going to take him south to his house, right?

24 A. Yes, sir.

1 Q. All right. But you then start to talk  
2 about the murder with him, right?

3 A. Not to my knowledge. He's the one that  
4 brought it up.

5 Q. All right. So it's your testimony that  
6 Darrell out of the blue brings up the murders or is  
7 it because you're already talking about them, you  
8 and Ray?

9 MS. EKL: Objection, form.

10 A. My recollection, he brought it up.

11 Q. So are you talking about something else,  
12 baseball or something, and Darrell just out of the  
13 blue brings up the murders?

14 MS. EKL: Objection, form.

15 A. Yes, similar to Reinbolt.

16 Q. All right. We'll get to Reinbolt later.

17 A. Okay.

18 Q. This is a remarkable coincidence, right?  
19 You have no leads that are fresh other than the Tom,  
20 Dick and Harry lead of Morgan and perhaps Randy and  
21 Herb. You're looking for evidence, you're riding  
22 around with the chief on a Friday night, and Darrell  
23 Herrington says to you don't ask me about the  
24 murders.

1 MS. EKL: Objection, form.

2 Q. Right?

3 A. That's about it, yes, sir.

4 Q. Did it seem odd to you that he said that?

5 A. I didn't know what to think.

6 Q. Did you and Ray exchange glances or say  
7 anything to each other, what do we do now, or how  
8 did you communicate, if you did, given that this --  
9 the town drunk had staggered into your car and said  
10 don't ask me about these sensational murders?

11 MS. EKL: Objection, form, foundation.

12 A. I'm sure there was eye contact between  
13 Gene and I, and from what I can remember, Gene had a  
14 very short conversation with Darrell in the car.

15 Q. And what was the nature of that  
16 conversation?

17 A. About what the hell you talking about?

18 Q. And when he, Gene, said what the hell are  
19 you talking about, what did Darrell say?

20 A. Don't ask me anything about the murders,  
21 something. I don't recall exactly what words were  
22 said.

23 Q. Well, did he say -- so he said it twice.  
24 He said don't ask me about the murders, Gene said

1 what the hell you talking about, and Darrell  
2 repeated don't ask me about the murders?

3 A. I don't recall what was exactly -- how  
4 many times it was said or nothing else like that. I  
5 don't have any idea.

6 Q. Did you say anything in the car?

7 A. I don't imagine I did because Gene and  
8 Darrell were the friends.

9 Q. The friends. And they're the ones that  
10 spent the time together at the Bon Ton, right?

11 MS. EKL: Objection, foundation.

12 A. Yes.

13 Q. Gene was going to work and Darrell was  
14 coming home from the bars, right?

15 A. No comment.

16 Q. I'm not going to make you answer that  
17 question.

18 A. Thank you.

19 Q. So did you alter the route that you were  
20 taking to take Darrell home when Darrell blurted  
21 out, according to you and Gene, don't ask me about  
22 the murders?

23 A. Yes, sir.

24 Q. What did you do?

1           A.    Well, I remember -- what I recall, we  
2           turned around and went back to the police  
3           department.

4           Q.    All right.  And were you fairly close to  
5           the department when you turned around?

6           A.    Like I said, I don't remember where we was  
7           at to start with, so I don't know.

8           Q.    All right.

9           A.    We were in Paris, Illinois.

10          Q.    Okay.  So it's -- how long did it take you  
11          to get back to the police station?

12          A.    I don't know because I don't remember  
13          where we were at.

14          Q.    Okay.  So you have no independent memory  
15          of how long it took?

16          A.    No, sir.

17          Q.    During that trip back to the police  
18          station, however long it took, did you have any kind  
19          of substantive conversation with Darrell beyond the  
20          initial statement by him not to ask him about the  
21          murders?

22          A.    Not that I recall.

23          Q.    But you say Gene talked to him a little  
24          bit more.

1 A. Don't recall that either.

2 Q. By the time you get to the Paris police  
3 station, did you have any substantive information  
4 from Darrell beyond a statement that he didn't want  
5 to talk about the murders?

6 A. Not that I recall.

7 Q. Did you say to Darrell, okay, we're taking  
8 you down to the station to talk about these murders  
9 you don't want to talk about?

10 A. That could very possibly have been --  
11 happened, yes.

12 Q. And so at that point you actually had  
13 converted him from just getting a Good Samaritan  
14 ride home into someone who's going to be questioned  
15 at the police station at midnight --

16 MS. EKL: Objection.

17 Q. -- or so, right?

18 MS. EKL: Objection, form.

19 A. Yes, sir.

20 Q. Did you ask him in any way for his  
21 consent, if he could give it in the state he was in,  
22 to be taken to the police station and be questioned  
23 by the chief and the lead detective in the murder  
24 case?



1 A. Don't remember any consent or anything.

2 Q. All right. So you were the cops and he  
3 was the drunk and you took him downtown, right?

4 MS. EKL: Objection, form.

5 Q. Is that a fair thing to say?

6 A. Fair to say, yes, sir.

7 Q. All right. Now, did you report in after  
8 you decided to take him to the station? Now you've  
9 got someone you're going to question, you're not  
10 taking somebody home, it's not something that maybe  
11 you're not -- you know, you're not going to bother  
12 to tell the dispatcher, but now you've got some  
13 official business, we're going to bring a guy in and  
14 talk to him about these murders. Did you call in  
15 the dispatcher and say D1, 10 whatever, on our way  
16 back to the station with a witness or suspect or  
17 something like that?

18 A. Not that I recall.

19 Q. All right. Now, at this point you didn't  
20 know -- he said don't ask me about the murders. You  
21 didn't know whether he had some kind of thirdhand  
22 information or whether he was actually one of the  
23 people who killed the people, right?

24 A. Absolutely right.

1 Q. And did you give him any kind of warnings  
2 or tell him maybe he should contact a lawyer or give  
3 him his -- anything like that when you brought him  
4 in?

5 A. We didn't give him any Miranda warning,  
6 no.

7 Q. Looking back at it, do you think it was  
8 something you should have done?

9 MS. EKL: Objection, form, calls for  
10 speculation.

11 A. No, sir.

12 Q. All right. So you bring Darrell down to  
13 the station, you go -- where do you bring him in?  
14 Do you bring him in the front door or the back door?  
15 How many doors are there? I'm assuming there's two  
16 doors.

17 A. Two doors, a front door and back door, and  
18 he would have been brought in the back door.

19 Q. All right. And is there a parking lot to  
20 the police station?

21 A. Yes, sir.

22 Q. And where is that? Is that in the back or  
23 the front or the side?

24 A. Side and back.

1 Q. Okay. And is there any particular reason  
2 why you brought him in the back rather than the  
3 front?

4 A. We go back to the Paris deal, small town,  
5 small department. If you bring somebody through the  
6 front door, then everybody knows.

7 Q. All right. But I take it you wanted some  
8 kind of official record that you had picked him up  
9 and brought him to the station which some kind of  
10 indication to the dispatcher or note in the log  
11 would verify, right?

12 MS. EKL: Objection, form.

13 A. Not -- not necessarily.

14 Q. All right. So you bring him in the back  
15 door and that's where the detective room is, right,  
16 where your office is, right?

17 A. It was at the back of the -- yes, by the  
18 back door.

19 Q. Now, when you made the decision to come  
20 back to the station, did you get ahold of Eckerty?

21 A. Oh, no, sir.

22 Q. All right. Now, did Eckerty during that  
23 period of time, was -- did he have a place where he  
24 stayed in Paris?

1 A. No, sir, Jack lived in Oakland.

2 Q. And how far is Oakland from Paris?

3 A. 12, 15 -- 17, 18 mile.

4 Q. Okay. So he could get to Paris within 20,  
5 30 minutes if you called him, right?

6 A. Yes, sir.

7 Q. But on your way back to the station, you  
8 didn't call him, right?

9 A. No. No, sir.

10 Q. All right. When you got to the station,  
11 did you call him?

12 A. No, sir.

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [SUBJECT TO PROTECTIVE ORDER]

1 Q. Well, I noticed from these reports that  
2 she was also typing up his reports at the same time,  
3 right?

4 A. Well, she worked for the State's Attorney.

5 Q. Uh-huh.

6 A. And she typed some of mine I'm sure too.

7 Q. Okay. Because that's -- that's the same  
8 Phillippi, Phillippi -- it's P-H-I-L-L-I-P-P-I,  
9 right?

10 A. Yes, sir.

11 Q. And the first name is Frieda?

12 A. Faye.

13 Q. Faye. So that's -- when it says typed by  
14 F. Phillippi, that's her, right?

15 A. That's correct.

16 Q. Okay. So you bring Darrell in. Where did  
17 you take him when you brought him into the station?

18 A. Took him into the interrogation room.

19 Q. All right. And what is the interrogation  
20 room in relation to the detective's office?

21 A. Our office would have been the first one  
22 in the door, then you had the vault, and then the  
23 next door would have been the interrogation room.

24 Q. Okay. And did you have more than one

1       interrogation room or just one?

2           A.    One, sir.

3           Q.    Okay.  And was this a room like with a  
4       bench and handcuffs, that kind of thing?

5           A.    No.

6           Q.    What was in this particular room?

7           A.    Table and a couple of chairs.

8           Q.    All right.  Was there -- would you  
9       sometimes bring people who were in custody into that  
10      room to question them?

11          A.    Yes, sir.

12          Q.    All right.  And if they were under arrest,  
13      would they sometimes be handcuffed when you  
14      questioned them?

15          A.    No.  Our policy was if they brought them  
16      in, the handcuffs were taken off before they were  
17      questioned.

18          Q.    Okay.

19          A.    Unless, unless they were violent.

20          Q.    All right.  Now, Ray has testified that he  
21      normally and then that night was armed.  Were you  
22      armed?

23          A.    I don't recall because lots of times I  
24      didn't carry a weapon.

1 Q. All right. When you carried a weapon,  
2 where did you normally carry it?

3 A. It was on my side.

4 Q. Okay. So in a holster?

5 A. Oh, yes, sir.

6 Q. All right. And if -- do you remember  
7 whether you were armed that night?

8 A. I don't recall. I have no idea.

9 Q. But you were on duty?

10 A. Yes, sir.

11 Q. Okay. Was there anybody else at the  
12 station when you came in a little after midnight or  
13 around that time period?

14 A. The only person I could say for sure would  
15 have been the radio clerk that sat up front.

16 Q. All right. Did you let that -- was that a  
17 woman or a man?

18 A. We had both and I don't know.

19 Q. All right. Who -- at that particular  
20 time, who would have been the radio clerks, I mean  
21 even if you don't remember which one was there?

22 A. I -- I couldn't even answer that  
23 truthfully. I don't know.

24 Q. All right. Would that be reflected on

1 some kind of log or something?

2 A. It could be, yeah. Yeah, the daily log,  
3 if you got a copy of that, that would show who was  
4 working the clerk, being the clerk.

5 Q. Okay. Did you let that -- even though you  
6 came in the back, did you let the person up front  
7 know, hey, we're here, this is where -- we're on  
8 some business back here?

9 A. I don't recall.

10 Q. Okay. When you brought him into the  
11 interrogation room, you -- I take it you and Ray and  
12 he went in together.

13 A. Yes, sir.

14 Q. All right. At that point, did you give  
15 him any kind of warnings?

16 A. No, sir.

17 Q. All right. How did you initiate the  
18 interrogation of Darrell, Darrell Herrington?

19 MS. EKL: Objection to form.

20 A. We just started asking what are you  
21 talking about the murders and just started  
22 questioning him and letting him talk and see what he  
23 had to say.

24 Q. All right. Now, at this point he is



1 coming off of hours and hours of drinking, right?

2 It's the end of the night and he's hit the last bar,  
3 he's probably as tanked as he's going to be for a  
4 while, right?

5 MS. EKL: Objection, foundation.

6 A. Yes.

7 Q. All right. And so when you are  
8 questioning him, you're questioning someone who's  
9 really in a very diminished state, right, in terms  
10 of his -- his faculties and also in terms of his  
11 ability to make intelligent decisions, right?

12 A. Yes, sir.

13 Q. And did he appear to you to be coherent  
14 when you -- in any way when you were talking to him  
15 that night?

16 A. Yeah, he seemed to be coherent what I  
17 remember.

18 Q. All right. Now, who was taking the notes  
19 when you started to question him? You or Ray?

20 MS. EKL: Objection, form, assumes facts  
21 not in evidence.

22 A. There were no notes taken.

23 Q. And was that a conscious decision made by  
24 you and Ray?

1           A.    I don't know if it was a decision made by  
2 both of us.  It was my decision not to make -- take  
3 any notes that night.

4           Q.    All right.  And Ray wasn't a detective, so  
5 it wouldn't be his normal practice to take notes  
6 because he's the chief, right?

7           A.    Right.

8           Q.    So if someone's going to take notes, it  
9 would be you?

10          A.    Be me, yes, sir.

11          Q.    Yet you decided not to take notes, right?

12          A.    Yes, sir.

13          Q.    And this turned out to be a witness who in  
14 your view was significant enough to be one of the  
15 two witnesses against Herb, ultimately turned out to  
16 be one of the two witnesses against Herb and Randy  
17 that sent one of them to death row and the other one  
18 to life in prison, right?

19          A.    Yes, sir.

20                MS. EKL:  Objection, form, foundation.

21          A.    Yes, sir.

22          Q.    And yet you didn't take any notes?

23          A.    I did not.

24          Q.    And Ray didn't either.

1 A. No, sir.

2 Q. So you start asking him what do you mean  
3 you don't want to talk about the murders, right?

4 A. Something to that similar effect, yes.

5 Q. Now, are you questioning him because  
6 you're the experienced detective or is Ray  
7 questioning him because he's the friend of Darrell?

8 MS. EKL: Objection, form.

9 A. I don't remember which one of us would  
10 have been asking the questions to him.

11 Q. Okay. Or was it both of you?

12 A. Very possible could have been both of us.

13 Q. Okay. Now, you're familiar with the old  
14 Mutt and Jeff routine, right, in terms of  
15 detectives?

16 MS. EKL: Objection, form.

17 A. Yes, sir.

18 Q. Have you used that technique in your  
19 experience as a police officer and detective?

20 A. Yes, sir, it was part of our training to.

21 Q. To do that?

22 A. Yes, sir.

23 Q. And Mutt and Jeff means that one guy is  
24 kind of the hard-ass and the other one comes in and

1 says I'll save you from the bad guy, right?

2 A. Yes, sir.

3 Q. All right. And I would take it, generally  
4 speaking, between you and Gene Ray, knowing both of  
5 you, probably you would be the hard-ass and he would  
6 be the good guy?

7 MS. EKL: Objection, form, foundation.

8 Q. Particularly since he's the friend of  
9 Darrell, right?

10 MS. EKL: Objection, form, foundation.  
11 Assumes facts not in evidence.

12 Q. Is that fair to say?

13 A. Yes, sir, but not that incident because we  
14 were just obtaining information so we weren't  
15 interrogating, so the Mutt and Jeff routine wouldn't  
16 have even come into effect at that time.

17 MR. TAYLOR: Let's take a short break, you  
18 guys.

19 MR. RAUB: It's about ten to noon.

20 MS. EKL: What do you want to do about  
21 lunch?

22 MR. TAYLOR: I don't know.

23 MS. SUSLER: If you're going to walk out  
24 at 5:00, I mean we're not going to take an hour.

1 MS. EKL: That's fine.

2 MR. TAYLOR: Well, that's -- I'm not --  
3 we'll take a lunch for whatever length we decide to  
4 take it at probably around one o'clock.

5 MR. RAUB: Okay, that's good.

6 (Recess at 11:47 a.m. to 11:55 a.m.)

7 BY MR. TAYLOR:

8 Q. Now, after you brought Darrell into the  
9 interrogation room and you and Gene Ray started  
10 questioning him, did you give him an opportunity to  
11 call Betty or call home or let anybody know where he  
12 was or what was up?

13 A. That never came up to my recollection, no.

14 Q. And you didn't -- neither of you guys  
15 called Betty, right?

16 A. No, sir.

17 Q. All right. So you launch into questioning  
18 him and tell me how you started out. What were the  
19 first couple of questions you asked him?

20 A. I don't recall what the first couple of  
21 questions was asked specifically. Just what he was  
22 talking about with the comments that he made, don't  
23 ask me about the murders.

24 Q. All right.

1 MS. EKL: I'm sorry. Real quick,  
2 whoever's on the phone, can you put your phone on  
3 mute please? We can hear some background noise.  
4 Okay.

5 Q. But whatever the questions were, they were  
6 focussed on what do you mean don't ask me about the  
7 murders, right?

8 A. Yes, sir.

9 Q. And what did he say when you said what do  
10 you mean don't ask me about the murders? What did  
11 he say?

12 A. He was just rambling on. I guess the gist  
13 of it, he was talking about being there and knew --  
14 knowing who did it and was giving us, I guess, some  
15 details of what was -- what we already knew.

16 Q. All right. What was he telling you that  
17 you already knew?

18 A. Oh, he was telling us about the fire  
19 inside the house, and specifically what he told us  
20 that night I don't have any recall. I know it was  
21 information that was good enough to get our  
22 attention that Darrell was either there or had part  
23 of it or something, he had involvement in it.

24 Q. Got your attention.

1 A. Yes, sir.

2 Q. Made you think that he was either there or  
3 had some involvement in it.

4 A. Yes, sir.

5 Q. Okay. So if he had some involvement in it  
6 or was there, then he was a sure enough suspect,  
7 right?

8 A. At that time, yes, we --

9 Q. Did you give him his warnings at any time  
10 that night?

11 A. No, sir, not at that time.

12 Q. Did you let him call a lawyer at any time  
13 that night?

14 A. He never asked to call one. I mean the  
15 phone was there. He could have used it if he wanted  
16 to.

17 Q. Well, let me ask you, you had a guy who  
18 was drunk, you had two people interrogating him,  
19 he's telling you things that makes you think that he  
20 was either involved in this case or certainly was  
21 present. His will power has to be compromised, his  
22 capacity to make decisions has to be compromised,  
23 and you're not giving him his warnings --

24 MS. EKL: Objection, form, foundation.

1 Q. -- in a double murder?

2 MS. EKL: Objection, form, foundation.

3 A. We're just gathering information.

4 Q. You're just gathering information from a  
5 guy who you think may be involved in the most  
6 sensational double murder in the history of Paris,  
7 right?

8 MS. EKL: Objection, form.

9 A. Yes, sir.

10 Q. And you're not taking notes either, right?

11 A. No, sir.

12 Q. So when you tell me you don't have much of  
13 a recollection, we can't look at an official report  
14 to see what he said, right?

15 A. No, you can't.

16 Q. He could have said the man on the moon and  
17 his mother-in-law committed the crime and we'd have  
18 no documentation of it, would we?

19 MS. EKL: Objection, form.

20 A. No, you wouldn't.

21 Q. And, in fact, during -- now, you  
22 questioned him for several hours on into the early  
23 morning, right?

24 A. I have no -- I don't know how long the



1 interview lasted.

2 Q. Well, according to Gene Ray, it lasted  
3 until about 5:00 a.m., right?

4 A. I don't recall.

5 Q. Well, does that sound about right?

6 A. It could have been, yes.

7 Q. We don't have any documentation though,  
8 right?

9 A. No, you don't.

10 Q. Now -- but you do tell us that he told you  
11 enough about -- that got your interest and made you  
12 think that he was either involved in this murder or  
13 at the very least was a witness to it, right?

14 A. Yes, sir.

15 Q. Did you call Jack Eckerty at any time in  
16 this period that Gene Ray has described to be some  
17 time after midnight until 5:00 a.m.?

18 A. No, sir.

19 Q. Did Darrell at any time ask for any  
20 alcohol?

21 A. No, sir.

22 Q. Did you give him any alcohol?

23 A. No, sir.

24 Q. Did you bring him any coffee or anything

1 else to help sober him up?

2 A. No, sir.

3 Q. Now, it's your testimony that you didn't  
4 know about Darrell's propensity to exaggerate or lie  
5 when you were questioning him, right?

6 A. No, sir.

7 Q. But you would expect that Gene Ray knowing  
8 him better and spending a lot of time with him in  
9 the Bon Ton, if in fact he had that reputation,  
10 would know about it, right?

11 MS. EKL: Objection, form.

12 A. Yes, sir.

13 Q. And did Gene Ray ever say to you, look,  
14 this guy, you can't believe half of what this guy  
15 says, you know, he's -- everybody knows he's a liar,  
16 he's an exaggerator? You know, did Ray ever tell  
17 you that?

18 A. No, sir, he never did.

19 Q. Did you ever go to Betty Herrington and  
20 ask Betty, hey, what do you know about this guy? Is  
21 he a believable guy? Does he -- does he tell the  
22 truth? Does he stretch the truth?

23 A. Never went to Betty Herrington, no.

24 Q. Okay. Did you ever go to anybody else in

1 the various bars in the city of Paris and ask them  
2 what Darrell's reputation was for credibility?

3 A. No.

4 Q. All right. Now -- so Eckerty was not  
5 there during this early morning interrogation of  
6 Darrell Herrington; is that right?

7 A. It was an interview. No, he was not  
8 there.

9 Q. Well, it turned into something other than  
10 an interview when you decided that he was inside of  
11 the house and, in fact, might have been involved in  
12 the murders, right?

13 MS. EKL: Objection, form.

14 A. No, sir.

15 Q. In your mind, it didn't?

16 A. No, sir.

17 Q. All right. At -- during this questioning,  
18 he named Jim and Ed, two people that were involved,  
19 didn't he?

20 A. Yes, he did.

21 Q. And did you follow up with him with regard  
22 to Jim and Ed?

23 A. Yes, sir.

24 Q. All right. But we have no documentation

1 in any of your reports that he named Jim and Ed,  
2 right?

3 A. The report that we did Sunday shows the  
4 names Jim and Ed I believe in it in the interview.

5 Q. Okay.

6 A. I think. Now, I may not -- I may be wrong  
7 there.

8 Q. I think you may be.

9 A. Okay.

10 Q. You want to take a look and show me? If  
11 you say that, I'm -- I'm going to make sure that I'm  
12 not wrong. I want to make sure that either you or I  
13 are wrong --

14 A. Okay.

15 Q. -- because I haven't seen it.

16 A. Okay.

17 Q. You want to take a look?

18 A. I'll take a look. I know Jim and Ed came  
19 up that night and I knew -- do know that eventually  
20 when we put him on the polygraph, the polygraph  
21 operator talked about Jim and Ed. So we weren't  
22 hiding Jim and Ed because it came up later.

23 Q. Well, you weren't hiding it from the  
24 polygraph examiner, right.

1 A. Well, no.

2 Q. But you didn't put it in your report.

3 A. Okay.

4 Q. Did you?

5 A. I'd have to read my report over and over  
6 if I --

7 Q. Well, let me ask you this. You didn't  
8 take any notes, right?

9 A. No. Not the first interview, no.

10 Q. All right. And then if we look at this  
11 report, let's go to the part where you talk about  
12 Darrell Herrington when he first is introduced into  
13 your report, and I believe that's on page -- here we  
14 go. Page 23. And if you look at the last three  
15 lines, we jump here in your report from September  
16 9th when you're talking with Dunlap by telephone to  
17 September 21st. You see that?

18 A. Yes, sir.

19 Q. And that's the first mention in your  
20 report of Darrell Herrington, right?

21 A. Yes, sir.

22 Q. Okay. Now, December -- September 21st is  
23 two days after this Friday night/early Saturday  
24 morning interview, right?

1 A. Yes, sir.

2 Q. And was Darrell still mentioning Jim and  
3 Ed on September 21st, 1986, when you were talking to  
4 him?

5 A. Not to my recollection.

6 Q. All right. Well, take your time and see  
7 -- it wouldn't be in this report then, would it?

8 A. You're right.

9 Q. Because there's nothing prior to the 21st,  
10 right?

11 A. There isn't. No, there's not.

12 Q. So you didn't put it in your official  
13 report. Nothing about what happened in that four or  
14 five hours that you were questioning Darrell  
15 Herrington on the early morning of the 20th is in  
16 your report at all, is it?

17 A. No, sir, it's not.

18 Q. And you would agree with me, would you  
19 not, that the Jim and Ed information would be  
20 important to someone who wasn't Jim and Ed who was  
21 defending himself for his life on trial, right?

22 MS. EKL: Objection, form, foundation.

23 A. Jim and Ed was mentioned, he was asked who  
24 the people were, he said Jim and Ed, and then it was

1 -- then he changed that just real quickly to it was  
2 Herb and Randy.

3 Q. Okay.

4 A. That's what I'm telling you that was said.

5 Q. All right. So you're saying he changed it  
6 real quickly; is that right?

7 A. Yes, sir.

8 Q. So was this like you and he got -- you and  
9 Ray are saying Jim and Ed, who's Jim and Ed, you're  
10 sure it was Jim and Ed, right?

11 A. Asking him who Jim and Ed were.

12 Q. All right. And so did you suggest to them  
13 that, in fact, it wasn't Jim and Ed?

14 A. No.

15 Q. All right. But in his state, he first  
16 came up with Jim and Ed and then changed it to Herb  
17 and Randy?

18 A. That's exactly how it happened.

19 Q. All right. And yet we have no notes that  
20 reflect either Jim or Ed -- Jim and Ed or Herb and  
21 Randy, right?

22 A. No, you don't.

23 Q. And, in fact, with regard to Jim and Ed,  
24 were there two people you knew in Paris by the name

1 of Jim and Ed?

2 A. I'm sure there's two Jim and Eds somewhere  
3 in Paris.

4 Q. All right. The Jim is very close to Jeb,  
5 right?

6 MS. EKL: Objection, form, foundation.

7 A. Well, Jim is Jeb, Jeb is Jeb.

8 Q. Well, are you sure he said Jim and not  
9 Jeb?

10 A. No, it was Jim and Ed.

11 Q. Was he slurring his words in the drunken  
12 state he was in?

13 A. Not to the point where I didn't understand  
14 Jim and Ed.

15 Q. Did you -- okay. Were there some things  
16 you weren't understanding about what he said?

17 A. Not to my recollection, no.

18 Q. All right. So he quickly during your  
19 interview, as you call it, with him changed the  
20 people that he said were involved in this crime that  
21 he said he witnessed or was involved in from Jim and  
22 Ed to Randy and Herb; is that right?

23 A. That's correct.

24 Q. All right. Did you write down the fact



1 that he had identified, according to you, Herb and  
2 Randy? Is that written down anywhere with regard to  
3 the interview on the 19th?

4 A. No, there's nothing written down anywhere  
5 to the 19th.

6 Q. All right. Well, both the Jim and Ed and  
7 the Randy and Herb information was very significant,  
8 right?

9 A. Yes, sir, it was.

10 Q. Right now you had either Jim, Ed and  
11 Darrell Herrington involved in the case, Randy and  
12 Herb and Darrell involved in the case, or some  
13 combination thereof, right?

14 MS. EKL: Objection, form.

15 A. Yes, sir.

16 Q. Now, any defense lawyer who is involved in  
17 this case would -- if he were representing Jim and  
18 Ed, he'd certainly want information that this man  
19 also identified Herb and Randy, right?

20 MS. EKL: Objection, form, foundation.

21 A. Yes.

22 Q. And even though you hadn't been schooled  
23 on Brady and withholding information, you knew  
24 enough as a police officer that that's information

1 that a defense lawyer and a prosecutor should have,  
2 right?

3 MS. EKL: Objection, form, foundation,  
4 assumes facts not in evidence.

5 Q. Did you know that or did your training not  
6 tell you that?

7 A. I would -- I didn't even -- my training  
8 didn't tell me that. I just didn't write anything  
9 down in that interview because we knew we was going  
10 to re-interview him again after he sobered up.

11 Q. All right. So are you telling me that  
12 because you were going to get a second -- you knew  
13 you were going to interview him again when he  
14 sobered up, you decided that the first interview was  
15 worthless and you weren't even going to bother to  
16 write it down?

17 MS. EKL: Objection, form.

18 A. No, I just collect -- remembered -- we  
19 just remembered what he had said in the first one  
20 and then we were going to compare it -- we kept the  
21 notes, mental notes, in our minds about the best I  
22 can tell you, to see if after he sobered up, if the  
23 second story had anything -- matched anyway close to  
24 the first story to either throw his statement out or

1 he knew what he was talking about.

2 Q. All right. Well, what else did he --  
3 well, let me ask you this. I asked you whether if  
4 you were representing Jim and Ed you'd want the idea  
5 that he also named Randy and Herb. Conversely, if  
6 you were representing Randy or Herb, you would  
7 certainly be entitled to and want the information  
8 that he at one point had named two other guys by the  
9 name of Jim and Ed, right?

10 MS. EKL: Objection, form, foundation.

11 A. Well, yeah, that came out in the polygraph  
12 report.

13 Q. Right. It came out to the polygraph  
14 examiner, right?

15 A. Yes, it did.

16 Q. Didn't go to the lawyers though, right?

17 MS. EKL: Objection, form, foundation.

18 A. Went to the State's Attorney.

19 Q. The State's Attorney was there with regard  
20 to the polygraph. Was he there when that Jim and Ed  
21 information came out?

22 A. It was in the polygraph report I believe.

23 Q. And it's your understanding that the Jim  
24 and Ed information went to McFatridge somehow from

1 the polygraph examiner?

2 A. What I recall is the polygraph report went  
3 to the State's Attorney's office.

4 Q. But not the part that had Jim and Ed in  
5 it, did it?

6 A. I thought there was something in the  
7 polygraph referring to Jim and Ed.

8 Q. When did you, if you did, tell McFatridge  
9 about this meeting that -- the questioning that you  
10 did with Darrell on the 19th and the fact that he  
11 named Jim and Ed?

12 A. I'm sure Mike was notified the next day.

13 Q. All right. What was he notified? What  
14 was he told?

15 A. That Darrell we believed had information  
16 on the murders and that we took him home or had him  
17 go home and we was going to set up an interview with  
18 him after he sobered up.

19 Q. Now, hold on. Who told McFatridge? You  
20 said you're sure he was told. Did you tell him?

21 A. Been either me or Gene Ray.

22 Q. You have one of your meetings, group team  
23 meetings, as soon as Darrell -- you got this  
24 information. Sometime Saturday did you get the team

1 together, including McFatriidge and Eckerty, and tell  
2 them this?

3 A. We would have had one sometime after that  
4 because we did the interview I think Sunday.

5 Q. All right. So did you tell McFatriidge and  
6 Eckerty the detail that Darrell had given you during  
7 this four or five rambling on hours in the early  
8 morning of Saturday the 20th?

9 A. I don't recall exactly what we told him,  
10 but I feel sure that, yes, they had knowledge of it.

11 Q. But at that point, you had no notes to  
12 read from and no report to give them, written  
13 report, so whatever you told them was coming from  
14 what you and Ray remembered and what you and Ray  
15 chose to tell them, right?

16 A. Yeah, we told them whatever -- we told  
17 them everything that Darrell told us.

18 Q. All right.

19 A. We didn't hold anything back. We didn't  
20 keep anything back from them.

21 Q. All right. So you told them, meaning  
22 McFatriidge and Eckerty, that Darrell had named Jim  
23 and Ed as the perpetrators of this crime that he  
24 said he witnessed?

1           A.    He had named Jim and Ed and then he  
2 quickly changed it over to Herbie and Randy.

3           Q.    All right.  So you're clear that you told  
4 both of those individuals that?

5           A.    Yes, sir.

6           Q.    But did you tell Eckerty don't bother to  
7 write a report about this?

8           A.    No, sir.

9           Q.    Did McFatrige ask you to write a report  
10 about this?

11          A.    Not that I recall.  If Mike would have  
12 asked me, I would have written one.

13          Q.    Did Mike tell you not to write a report?

14          A.    No, he never told me not to write any  
15 reports.

16          Q.    Did anyone ever tell you if you write a  
17 report don't put the Jim and Ed stuff in it?

18          A.    No.

19          Q.    All right.  So in any event, there was no  
20 report, no Jim and Ed documented, right?

21          A.    Absolutely right.

22          Q.    And tell me what you remember now, not  
23 having the benefit of any notes or any report, what  
24 Darrell told you beyond what you've already said.

1 So far you've said he talked about being there,  
2 talked about the fire inside of the house, he said  
3 Jim and Ed, and he changed it to Herb and Randy,  
4 right?

5 A. Yes, sir, he did.

6 Q. And what more detail did he say about what  
7 Jim and Ed, whom he later changed to Herb and Randy,  
8 what they did?

9 MS. EKL: Objection, form.

10 A. I don't recall everything that was said in  
11 there that night.

12 Q. Well, tell me what you do remember.

13 A. Well, I about told you everything I  
14 remember. I remember him -- I think -- I think -- I  
15 shouldn't say that either. The best I can recall,  
16 he may have given us the positions of the bodies in  
17 the bedroom.

18 Q. All right. What positions did he tell you  
19 the bodies were in?

20 A. He would have told us that Karen was at  
21 the foot of the bed, off the bed, and that Dyke was  
22 by the door. Or a male was by the door.

23 Q. Did he identify them?

24 A. No, sir, I don't think he did.

1 Q. Did he say he knew them?

2 A. Let me back up. By then, though, he would  
3 have known who was in the fire.

4 Q. Now, did he say that he witnessed the  
5 murders?

6 A. I don't believe -- I don't remember  
7 Darrell saying he witnessed the murders.

8 Q. Did -- what did he tell you that he  
9 witnessed if he didn't witness the murders?

10 A. He would have witnessed being in the  
11 house.

12 Q. All right. What part of the house?

13 A. He went in -- you're asking me what he  
14 told me that night?

15 Q. Yes.

16 A. That I don't recall for sure everything he  
17 told me that night.

18 Q. All right. Did he tell you that he had  
19 cut his hand at the scene?

20 A. I don't recall what he told us that night.  
21 I know he told us that in a later interview with  
22 him.

23 Q. All right. What later interview did he  
24 tell you that?



1           A.    I don't know if it would have been one  
2           that I did with him or Jack did with him or we did  
3           several interviews with Darrell.  Which one  
4           specifically, I don't recall.

5           Q.    So are you saying that Jack did an  
6           interview with him that you were not present for?

7           A.    I don't believe that happened either.

8           Q.    All right.  So -- so you misspoke when you  
9           said the interview that Jack did with him?

10          A.    Well, I meant -- yes, sir, I did, I'm  
11          sorry.

12          Q.    So there were no interviews that you were  
13          not present for with regard to Darrell Herrington as  
14          far as you know?

15          A.    None that I recall.

16          Q.    All right.  So about early in the morning,  
17          somewhere around five or so o'clock in the morning,  
18          you concluded your interview or interrogation of  
19          Darrell Herrington, right?

20                MS. EKL:  Objection, form.

21          A.    Yes, sir, somewhere in that area.

22          Q.    Okay.  Did you ask him or did you -- you  
23          must have concluded from what he told you that he  
24          had to have blood on his shoes and other parts

1 perhaps of his body if he actually went in the  
2 bedroom. You knew there was a lot of fresh blood in  
3 the bedroom around the time of the murders, right?

4 MS. EKL: Objection, form.

5 A. Yes, sir.

6 Q. Is that right?

7 A. Yes, sir.

8 Q. So he would have had to have had blood on  
9 his shoes or boots or whatever he was wearing,  
10 right?

11 A. Possible, yes.

12 Q. All right. Did you at that time ask him  
13 for his boots or shoes?

14 A. No, sir, we didn't. I don't believe.

15 Q. And why is that?

16 A. I don't know, because this was what, three  
17 months after the murders, and more than likely we  
18 never asked him what shoes he was wearing that  
19 night.

20 Q. You never asked him?

21 A. Not that first interview, no.

22 Q. Well, did you ever ask him?

23 A. We did at one time because we took two  
24 pair of shoes and -- tennis shoes and sent them to

1 the lab.

2 Q. Okay. You took shoes from him?

3 A. That he said he was wearing that night, I  
4 believe.

5 Q. Okay. Did you take any boots from him?

6 A. I don't recall any boots.

7 Q. Now, in this first interview you did with  
8 him in which he gave several different names as  
9 people who were at the scene of the murder, did --  
10 what else, if anything, do you remember?

11 A. That's about the gist of what I remember  
12 for sure best of my recollection.

13 Q. Okay. Did he tell you anything with  
14 regard to the location of anything in the room where  
15 the murders allegedly took place?

16 A. I don't recall, sir.

17 Q. All right. Did you make any attempt that  
18 night to try to either corroborate anything he was  
19 telling you?

20 A. Just from our knowledge of working the  
21 case and what we had -- what he had -- what we were  
22 -- what he had told us, we made some connections  
23 there.

24 Q. All right. What connections did you make

1 that first night?

2 A. Well, we just felt that he had been there.

3 Q. But what was -- what led you to that

4 belief?

5 A. From what little bit he had told us that

6 night, you go back to the position of the bodies and

7 being in the house and knowing the layout of the

8 house.

9 Q. Okay. What did he say -- strike that. A

10 lot of that information could have been learned from

11 sources around town by the three months later,

12 right?

13 MS. EKL: Objection, form, calls for

14 speculation.

15 A. It's possible it could have.

16 Q. You never saw him at the scene during that

17 -- during the time when you came there after the

18 fire?

19 A. Oh, no, sir.

20 Q. Did you ever -- did you ask him whether he

21 was there then?

22 A. No, I didn't.

23 Q. Did he tell you anything about whether he

24 had been with either Jim and Ed or Randy and Herb

1 the night before the murders?

2 A. Now, which interview are you talking  
3 about?

4 Q. This first interview.

5 A. I don't recall on the first interview.

6 Q. All right. Did he give you information  
7 with regard to his whereabouts directly before he  
8 said he went to the apartment which you could  
9 attempt to corroborate?

10 A. On the first interview?

11 Q. Yes.

12 A. I don't recall what all was said in that  
13 first interview.

14 Q. All right. But whatever was said in that  
15 first interview, you let him go home, right?

16 A. Yes, sir.

17 Q. And you didn't arrest him.

18 A. No, sir.

19 Q. You didn't tell him he ought to get a  
20 lawyer.

21 A. No, sir.

22 Q. You didn't give him his warnings.

23 A. No, sir.

24 Q. All right. Did he in that first interview

1 tell you that he, in fact, was drunk the night of  
2 the murders?

3 A. I don't recall.

4 Q. Did you make that assumption, whether he  
5 told you or not, that in all likelihood, it being  
6 late at night and early in the morning, that he was  
7 drunk the night of the murders?

8 A. More or less, yes.

9 Q. Did he tell you that he had passed out the  
10 night of the murders, either before or after?

11 A. I don't recall.

12 Q. Did you ask him anything along those  
13 lines?

14 A. I don't recall what I asked him that  
15 night.

16 Q. So --

17 A. Except for what I've already commented on.

18 Q. Did you make any arrangements -- did you  
19 and Gene Ray make any arrangements with him after  
20 you finished the interview in the early morning  
21 hours of Saturday the 20th about how to proceed? Or  
22 did you just say, okay, you can go home, or did you  
23 ask him or tell him you were going to do something  
24 additional with regard to his statements?

1           A.    I feel sure that we told him that we would  
2   be getting back with him to pursue this further.

3           Q.    All right.  But you didn't make any  
4   specific arrangements with him at that time.

5           A.    Not at that time because we would have  
6   wanted -- I'm certain we would have wanted to sit  
7   and talk to get McFatridge and Eckerty and get us a  
8   game plan.

9           Q.    All right.  Did you ask him why he had not  
10  come forward for three months or two and a half  
11  months after the murders?

12          A.    I -- I don't recall if that was asked at  
13  that time or not, no, I don't.

14          Q.    All right.  And so you don't -- you don't  
15  have a memory of what he may have said in order to  
16  attempt to explain why he hadn't come forward  
17  earlier; is that right?

18          A.    That's correct.

19          Q.    All right.  So after -- after you let him  
20  go home, you say you met with the other members of  
21  the investigative team, McFatridge and Ray and  
22  Eckerty, to map out a game plan; is that right?

23          A.    Yes, sir.

24          Q.    With regard to what to do with Herrington;

1 is that right?

2 A. Yes, sir, and set up an interview and --

3 Q. So at that point you didn't decide that  
4 the information he was giving you was not to be  
5 believed, right?

6 A. We felt the information he had given us  
7 was to be believed and felt that he had more  
8 information, so we was wanting to do a more in-depth  
9 interview with him.

10 Q. All right. So you felt he was credible.

11 A. Yes, sir, I did.

12 Q. Did you at that time pull any records or  
13 have any records pulled with regard to his criminal  
14 background, his alcoholic background, his violence  
15 background, his fraud and deceptive practices  
16 background in order to give everyone on the team a  
17 full picture of who you were dealing with?

18 MS. EKL: Objection, form.

19 A. No, we didn't, because I think everybody  
20 on the team knew it.

21 Q. Everybody knew that he was, but you're  
22 saying you didn't know that he had a reputation of  
23 exaggeration and deception. You said that earlier,  
24 right?



1 A. I did, I did.

2 Q. So -- but you would have known that if you  
3 pulled his records, right?

4 MS. EKL: Objection, form.

5 A. Yes, I would have. Yes, I would.

6 Q. All right.

7 A. I knew Darrell as a drinker, I should put  
8 it that way.

9 Q. But you didn't know him as a liar, right?

10 A. No, I didn't.

11 Q. You didn't know him as a deceptive  
12 practice man --

13 A. No, I didn't.

14 Q. -- did you? Did he tell you anything --  
15 and you made no attempt to find out anything along  
16 those lines, right?

17 A. No, I didn't.

18 Q. And you made no attempt to talk to Betty  
19 during this period of time. That wasn't part of the  
20 game plan, right?

21 A. No, sir.

22 Q. All right. So before you had the game  
23 plan meeting, did you have breakfast with Ann and  
24 Gene and Gene's wife?

1 A. I don't recall that.

2 Q. All right. You have no memory of that?

3 A. No, I don't.

4 Q. All right. Do you remember what time of  
5 day you had the game plan meeting with the other  
6 three defendants in this case?

7 A. No, sir, I don't.

8 Q. Was anyone other than McFatridge, Ray and  
9 Eckerty and yourself involved in the meeting? Was  
10 there anyone else that you pulled in?

11 A. Gary Wheat could have been there, I don't  
12 remember. I don't recall.

13 Q. All right. And why would he have been  
14 there?

15 A. Well, he's a detective working in the back  
16 office and he would have had a right to know as much  
17 as everybody else would have known.

18 Q. So was the meeting in the back office or  
19 was it in McFatridge's office or do you know where  
20 it was?

21 A. That part I don't recall, sir.

22 Q. All right. And there's no documentation  
23 of that meeting, right?

24 A. Oh, no, sir.

1 Q. All right. And so whatever game plan that  
2 you came up with is not recorded anywhere, right?

3 A. No, sir.

4 Q. Now, how long did this game plan meeting  
5 take?

6 A. I have no idea.

7 Q. Okay. Tell me what game plan you all  
8 mapped out with regard to Darrell Herrington.

9 A. Fairly simple I would say. Just get  
10 Darrell back and do an interview with him, an  
11 in-depth interview, see what information he really  
12 had, and go from there.

13 Q. All right. Well, when you sent him --  
14 when you sent Darrell back out on the street, you  
15 didn't have any control over what he did, right?

16 A. Oh, no, sir.

17 Q. So he could have told anybody he wanted  
18 to. He could have started drinking again as soon as  
19 he got out of the -- out of the police department,  
20 right?

21 A. Yes, sir.

22 Q. All right. And this certainly was not  
23 something that Darrell was used to, being questioned  
24 for five hours in the middle of the night about a

1 double murder, right?

2 MS. EKL: Objection, foundation.

3 A. No, sir.

4 Q. Did he seem to be scared?

5 A. I don't recall.

6 Q. Now, he was like -- during this five  
7 hours, he didn't have anything to drink, right?

8 A. No, sir.

9 Q. Because you had him in custody, right?

10 MS. EKL: Objection, form.

11 A. Yes, sir.

12 Q. So was he going through any kind of  
13 alcoholic withdrawal? Was he shaking? Was he  
14 having shivers, cold flashes or anything like that  
15 that alcoholics sometimes do when they can't have a  
16 drink when they need one?

17 A. Not that I recall.

18 Q. So for that five hours at least you saw no  
19 indication that there was any -- he was having any  
20 kind of physical or physiological effects from not  
21 having had anything to drink.

22 MS. EKL: Objection, form.

23 Q. Is that right?

24 A. No, sir.

1 Q. All right. So please tell me in as much  
2 detail as you can the game plan. You made a general  
3 comment about it, but tell me the specifics that you  
4 remember that you mapped out with regard to how to  
5 deal with this, I take it, rather surprising  
6 information you were getting.

7 A. We had just met like the report said.  
8 Basically the report covers everything. That the  
9 game plan was to go out to Gene's house and do the  
10 interview out there and do an interview with him,  
11 see what he did know.

12 Q. But a few things happened before you ever  
13 took him out to Gene Ray's house, right?

14 A. Not that I recall.

15 Q. Well, didn't -- didn't you and Gary Wheat  
16 and Eckerty go over to the Charleston Inn with him?

17 A. No, sir.

18 Q. So you don't remember Gary -- Saturday  
19 afternoon that Darrell was picked up and taken to  
20 the Charleston Inn and a room was gotten for him?

21 A. No.

22 MS. EKL: Objection, foundation as to time  
23 period.

24 A. No, sir, I think that was at a later date.

1 Q. Okay. When do you think that was?

2 A. That would have been after the first  
3 interview and that would have been prior to us doing  
4 a body wire or a phone overhear. I -- that's the  
5 recollection I have.

6 Q. All right. So your testimony isn't that  
7 it was on the Saturday, the same day that you let  
8 Darrell go home, that you re-picked him up and took  
9 him to the Charleston Inn?

10 A. That's not my recollection at all.

11 Q. All right. So you're saying that that  
12 happened later in the week; is that right?

13 A. I don't know if it was later that week or  
14 it was two weeks later or when it was specifically,  
15 but I -- I don't have any recollection of that  
16 happening on that Saturday before we did that first  
17 interview with him out at Gene's house.

18 Q. Well, are you telling me that -- well,  
19 whenever this event of taking Darrell to -- you do  
20 remember such an event, right, Darrell being taken  
21 to the Charleston Inn, right?

22 A. Oh, yes, sir.

23 Q. And whiskey and beer was bought for him,  
24 right?

1           A.    I don't know if whiskey and beer.  I don't  
2 know what was bought for him.  Yes, I remember him  
3 being over there and there was alcohol.

4           Q.    And his voice box got broken, right?

5           A.    Yes, sir.

6           Q.    And you couldn't interview him because of  
7 that, right?

8           A.    He wasn't over there for an interview.

9           Q.    Well, didn't you make arrangements to take  
10 him to a restaurant in Charleston in order to  
11 interview him?

12          A.    I don't recollect any of this.

13          Q.    Well, you don't remember taking -- you and  
14 Eckerty going over there to interview him and being  
15 stymied because of the voice box being broken?

16          A.    Oh, I remember that part of it, yeah.

17          Q.    Well, didn't you intend to interview him  
18 further?  Doesn't this refresh your recollection  
19 that this, in fact, happened on Saturday, the same  
20 day that you -- that earlier he was released from  
21 the station?

22          A.    That's not my recollection at all.

23          Q.    All right.  So do you remember, whenever  
24 this happened, that in fact part of what you

1 intended to do was you and Eckerty intended to  
2 interview him in Charleston?

3 A. No, sir.

4 Q. All right. So that's not your testimony?

5 A. No, I didn't -- no.

6 Q. All right. And it isn't your testimony  
7 that he was taken to Charleston to try to get him in  
8 a condition for you and Eckerty to interview him?

9 A. No, sir.

10 Q. All right. And, in fact, you have no  
11 memory, are you telling me, that you told Wheat to  
12 -- that he could have alcohol if he needed it, but  
13 that before you interviewed him, he was supposed to  
14 not have any more alcohol?

15 A. There was never any interviews done in  
16 Charleston Motor Inn. The reason he was at the  
17 Charleston Motor Inn, we got him out of Paris to  
18 make sure he was going to be sober because there was  
19 some overhears to be done or phone conversations.  
20 There was never any interviews done over at  
21 Charleston with Darrell.

22 Q. All right. And so is it your testimony  
23 that before he was taken -- so your testimony is  
24 that the next thing that happened with regard to



1 Darrell was taking him to Gene Ray's house. Is that  
2 what your testimony is?

3 A. Yes, sir.

4 Q. Was he taken to your cabin prior to being  
5 taken to Gene Ray's house?

6 A. No, sir, that all came later.

7 Q. All right. So it's your testimony that  
8 that didn't happen before the Gene Ray event but  
9 after; is that right?

10 A. Yes, sir.

11 Q. All right. So from Saturday morning you  
12 then mapped out a game plan. Did the game plan  
13 include putting a wire on Darrell?

14 A. No. No, sir.

15 Q. All right. Did the game plan include  
16 taking him to the Charleston Inn?

17 A. No, sir.

18 Q. So the game plan was simply to bring him  
19 to Gene Ray's house.

20 A. And do an in-depth interview with him,  
21 yeah.

22 Q. And what was the rationale for bringing  
23 him to Gene Ray's house rather than doing it in the  
24 police station?

1           A.     Because we go back, Paris, small town, you  
2     see police cars and State's Attorney showing up in  
3     one place and then another person comes in, then  
4     things get to going, and so we were just trying to  
5     keep Darrell on a low key, so we took him out to  
6     Gene's house.

7           Q.     Did you ever take any other witnesses out  
8     to Gene's house prior to taking Darrell out?

9           A.     Not that I recall.

10          Q.     All right.  So this is kind of in sharp  
11     contrast to the way you approached Herb and Randy,  
12     right, and did exactly what you were avoiding with  
13     Herrington, which was bringing them into the police  
14     station with a bunch of cops, right?

15          MS. EKL:  Objection, form.

16          A.     We're kind of comparing apples with  
17     oranges here I think --

18          Q.     How so?

19          A.     -- in the way I look at it.

20          Q.     How so?

21          A.     Well, Darrell was -- had information as  
22     being a witness, and Randy and Herbie were just  
23     asked to come down over the comments they made in  
24     the Tap Room.

1 Q. Well, they were potential -- you were  
2 looking to see whether they were witnesses or  
3 perhaps involved, right?

4 A. True, true.

5 Q. And the same with Darrell, right? At this  
6 point you hadn't ruled out the fact that Darrell  
7 might have been involved in either covering up a  
8 murder or helping and participating in the murder,  
9 right?

10 A. You're right.

11 Q. So in that sense, he was still a suspect  
12 when you were having your team meeting, right?

13 A. Darrell?

14 Q. Yeah.

15 A. Sure. We didn't know at that time.

16 Q. Right. So you -- is it your testimony  
17 that after you made the game plan on Saturday, you  
18 didn't do anything with regard to Darrell until  
19 Sunday?

20 A. Yes, sir.

21 Q. All right. Did you do anything else with  
22 regard to -- did you do anything to prepare for the  
23 interview with Darrell on Sunday evening? In other  
24 words, did you check anything he had said on Friday

1 out? Did you talk to Betty? Did you talk to people  
2 he had mentioned in his statement early Saturday?  
3 And I referred to it as Friday but I meant early  
4 Saturday. Did you do any of that in order to help  
5 you either question him on Sunday or to confront him  
6 about inconsistencies in his story?

7 A. No, sir.

8 Q. So what was the plan in terms of who was  
9 going to participate in the questioning of Darrell  
10 on Sunday at Gene Ray's cabin?

11 A. Who decided who was going to be there?

12 Q. Yeah.

13 A. Well, if I remember right, it was Gene --  
14 no, Gene wasn't there I don't think. It was Jack  
15 and I and McFatrige.

16 Q. Now, are you saying that Gene wasn't  
17 there? It's his house, but he wasn't there?

18 A. According to my interview, he was not  
19 there.

20 Q. All right. Well, let me ask you this.  
21 Wasn't the plan -- wasn't it in the plan to have  
22 Gene there the same way he was with regard to the  
23 initial interview because he was the one who Darrell  
24 felt the most comfortable with?

1 A. I don't remember that being the plan, no.

2 Q. All right. Well, that in fact was the  
3 truth of the matter, right? Darrell was the most  
4 comfortable with Gene Ray, right?

5 A. That he was.

6 Q. All right. Well, I want to look here.  
7 There were two reports on the interview at Gene  
8 Ray's house, right? There's one by Eckerty and one  
9 by you, right?

10 A. Yes, sir, there is.

11 Q. Now, that's unusual in of it itself,  
12 right?

13 A. That it is.

14 Q. On the one hand we have no notes, no  
15 interview, no report on Friday night and early  
16 Saturday morning and Darrell named someone else  
17 initially, but we have two reports here, one by  
18 Eckerty and one by you, right?

19 A. Yes, sir.

20 Q. And that is unusual in the sense that  
21 you've told us that it was usually one or the other  
22 of you that made the report, right?

23 A. That is, yes, sir.

24 Q. So let's put the two of them here side by

1 side if we can for a minute. In your report, it  
2 appears to be pages 23, 24 and 25. And in the  
3 report of the ISP and specifically Eckerty, if we  
4 can find that --

5 MS. EKL: I think it's the report starting  
6 Bates stamp 11254.

7 MR. TAYLOR: Okay. Yeah, I just found it  
8 too.

9 A. My report, sir, is 23 through 28.

10 Q. Yeah, okay, fine. You -- first of all,  
11 let me ask you, who picked Darrell up and brought  
12 him out to Gene Ray's house?

13 A. I don't recall.

14 Q. Would it have been either you or Eckerty  
15 most likely or both?

16 A. Could have been Gene Ray, I don't know. I  
17 don't recall.

18 Q. All right. Well, did -- had Eckerty had  
19 any prior contact with Darrell before the interview  
20 at Gene Ray's house?

21 A. Not to my knowledge.

22 Q. So it would be unlikely he would have gone  
23 and picked him up, right, unless he was with either  
24 you or Gene, right?

1 A. More than likely, yes.

2 Q. Now, the report of -- your report said  
3 that at approximately 7:30 p.m. on September 21,  
4 RO -- meaning you, right?

5 A. Yes, sir.

6 Q. -- conducted an interview with Darrell  
7 Herrington. The interview was conducted at Gene  
8 Ray's residence, Rural Route 1, Box 192. Present at  
9 this interview was Eckerty and McFatridge, right?

10 A. Yes, sir.

11 Q. All right. Now, we look at Eckerty's  
12 report and he says on 9/21/86 at approximately 6:15  
13 p.m., Parrish, Ray and he interviewed Darrell  
14 Herrington, right? Do you see that?

15 A. Yeah.

16 Q. And he then goes on to recount a version  
17 of the events that is very similar to the one you  
18 recount, right?

19 A. I haven't read them both side by side, but  
20 they should be very similar.

21 Q. Now, are you and he talking about the same  
22 interview or are there two interviews, one at 6:15  
23 which Ray is at and which Herrington -- which  
24 Eckerty's recounting, and a second one at 7:30 in

1 which, according to you, Ray's not there but  
2 McFatridge is?

3 A. I got no answer to that, sir.

4 Q. All right. So you don't know.

5 A. I know we was all there, but how the  
6 reports are like they are, I have no answer.

7 Q. All right. So is it fair to say that  
8 looking at both of the reports, your recollection is  
9 that all four of you were there for the interview  
10 with Darrell?

11 A. If you read Jack's, Gene was there, and if  
12 you read mine, I could have accidentally omitted  
13 Gene.

14 Q. Right, but you had McFatridge there,  
15 right?

16 A. Yes.

17 Q. Okay. And you remember McFatridge being  
18 there specifically, right? You wouldn't have  
19 written it in the report.

20 A. That's right.

21 Q. I assume that Eckerty wouldn't have  
22 written Gene in unless he was there, right?

23 A. You're right.

24 Q. All right. So we basically got -- and



1 both you and Gene -- I'm sorry, were both you and  
2 Eckerty taking notes?

3 A. Obviously we did.

4 Q. All right. And after this -- and this  
5 appears to be a very long interview. Do you  
6 remember how long it went on for?

7 A. Sir, I don't.

8 Q. All right. Did -- who was doing the  
9 questioning?

10 A. I would say we all were, but I don't  
11 recall specifically.

12 Q. So Darrell was there without a lawyer,  
13 right?

14 A. Uh-huh.

15 Q. Yes?

16 A. Yes, I'm sorry.

17 Q. Sunday afternoon he didn't have to work,  
18 so he had all day to liquor up, right?

19 MS. EKL: Objection, form, foundation.

20 A. Evening. You're right.

21 Q. It was after suppertime, right?

22 A. It was, yes.

23 Q. So he had all day to liquor up because he  
24 wasn't working like he normally did, right?

1 MS. EKL: Objection, form, foundation.

2 A. I don't remember -- I don't remember  
3 Darrell being liquored up.

4 Q. All right. Do you remember that he  
5 wasn't?

6 A. No, I don't remember that he wasn't.

7 Q. It would be kind of unusual if Darrell  
8 wasn't liquored up during this period, right?

9 MS. EKL: Objection, foundation.

10 A. I don't know Darrell's drinking habits.

11 Q. Well, you knew enough of them to know he  
12 was an alcoholic and a drunk, right?

13 A. Yes, I do. I know that.

14 Q. And drunks usually drink when they're not  
15 working rather than when they're working, right?

16 MS. EKL: Objection, foundation.

17 A. Usually, but I don't know whether it was  
18 the case with Darrell.

19 Q. All right. Now -- so you got the State's  
20 Attorney of Edgar County, the police chief of  
21 Parrish, the head -- Paris -- the head chief  
22 detective in the investigation, and an experienced  
23 detective from the Illinois State Police all at the  
24 police chief's house questioning a guy without a

1 lawyer who I think it's safe to assume had been  
2 drinking.

3 MS. EKL: Object.

4 Q. Is that fair?

5 MS. EKL: Objection, form, foundation.

6 A. I -- I'm not saying because I don't know.  
7 I don't recall.

8 Q. Well, everything's true except for the  
9 drinking for sure, right?

10 A. Exactly.

11 Q. All right. Now, after you questioned  
12 Darrell, the four of you, for some substantial  
13 period of time and he told you a very long story  
14 about being at a bunch of different bars with Herbie  
15 and -- with Herb and with Randy and having gone to  
16 the scene of the murders, he then said after he left  
17 the scene of the murders he stumbled home and passed  
18 out, right?

19 A. I think that's what he says in his  
20 statement, yes, sir.

21 Q. All right. And, in fact, according to one  
22 of the two reports, he said he passed out on the way  
23 home.

24 MS. EKL: Could you please direct us to

1 which report you're referring?

2 Q. All right. Was that your report?

3 MS. EKL: Objection.

4 MR. TAYLOR: I'm asking him the question.

5 MS. EKL: Objection to form and  
6 foundation. He hasn't established that it's in fact  
7 in any report.

8 BY MR. TAYLOR:

9 Q. Okay. Well, in your report you have  
10 Darrell saying -- Darrell stated that after getting  
11 to his house he passed out on the floor and it was a  
12 very short time later he woke up and it was  
13 daylight, right?

14 A. Okay. Where is that at in my report?

15 Q. That's on page 12009.

16 MS. EKL: 27.

17 Q. Do you see that?

18 A. Yes, sir, I do see it.

19 Q. Okay. And so that's Darrell told --  
20 Darrell said that in this group interview, right?

21 A. Yes, sir.

22 Q. And according to Eckerty, he also said  
23 that he ran home and he fell down a couple of times  
24 running home and did not know if he passed out at

1 these times or not because he was so drunk, right?

2 A. Okay, I'm trying to find it in here.

3 Q. That's the -- it's the last full paragraph  
4 starting with Herrington stated at this time  
5 Steidl --

6 A. Okay.

7 Q. Do you see that at the bottom of that  
8 paragraph?

9 A. Says he didn't know if he pass -- if he  
10 passed out at these times or not because he was  
11 drunk, is that what you're saying?

12 Q. So drunk, right.

13 A. Okay.

14 Q. Do you see that?

15 A. Yes, sir.

16 Q. All right. And is that consistent with  
17 what you heard him say in this group interview?

18 A. According to the reports, yes.

19 Q. All right. And so you certainly knew that  
20 even by his own account, whether he was drunk at the  
21 time you were talking to him, that he was so drunk  
22 at the time he said he was at the scene of the crime  
23 that he passed out either on the way home and/or  
24 when he got home, right?

1 A. According to the report, yes.

2 Q. And did you ever check out whether he had  
3 a history, a self-reported history of blacking out?

4 A. No, sir, I didn't.

5 Q. All right. And did you ever ask him  
6 whether he blacked out at any time that night?

7 A. No, sir.

8 Q. Now, he gave you a wealth of information  
9 here, according to your reports, which could be  
10 corroborated or not corroborated, right? In other  
11 words, he said he was in a bunch of bars with Randy  
12 and Herbie and there was certain things said and all  
13 kinds of things like that, right?

14 A. Absolutely.

15 Q. And did you make any effort to talk to  
16 people to either corroborate or to find out the --  
17 whether his tale about going to various bars with  
18 them and that kind of thing was accurate or not?

19 A. I'm sure after the interview that we went  
20 around to corroborate what he had told us in his  
21 interview.

22 Q. And you found out more often than not that  
23 people didn't corroborate that, right?

24 A. I don't remember exactly what we did find

1 out.

2 Q. All right. You don't remember as you sit  
3 here now whether people, bartenders and bar flies in  
4 the various bars who were supposedly there, whether  
5 they said that Darrell and Randy and Herb were  
6 together in all these different bars at all these  
7 different times or not. Is that what you're telling  
8 us?

9 A. I specifically don't remember at this  
10 time, no.

11 Q. All right. But you also could have gone  
12 and talked to Betty Herrington about what he said  
13 about being with her, right, because he said prior  
14 to all of this he was with her, he had lunch with  
15 her, they had an argument and then he went on a  
16 bender, right?

17 A. Trying to remember where that was at. Was  
18 that in my report or Jack's?

19 Q. I think probably in both.

20 A. That was in my report, sir.

21 Q. Okay. Did you -- so you didn't make any  
22 attempt to go to talk to her and find out anything  
23 about what she had to say about all of this, did  
24 you?

1 A. I don't recall.

2 Q. And also there was some times that he was  
3 throwing around in here, right? He was saying --  
4 basically the last time he gave before he said that  
5 he -- that he and Herb and Randy went to the murder  
6 scene was sometime 12:00, 1:00, right?

7 A. Would that have been in my interview or  
8 Jack's statement?

9 Q. Well, he said that he was -- he was  
10 leaving, that they left and went to the scene right  
11 after the bars were closing, right? It's on page 25  
12 in the middle.

13 A. Is that in my report?

14 Q. Yes.

15 A. Okay. In one of the reports I thought I  
16 remember reading that they were down there earlier  
17 in the evening. They made -- they had been down to  
18 the house twice, earlier in the evening and then  
19 after the bars closed.

20 Q. All right. And the bars closed at  
21 midnight?

22 A. 12:00, 12:30, somewhere in there.

23 Q. So we're talking about them going down  
24 there the second time, and he said the second time



1 they went down there was after the bars closed,  
2 right? After the bars closed, right?

3 A. Yes, sir.

4 Q. So that would put it somewhere around  
5 12:00, 12:30, in that area, right, because the bars  
6 and the house were very close, right?

7 A. 12:30. Yes, the bars close at 12:00.  
8 They gave them 30 minutes grace in Paris to get  
9 everybody out, but that's not saying everybody got  
10 out.

11 Q. But we're talking generally we could fix  
12 what Darrell was saying for times that he was --  
13 that it was -- he was talking around 12:30, 1:00 at  
14 the latest, that they went, according to him, down  
15 to the scene of the crime for the second time,  
16 right?

17 MS. EKL: Objection, form, calls for  
18 speculation.

19 A. That's what I would assume from the time  
20 once the bar's closing, yes.

21 Q. And we also have him leaving the area,  
22 according to the stories he's telling, just before  
23 sunrise because he says he ran home just before the  
24 sun came up, right?

1           A.     Didn't it say he got home just before the  
2     sun got up?

3           Q.     Right.  So if he ran home, he was probably  
4     running, he was somehow stumbling home about a mile  
5     or so, right?  He lived about 13 blocks or something  
6     from the scene?

7           A.     It was a distance from the house, yes.

8           Q.     But -- all right.  So you were then -- you  
9     do then have some bookends in terms of the time he  
10    said he was there.  He's saying he was there like  
11    for four hours, four or five hours.  If you say he  
12    got there at 1:00 and he ran home a little bit  
13    before sunrise, which we can probably guess was  
14    around 6:00 a.m., we're talking about five hours  
15    here.

16          A.     Five hours --

17                 MS. EKL:  Objection, form, calls for  
18    speculation.

19          A.     We've got five hours of lapse time here.  
20    We don't know how long it took Darrell to get home.

21          Q.     Right, but he said he ran home, so we know  
22    it didn't take him two or three hours.

23                 MS. EKL:  Objection, form, calls for  
24    speculation, assumes facts not in evidence.

1           A.    I have no idea what -- how long it took  
2   Darrell to get home.

3           Q.    All I'm saying is that you -- did you have  
4   any indication that made any conclusions in the  
5   three months of investigation about what time you  
6   thought or you concluded the crime took place?

7           A.    In the early morning hours of July the  
8   6th.

9           Q.    All right, the early morning.  Do you mean  
10   1:00, do you mean 3:00, do you mean 2:00?  Where did  
11   you fix the time?

12           MS. EKL:  Objection, form, assumes facts  
13   not in evidence.

14           A.    I don't recall.

15           Q.    All right.  Well, what did you know in  
16   terms of what the neighbors said in terms of what  
17   time they thought the fire started?

18           A.    The neighbors discovered the fire at 4:00,  
19   4:30, somewhere in that area, somewhere in that  
20   area, I think, without going back through all the  
21   records.

22           Q.    All right.  So Darrell's got something  
23   happening three hours before the fire, right?

24           MS. EKL:  Objection, form.

1 Q. Three, three and a half hours.

2 A. Don't know.

3 Q. Well, didn't that raise your antenna a  
4 little bit about the credibility of what this drunk  
5 was saying?

6 MS. EKL: Objection, form.

7 A. Not really, sir.

8 Q. All right. So you were buying what he was  
9 selling, right?

10 MS. EKL: Objection, form.

11 A. We had to listen to his interview, then go  
12 out and work the leads up to make sure that he was  
13 telling us the truth.

14 Q. And so was -- was there enough -- the next  
15 thing you say that happened was that he was taken to  
16 Charleston, right?

17 A. No, I didn't say that. I -- when he was  
18 in -- you'd have to look at time schedules of  
19 eavesdrop orders and whatever Gary Wheat might  
20 remember when he was over there.

21 Q. Oh, let me ask you one other thing. One  
22 thing Darrell was -- said was that he couldn't get  
23 into the building when he tried to get into the  
24 building, that being the Rhoads residence, so he

1 used a credit card to open the door. Is that right?

2 A. Yes, sir.

3 Q. Did you make any effort to ask Betty or to  
4 check the records to see if a man such as Darrell  
5 even had a credit card?

6 A. Darrell produced us a credit card.

7 Q. He showed you a credit card?

8 A. In the evidence there's a credit card that  
9 I think that we got from him.

10 Q. Was there a report about the credit card?

11 A. Not to my knowledge, but there should have  
12 been an evidence receipt or I saw pictures of a  
13 credit card somewhere.

14 Q. Okay. There's nothing in this report, is  
15 there, about taking him to Charleston, buying him  
16 the beer and the liquor, the breaking of the voice  
17 box, any attempt to interview him in Charleston.  
18 There's nothing in either you or Eckerty's report,  
19 is there?

20 MS. EKL: Objection. Are you referring to  
21 the report that we've just been looking at that's  
22 dated September 21st or are you referring to any  
23 reports anywhere? So my objection is foundation,  
24 form.

1 MR. TAYLOR: I'm talking about Eckerty and  
2 Parrish's reports.

3 A. Not in this interview, no.

4 Q. All right. How about anywhere later in  
5 this report? Is there any entry that would fix the  
6 time with regard to the Charleston Inn as being  
7 either before or after the Sunday interview?

8 A. Not that I recall. There should be some  
9 receipts from a motel room when Gary was over there  
10 with him, to correlate that with the court orders  
11 that we had for the eavesdrop orders, to correlate  
12 all that together to tell you when he was over  
13 there.

14 Q. Okay. But the details of what happened  
15 when he was over there, there are no reports, right?  
16 Just something that would allow you to work  
17 backwards from the eavesdrop entries, right?

18 A. Yeah, because nothing happened over there.

19 Q. Well, he was put up for a night, right?

20 A. Oh, that he was, yes.

21 Q. And what was the reason for that you say?

22 A. To make sure he was sober.

23 Q. So you were sobering him up, right?

24 A. To keep him sober.

1 Q. But part of the plan to keep him sober was  
2 that Wheat bought a six-pack and a fifth of whiskey  
3 for him, right?

4 MS. EKL: Objection, form.

5 A. I don't know -- I don't know what Wheat  
6 purchased.

7 Q. Well, were you aware that he was given  
8 alcohol while he was over there at -- with the  
9 approval of Chief Ray?

10 A. Yes, sir.

11 Q. All right. And you knew that at the time,  
12 right?

13 A. Yes, sir.

14 Q. So were you trying to get him sober or  
15 were you just trying to maintain him in a quasi  
16 drunken state?

17 MS. EKL: Objection, form.

18 A. Neither.

19 Q. So what were you trying to do with the  
20 alcohol?

21 A. You said earlier he was an alcoholic and  
22 alcoholics go through DTs, and we knew that he was  
23 going to have to do an eavesdrop or whatever it was  
24 that he was going to do, so we wanted to make sure

1 he wasn't going to -- I'm sorry, I was waiting for  
2 the motorcycle.

3 Q. Okay.

4 A. Make sure that he -- we did not want him  
5 drunk or under the influence of alcohol, yet we  
6 didn't want him going into DTs.

7 Q. But you had seen him for four or five  
8 hours a couple nights before and he didn't go into  
9 DTs according to you.

10 MS. EKL: Objection, form.

11 Q. Didn't send him into DTs on the night of  
12 Friday and early morning of Saturday, the 19th and  
13 20th, right?

14 A. Right, because he had been drinking.

15 Q. Okay. So what was your understanding of  
16 how long it would take him to go into DTs after he  
17 was -- had not been drinking?

18 A. I had no idea about that.

19 Q. All right. Now, this report, I'm looking  
20 now at Eckerty's report.

21 MS. EKL: That's Jim's report.

22 MR. TAYLOR: That is page 00049, Steidl  
23 12256.

24 MS. EKL: What page number and what date?



1 MR. TAYLOR: It's page 3 of his report  
2 that has numerous dates on it, 9/21, 22, 24, 25,  
3 10/6. Looks like this (indicating) Steidl 12256.

4 BY MR. TAYLOR:

5 Q. Now, according to Eckerty, there's no --  
6 there's nothing recorded between the 21st at Gene  
7 Ray's house and the 24th talking about an  
8 eavesdropping order being obtained by the Fifth  
9 Judicial Circuit, right?

10 MS. EKL: Objection, form.

11 Q. Is that correct?

12 A. That's the way I understand it, yes.

13 Q. And in your report, there's no mention at  
14 all of the eavesdropping order; is that right?

15 A. I don't recall without reading it all word  
16 for word, no.

17 Q. Okay. Well, I'm looking. You have --  
18 after the 21st, your report on the 21st ends, and  
19 the next entry that you have here is the 23rd but  
20 it's about Carol Arbuckle, and the next entry after  
21 that is the 26th. So would you agree with me that  
22 you have no entries that deal with Darrell after the  
23 21st?

24 A. Yes, sir.

1 Q. All right. So it's fair to say that  
2 neither you nor Eckerty recorded the events at the  
3 Charleston Inn; is that right?

4 MS. EKL: Objection, form.

5 A. Yeah, there was never anything recorded at  
6 the Charleston Inn.

7 Q. Okay. By recorded, I mean in a report.

8 A. Yeah, to my knowledge.

9 Q. Okay. But you and Eckerty did obtain an  
10 eavesdropping order on the 24th or the 25th; is that  
11 right?

12 A. Yes, sir, that's what it says.

13 Q. All right. And so it's your testimony  
14 that you tried to sober up Darrell so that he could  
15 do an eavesdropping attempt on Randy Steidl and Herb  
16 Whitlock; is that right?

17 A. I don't know if this is the incident when  
18 we was at Charleston, at the Charleston Motor Inn or  
19 not. I don't know. If we had some receipts or  
20 that, then that would correlate everything together.

21 Q. If we had a report, that would help too,  
22 right?

23 MS. EKL: Objection, form, foundation.

24 A. Oh, you're waiting on me, I'm sorry.

1 Q. Yeah.

2 A. Yes.

3 Q. And, in fact, were you present when Gary  
4 Wheat gave his deposition?

5 A. No, I wasn't.

6 Q. You know he testified that it was that  
7 Saturday in between the Friday and the cabin -- I  
8 mean the Gene Ray interview that he took him to  
9 Charleston and that you were involved?

10 MS. EKL: Objection, form, foundation.

11 A. Sir, I have no recollection of that  
12 happening whatsoever.

13 Q. All right. But anyway, you did a wire in  
14 conjunction with the Illinois State Police and  
15 Darrell for, on the 25th, an attempt to get Randy  
16 and Herbie to make admissions about involvement. In  
17 other words, Darrell tried to get them to agree with  
18 his story, right?

19 MS. EKL: Objection, form.

20 A. I'm sure that was the reason behind the  
21 wiretaps, yes.

22 Q. And it didn't work, right?

23 A. No, sir, it didn't.

24 Q. They both denied any involvement, right?

1 A. Yes, sir.

2 Q. All right. Would it be fair to say that  
3 what you were doing with regard to Darrell -- strike  
4 that. Did the team have questions about Darrell's  
5 credibility?

6 MR. RAUB: Objection, foundation.

7 MS. SUSLER: Ask at that time.

8 Q. At that time.

9 A. Not -- not that I recall. If you're in  
10 reference to the polygraph, is why we had to run the  
11 polygraph?

12 Q. No, I'm just asking you prior to --

13 A. No, I didn't.

14 Q. All right. And -- but certainly the fact  
15 that Randy and Herb did not concede anything to  
16 Darrell did not enhance his credibility, Darrell's  
17 credibility in your mind, did it?

18 A. No.

19 Q. All right. Did it -- was it -- did it  
20 have a negative impact in terms of did you expect  
21 that if they were involved they most likely would  
22 talk to Darrell if Darrell was involved with them on  
23 it?

24 A. Not --

1 MS. EKL: Objection, form, foundation.

2 Sorry.

3 A. Not necessarily.

4 Q. Well, Darrell was telling the story that  
5 included that both of them had threatened him and  
6 told him they would kill him if he talked to the  
7 coppers, right?

8 A. That's what Darrell said, yes.

9 Q. So Darrell then -- one part of your  
10 approach was to try to bring them out around that,  
11 right?

12 A. Yes, sir.

13 Q. And you talked to Darrell about him  
14 attempting to do that, right? Is that right?

15 A. Yes, sir.

16 Q. And, in fact, they did the opposite. They  
17 didn't have the kind of reaction that you would  
18 expect that they would have if, in fact, Darrell and  
19 they had been involved in what Darrell said they had  
20 been, right?

21 MS. EKL: Objection, form.

22 A. We -- we didn't have any idea what  
23 reaction we'd get.

24 Q. Well, you --

1 A. He was --

2 Q. -- had a hope. It wasn't like you sent  
3 him out there in the cold, right?

4 A. You're right.

5 MS. EKL: Flint, can you let him finish  
6 his answer please? You just cut him off.

7 Q. I'm right, right?

8 A. Yeah.

9 Q. And what you hoped for and in some way  
10 expected, if in fact Darrell was telling the truth,  
11 was that they would make some admissions that would  
12 confirm his statement that they -- that they had  
13 said that they would kill him if he didn't -- if he  
14 didn't shut up and keep his mouth shut, right?

15 A. We were hoping they would make statements.

16 Q. And they didn't.

17 A. They did not.

18 Q. And that had some impact on your  
19 evaluation of Darrell's story, right?

20 A. No, sir.

21 Q. Well, the next thing you did was you took  
22 him to the polygraph, right?

23 A. Yes, sir.

24 Q. That was on the 29th of September, right?

1           A.    I don't remember, I -- there's reports on  
2    when that happened.

3           Q.    But would you take my word for it that it  
4    was a few days after the wire that you went to the  
5    polygraph with him?

6           MS. EKL:  Wait.  I'm sorry, a few days  
7    after the wire you said?

8           MR. TAYLOR:  The wire.

9           A.    I do know when he went -- when he went to  
10   the polygraph, I don't know what day it was.

11          Q.    All right.  But it was a short time after  
12   the -- that you wired him, right?  Short time,  
13   matter of days, right?

14          A.    I -- I don't recall.

15          Q.    Well, it was after, right?  We can agree  
16   to that, can't we?

17          A.    I don't -- I don't recall -- I don't  
18   recall him taking a polygraph.

19          Q.    You don't remember taking him to the  
20   polygraph yourself?

21          A.    No, sir, I do not.

22          Q.    You don't recall being there?

23          A.    No, sir, I do not.

24          Q.    And did you and -- did you participate

1 with McFatriidge, Ray and Eckerty in making a  
2 determination to polygraph him?

3 MR. MANCINI: Objection as to form.

4 A. That is one thing -- that's one incident I  
5 have no recollection of at all whatsoever.

6 Q. All right. So any documentation that says  
7 you were there does not refresh your recollection in  
8 any way about your participation in the polygraph  
9 situation?

10 MS. EKL: Objection to form unless you're  
11 going to actually show him the documents that you're  
12 referring to so that he can answer it as to whether  
13 it would refresh his recollection.

14 Q. You may answer.

15 A. I have no recollection, sir, of the  
16 polygraph period.

17 Q. All right. Do you have a recollection of  
18 the results of the polygraph?

19 A. My recollection is what I was -- what I  
20 was told.

21 Q. By whom were you told?

22 A. That I don't recall. Until -- if I might  
23 back up for a second.

24 Q. Sure.



1           A.    I had no recollection of the polygraph  
2           until all these -- until you folks became involved  
3           and they brought the report out.  I had -- I had  
4           total no recall of that polygraph.

5           Q.    So is it your testimony that you were not  
6           given a copy of either the polygraph report or any  
7           portion of the polygraph report after Darrell was  
8           taken to the polygraph?

9           A.    I'm assuming the police department got a  
10          copy of it, but I go back to what I just said, I  
11          have no recollection of the polygraph period.

12          Q.    Okay.

13          MR. TAYLOR:  This might be a good time to  
14          take a break.

15          MR. BALSON:  Given the fact that we don't  
16          have a lot of time left, maybe we'd be better off  
17          sending out for sandwiches.  Does anybody have --

18          MS. EKL:  Well, we're going to take a  
19          break.  I mean we started early at 9:00 so that we'd  
20          have time to take a break.  Just because I'm  
21          stopping at 5:00, that's still -- I'm still giving  
22          you eight hours, it's a nine hour day.  So we're  
23          going to take a break for lunch.  I mean it doesn't  
24          have to be an hour, but I'm just saying --

1 MR. BALSON: All right, how about ten  
2 minutes?

3 MS. EKL: We'll take a reasonable break.  
4 I'm trying to be reasonable here, folks, but you  
5 know --

6 MR. BALSON: That would be a first.

7 MS. EKL: All right. Well, then maybe we  
8 should just finish the dep. I'm giving you -- I'm  
9 giving you --

10 MR. RAUB: Seven hours has gone.

11 MS. EKL: -- you know, a long period of  
12 time. You can at least acknowledge the fact that I  
13 think I'm being reasonable about the length of this  
14 dep, so, you know...

15 MR. BALSON: He's a big witness.

16 MS. EKL: I acknowledge that. That's why  
17 I'm allowing you time, but I'm just -- you know,  
18 you've got to be reasonable too.

19 MS. SUSLER: All right. Half an hour?

20 MR. RAUB: No, I think 45 minutes. Two  
21 o'clock.

22 MS. EKL: I think two o'clock is  
23 reasonable. I mean we'll plan on starting at 2:00  
24 so we'll plan on being back beforehand so we can

1 start at two o'clock.

2 MR. THIES: I have another commitment that  
3 will take me away. Do not wait for me. Phil is on  
4 the phone representing me, so -- but I will quietly  
5 come in.

6 MS. EKL: Okay, that's good.

7 (Recess at 1:12 p.m. to 2:03 p.m.)

8 BY MR. TAYLOR:

9 Q. I want to show you what has previously  
10 been identified as Murphy Exhibit No. 4. It's the  
11 lie detector document. Did you have an occasion to  
12 review that document before the deposition?

13 A. No, sir, I didn't.

14 Q. All right. When is the last time you've  
15 seen this report from Murphy with regard to Darrell  
16 Herrington?

17 A. Like I said earlier, sir, I don't even  
18 remember seeing it.

19 Q. All right. Well, you notice that it says  
20 that the polygraph was done -- look at the front  
21 page for me.

22 A. Oh, you're in that letter, okay.

23 Q. Yeah, at the request of Eckerty, the above  
24 witness was examined by the polygraph detection at

1 the Paris Police Department, right?

2 A. That's what it says.

3 Q. Well, are you sure you weren't present  
4 when Darrell was brought over on the 29th of  
5 September?

6 A. Sir, I have no recollection of any -- I  
7 could have been there or not. I just don't have any  
8 recollection of it.

9 [Cell phone.]

10 MR. TAYLOR: I'd better take a one minute  
11 break.

12 (Pause at 2:04 p.m. to 2:07 p.m.)

13 BY MR. TAYLOR:

14 Q. You have had occasion to look at the  
15 report, right?

16 A. Yes, sir, I did.

17 Q. Now, the report indicates that Mr. Murphy  
18 did a lie detector of Darrell Herrington at the  
19 Paris Police Department on September 29th of 1986;  
20 is that right?

21 A. That's what it says, sir.

22 Q. And, in fact, that he found purposeful  
23 noncooperation by Darrell Herrington, right?

24 A. That's what I read, yes, sir.

1 Q. And, in fact, that was a significant  
2 finding by the lie detector man, right?

3 MS. EKL: Objection, form, foundation.  
4 He's already testified he doesn't recall learning  
5 that.

6 A. Yeah, I guess so, yes, sir.

7 Q. And are you telling us as you sit here now  
8 that you were not informed that your witness,  
9 Darrell Herrington, had been found to be  
10 purposefully noncooperative by the lie detector  
11 person that took his lie detector test?

12 A. No, I didn't say that because I have no  
13 recollection of any of this, whether -- I don't know  
14 whether I was sick that day, I don't know. I just  
15 -- I have a total blank when it comes to this  
16 polygraph exam.

17 Q. Well, even if you were sick that day, it  
18 would be something that would be shared with the  
19 team, the investigative team, wouldn't it?

20 A. I would think so.

21 Q. Okay. But -- and would that, in fact,  
22 have led you to further steps with regard to Darrell  
23 and the evaluation of his credibility?

24 A. We would have had to reinforce his

1 statements, yes.

2 Q. All right. And, in fact, did you attempt  
3 to reinforce his statements after the lie detector  
4 results came in?

5 A. Sir, I don't have any recollection of this  
6 is what I'm saying.

7 Q. All right. But whether you have -- you  
8 have no recollection of any steps you took in  
9 response to any -- any lie detector evaluation of  
10 Darrell's credibility?

11 A. I don't remember anything about the  
12 polygraph or -- it's just -- it's not there. I  
13 don't know.

14 Q. All right. Well, you notice in this  
15 report it says it is recommended that this subject  
16 be administered a second polygraph examination to  
17 further investigate his truthfulness; is that right?

18 A. Yes, sir, I read that.

19 Q. And did you at the time know that there  
20 was a request from the polygraph examiner to do a  
21 second polygraph of Darrell Herrington?

22 A. I don't recall.

23 Q. Did you do -- did you make him available  
24 for a second polygraph?

1 A. Not to my knowledge.

2 Q. Would you expect that if you got a report  
3 like this, that you would make him available for a  
4 second polygraph if he had been found the first time  
5 to be intentionally deceptive?

6 MS. EKL: Objection, form, foundation.

7 A. I have -- I have no knowledge or -- of  
8 anything that was either -- of this test or  
9 anything.

10 Q. All right. Well, you do recognize, do you  
11 not, looking at this report, that he was asked key  
12 questions about whether he was telling the truth  
13 with regard to what he told you and the others in  
14 the investigative team at various times previous to  
15 September 29th, right?

16 MS. EKL: Objection, form.

17 A. Yes.

18 Q. And, in fact, he had purposeful  
19 noncooperation to each and every question, right?

20 MS. EKL: Objection, foundation.

21 A. That's what it says.

22 Q. Did you ever speak to Darrell and ask him  
23 why he purposefully did not cooperate with the  
24 polygraph examination?

1           A.    I have no recollection of the polygraph  
2 even being administered or any of the results of it.

3           Q.    And you have -- and neither you nor  
4 Eckerty recorded the polygraph in either of your  
5 reports; is that right?

6           MS. EKL:  Objection, foundation.

7           A.    No, sir.

8           Q.    It's not right?  It is right, right?

9           A.    There's nothing in my reports that I see  
10 about polygraph examination.

11          Q.    And as far as you know, there's nothing in  
12 Eckerty's report either; is that --

13          A.    Not that I recall.

14          Q.    All right.  Did Eckerty ever tell you that  
15 he talked to Herrington about the polygraph and  
16 questioned him about why he hadn't cooperated?

17          A.    I don't have any recollection of any of  
18 that, no.

19          Q.    Now, subsequent to September 29th, you  
20 took Darrell to St. Louis to be hypnotized, right?

21          A.    That I remember, yes, sir.

22          Q.    And was that a decision of McFatrige and  
23 yourself and Ray and Eckerty?

24          MR. MANCINI:  Objection, compound.



1 A. I'm sure it was.

2 Q. All right. And was that -- what was the  
3 basis of that decision?

4 A. Because the hypnosis was another  
5 investigative tool to be used and we had heard or  
6 read that there's sometimes hypnosis can do this,  
7 so --

8 Q. Do what -- I'm sorry, go ahead, I didn't  
9 mean to interrupt.

10 A. I knew I didn't get everything clear to  
11 you. Maybe extract further information from  
12 somebody that couldn't remember. Go ahead, I'm  
13 sorry.

14 Q. Go ahead.

15 A. I think I'm done.

16 Q. What additional information were you  
17 looking for from Darrell that he already -- hadn't  
18 already given you?

19 MS. EKL: Objection, form.

20 A. We had no idea.

21 Q. So you -- did you think he might, in fact,  
22 have been there and seen more than what he was  
23 telling you?

24 A. It's very possible, yes, sir.

1 Q. Did you think that, in fact, maybe he was  
2 involved himself and under hypnosis he would admit?

3 A. Very possible, yes.

4 Q. Did you tell him that -- what the purpose  
5 of the hypnosis was?

6 A. Darrell?

7 Q. Yes.

8 A. Yes, sir.

9 Q. Well, again, if -- under hypnosis he might  
10 have made admissions that would have put him in the  
11 middle of this case, right?

12 A. Yes, sir, he may have.

13 Q. Did you give him any warnings before he  
14 went to the -- to the hypnotist, you know, any kind  
15 of Miranda warnings?

16 A. Oh, no, sir.

17 Q. So right up until the time he went to the  
18 hypnotist, he still hadn't been given his warnings  
19 and he hadn't been availed of having a lawyer,  
20 right?

21 A. My recollection, no.

22 Q. And, in fact, he didn't have much money at  
23 that point in his life, right?

24 MS. EKL: Objection, foundation.

1 A. I have no idea what his finances were.

2 Q. Well, in all likelihood he would have  
3 needed to have a public defender appointed to  
4 represent him if he had a lawyer, right?

5 MS. EKL: Objection, form, foundation.

6 A. I don't know.

7 Q. All right. But you never made any inquiry  
8 or attempted to get him a lawyer, right?

9 A. No, sir.

10 Q. All right. And did you drive him to St.  
11 Louis to the hypnotist?

12 A. One of -- one of the three of us drove  
13 him. I don't remember who actually drove the car.

14 Q. Okay. Who's the three of you that went?

15 A. Me, McFatriidge, Eckerty and Darrell.

16 Q. All right. And was that in November? Do  
17 you remember when it was?

18 A. I don't remember, sir.

19 Q. But it was sometime subsequent to the  
20 29th, is that fair to say?

21 A. Yes, sir, I would say.

22 Q. All right. Now, the lie detector test is  
23 also an investigative technique, right?

24 A. Very much, yes, sir.

1 Q. All right. So you hadn't gotten the  
2 results you wanted to with the lie detector, so you  
3 moved on to the hypnotist, right?

4 MS. EKL: Objection, form.

5 A. Like I said, I don't recall anything about  
6 the polygraph or anything, so I can't -- I can't --  
7 I don't know.

8 Q. Well, let me ask you this. If you -- if  
9 you had gotten back results that said that he passed  
10 the lie detector test, would you have taken him to  
11 the polygraph -- I mean to the hypnotist anyway?

12 MS. EKL: Objection, form.

13 A. Very possible.

14 MS. EKL: Sorry. Calls for speculation.  
15 Go ahead.

16 A. Very possible.

17 Q. All right. Do you remember in the  
18 discussions that the investigative team had about  
19 the hypnotist, was it discussed that the lie  
20 detector technique had not worked sufficiently?

21 A. Again, like I say, I don't have -- I have  
22 no recollection of the polygraph or anything about  
23 the polygraph.

24 Q. So you don't have any recollection of it

1 being a subject of the discussion when you talked  
2 about the hypnotist?

3 A. No, sir, I don't.

4 Q. When you got to the hypnotist in St.  
5 Louis -- who came up with the hypnotist? Do you  
6 know the name of the person?

7 A. No, sir, I don't. I don't know who came  
8 up with Dr. Lum's name.

9 Q. All right. Had you ever dealt with him  
10 before?

11 A. Oh, no, sir.

12 Q. Had you ever dealt with Mark Murphy  
13 before, the lie detector man?

14 A. I believe we had -- I had used him on  
15 other -- not this crime, but other things.

16 Q. Okay. Now, was -- who was present with  
17 Darrell when he was hypnotized?

18 A. Nobody. Just the hypnotist.

19 Q. All right. Now, when he was -- did you  
20 give the hypnotist any written information with  
21 regard to what he was to do when he hypnotized  
22 Darrell?

23 A. Absolutely not. What I do recall about  
24 the hypnot -- the guy.

1 Q. Hypnotist.

2 A. There you go, thank you. We were told  
3 that he wanted to know nothing about any of the  
4 case, he didn't want to know the names, he didn't  
5 want to know anything period except what kind of  
6 case it was, which was a murder case.

7 Q. All right.

8 A. We took Darrell down there, he went into  
9 the hypnotist's office, we introduced him, handed  
10 him over, and we were told to leave for about three  
11 hours.

12 Q. All right. So you were not -- you did not  
13 participate in any questioning of Darrell while he  
14 was under hypnosis?

15 A. Oh, no, sir.

16 Q. So you turned him over to the hypnotist,  
17 told him simply that it was a murder case, and left  
18 him for three hours; is that right?

19 A. Yes, sir.

20 Q. And what was your understanding of what  
21 the hypnotist was going to do during those three  
22 hours?

23 A. He was going to hypn -- boy, I'm having  
24 awful trouble with this word.

1 Q. Hypnotize.

2 A. -- hypnotize Darrell and see what else --  
3 see what Darrell was going to say under hypnosis  
4 about the murders.

5 Q. So your understanding was he was going to  
6 ask him open-ended questions and see what he might  
7 say?

8 A. Yes, sir.

9 Q. Now, what was your understanding about  
10 how, if at all, the session of question and answers  
11 that Darrell was going to have with the hypnotist,  
12 how that was going to be recorded, if at all?

13 A. Oh, he told us it would be on video, VC --  
14 camera. It would be on film.

15 Q. All right. And did you, in fact, receive  
16 some kind of recorded version of it either on film  
17 or on video, videotape?

18 A. Yes, sir, we did.

19 Q. And did you have an occasion to look at  
20 it?

21 A. I looked at it one time, yes, sir.

22 Q. All right. And was it -- did you find out  
23 that it was only a partial transcript or partial  
24 recordation?

1 A. No, I don't recall that.

2 Q. Did it have everything from the time that  
3 he was hypnotized all the way to the time that he  
4 was unhypnotized?

5 A. Yes, sir, but you didn't -- how the doctor  
6 hypnotized him wasn't there and how he unhypnotized  
7 him wasn't there.

8 Q. So you had to take it on the -- on faith  
9 from the doctor that everything that he asked him  
10 while -- number one, that he was hypnotized, and  
11 number two, that you had the entire transcript from  
12 the time he was hypnotized until he was  
13 unhypnotized, right?

14 A. Exactly.

15 Q. And how long after the hypnosis did you  
16 get the tape? Did he give it to you right that day  
17 and let you take it back with you?

18 A. The best I can recall, we brought the tape  
19 back with us.

20 Q. All right. Now -- and you say at some  
21 point you looked at it?

22 A. Yes, sir.

23 Q. Did you have someone in your office or  
24 McFatridge's office type up a verbatim transcript of



1 it?

2 MR. MANCINI: Objection as to form.

3 A. I don't recall, sir.

4 Q. Did you ever see a transcript of it?

5 A. Not to my recollection I didn't.

6 Q. What was it that you were looking for in  
7 terms of the hypnosis? Was there -- what made it  
8 necessary to hypnotize him?

9 A. To see if there was any additional  
10 information or involvement of Darrell in it or any  
11 more information that the hypnosis extracted while  
12 he had him under hypnosis.

13 Q. All right. So you and the others on the  
14 investigative team felt that the story he was giving  
15 you may not have been complete, is that what you're  
16 saying?

17 MS. EKL: Objection, form, foundation.

18 A. I guess you could say that, yes.

19 Q. Would you also say that you felt that it  
20 might not be accurate?

21 A. No, we felt it was accurate.

22 Q. Did you feel that instead of getting more  
23 detail, maybe in fact that he was exaggerating and  
24 in fact he wasn't there or was asleep in the car or

1 something like that rather than actually being  
2 involved even to the degree he said he was involved?

3 A. It could be very possible, yes, sir.

4 Q. All right. So there was -- you could go  
5 either way with it, you could go that he's  
6 exaggerated or even lying or you could go in the  
7 other direction and say he knows more and in that  
8 sense he's withholding information. Is that fair to  
9 say that was one of the reasons you took him to the  
10 hypnotist?

11 A. Yes.

12 Q. All right.

13 A. I don't say withholding, but maybe there  
14 was more that he knew that he wasn't telling us.

15 Q. Well, that would be withholding, wouldn't  
16 it?

17 A. Yeah, right.

18 Q. Okay. What did you find out from the  
19 hypnotist? Did he tell a more complete story? Did  
20 he back off of anything? Did he tell a different  
21 story in any material respect?

22 A. From what I can recall, the story was the  
23 same. The story was the same that he had given in  
24 his statements, and whether there was additional, I

1 do not recall.

2 Q. All right. So I think the best estimate  
3 of when this happened or I believe the reports show  
4 or some document -- strike that.

5 There's no reference to the hypnotist in  
6 either your report or Eckerty's report, right?

7 MS. EKL: Objection, foundation.

8 A. Not that I recall, sir.

9 MS. EKL: And as an officer of the court  
10 I'll direct you to Eckerty's report November 28,  
11 1986.

12 MR. TAYLOR: You don't have to be an  
13 officer of the court to do it.

14 MS. EKL: All right, I'm just saying it's  
15 in there.

16 MR. TAYLOR: All right. What page?

17 THE WITNESS: (Indicating).

18 MR. TAYLOR: Thanks.

19 MS. EKL: I don't know if you have the  
20 same page in front of you as I do. This is  
21 Eckerty's report dated -- starts November 24th. I  
22 don't know if it's part of Ray's exhibit or not.

23 MS. SUSLER: That's Parrish.

24 MR. TAYLOR: Oh, is it?

1 Q. Well, before we look at Eckerty, you  
2 didn't put it in your report, right?

3 A. It's not in mine, no, sir.

4 Q. Okay. All right. So let's look at page  
5 11951. I think counsel has pointed it out to you.  
6 This indicates that on November 24th, '86, you and  
7 Eckerty interviewed Darrell Herrington, right?

8 MS. EKL: Hold on, I don't have it in the  
9 stack that you're referring to. 11951.

10 MR. TAYLOR: I thought you just found it.

11 MS. EKL: I found it on my computer, but I  
12 have a different Bates stamp number on my computer  
13 than what you're looking at.

14 MR. TAYLOR: Okay. Well, you --

15 MS. SUSLER: Read what's at the top of the  
16 report, maybe they're the same and we can save some  
17 time.

18 MR. TAYLOR: It's a report which was  
19 prepared on 11/24 and 11/25, 12/1, 12/2.

20 MS. EKL: What exhibit number is that?

21 MR. TAYLOR: It's part of Exhibit 2. Can  
22 you show -- oh, it's on your computer.

23 THE WITNESS: Would it be in this one I've  
24 got here?

1 MS. EKL: It's in there somewhere. I just  
2 can't find it, figure out where it is.

3 MR. TAYLOR: Steidl 11951 if you look at  
4 the bottom.

5 MS. EKL: They're not in order. That's  
6 why I'm having difficulty.

7 A. 11951?

8 BY MR. TAYLOR:

9 Q. Yeah. You got it?

10 A. Yes, sir, I do have it.

11 Q. All right. So that's an entry on the  
12 24th, Parrish and Eckerty interviewed Herrington and  
13 you did a taped interview; is that right? At the  
14 end you did a taped statement after you interviewed  
15 him; is that right?

16 A. Yes, sir.

17 Q. And so was that -- had you already made  
18 the decision to take him to the hypnotist on the  
19 24th?

20 A. Yes, prior to the 24th.

21 Q. All right. And so what was the purpose of  
22 taking a taped statement of him prior to taking him  
23 to the hypnotist? Were you still trying to get --  
24 to find out whether he was telling the truth or

1 either withholding or exaggerating? Are you still  
2 trying to deal with that issue --

3 A. No.

4 Q. -- on the 24th?

5 A. No, sir. My recollection, the  
6 hypnosis[sic] is the ones that advised us to do the  
7 interview and tape it and videotape prior to him  
8 doing his thing to Darrell.

9 Q. Okay. And what was -- why did the  
10 hypnotist tell you to do that?

11 MS. EKL: Objection, foundation.

12 A. That part I don't recall why he told us  
13 that, but I can remember that was why we did it. It  
14 had something -- well, I'm just speculating. I  
15 don't recall.

16 Q. Okay. Who communicated with the  
17 hypnotist?

18 A. I don't recall, sir. It wasn't me.

19 Q. It wasn't you, so it was one of the other  
20 of the three?

21 A. Yes, sir.

22 Q. All right. And so there is an entry that  
23 you and Eckerty went to see the hypnotist on the  
24 25th with Darrell and McFatridge as well, right?

1 A. Yes, sir.

2 Q. And it indicates that he was put under  
3 hypnosis and that there was a videotape of it,  
4 right?

5 A. Yes, sir.

6 Q. Okay. Now -- so as of the 25th of  
7 November, you -- the record shows that on the 19th  
8 and 20th you had interviewed Darrell, he had said  
9 Jim and Ed and then changed it to Herb and Randy,  
10 right? That's your testimony, right?

11 A. Yes, sir.

12 Q. Okay. And the record in this case shows  
13 that either on the 20th if you -- if you follow what  
14 Wheat says, or sometime subsequent to that if you  
15 take your testimony, there was -- Darrell was taken  
16 to the Charleston Inn, right?

17 MS. EKL: Objection, form, foundation.

18 Q. You agree he went to the Charleston Inn.  
19 You just don't put it in the same time frame as  
20 Wheat, right?

21 MS. EKL: Objection, form, foundation.

22 A. Yes, sir.

23 Q. And you say it was to keep him sober with  
24 regard to the wire, right?

1 A. To the wife?

2 Q. To the wire.

3 A. Oh, wire, I'm sorry. Yes.

4 Q. All right. You also had wired him and  
5 gotten negative results in terms of trying to get  
6 Randy and Herb to corroborate what Darrell was  
7 saying about them, right?

8 A. Yes, sir.

9 Q. And even though you have no memory of it,  
10 you'll agree with me there is documentation to show  
11 that Eckerty brought Darrell to a polygraph exam on  
12 or about the 29th of September in which he was found  
13 to be purposefully noncooperative, right?

14 A. That's what the report says.

15 Q. And then subsequent to that, in order to  
16 determine whether he was either exaggerating or  
17 holding back information, you contacted a -- or the  
18 group contacted a hypnotist, and you and Eckerty and  
19 McFatrige took Darrell to a hypnotist where he told  
20 his story apparently under hypnosis, right?

21 A. Yes.

22 MS. EKL: Objection, form, foundation,  
23 assumes facts not in evidence.

24 Q. And --



1 A. You want me to answer that?

2 Q. You did answer it, but you can answer it  
3 again if you like.

4 A. Oh, yes.

5 Q. And about that same time, in fact the day  
6 before, you took a detailed statement from him and  
7 then recorded it again on a videotape, right?

8 A. Yes, sir.

9 Q. All right. Did the team after all -- at  
10 any time during this period from September 19th to  
11 November 25th or thereabouts, did the team discuss  
12 whether to bring charges against Herb and Randy on  
13 the basis of Darrell Herrington's testimony?

14 MR. MANCINI: Objection as to form.

15 A. Yes, sir.

16 Q. All right. And when in this process did  
17 you have this discussion or was it more than once?

18 A. When -- when the discussion was had, I  
19 have no recollection. It could have been more than  
20 once, but I do remember it was discussed.

21 Q. All right. And was there agreement among  
22 all of you that, in fact, you didn't have probable  
23 cause based on Darrell Herrington's statements?

24 A. Probable cause wasn't the problem from

1 what I recall. It was having enough to get a  
2 conviction.

3 Q. All right. And did you all agree that you  
4 didn't have enough with Darrell's statement and  
5 whatever other evidence you had to get a conviction  
6 against either Jim or Ed or Herb or Randy?

7 A. Yes, sir.

8 Q. By the way, did you ever determine who Jim  
9 and Ed were?

10 A. No, sir.

11 Q. Okay. Did you ever make any effort to?

12 A. Darrell never gave us a last name for Jim  
13 and Ed.

14 Q. All right. And he didn't need to give a  
15 last name with Randy and Herb?

16 A. He did give us last names.

17 Q. Okay. So I take it that as of November  
18 and December of 1986, whether it be because there  
19 wasn't sufficient probable cause to arrest Randy and  
20 Herb or because, as you say, there wasn't enough  
21 evidence to convict, no charges were brought and no  
22 arrests were made; is that right?

23 A. Correct, sir.

24 Q. And so once again you had hit another spot

1 in your investigation where you were not able to  
2 conclude the investigation and you at that point  
3 didn't have enough evidence to charge anybody,  
4 right?

5 A. Yes, sir.

6 Q. All right. Now, you were also, were you  
7 not, working with the FBI to attempt to get some  
8 kind of profile of the killers from their VICAP  
9 division, right?

10 A. Yes, sir.

11 Q. All right. Hold on a second here. I'm  
12 going to mark this as a group exhibit. It will take  
13 me a minute to organize this a little bit. I'm  
14 going to give you these documents which consist of  
15 the documents we have with regard to the VICAP  
16 investigation. I'm not going -- they're not  
17 necessarily in chronological order because I think  
18 it would take more time than it's worth to do that.

19 MR. TAYLOR: You can mark that.

20 (Parrish Group Exhibit No. 3 was marked by  
21 the court reporter.)

22 MR. TAYLOR: Here you go, Beth. I think  
23 that's all of them.

24 BY MR. TAYLOR:

1 Q. Okay. So were you the point person with  
2 the FBI with regard to the VICAP investigation?

3 A. I guess I would have been, sir, yes.

4 Q. And there was, in fact, a 200 page or a  
5 large form that you had to fill out all sorts of  
6 information and send it to them.

7 A. It was a bunch, yes, sir.

8 Q. And, in fact, you did send that by  
9 certified mail, right?

10 A. I don't remember sending one in to them.

11 Q. Well, take a look at this -- this part of  
12 the document right here. There's a U.S. Mail, it  
13 says follow-up investigative report, and it has  
14 Paris Police Department and it says the sender. Do  
15 you see that?

16 A. I got it, yes, sir, I do.

17 Q. And the next page is FBI, P.O. Box  
18 whatever, Springfield, Illinois. You see that --

19 A. Yes, sir.

20 Q. -- with a September 8th stamp on it? Is  
21 this -- is that your writing on the Paris Police  
22 Department return to sender thing?

23 A. That is.

24 Q. Okay. So would that indicate to you that

1 you did send them something with regard to the VICAP  
2 investigation?

3 A. Yes, sir, it did.

4 Q. All right. And would it be likely that  
5 what you sent them was the form having to do with  
6 the information, the VICAP information?

7 A. Yes, sir.

8 Q. And, in fact, do you see a September 29th,  
9 '86, document addressed to you from Alan Burgess  
10 from Quantico FBI? Do you see this document here  
11 (indicating)?

12 A. Yes, sir, I see it.

13 Q. And it's acknowledging that they received  
14 the information from you, right?

15 A. Yes, sir.

16 Q. Okay. And it tells you who they assigned  
17 it to; is that right?

18 A. Yes, sir.

19 Q. Now, this was, in fact, going on at about  
20 the same time that the Herrington material was --  
21 interviews were happening; isn't that right?

22 A. Yeah, shortly after that.

23 Q. And what you were looking for was a  
24 profile of the killers, right, and that's what the

1 FBI profiling does, right?

2 A. That's what Kenny Temples told us about,  
3 yes.

4 Q. And so Temples was the local FBI agent?

5 A. Yes, sir.

6 Q. And he told you about this -- this  
7 situation, this way that the FBI had of trying to  
8 give you a profile of a likely killer, right?

9 A. Yes, sir.

10 Q. Now, at some point in this process in late  
11 -- it says -- take a look at this November 28th  
12 report. Do you see that? It's to director from  
13 Springfield.

14 A. Uh-huh, yes, sir.

15 Q. It says on October 22nd Parrish telephoned  
16 the FBI, I take it the Springfield office, and that  
17 it says his department had focussed on two  
18 particular individuals. Do you see that?

19 A. Yes, sir.

20 Q. And that Parrish stated that this  
21 information was chiefly derived through informant  
22 information. Do you see that?

23 A. Yes, sir.

24 Q. And, in fact, you did have this

1 conversation with the FBI at Springfield; is that  
2 right?

3 A. If it came from -- I don't know if I would  
4 have --

5 Q. Well, you had it with the FBI. I don't  
6 know exactly who it was --

7 A. Yes, sir.

8 Q. -- right? And does this accurately  
9 reflect what you told them?

10 A. I'd have to assume. It's here in the  
11 letter.

12 Q. Okay.

13 A. From what I --

14 Q. And I take it the informant you were  
15 referring to here, the informant information is  
16 Darrell, right?

17 A. Would have been Darrell, yes, sir.

18 Q. All right. And it says that Parrish  
19 stated that other corroborating information is  
20 currently being gathered and analyzed, right?

21 A. Yes, sir.

22 Q. What was that other corroborating  
23 information?

24 A. I don't recall, sir.

1 Q. Did you -- did you obtain any to your  
2 knowledge?

3 A. Not to my knowledge.

4 Q. All right.

5 A. Or not to my recollection.

6 Q. All right. Now, you were advised at that  
7 time that, in fact, in view of the fact that  
8 valuable suspects had surfaced in the matter, no  
9 attempt will be made to construct the criminal  
10 personality profile; is that right?

11 A. Yes, sir.

12 Q. But they did say that if you gave them  
13 information about the suspects, they'd try to  
14 develop a profile on them, a personality assessment;  
15 is that right?

16 A. Yes, sir.

17 Q. All right. And did you attempt to collect  
18 some information to assist the FBI in that?

19 A. Well, I'm going to have to read and see if  
20 I did.

21 Q. Well, to your recollection did you?

22 A. My recollection is no.

23 Q. All right. Let me call your attention to  
24 the next document which is a January 21, 1987. Now,



1 we're still in the period where you have Darrell and  
2 really nothing else, right?

3 A. Yes, sir.

4 Q. Okay. And you had decided as a group that  
5 that wasn't enough to proceed, right?

6 A. Yes, sir.

7 Q. All right. Now, in this document, it  
8 indicates the FBI indicates that you made certain  
9 statements to them. Do you see that? On 1/20/87  
10 Parrish advised Gordon Randy Steidl and Herbert Ray  
11 Whitlock are suspects in the captioned matter.

12 Parrish advised the suspects were developed through  
13 informant information. However, he advised that he  
14 considered the source to be a poor witness. Do you  
15 see that?

16 A. Yes, sir.

17 Q. Did you tell the FBI that as they recorded  
18 in this document?

19 A. Yes, sir.

20 Q. All right. And so, in fact, you  
21 considered Darrell to be a poor witness, at least as  
22 of January 21st, 1987.

23 A. He was --

24 Q. Is that fair to say?

1           A.    He was not -- he was a witness, but he  
2   wasn't a good enough witness to make an arrest or  
3   get a conviction on.

4           Q.    Now, when you say a poor witness, you're  
5   using it -- you're not talking about that he was  
6   bankrupt or something.

7           A.    Oh.

8           Q.    We're talking about that he was a bad  
9   witness, right? Is that fair to say?

10          MS. EKL:  Objection, foundation.

11          A.    I'm not saying he was a bad witness.  He  
12   was just a one -- he was one witness that --

13          Q.    And a poor one at that, right?

14          MS. EKL:  Can you let him finish please,  
15   Flint?

16          A.    You want to read it that way, yes.

17          Q.    All right.  And you say Parrish advised  
18   the suspects had been interviewed but were  
19   uncooperative.  What are you referring to there?

20          A.    I'm assuming -- here we go assuming.  I  
21   don't -- I don't recall.

22          Q.    All right.  And said that you stated next  
23   week that the Paris Police Department was having a  
24   meeting with the crime lab technicians in an attempt

1 to develop physical evidence to tie in the suspects  
2 into the murder, right?

3 A. Yes, sir.

4 Q. Do you remember that meeting taking place?

5 A. I -- not at this time I don't recall it.

6 Q. Okay. But there wasn't any physical  
7 evidence that was developed at that time to tie  
8 Whitlock and Steidl to the case, was there?

9 A. I don't remember when we collected  
10 Darrell's shoes without going back through inventory  
11 sheets.

12 Q. Okay. At some point, though, you did  
13 collect Darrell's shoes?

14 A. Somewhere through this deal we did.

15 Q. And what did the lab report show with  
16 regard to Darrell, Darrell's shoes?

17 A. Nothing.

18 Q. Nothing. There was --

19 A. No evidence.

20 Q. So either he never -- he was not in the  
21 apartment, I mean in the building or he was in the  
22 building and somehow the blood on his shoes was no  
23 longer there, right?

24 MS. EKL: Objection, form.

1           A.    Yes, because it had been several months  
2 since he was there.

3           Q.    Okay. Did you ever -- did you ask the  
4 woman or man who did the lab test whether, in fact,  
5 she had expected there to be at least microscopic  
6 evidence of blood even though it was several months  
7 after the event?

8           A.    I -- I don't recall, sir.

9           Q.    Okay. Now, also in this group exhibit  
10 there's a newspaper article from a local paper dated  
11 February 10th; is that right?

12          A.    Yes, sir.

13          Q.    And do you remember seeing that article  
14 about the time that it was published?

15          A.    I don't have any recollection of it, but  
16 I'm sure at the time I read it.

17          Q.    Okay. And in it McFatrige is quoted at  
18 some length; is that right?

19          A.    Yes, sir, because Mike gave all -- Mike  
20 did all news releases.

21          Q.    Okay. But he basically was talking about  
22 the VICAP investigation or contact you had had with  
23 the FBI, right?

24          A.    Yes, sir, that's --

1 Q. And he indicates that you all were meeting  
2 weekly on the case even in February, right?

3 A. Yes, sir.

4 Q. And he also indicates that you and Eckerty  
5 were still the main detectives on the case, right?

6 A. Yes, sir.

7 Q. And he also indicates that the -- that  
8 you're still interested in the personality of the  
9 people who committed the crimes, right?

10 A. Yes, sir.

11 Q. And he also said something about that they  
12 had indicated that the persons who committed the  
13 crime would have or was likely to have undergone a  
14 personality change since the murder; is that right?

15 A. Yes, sir.

16 Q. Now, was that something that the FBI told  
17 you?

18 A. I don't remember what the FBI told me  
19 because I don't remember seeing any of that in any  
20 other correspondence letters that I got from the  
21 FBI.

22 Q. Okay. But is that something you remember  
23 that was among about the information that you and  
24 McFatridge and Eckerty had at that time that there

1 would be a personality change or could be?

2 A. Sir, I don't -- I don't recall.

3 Q. Okay. Now, take a look at Plaintiff  
4 020953 which is also in this group exhibit, the  
5 second page of the -- of the 1/21 memo. Do you see  
6 that? Looks like this (indicating). It has a line  
7 through some of the information. It's got 020953 at  
8 the bottom. Did you find it?

9 MS. EKL: No.

10 MR. TAYLOR: Keep going. Yeah.

11 Q. Now, this says in this --

12 MS. EKL: Hold on, he's not there yet.

13 Q. Okay, I'm sorry.

14 A. I haven't got it.

15 Q. Here, why don't you let me see if I can  
16 find --

17 MS. EKL: Just take that and I'll find it.

18 MR. TAYLOR: Here it is.

19 THE WITNESS: Is it in there?

20 MS. EKL: Yeah, I'll switch.

21 THE WITNESS: Oh, I'm sorry.

22 BY MR. TAYLOR:

23 Q. Do you see that? This is page 2, 020953  
24 of the 1/21 memo. Parrish advised that they have

1 not determined a motive for these crimes and to date  
2 do not have a probable cause for arrest of the  
3 suspects. Parrish advised an attempt to obtain  
4 background information in order to answer the  
5 personality assessment questions through the  
6 relatives of suspects was negative as the relatives  
7 are uncooperative. Parrish, therefore, at this time  
8 will not be requesting a personality assessment on  
9 the suspects and will advise the Springfield  
10 division if he needs this assistance in the future.  
11 Do you see that?

12 A. Yes, sir, I do.

13 Q. Does that accurately reflect what you told  
14 the FBI on or about January 21st of '87?

15 A. Yes, sir.

16 Q. All right. So, in fact, it wasn't just  
17 that Darrell was a poor witness, but that it was  
18 that you all had determined that Darrell did not  
19 provide you with probable cause for arrest. Is that  
20 fair to say?

21 A. Yes, sir.

22 Q. Now, subsequent to this, in January of '87  
23 -- so in January of, late January of '87, you're  
24 stuck in a position where you don't have probable

1 cause even though you've got Darrell and worked for  
2 several months to determine whether and what he  
3 would say; is that right?

4 A. Yes, sir.

5 Q. All right. And so then again do you  
6 remember something called the Honeybee -- is that  
7 what it's called, the Honeybee Festival in --

8 A. Yes, sir.

9 Q. Do you remember when during the year that  
10 is?

11 A. Be, well, in the fall.

12 Q. In the fall sometime?

13 A. Yes, sir.

14 Q. In the fall of '86 -- did you normally go  
15 there?

16 A. No, sir.

17 Q. Did you go there in the fall of 1986 with  
18 Eckerty?

19 A. I --

20 Q. Go ahead.

21 A. Let me back up. I may have -- if I was  
22 there, it was for probably police duties.

23 Q. Okay. Did you figure since you were  
24 investigating the case pretty hot and heavy in



1 October of '86, would there have been a reason to go  
2 out to the Honeybee Festival perhaps to talk to some  
3 witnesses or something or to gather some  
4 information?

5 A. Not that I recall, but it's very possible.

6 Q. All right. Now, did you at the Honeybee  
7 Festival see a woman that you later knew to be  
8 Deborah Reinbolt?

9 MS. EKL: Objection, form, foundation.

10 A. No, sir.

11 Q. Did you say anything to her at that time?

12 MS. EKL: Objection, form, foundation.

13 A. No, sir.

14 Q. Do you know someone by the name of Marie  
15 Tellschow?

16 A. Oh, yes, sir, I do.

17 Q. Now, she's a good friend of your wife  
18 Ann's, right?

19 A. She was, yes, sir.

20 Q. Has she passed now?

21 A. Yes, she has.

22 Q. Okay. And she was a court reporter,  
23 right, in the building there in the courtroom, at  
24 Paris courtroom, Edgar County actually?

1 A. Yes, sir.

2 Q. All right. And she -- did she have  
3 offices that were basically in the same area as Ann,  
4 your wife?

5 A. Yes, sir.

6 Q. And did she at some point become the  
7 landlady for Deborah Reinbolt?

8 A. Yes, sir.

9 Q. And, in fact, did Deborah -- was Deborah  
10 Reinbolt also a -- have her probation assigned to  
11 your wife's office, that being the Edgar County  
12 probation office?

13 A. Yes, sir.

14 Q. And did Deborah Reinbolt from time to time  
15 come to the probation offices of Edgar County to  
16 talk to Marie Tellschow?

17 A. I -- I don't know, sir.

18 Q. Did your wife ever tell you that was the  
19 case?

20 A. No, sir.

21 Q. Do you know whether in October at the  
22 Honeybee Festival, that whether Marie Tellschow told  
23 Deborah Reinbolt that there were three suspects in  
24 the case and one of them was a woman?

1 A. No, sir.

2 Q. Did you determine that after you talked to  
3 Darrell?

4 MS. EKL: Objection, form.

5 A. No, sir.

6 Q. Did you at any point prior to February of  
7 1987 determine that there was three suspects and one  
8 of them was a woman?

9 A. No, sir.

10 Q. You had no information along those lines;  
11 is that right?

12 A. None whatsoever, sir.

13 Q. So if Debbie said that she was told that,  
14 that would not be in accordance with the  
15 investigation as you knew it; is that right?

16 A. Exactly right, sir.

17 Q. All right. But, in fact, on the 16th of  
18 February, 1987, there was a communication that you  
19 received, did you not, from Deborah Reinbolt?

20 MS. EKL: I'm sorry, what was the date  
21 again?

22 MR. TAYLOR: February 16th.

23 MS. EKL: Objection, form.

24 A. No, sir.

1 Q. Well, did your wife receive a  
2 communication from Deborah Reinbolt on or about the  
3 16th of February?

4 A. Yes, sir.

5 Q. And, in fact, what did your wife tell you  
6 the communication consisted of?

7 A. My wife had come home and said that she  
8 had had -- I don't remember whether Debbie was still  
9 on probation, but she had this lady that had worked  
10 -- had knew Marie and that she was in a lot of drug  
11 problems and alcohol problems and that she did  
12 not -- one of her biggest hang-ups was she did not  
13 like authority, which would be law enforcement,  
14 cops, whatever, however you want to put it, and that  
15 her counselor thought maybe it would be good for her  
16 if maybe she would sit down and talk to a cop or a  
17 person of authority and discuss things with them so  
18 maybe she could change her attitude on life towards  
19 the authorities since she was trying to get off --  
20 stay off drugs and alcohol.

21 Q. All right. So this was just kind of a  
22 general entente, so to speak, that she might -- that  
23 she wanted to talk to you because you were a law  
24 enforcement officer and you might help to send her

1 on the straight and narrow?

2 MS. EKL: Objection, form.

3 A. From the story my wife told me, Debbie  
4 knew that she was married to an officer, so that's  
5 why she went to her to see if I would sit down and  
6 talk with her.

7 Q. Okay. And did she tell Ann that it was  
8 because she wanted to talk to a law enforcement  
9 officer or was that Ann telling you she thought it  
10 would be a good idea for you to talk to her because  
11 it might help her get off of drugs and get more on  
12 the straight and narrow?

13 MS. EKL: Objection, form.

14 A. To the best of my recollection and  
15 knowledge is that she told Ann she wanted to do that  
16 and then Ann relayed that on to me.

17 Q. Okay. But at this point, did you know or  
18 was it communicated to you that it had anything to  
19 do with the Rhoads investigation?

20 A. Oh, absolutely not, sir.

21 Q. Okay. And where were you when Ann first  
22 contacted you to tell you about Debbie Reinbolt?

23 A. I assume we was probably sitting at home  
24 eating supper at our house.

1 Q. All right. And did she -- so she -- it  
2 wasn't that she called you at the police station.  
3 She -- it was something that you discussed at home.

4 A. From what I can remember, yes.

5 Q. Okay. And was this sometime in February?

6 A. I assume it was, yes, sir.

7 Q. Okay. Well, at some point you actually  
8 had a meeting with Deborah Reinbolt, right?

9 A. Yes, sir, I did.

10 Q. How long after Ann communicated over the  
11 dinner table that there was this woman named Debbie  
12 Reinbolt that would like to talk to you, did you  
13 actually meet up with her?

14 A. I don't recall. I'm assuming it was very  
15 close to that date.

16 Q. All right. How was the meeting set up?  
17 How was it facilitated?

18 A. Ann was just to bring her home after she  
19 got off work and I was to be there and she was just  
20 going to come in and introduce Debbie to me.

21 Q. All right. And so this actually happened;  
22 is that right?

23 A. Yes, sir, it did.

24 Q. And do you have any record of when it

1 happened?

2 A. It would be -- yeah, yeah, I do have a  
3 record. There is a record of that.

4 Q. Okay. And is that in your report  
5 somewhere?

6 A. No. The interview with Debbie is, but  
7 there is an evidence sheet somewhere that is when we  
8 got the knife, so that would be -- which should be  
9 dated I think the day before that report.

10 Q. Okay. So the date of the report says the  
11 17th, so that would be the 16th of February; is that  
12 right?

13 A. If we could find that evidence sheet, yes,  
14 it should be.

15 Q. All right. So in any event, she comes  
16 home with Debbie, your wife comes home with Debbie  
17 basically to supper, right?

18 A. Yes, sir.

19 Q. And you then sit down with Debbie; is that  
20 right?

21 A. Yeah. It was very strange. I had never  
22 seen Debbie or heard of her before. I mean how do  
23 you start a conversation? Starting a conversation  
24 was very hard and I guess I just -- best of my

1 recollection, I just said, you know, if there's  
2 something I can help you with or -- with your  
3 problem or Ann says you have a problem with  
4 authority, or how it started, I don't -- I don't  
5 recall.

6 Q. Did Ann sit in on the first part of the  
7 conversation to help get it going or did she just  
8 bring Debbie home and go somewhere else?

9 A. Ann brought her in the house and dumped  
10 her off on me and she went to another room and what  
11 she did I don't know.

12 Q. Okay. So she basically said, Jim, this is  
13 Debbie Reinbolt and see you later?

14 A. Exactly. About the size of it.

15 Q. Okay. And this is sometime in the evening  
16 hours of the 16th of February?

17 A. It would have been after -- yeah, after  
18 she got off work.

19 Q. Okay. Now, this is at the house by the  
20 lake?

21 A. Yes, sir.

22 Q. Is this the house or the cabin?

23 A. No, this is the house.

24 Q. All right. Now, the house had a cabin



1 attached to it, right, or --

2 A. It wasn't attached. It was on the same  
3 property.

4 Q. Okay. And at some point during that -- I  
5 think you mentioned earlier that Darrell had been  
6 brought to the cabin; is that right?

7 A. Yes, sir, he had.

8 Q. And was that in connection with the wire?

9 A. Yes, sir.

10 Q. All right. And when you brought him to  
11 the cabin to be -- well, he wasn't wired at the  
12 cabin, was he?

13 A. Yeah, he would have been wired at the  
14 cabin.

15 Q. He was, okay. So was he also questioned  
16 by anyone when you -- when he was at the cabin?

17 A. No, sir.

18 Q. But he was talked to and coached on what  
19 questions to ask Randy and Herb when he got them on  
20 the wire with him, right?

21 MS. EKL: Objection, form.

22 A. Yes, sir, Duane Hill would have -- would  
23 have prepped him for the wire.

24 Q. Okay. And did you prep Hill about what

1 kinds of things you wanted Darrell to explore with  
2 regard to -- because Hill hadn't been at the prior  
3 interviews, right, with Darrell?

4 A. Yes, sir, that's right.

5 Q. So you had to fill Hill in about what you  
6 wanted Darrell to be told or were you with Hill when  
7 he prepped him?

8 A. I don't -- I don't recall whether I was  
9 with Duane or not, but you're right, that Duane  
10 would have been brought up on everything so he would  
11 kind of know to tell Darrell kind of what kind of  
12 questions to be asking or get information.

13 Q. Okay. Do you remember what time of day  
14 and night it was when you brought him to the cabin?

15 A. No, sir, I don't.

16 Q. But did you bring him back from Charleston  
17 Inn into the cabin?

18 A. My recollection, that's what happened.

19 Q. And you said that you wanted to try to  
20 keep him somewhere in between sober and drunk,  
21 right?

22 A. No.

23 Q. Didn't want him having DTs and you didn't  
24 want him drunk.

1           A.    We didn't want him -- we didn't want him  
2           to be under the influence of alcohol in any way,  
3           shape or form.

4           Q.    All right.  Well -- so were you aware  
5           either through Wheat or anyone else that he had been  
6           given some alcohol while he was in Charleston?

7           MS. EKL:  Objection, form.

8           A.    Wheat was with him in Charleston and  
9           Wheat -- as I recall, Wheat brought him from  
10          Charleston back to the cabin and was down there  
11          baby-sitting Darrell.

12          Q.    Okay.  And at any time during this period  
13          was -- did anyone move into Darrell's house with  
14          him?

15          MS. EKL:  Objection, foundation as to what  
16          you mean by this period of time.

17          Q.    In the fall.  Do you know from the 19th  
18          on, all the way up to the time you took him to the  
19          hypnotist, did anybody move into his house?

20          A.    Not that I recall.

21          Q.    Did you put any kind of wire or tap on his  
22          phone?

23          A.    At one time -- let me see here.  At one  
24          time we did telephone overhears from Darrell's

1 house. As far as anybody moving in with him, no,  
2 but that's where it was based from. So yes, at one  
3 time there would have been some agents in the house.

4 Q. Were you one of them?

5 A. I don't recall that I was one of them.

6 Q. All right. Now, did -- at the cabin, did  
7 Wheat give Darrell alcohol?

8 A. I have no idea, sir.

9 Q. You didn't observe that?

10 A. No, sir.

11 Q. All right. But you and Wheat were both at  
12 the cabin --

13 MS. EKL: Objection.

14 Q. -- with Darrell?

15 MS. EKL: Objection, foundation.

16 A. No, sir. Not all the time, no.

17 Q. Were you there with Darrell for part of  
18 the time when he was at your cabin?

19 A. I would have been down there probably off  
20 and on, and then probably would have been down  
21 around there when they was getting him wired up to  
22 bring him back to town.

23 Q. Why did they bring him to your cabin  
24 rather than to Gene Ray's house or the police

1 station?

2 A. Gene Ray's house, I have no answer for  
3 that. The cabin -- the police station was -- the  
4 police department, have you been by there to know  
5 where it's at?

6 Q. Uh-huh.

7 A. It's kind of not secluded.

8 Q. Okay. Now, going back to Debbie now,  
9 she's unloaded at your kitchen table or your dining  
10 room table at the house. What happens next?

11 MS. EKL: Objection, form. Did you say  
12 unloaded?

13 MR. TAYLOR: Yeah.

14 MS. EKL: Okay. Objection to the word  
15 unloaded. I don't know what that means.

16 MS. SUSLER: Then say dumped.

17 MS. EKL: What?

18 MR. TAYLOR: She said you could say  
19 dumped.

20 MS. SUSLER: That's what he said.

21 A. I know what you mean.

22 Q. Yes.

23 MS. EKL: Okay.

24 A. Oh, what happened, that was -- what was

1 the question, what happened?

2 Q. Yes.

3 A. Okay. She and I went in the room and  
4 very, very uncomfortable circumstances. I don't  
5 know how best to describe it.

6 Q. Uh-huh.

7 A. And it was very shortly into the  
8 conversation she says don't ask me nothing about the  
9 murders.

10 Q. Another Darrell?

11 A. Exactly, sir.

12 Q. Are you serious?

13 A. I'm telling you the gospel truth.

14 Q. Uh-huh. So she says don't ask me about  
15 the murders, yes?

16 A. My ears perked up and I thought, well,  
17 here we go because I -- because we had just been  
18 through this same thing with Darrell. So we  
19 chitchatted a little bit and she said something  
20 again in respect to the murders.

21 Q. All right.

22 A. And I -- not to ask, so I didn't ask, and  
23 then --

24 Q. What else did she say about the murders

1 other than don't ask me about them?

2 A. That's all them two times.

3 Q. Uh-huh.

4 A. And then a small amount of chitchat and  
5 she says I have the murder weapon.

6 Q. All right.

7 A. And she says I will let you have it, but I  
8 will give it to your wife Ann. At that time  
9 everything was ceased and I went and got my wife and  
10 I asked her, I said, will you take Debbie home,  
11 she's got something that she's going to give to you  
12 that I want you to bring to me. At that time I left  
13 there and went right back straight to the police  
14 department. Whatever time lapse it was, Ann took  
15 her home, and then she came to the police department  
16 a short time later with a sack.

17 Q. Who's the she?

18 A. Oh, I'm sorry, Ann, she brought me the  
19 sack, and I looked in the sack and saw that it was a  
20 knife. At that time we did an evidence sheet on it  
21 and then Ann went home.

22 Q. All right. Now -- so she -- after Debbie  
23 says don't ask me about the murders, you  
24 chitchatted, you didn't ask her about the murders,

1 right?

2 A. No, sir, I didn't.

3 Q. And then she says again something about  
4 the murders? What did she say the second time?

5 A. Don't ask me about the murders, I'm not  
6 going to talk about them.

7 Q. So she said that twice even though you  
8 weren't talking about the murders.

9 A. No, sir.

10 Q. And you said here we go again because it  
11 was dj vu with another alcoholic, Darrell  
12 Herrington, right?

13 A. Yes, sir.

14 Q. And you knew she had drinking and drug  
15 problems as well, right?

16 A. Yes, sir.

17 Q. Now, did she appear to be sober or drunk,  
18 under the influence of drugs when you were talking  
19 to her? How did she appear?

20 A. From my recollection, she was pretty  
21 straight at that time.

22 Q. All right. And now did you ever have --  
23 did you have a discussion with her then about the  
24 reward?



1 A. Oh, no, sir.

2 Q. Did she --

3 A. I didn't discuss anything down there with  
4 her.

5 Q. Did she mention the reward?

6 A. No, sir.

7 Q. Okay. So after another -- did you then  
8 chitchat a little more after she said I don't want  
9 to talk about the murders a second time?

10 A. Yes, sir.

11 Q. All right. And then she comes out  
12 voluntarily with another comment; is that right?

13 A. Yes, sir.

14 Q. And that comment is -- what was it?

15 A. I have -- I have the knife or I have the  
16 murder weapon or something. She said I have the  
17 knife or the murder weapon that was used.

18 Q. All right. And again, you had been pretty  
19 much stymied at this point on your investigation,  
20 here comes another witness who doesn't want to talk  
21 about the murders and then tells you that she's got  
22 the murder weapon, right?

23 A. Exactly right, yeah.

24 Q. Now, you then go get Ann?

1           A.    To the other room where she was at.  She  
2 was -- yes.

3           Q.    You tell Ann Debbie says that she's got  
4 the murder weapon, I need your help.

5           A.    I didn't tell Ann that.

6           Q.    Why not?

7           A.    I didn't want to involve any more people  
8 in it at that time than myself and Debbie.

9           Q.    All right.  So you didn't want to get your  
10 wife involved.

11          A.    Kind of, but she was part of it, so I mean  
12 she knew the circumstances of being married to me,  
13 that if you're a witness in something like that, you  
14 know you may have to be involved in it.

15          Q.    Well -- and she was law enforcement too,  
16 right?

17          A.    Yes, sir.

18          Q.    And so in some ways you could use her to  
19 be a witness to what this woman was telling you,  
20 right?

21          A.    No, she couldn't --

22                MS. EKL:  Objection to form.

23          A.    I'm sorry.

24                MS. EKL:  Objection, form.

1           A.     She couldn't be a witness to anything she  
2     said because she was in a totally different room in  
3     the house.

4           Q.     No, but what I'm asking you is you could  
5     have brought Ann in and asked Debbie to tell you  
6     more about the circumstances of her saying that she  
7     had the murder weapon so that you'd have a witness  
8     to what she said, right?

9           A.     Yes, but that would not have been the  
10    proper place to conduct an interview like that.  At  
11    my house.

12          Q.     All right.  Well, you -- Darrell had been  
13    brought to your house, right?

14          A.     Not to interview.

15          Q.     So what's the difference between your  
16    house and Gene Ray's house when it comes to  
17    interviewing people?

18          A.     Because at that time I wasn't prepared to  
19    interview her on a crime.  I thought I was just  
20    there for a counseling session with her to help her  
21    with her problem.

22          Q.     But when Darrell -- when you picked up  
23    Darrell, you weren't prepared to interview him about  
24    a crime, but you did, right?

1 A. Took him to the police department.

2 Q. Right, but -- so why didn't you start  
3 interviewing Debbie about the crime?

4 A. Because it wasn't proper procedure to  
5 interview her about a crime in my house.

6 Q. Why didn't you take her to the police  
7 station and interview her?

8 A. At that time, I --

9 Q. Sure.

10 A. -- didn't have a knife, I didn't know what  
11 size of knife it was, I didn't know anything about  
12 nothing, and I wanted to have easier -- I guess for  
13 principle, I wanted the knife in hand before I went  
14 any further.

15 Q. So you wanted to see the knife before you  
16 questioned her more about the case, is that what  
17 you're saying?

18 A. Exactly right.

19 Q. And so to do that, you brought Ann in.  
20 Had she already said anything to you about what --  
21 about the knife in terms of whether she'd give it to  
22 you or not before you brought Ann in?

23 A. Pardon?

24 Q. When she said I have the murder weapon,

1 did you say to her will you give it to me or --

2 A. She --

3 Q. -- will you turn it over?

4 A. She volunteered that she would give it to  
5 us and she would let Ann pick it up when Ann took  
6 her to her house and let Ann bring it to the police  
7 department.

8 Q. So then you brought Ann in because Debbie  
9 said that she'd give the knife to Ann?

10 A. Yes, sir.

11 Q. Do you have any idea why -- did she tell  
12 you why she'd give it to Ann but not to you?

13 A. I didn't ask. I assumed that she trusted  
14 Ann more than she trusted me because she knew Ann  
15 and she had never met me until that day.

16 Q. All right. So you then enlisted Ann to do  
17 what Debbie said she wanted, you know, the procedure  
18 that Debbie said that she would follow, which is to  
19 have Ann come and pick up the knife; is that right?

20 A. Yes, sir.

21 Q. Now, what did you do after Ann came in and  
22 took Debbie out of the house?

23 A. I was already gone. I -- I beat feet back  
24 to the police department and was going to call

1 Eckerty and probably McFatridge to tell them what  
2 had taken place down there and that Ann was supposed  
3 to be bringing the knife to the police department  
4 after she had gotten it or the paper bag because I  
5 don't believe Ann knew what was in the sack.

6 Q. What makes you think that she didn't know?

7 A. Well, she said she never looked in the  
8 sack, so I trust --

9 Q. She told you that?

10 A. She told me that, so --

11 Q. When did she tell you that?

12 A. When she brought it up there and dropped  
13 it off. She said here's -- something to the effect  
14 here's the sack that Debbie wanted you to have.  
15 Now, did Debbie tell her there was a knife in the  
16 sack on the way to town? I don't know.

17 Q. Okay. Did Debbie make any mention of  
18 Whitlock or Steidl or Herrington when she mentioned  
19 the knife, when she said I have the knife, or did  
20 she just say I have the knife?

21 A. She just said I have the knife and that's  
22 all she said.

23 Q. And did she give you any description of  
24 the knife at that time?

1 A. No, sir.

2 Q. And did you ask for a description of it?

3 A. No, sir.

4 Q. All right. So at this point you wanted to  
5 see the knife and evaluate her and the knife after  
6 you got it, is that your point?

7 A. Wasn't worried about evaluating her, but  
8 she said she had a knife. I mean there's a jillion  
9 knives in the world, so I mean the blade could have  
10 been -- she could have handed me a knife with a  
11 blade that long or a knife with a blade that long  
12 (indicating). Before I went any further in what I  
13 felt is an investigation, we needed to see the knife  
14 and see if it was compatible with the wounds that  
15 the pathologist had said would make the knife.

16 Q. All right. And did you call McFatrige  
17 and Eckerty on your way down to the police station?

18 A. We didn't have phones back then.

19 Q. You didn't -- you didn't have phones in  
20 the car, police cars?

21 A. No.

22 Q. No?

23 A. Had radios but not phones.

24 Q. Okay. Well, did you -- did you radio

1 anyone on the way?

2 A. No, sir.

3 Q. Did you call anybody before you left?

4 A. No, sir.

5 Q. So you got to the police station. Did you  
6 then call Eckerty and McFatridge?

7 A. Yes, sir.

8 Q. All right. And you told --

9 A. And probably called Gene Ray too.

10 Q. Uh-huh. So you called all of the  
11 investigative team and waited for Ann to come back  
12 with something, right?

13 A. Yes, sir.

14 MR. MANCINI: Objection as to form.

15 Q. And did either McFatridge -- was Ray --  
16 were any of them there or did any of them come there  
17 after you called them?

18 A. I don't recall if anybody was still there  
19 or already there or not.

20 Q. Okay. But did they show up after Ann  
21 brought the knife over?

22 A. From my recollection, yes.

23 Q. Now, when you did the inventory, you  
24 didn't put Ann's name on it, did you?



1           A.    I specifically don't recall what was on  
2           there, but I believe she did sign for it at the  
3           bottom of the sheet.  If we can dig it out, we can  
4           find out pretty quick.

5           Q.    Okay.  Was it in a plastic bag?

6           A.    Paper bag I believe, sir.

7           Q.    So it was only -- it was in a paper bag?

8           A.    Yes, sir.

9           Q.    All right.

10          A.    That I remember.

11          Q.    Now, after Ann brought the knife over, did  
12          you do anything further with regard to Deborah  
13          Reinbolt on the 16th?

14          A.    If the interview was on the 17th, the  
15          answer would be no to that.

16          Q.    Okay.  Now, did you -- you were at the  
17          police station.  Did you write up a report or any  
18          notes to indicate and to record what Deborah  
19          Reinbolt had told you at your house?

20          A.    No, sir, because I had the knife in hand  
21          and it was dated.

22          Q.    Well, but you had fresh in your memory  
23          what she told you, right?

24          A.    Yes, she just had the knife.

1 Q. Well, and the circumstances of what she  
2 told you at your house and how it all happened, you  
3 didn't write any of that down, right?

4 A. She didn't tell me how anything happened  
5 at the house.

6 Q. Well, I'm saying at the house she told you  
7 she had the knife, right?

8 A. That was it.

9 Q. And that she told you don't ask me about  
10 the murders, right?

11 A. Oh, yes, sir.

12 Q. And then you -- she asked could Ann come  
13 and that she would give the knife to Ann, right?

14 A. Yes, sir.

15 Q. And, in fact, none of that you wrote down  
16 into a report, right?

17 A. I don't think so. Not without going back  
18 through my reports, but --

19 Q. Okay. Well, going to your reports, the  
20 first time that Deborah Reinbolt appears in your  
21 reports is the next day, the 17th, right?

22 A. Okay. That sounds right, if I can find it  
23 in here. According to my reports, yes.

24 Q. Okay. So that confirms that you did not

1 write up anything with regard to the circumstances  
2 of Deborah Reinbolt telling you about the knife and  
3 how you obtained the knife in your report; is that  
4 right?

5 A. I don't know if that comes out in the  
6 report later on or not.

7 Q. All right. But it's certainly not --  
8 there's no entry for the 16th of February that tells  
9 in detail what you just told us now; is that right?

10 A. You're talking about it's on a separate  
11 individual report?

12 Q. Yeah.

13 A. No, there's not.

14 Q. And, in fact, can you tell us, did Ann  
15 from time to time bring clients of hers home for you  
16 to talk to?

17 A. No, sir.

18 Q. Okay. This was a once in a lifetime deal  
19 here?

20 A. Yes, sir.

21 Q. And yet Ann didn't know that at least when  
22 she brought her home, that what Deborah had on her  
23 mind was to tell you that she had a murder weapon;  
24 is that right?

1           A.    Yes, Ann had no knowledge of what Debbie  
2 was going to tell me.

3           Q.    Now, did you tell -- did you come back  
4 home later that evening?

5           A.    Oh, yeah.

6           Q.    Did you tell Ann what had happened?

7           A.    Oh, I'm sure I did, yes, sir.

8           Q.    Okay.  So I assume she was somewhat  
9 inquisitive about why she had gone and picked up a  
10 paper bag and brought it over to you; is that right?

11          A.    Yes, sir, I'm sure.  I don't know if she  
12 asked me or I just went ahead and told her.

13          Q.    So you went ahead and told her that there  
14 was a knife in that bag and that it was alleged to  
15 be the murder weapon in the Rhoads homicide, right?

16          A.    Yes, sir.

17          Q.    Did you tell her that at the station or  
18 did you tell her that when you got home?

19          A.    Oh, that would have been at home.

20          Q.    All right.  What did she say to that?

21          A.    I can't repeat it on tape probably.  I  
22 don't have a clue.  I don't have any idea what she  
23 would have said or her comments would be.

24          Q.    So you don't know or you don't want to

1 repeat it?

2 A. I don't know.

3 Q. All right. We'll give you the benefit of  
4 the doubt on that one. Did you then -- you knew  
5 that she was a client of if not Ann of Ann's  
6 supervisor over there at probation, right?

7 A. She would have been Ann's client.

8 Q. Okay. So you knew that Ann would know  
9 about her background, right?

10 A. Yes.

11 Q. So did you inquire of Ann, hey, what's  
12 this woman all about?

13 A. Ann had told me that she had a -- before I  
14 met with her, Ann had told me that she was a druggie  
15 and a drinker.

16 Q. All right. But did you go in any more  
17 detail in terms of how much of a druggie and what  
18 kind of drugs and how much of a drinker she was and  
19 really what kind of a dependency problem she had?

20 A. No.

21 Q. Did you ask her -- did you ask Ann about  
22 what her criminal background was?

23 A. I don't recall. I don't recall.

24 Q. All right. I would assume that if you

1 were thinking that this woman might be a witness if  
2 she had the murder weapon, that you'd want to know  
3 what her background was for purposes of credibility,  
4 wouldn't you?

5 A. Yeah, I'm sure later on that Ann had told  
6 me that what her background was.

7 Q. How much later on?

8 A. I would say it would have been very  
9 shortly after the night she brought me the knife and  
10 everything.

11 Q. All right. But would it be before or  
12 after your first interview with Deborah Reinbolt  
13 that Ann gave you the information?

14 A. I don't recall.

15 Q. Okay. But you didn't put anything that  
16 Ann told you in any of your reports, right?

17 A. No, sir.

18 Q. You should have though, shouldn't you?

19 MS. EKL: Objection, form, foundation.

20 A. I have no opinion. I don't know.

21 Q. Well, she certainly was giving you  
22 information, professional information that was  
23 relevant to your evaluation of the credibility of a  
24 witness who quickly became your star witness, right?

1           A.     And also I could have gone right in the  
2     State's Attorney's office and did -- I don't know  
3     whether we looked it up when we looked at the files  
4     or not.

5           Q.     Well, I know you could have done it that  
6     way, but what you did do was get the information  
7     from Ann and you didn't record it, right?

8           A.     Yeah, I guess so.

9           Q.     Okay. Did you run any kind of criminal  
10    background check on Deborah Reinbolt either when you  
11    went to the police station on the 16th or any time  
12    thereafter?

13          A.     I don't recall.

14          Q.     Okay. But at the police station you  
15    certainly could run rap sheets, could you not?

16          A.     I don't recall if our -- if the system --  
17    I know nothing about computers or anything like  
18    that, but -- so I don't know if anything at the  
19    police department was capable of doing anything like  
20    that.

21          Q.     Well, even before computers, you could get  
22    on the phone and call records at the state records  
23    or the FBI and get them to run a criminal  
24    background, couldn't you?

1 A. Could have done that, yes.

2 Q. That's something that a detective would  
3 often do in a case, wouldn't you?

4 A. Should have been run -- could have been  
5 run through the State's Attorney's office.

6 Q. Right. But the detective can do it as  
7 well, right?

8 A. Right.

9 Q. Did you do it?

10 A. Not that I recall.

11 Q. All right. Did you ask Ann or did Ann  
12 share with you any of the mental health history of  
13 Deborah Reinbolt?

14 MS. EKL: Objection, form, assumes facts  
15 not in evidence.

16 A. Not that I recall. I would doubt it.

17 Q. All right. Would that be something that  
18 would be relevant to your investigation if she had  
19 mental health problems?

20 MS. EKL: Objection, incomplete  
21 hypothetical.

22 A. I -- I don't know if it would be or not.

23 MS. EKL: When you get to a point, I'm  
24 sorry, can we take just like two minutes when you're



1 ready?

2 MR. TAYLOR: Okay.

3 BY MR. TAYLOR:

4 Q. Did you ask Ann for the probation file?

5 A. Oh, no, sir.

6 Q. All right. So on the 17th, you

7 interviewed her, right?

8 A. Yes, sir.

9 Q. And you hadn't done any additional  
10 research on her beyond whatever little bit or --  
11 well, we don't know whether Ann had told you this  
12 before or after February 17th what you've testified  
13 she told you, right?

14 A. Right.

15 Q. But assuming that that was -- that you  
16 learned that before the interview at 4:30 in the  
17 afternoon on February 17th, that would be the only  
18 thing additional that you found out about Reinbolt  
19 beyond the fact that she produced a knife for you,  
20 right?

21 A. I don't -- -- I don't recall what we did  
22 the day prior to the interview at 4:30 about Debbie  
23 Reinbolt.

24 Q. All right. Well, you did look at the

1 knife that Ann brought, right?

2 A. Yes, sir.

3 Q. And what did you observe about it if  
4 anything?

5 A. It was consistent with what -- the reports  
6 we had got back with the wounds, and that's just  
7 about all I can remember about that incident.

8 Q. How -- how was it consistent? What do you  
9 mean?

10 A. I guess with the length of the blade and  
11 the width of the wounds.

12 Q. All right. What was the length of the  
13 blade?

14 A. Sir, I don't remember right offhand.

15 Q. Well, was it a long knife or a pocketknife  
16 or --

17 A. It was a fold-up one blade, I think, in  
18 the knife. Without seeing the knife for sure, I  
19 don't recall.

20 Q. Was it -- what was your information with  
21 regard to the length and depth of the wounds?

22 A. That I don't remember without looking at  
23 the autopsy reports.

24 Q. So you looked at the knife and you drew a

1 conclusion at that time that the knife could have  
2 done the stabbings that you -- of the Rhoadses; is  
3 that right?

4 A. Could have, yes.

5 Q. Now, Darrell had described a knife that he  
6 said that Randy Steidl had on him, right, when he  
7 saw him?

8 A. I don't specifically remember Darrell  
9 making a positive -- my best recollection without  
10 going back through his statement is that Randy -- he  
11 saw Randy with a knife.

12 Q. And didn't he say it was a pocket type  
13 knife, a 6-inch knife?

14 A. I can't say without reading what he  
15 actually said.

16 Q. Okay. I'm looking back here, see if I can  
17 find it in a minute. But this knife was  
18 substantially longer than 6 inches, was it not?

19 A. I don't recall.

20 Q. Did you -- okay. I'm looking here. It  
21 says Darrell stated --

22 MS. EKL: Where are you at?

23 Q. This is page 12208. It's page 26 of your  
24 report. And it says Darrell stated that Randy had

1 blood on both arms --

2 MS. EKL: Can you -- I'm sorry, can you  
3 wait until he gets to that page please?

4 MR. TAYLOR: Sure.

5 BY MR. TAYLOR:

6 Q. Do you see where I'm reading from?

7 A. I'm trying to find you.

8 Q. Right about in the middle. It's one, two,  
9 three, four, five, six, seven, eight, nine, nine  
10 lines down.

11 A. Okay, there you go, I'm with you now.

12 Q. Okay. Yeah, it says Darrell stated Randy  
13 had blood on both arms and his clothes and that  
14 Randy was carrying a fish filet knife with  
15 approximately a 6-inch blade, right?

16 A. I see that, sir, yes.

17 Q. Okay. And was this knife approximately 6  
18 inches or was it much bigger than that?

19 A. I -- I don't recall without seeing the  
20 knife and coming up with a -- measuring the blade or  
21 if there is a description of the knife in one of the  
22 reports.

23 Q. Well, what's a fish filet knife?

24 A. It's a knife with a thin blade on it.

1 Q. All right. And was it consistent with  
2 what -- the knife that you got?

3 A. I don't -- like I said, I don't remember  
4 exactly what the knife that we got looked like.

5 Q. All right. Well, at the time you  
6 certainly knew what it looked like, right?

7 A. Oh, yes, sir.

8 Q. Was anyone else there when you looked at  
9 it? Did you show it to Eckerty or Ray or  
10 McFatridge? Did you all get a look at it?

11 A. I'm sure we all looked at it.

12 Q. Did anyone say, hey, I know Darrell said  
13 that Randy had a knife. Let's compare the  
14 description that Darrell gave of the knife with the  
15 one we got. Anybody do that?

16 A. I'm sure we all decided in our little  
17 group that this knife was compatible to the wounds.

18 Q. I'm not asking about the wounds now. I'm  
19 talking about what Darrell said.

20 MS. EKL: Then I object to form. I'm not  
21 sure what you're asking.

22 Q. I'm saying did you compare it with what  
23 Darrell said with regard to the knife that he said  
24 Randy had?

1 A. I don't recall.

2 Q. All right. Did anyone go back and say  
3 let's take a look at the reports to see what Darrell  
4 said about the knife and see if it's consistent?

5 A. I don't recall.

6 Q. Did you ever call Darrell in and show him  
7 the knife and say is this the knife that Randy --  
8 you say Randy had in his hand?

9 A. I don't recall.

10 Q. As a law enforcement officer, wouldn't  
11 that be something that you'd do?

12 A. Could be possibly, yes.

13 Q. And it's sort of like doing a lineup,  
14 right? Maybe you should lay five knives out and see  
15 if he picks that one out, but seriously, show him  
16 the knife, write down what his reaction to it is;  
17 yeah, that's the knife; no, it's a smaller knife;  
18 no, it's a different kind of knife, it has a thinner  
19 blade. Right? That's something that an  
20 investigator would be expected to do, right?

21 MS. EKL: Objection to form, foundation.

22 A. I don't recall what we did, if we did that  
23 or not.

24 Q. But I'm asking you that would be an

1 appropriate thing to do, right?

2 MS. EKL: Objection, form, foundation.

3 A. It would be a good idea.

4 Q. Thank you.

5 MR. TAYLOR: You can have your break now.

6 MS. EKL: Thank you.

7 (Recess at 3:32 p.m. to 3:45 p.m.)

8 BY MR. TAYLOR:

9 Q. Now, I want to go to the Reinbolt  
10 interview. Where was that, the first one? Where  
11 was that interview?

12 A. In the Paris Police Department I believe,  
13 sir.

14 Q. Okay. So you brought her down there,  
15 right?

16 A. Yes, sir.

17 Q. All right. And you didn't go to her  
18 house, at least not the initial one, right?

19 A. No, sir.

20 Q. And you and Eckerty conducted the  
21 interview; is that right?

22 A. Yes, sir.

23 Q. And was Ray and McFatridge, were they  
24 there in the -- at the station if not in the

1 interview?

2 A. I don't -- I don't know where they was at.

3 They could have been, I don't know.

4 Q. All right. But before you went in to  
5 interview her, did you have a discussion between you  
6 and McFatrige and Ray and Eckerty about how you  
7 were going to approach it?

8 MR. MANCINI: Objection to form.

9 A. We were just -- I don't know whether we  
10 had a discussion, but we were just going to  
11 interview her to see what she knew.

12 Q. But this -- now you had something that you  
13 thought was consistent with a murder weapon, right?

14 A. Yes, sir.

15 Q. So now you've got Darrell who doesn't  
16 amount to probable cause but who's saying he saw  
17 something, right?

18 MS. EKL: Objection, form.

19 A. Yes.

20 Q. And now you've got someone who says eight  
21 months later she's got the murder weapon, right?

22 A. Yes, sir.

23 Q. And heat -- for lack of a better term, the  
24 heat's not getting any less the longer that this



1 case is going without being resolved, right?

2 MS. EKL: Objection, form, foundation.

3 A. Yes.

4 Q. Okay. So I mean as a detective you had  
5 been working this case for eight months, right?

6 A. Yes, sir.

7 Q. And you had been working nights and  
8 weekends and basically for no more pay than you were  
9 getting if you were coming in 9:00 to 5:00, right?

10 A. Yes, sir.

11 Q. And it's only human nature that you wanted  
12 to get this case resolved not only from the point of  
13 view of the public pressure but in terms of your own  
14 personal life, right?

15 A. Yes, sir.

16 Q. All right. And I'd say that probably was  
17 the case with regard to everyone else involved as  
18 well --

19 MS. EKL: Objection, foundation.

20 Q. -- right?

21 A. Yes, sir.

22 Q. And, in fact, you mentioned earlier that  
23 you had had discussions with Ray, including probably  
24 the one the night you picked up Darrell, about the

1 fact that you were frustrated and the fact that you  
2 couldn't get what they call in Chicago a collar, an  
3 arrest, right?

4 MS. EKL: Objection, form, foundation.

5 A. Yes, sir.

6 Q. Okay. And so you now have Reinbolt.

7 There must have been a certain amount of, for lack  
8 of a better word, excitement about the fact that you  
9 might have another witness that might give you  
10 something that you could use to bring some charges,  
11 right?

12 A. Very true.

13 Q. And, in fact, that's really what a  
14 detective is all about. It's solving cases, right?

15 A. We try to, yes, sir.

16 Q. Sometimes you do and sometimes you don't,  
17 right?

18 A. Yes, sir.

19 Q. And you work off of theories as well,  
20 right? I mean you develop theories and motives and  
21 look for evidence that is consistent with plausible  
22 theories and motives, right?

23 A. Yes, sir.

24 Q. Okay. And that's what you were doing

1 here, right?

2 A. Yes, sir.

3 Q. Now, I got you all the way up here to the  
4 middle of February. Is it true that you still  
5 hadn't gone back to look at the Morgan connection?

6 A. We never stopped looking at Morgan. It's  
7 just that nothing materialized that we could make an  
8 arrest on him for.

9 Q. But you never went back to all of the  
10 people at Morgan Manufacturing at any time up until  
11 Reinbolt came forward and asked them about the  
12 Burba/Morgan connection, right?

13 A. No, sir, we didn't.

14 Q. So in that sense, you'd agree with me you  
15 left that -- you would have had to have Smoke Burba  
16 come in and say don't ask me about the murders in  
17 order to get Morgan, right?

18 MS. EKL: Objection, form, foundation.

19 A. You're right.

20 Q. Okay. Now, I'm looking here again and it  
21 looks like you guys, both you and Eckerty, wrote  
22 detailed reports about the same interview; is that  
23 right?

24 A. Give me a second, sir.

1 Q. Sure. I'm looking at page 00062 in the  
2 Eckerty reports. It's Steidl 12269. And I'm  
3 looking at your report at page 32.

4 A. Okay.

5 Q. And thereafter --

6 MS. EKL: I have yours.

7 MR. TAYLOR: You want to see that? It  
8 looks like that (indicating).

9 MS. EKL: I'm grabbing the Parrish one  
10 first.

11 THE WITNESS: I've got mine.

12 MS. EKL: Okay.

13 THE WITNESS: Oh, you want it?

14 MS. EKL: I was going to hand it to you so  
15 you can look at both of them at the same time.

16 THE WITNESS: I've got mine. I was  
17 looking for Eckerty's.

18 MS. EKL: Okay.

19 THE WITNESS: What page did he say that  
20 was on Eckerty?

21 BY MR. TAYLOR:

22 Q. Which one are you looking for?

23 A. Eckerty's please.

24 Q. (Handing document).

1 A. Oh, okay.

2 Q. You've got mine there, so hopefully you've  
3 found -- oh, actually you can't look at both at the  
4 same time because it's a book like --

5 A. I know it.

6 MS. EKL: That's why I was saying if you  
7 want to take my copy of your report and then flip to  
8 Eckerty's.

9 THE WITNESS: And find Jack's in here,  
10 okay.

11 MS. EKL: Or here, you know what, I've got  
12 both of them. You can take this one. Yeah, that's  
13 it. There's another page.

14 THE WITNESS: Okay.

15 BY MR. TAYLOR:

16 Q. Okay. So is it fair to say that both you  
17 and Eckerty made detailed reports on the interview  
18 that you did with Debbie Reinbolt on the 17th?

19 A. Yes, sir, I would say that.

20 Q. All right. And did you both write the  
21 reports from the same --

22 A. Pardon?

23 Q. Did you both write your own separate  
24 reports here from the same set of notes? In other

1 words, did you take the notes and both you and  
2 Eckerty wrote your own reports based on one set of  
3 notes or did you each take your own set of notes?

4 A. We both would have taken our own set of  
5 notes.

6 Q. So who was in charge of the questioning  
7 here?

8 A. I would say we both was doing the  
9 questioning.

10 Q. So you were both questioning her and you  
11 were both taking notes, right?

12 A. Yes, sir.

13 Q. All right. Now, is it -- she brought you  
14 in a knife that looked consistent with the murder  
15 weapon, right?

16 A. Yes. With the wounds, yes.

17 Q. Okay, with the wounds. At that point did  
18 you -- and she hadn't come in for eight months,  
19 right?

20 A. Right.

21 Q. So right there, if in fact this was the  
22 murder weapon, she was concealing a homicide, wasn't  
23 she?

24 A. Technically, yes.

1 Q. Well, technically. I mean you're a law  
2 enforcement officer --

3 A. She was.

4 Q. -- and concealing a homicide is a serious  
5 crime, right?

6 A. It is.

7 Q. She ended up doing five years for it,  
8 right?

9 A. Yes, sir.

10 Q. All right. So you should have given her  
11 warnings at that point, right?

12 MS. EKL: Objection, form.

13 A. She was only in for an interview. We  
14 didn't know what her -- what she was going to say or  
15 do or -- say or do. We didn't know what her  
16 statement was going to be.

17 [Cell phone.]

18 Q. Excuse me.

19 A. She wasn't under arrest.

20 MR. TAYLOR: Sorry, I've got to take this.

21 MS. EKL: For those on the telephone, that  
22 was Flint's phone and he left the room.

23 (Pause at 3:54 p.m. to 3:56 p.m.)

24 MS. SUSLER: You said you should have

1 given her warnings and he said she was only in for  
2 an interview.

3 BY MR. TAYLOR:

4 Q. Okay. But she was entitled to a lawyer,  
5 wasn't she?

6 A. She hadn't been charged with anything yet.

7 Q. All right. But you certainly suspected  
8 her perhaps at the least of concealing a homicide  
9 for eight months, right?

10 A. We didn't know until after we interviewed  
11 her.

12 Q. Well, you knew she had a knife and she  
13 hasn't brought it to you for eight months, right?

14 A. We didn't know that was the murder weapon  
15 or we didn't know that was the weapon that was used  
16 in it. It's what she was telling us it was used.

17 Q. Right. But you already -- the four of you  
18 had determined that the weapon was consistent.

19 A. It was consistent with the wounds, yes.

20 Q. With the wounds, yes. So did you have any  
21 discussion with the others about giving her her  
22 warnings and making sure that she had a lawyer if  
23 she wanted one?

24 A. No, sir.



1 Q. Okay. All right. So how long did this  
2 interview go on for?

3 A. I have no idea, sir.

4 Q. But it was lengthy, right?

5 A. I assume it was from the length of the  
6 reports.

7 Q. And did it become at all heated in any  
8 way?

9 A. Not that I recall.

10 Q. Did any of your interviews with her become  
11 heated?

12 A. Not that I recall.

13 Q. Did you and Eckerty use any kind of  
14 tactics of the Mutt and Jeff routine on her at all?

15 A. Not that I recall.

16 Q. All right. Did you ever lose your temper  
17 with her?

18 A. With Debbie? Not that I recall.

19 Q. Do you remember any session of pounding  
20 your hand on the table when you didn't like  
21 something that she was saying?

22 A. No, sir.

23 Q. Did you ever injure your finger around  
24 this period of time?

1 A. No, sir.

2 Q. Did you ever end up with any kind of  
3 bandage on your hand because of any kind of pounding  
4 on the table that you did with her?

5 A. No, sir.

6 Q. All right. So it's your testimony that  
7 you never had any injury to your hand during this  
8 period of time?

9 A. I'm not saying that, sir.

10 Q. All right. Well, let me ask you. In  
11 February of '87, did you injure your finger?

12 A. I have no idea.

13 Q. All right. Would you be willing to sign a  
14 medical release for your medical records for us to  
15 see if you had any injuries to your hand during that  
16 period of time?

17 A. Sure. I already have I thought.

18 Q. All right.

19 MR. TAYLOR: Has he?

20 MS. EKL: If there's any medical records  
21 that indicate that he had an injury to his hand,  
22 we'll certainly give them to you.

23 Q. Now, during this interview, Debbie told a  
24 really kind of almost incredible story about

1 drinking 18 beers and smoking dope and doing Codeine  
2 pills on the night of the murder, right?

3 MR. RAUB: Objection to the  
4 characterization.

5 MR. TAYLOR: I guess is that normal for  
6 you or what?

7 MR. RAUB: I've seen people do it before.  
8 It's not unusual.

9 MS. EKL: Objection, form.

10 MR. TAYLOR: Just kidding.

11 MR. RAUB: I try to hold it down to 12  
12 beers at a time.

13 A. Trying to look here right quick and see  
14 what she did say, so bear with me please. Do you  
15 know where it's at? If you point me in the right  
16 direction, I could find it quicker I think.

17 Q. Okay.

18 A. Because I'm not -- glancing here right  
19 quick, I'm not seeing it.

20 Q. And you have no memory of that being the  
21 case, that she told you at this or any other  
22 interview that she had had as many as 18 drinks that  
23 day.

24 A. My recollection, I don't, but I'm trying

1 to find it in the report if she did say it.

2 Q. All right. Well, let me ask you another  
3 question since I don't see it in this particular  
4 part of the report and I know there's evidence to  
5 that effect.

6 MS. EKL: Objection to the commentary.

7 Q. You did know, without quantifying it, that  
8 she said that she had been drinking and also been  
9 doing drugs the night of the murder, right? Do you  
10 remember that without looking through all of the  
11 reports?

12 A. No, I don't, sir.

13 Q. All right. Did you -- did she give you a  
14 statement about how she happened to come into  
15 possession of the knife and whose knife it was and  
16 all of that kind of thing?

17 A. Yes, sir.

18 Q. All right. And did she tell you that she  
19 had -- how did she explain the fact that there was  
20 no blood on the knife?

21 MS. EKL: Objection, form, foundation.

22 A. She stated that she went home and washed  
23 the knife off in hot water and soap I think.

24 Q. And did she tell you whose knife it was?

1 A. The first time or the second time?

2 Q. Well, she told you two different stories  
3 about that, right?

4 A. Yes, sir, she did.

5 Q. One time she said it was Vic's, her  
6 husband, and another time she said Whitlock gave it  
7 to her, right?

8 A. First time she said Whitlock gave it to  
9 her and the second time she said it was Vic's knife.

10 Q. Okay. But the act that she told you about  
11 in terms of washing the blood off the knife, right,  
12 there's two basic -- she said that she washed in  
13 soap and water the blood off the knife, right?

14 A. She washed it off somehow. I don't  
15 remember whether it was soap and water or soap, but  
16 she washed the blood off of it.

17 Q. Now, following your assumption that this  
18 was consistent with the murder knife, there was no  
19 blood on it, right?

20 A. That we could see.

21 Q. Okay. So she apparently was aware that  
22 there was no blood on it, right?

23 MS. EKL: Objection, form, foundation.

24 A. I have no idea what she thought.

1 Q. Well, she gave you an explanation of why  
2 there wasn't any blood on it. She said she washed  
3 it, right?

4 A. Right.

5 Q. And she volunteered that or did you press  
6 her on why there wasn't blood on it?

7 A. She would have volunteered that I believe.

8 Q. She volunteered that, all right. So she  
9 says there's no blood on it, so there's a couple of,  
10 seems to me, logical conclusions here. One is that  
11 it's not the murder weapon because there never was  
12 blood on it or she washed the blood off and  
13 therefore actively concealed the homicide by  
14 spoliating the murder weapon, right?

15 MS. EKL: Objection, form.

16 A. Yes, but we got the knife what, eight  
17 months after supposedly -- not supposedly, the  
18 murders.

19 Q. Right. I'm not talking about you. I'm  
20 talking about her explanation of why there isn't  
21 blood on it.

22 A. Right.

23 Q. She either is -- okay, so we agree on  
24 that. I don't need to ask you that again.

1           Now, in her first statement that she gave  
2 to you, she didn't say she was there, did she,  
3 during the -- during the murders?

4           A.    Let me read.

5           Q.    By there, I mean in the room and witnessed  
6 the stabbings.

7           A.    Is there another page to my report? I've  
8 got page 34.

9           MS. EKL: Which page are you looking for,  
10 before or after?

11          THE WITNESS: After.

12          MR. RAUB: I have page 35.

13          THE WITNESS: Is there a page 35?

14          MR. RAUB: There is. In fact, it goes up  
15 to 50 something.

16          THE WITNESS: Okay, I've got it.

17          MR. BALSON: 36 is the last of --

18          MS. EKL: Here's 36 too.

19          THE WITNESS: I'm getting confused here.

20 BY MR. TAYLOR:

21          Q.    Well, let me help you a little bit. If we  
22 look at page 34, she says that she was riding around  
23 after she talked to Herbie or Herb at one of the  
24 bars, she took her Codeine pill, and then she went

1 by the outside of the Rhoads house and that she saw  
2 Randy's car there and she saw Herb walking around on  
3 the outside of the building. Is that right?

4 A. Yes, sir.

5 Q. And that's all she said in terms of being  
6 near or at the scene of the crime in the first  
7 interview; isn't that right?

8 A. I believe that's correct.

9 Q. And what she was telling you was that she  
10 -- that Herb brought her the knife, that she washed  
11 the blood off of it, that he made some admissions to  
12 her, and that that's pretty much a pretty fair  
13 summary of what she said, right?

14 MS. EKL: Objection, form, foundation.

15 A. Yes.

16 Q. Okay. So is it fair to say that at this  
17 point after this long extensive first interview, you  
18 got someone who is roughly in a similar position to  
19 Herrington, not willing or able to say that she was  
20 a witness to the actual crime but giving excup --  
21 inculpatory information about Herb and Randy.

22 A. Yes.

23 Q. Okay. So you got another person who you  
24 knew from what Ann told you, if not also from what



1 she told you herself about the night of the  
2 incident, who was -- had a very serious drug and  
3 alcohol problem, right?

4 MS. EKL: Objection, form, foundation.  
5 Maybe I misheard you or did you say what Ann told  
6 him about the night of the incident?

7 MR. TAYLOR: No, what Ann told her about  
8 -- about Debbie's problems, alcohol and drug.

9 MS. EKL: I'm sorry. Do you mind, could  
10 you just read that back? I think I misheard it.

11 MR. THIES: No, you didn't mishear it.

12 (Requested portion of the deposition was  
13 read by the court reporter.)

14 MS. EKL: Objection, form. You can  
15 answer.

16 A. Okay. Yes.

17 Q. And as far as you knew, she may have known  
18 about the reward in the same way that Darrell knew  
19 about the reward, right?

20 A. Yes, sir.

21 Q. So -- and she was someone who was very  
22 much down and out financially, right?

23 MS. EKL: Objection, foundation.

24 A. I have no idea on her finances.

1 Q. Well, didn't you know from Ann, through  
2 Ann that her landlord was behind on -- she was  
3 behind on her rent to Marie Tellschow?

4 A. I didn't know it at that time, no.

5 Q. But you did know that people with  
6 dependency problems are usually pretty hard up for  
7 money and always looking for it to fix their habit,  
8 right?

9 MS. EKL: Objection, form, foundation.

10 A. Not all of them.

11 Q. A lot of them, right?

12 MS. EKL: Objection, form, foundation.

13 A. Some are, yes.

14 Q. All right. Unless they're independently  
15 wealthy, they need a certain amount of money to feed  
16 their habit, don't they?

17 MS. EKL: Objection, form, foundation.

18 A. Yes.

19 Q. And that's even more of the case when  
20 there's a drug habit that goes along with the  
21 alcohol habit, right?

22 MS. EKL: Same objection.

23 A. Yes. Yes, makes sense.

24 Q. So would it be fair to say that when you

1 finished with the first interview with Debbie, you  
2 had basically two Darrell Herringtons here or two  
3 Debbie Reinbolts; that they were both very similar  
4 witnesses in terms of their background, in terms of  
5 their credibility and dependency problems and in  
6 terms of the nature of what they were saying with  
7 regard to the incident and their alleged knowledge  
8 of it?

9 MS. EKL: Objection, form, foundation.

10 A. Yes, sir.

11 Q. All right. But after you got this  
12 statement from her, did you then with the rest of  
13 the team decide that you would charge Randy and  
14 Herb?

15 A. Obviously -- oh, Randy and Herb?

16 Q. Yes.

17 A. Well, obviously not at that time, no,  
18 because we didn't.

19 Q. Well, you charged them within two days,  
20 didn't you? Didn't you -- weren't they arrested on  
21 the 19th of February or am I wrong?

22 A. I don't remember specifically when it was.

23 Q. If you look at I think Eckerty's report or  
24 Snyder's report, it says that on February 19th that

1 Whitlock and Steidl were arrested. Whitlock was  
2 arrested at gun point, do you see that? Do you  
3 remember that?

4 MS. EKL: Objection, foundation.

5 A. I wasn't there, sir.

6 Q. Okay, but you certainly -- prior to the  
7 arrest of Randy and Herb, you all made that decision  
8 to arrest him, right, the four of you? That wasn't  
9 a decision you made on your own, was it?

10 A. I was not even involved in that decision  
11 period.

12 Q. You were not involved with the other three  
13 of them to make that decision?

14 MS. EKL: Objection, form, foundation.

15 A. From what I recall, you're talking about  
16 the night they were arrested?

17 Q. Yes.

18 A. That the decision to make the arrest at  
19 that time was McFatridge, and I think McFatridge and  
20 Gene Ray and George Nuxoll were in the vehicle. I  
21 think that that's where that decision came from.

22 Q. But there was two days in between the  
23 statement that you took from Deb Reinbolt and the  
24 arrest, right?

1 A. That would be correct, yes.

2 Q. And during that two day period, didn't you  
3 all discuss whether to arrest them or not?

4 A. I assume we did, yes.

5 Q. Okay. And the decision was to arrest  
6 them, right?

7 A. Not at that time.

8 Q. No? And what was the decision? To not  
9 arrest them?

10 A. They was going to do --

11 Q. Were they going to try to wire Deb  
12 Reinbolt up?

13 A. That's what I'm getting to right now. I  
14 think on 2/19 -- 2/19 we did a wire on Debbie.

15 Q. Okay. And the wire was an attempt to get  
16 whom to talk to her?

17 A. It would have been Herbie.

18 Q. All right. And was that because what she  
19 told you implicated Herb to a greater extent than  
20 Randy?

21 A. Yes, sir.

22 Q. And you were going to try to corroborate  
23 if you could through admissions by Herb what she  
24 said with regard to the knife and with regard to

1 blood and other kinds of things, right?

2 A. Yes, sir.

3 Q. All right. And, in fact, how did that  
4 wire go? Did she get any additional information?  
5 Did she --

6 A. We obtained nothing.

7 Q. You obtained nothing. So you had nothing  
8 more than you did on the 17th after the interview  
9 when you decided not to arrest them, right?

10 A. Right.

11 Q. But yet on the 19th you arrested them,  
12 right?

13 MS. EKL: Objection, foundation.

14 A. Right.

15 Q. And what -- why was that?

16 A. Because that was McFatridge's decision to  
17 make the arrest at that time.

18 Q. Well, did you -- you're saying you didn't  
19 take any part in that; is that right? You didn't  
20 take part in the decision to arrest them on the  
21 19th?

22 A. No, sir.

23 Q. Would you have continued to do more  
24 investigation if it was your call with regard to the

1 -- whether to arrest them at that time?

2 MS. EKL: Objection, form.

3 A. I have no theory or -- I don't know.

4 Q. Were you the one who listened to the wire  
5 or was it secondhand that you heard that Herb had  
6 not said anything that corroborated what Deb  
7 Reinbolt was saying about him and Randy?

8 A. Where I was at that evening, I don't  
9 recall where I was at that evening. I know I was  
10 not at either arrest place. I could have been with  
11 Duane Hill where he was doing the overhears.

12 Q. All right. Now, would you agree with me  
13 that as of the first statement by Deborah Reinbolt  
14 which led two days later to the arrest of both Randy  
15 and Herb, that the evidence that she gave with  
16 regard to Herb was much more substantial than it was  
17 with Randy?

18 A. Yes.

19 Q. And did you have an opinion as to whether  
20 they should have arrested only Herb rather than  
21 Randy in terms of probable cause?

22 A. That wouldn't have been up to me, sir.

23 Q. Well, did -- I'm not asking if it was up  
24 to you. I'm asking in terms of your view of the

1 evidence after eight months, did it seem to you that  
2 there was a stronger case of probable cause at that  
3 point against Herb than there was against Randy?

4 A. No, sir, because they were both together  
5 all the time, and going back to other statements,  
6 you know, the decision to make the arrest or not  
7 make the arrest was up -- was up to McFatridge.

8 Q. All right. But you said Ray and  
9 McFatridge and Nuxoll.

10 A. If I -- that's what I recall in that -- in  
11 that vehicle.

12 Q. Okay. And who was Nuxoll? I mean what  
13 was his rank?

14 A. He -- I believe his rank was captain and  
15 he was the head of the DCI unit that had all the  
16 agents down there.

17 Q. All right. So it was the three of them  
18 that made the decision that there was sufficient  
19 probable cause to arrest the two of them; is that  
20 right?

21 MS. EKL: Objection, form, foundation.

22 A. From my understanding, yes.

23 Q. All right. And do you know what -- did  
24 Eckerty have any involvement in that decision?



1 MS. EKL: Objection, foundation.

2 A. I don't recall.

3 Q. But the decision that they made was based  
4 on statements that you and Eckerty had developed  
5 from Debbie Reinbolt, right?

6 MS. EKL: Objection, foundation.

7 A. I don't know what their final -- why their  
8 final decision was what it was. They --

9 Q. Well, the only evidence you had against  
10 Herb and Randy was whatever Darrell had said about  
11 them and whatever Debbie Reinbolt had said about  
12 them, right? You didn't have really anything else,  
13 right?

14 MS. EKL: Objection, form.

15 A. Well, there was other witnesses through  
16 the investigation that gave us some information.

17 Q. Well, tell me about them, okay?

18 A. Ruth Murphy, Ruth Murphy would have been  
19 one that -- this is off the top of my head without  
20 going and reading all the reports. Ruth Murphy  
21 would have given us some information.

22 Q. What did she tell you?

23 A. Without going through my reports, I can't  
24 tell you what she told me.

1 Q. All right.

2 A. There was a Carol Arbuckle.

3 Q. What did she tell you?

4 A. Again, without going through and looking  
5 at what she told us, I can't -- I don't remember.  
6 I'm drawing blanks right now.

7 Q. Well, when it all came down to it, all of  
8 the information you had was developed by you and  
9 Eckerty with the input of McFatridge and Ray; isn't  
10 that right?

11 A. And there's other -- you know, there was  
12 other DCI agents there collecting information too.

13 Q. Right, but primarily if not almost  
14 exclusively it was the four of you, right?

15 MS. EKL: Objection, form.

16 A. Yes, sir.

17 Q. All right. And without the Deborah  
18 Reinbolt piece, all those other people you just  
19 named, even piled on top of Darrell, didn't give you  
20 probable cause, right?

21 MS. EKL: Objection, form, calls for a  
22 legal conclusion.

23 A. We would have had enough to have probable  
24 cause.

1 Q. With her, right?

2 MS. EKL: I'm sorry, with what?

3 MR. TAYLOR: With her, Deborah --

4 MS. EKL: Her.

5 MR. TAYLOR: -- Reinbolt.

6 A. I believe -- I believe that we had enough  
7 for probable cause without Deborah Reinbolt.

8 Q. But that's not what you told the FBI,  
9 right?

10 A. Oh, you're going back to the Darrell deal.  
11 I see where you're coming from. So I guess we  
12 wouldn't have had enough for probable cause if we go  
13 back to what I said to the FBI.

14 Q. Right. And that was only a couple weeks  
15 before you got Deborah, right?

16 A. Whatever the date was on that report.

17 Q. Okay. Now, in any event, you went to the  
18 Grand Jury in early March and testified, right?

19 A. Yes, sir.

20 Q. Okay, and I've got a copy of your  
21 transcript here. We can mark that.

22 A. Let me give these back to who they belong  
23 to.

24 (Parrish Exhibit No. 4 was marked by the

1 court reporter.)

2 BY MR. TAYLOR:

3 Q. Okay. Now, without reading it, I take it  
4 that you recognize this to be the Grand Jury  
5 testimony that you gave on March 10th, 1987; is that  
6 right?

7 A. Yes, sir. This is the first time I've  
8 ever seen this, so --

9 Q. Really?

10 A. Yes, sir.

11 Q. Okay. Well, then let me call your  
12 attention to a couple of things here, if I can find  
13 my abstract of it.

14 Now, in this testimony you recount to the  
15 Grand Jury what you say that Reinbolt had told you  
16 up to that time as well as what Herrington had told  
17 you, right?

18 A. I don't know what I said. This is the  
19 first time I've ever seen this.

20 Q. Okay. Well, let me try to help you here.  
21 If you look on page 4240, Steidl 4240, which is page  
22 16 of the transcript, you see: In summary, what has  
23 Mr. Herrington indicated in regards to the crimes?  
24 And then you ask: Be all right to use my notes?

1 And they say you can use your notes, that's good.

2 Now, had you kept your notes of the  
3 Darrell Herrington interviews as of the time you  
4 went in front of the Grand Jury?

5 A. No, sir.

6 Q. What notes did you have?

7 A. Be the reports that you have now.

8 Q. So you were referring to the official  
9 reports as notes in your testimony?

10 A. Yes, sir.

11 Q. Okay. And so then you give a long series  
12 of answers about Darrell and what Darrell said that  
13 goes all the way to page 22. Do you see that?

14 A. Okay, I'm at page 22.

15 Q. All right. So does that refresh your  
16 recollection that you did recount in detail from  
17 your report what you and Eckerty said Darrell had  
18 told you about the crime; is that right?

19 A. Yes, sir.

20 Q. Told the Grand Jury that, right?

21 A. Yes, sir.

22 Q. And at the end of this, you told the Grand  
23 Jury that there's no doubt the man was there.  
24 There's no doubt in my mind that man wasn't in that

1 room and saw it. Do you see -- you told the jury  
2 that; is that right?

3 MS. EKL: I'm sorry, what page?

4 MR. TAYLOR: This is at the top of page  
5 22.

6 A. 22. That's got to be a typo there where  
7 it says wasn't. Should have been was.

8 Q. Right. But you told the jury that there's  
9 no doubt that Darrell was there, there's no doubt in  
10 your mind that man was in the room and saw it,  
11 right? That's the way you actually said it --

12 A. Yes, sir.

13 Q. -- is that right?

14 A. Yes, sir.

15 Q. And yet you told the FBI that he was a  
16 poor witness and that what he said wasn't sufficient  
17 to even give probable cause. So there's a real  
18 difference of what you told the Grand Jury and what  
19 you told the FBI a few weeks before; is that right?

20 MS. EKL: Objection, form.

21 A. According to the letters, yes.

22 Q. All right. Now, you also went on to tell  
23 the jury about what you say -- what Deborah Reinbolt  
24 supposedly told you and Eckerty in that first

1 interview, right?

2 A. Okay, where are we at now?

3 Q. I think we're --

4 A. Okay, I'm with you on that.

5 Q. Yeah, starting at 23, and then you went  
6 on, gave a long recitation of what she said, right?

7 A. Yes.

8 Q. Okay. And that was based on what you and  
9 Eckerty wrote in your reports; is that right?

10 A. I believe it would have been, yes, sir.

11 Q. And this is before Deborah Reinbolt had  
12 said anything about actually being in the apartment  
13 around the time and during the time that the murders  
14 took place; is that right?

15 MR. MANCINI: Objection as to form.

16 A. That would be yes.

17 Q. Now, McFatridge was questioning you at the  
18 Grand Jury, right?

19 A. Yes, sir.

20 Q. Now, there's a list of witnesses here and  
21 it appears that Penny Cash, Elaine Armstrong,  
22 Charles McClaskey, Marcia Edwards, Nannette Klein,  
23 Chris Ferris, Nancy Land, Carol Arbuckle and Ruth  
24 Murphy also testified, right?

1 A. Yes, sir. That's what it says.

2 Q. And at least some of those witnesses were  
3 alibi witnesses for Randy and for Herb; is that  
4 right?

5 A. If I remember without reading through  
6 everything, Nancy Land was an alibi witness for  
7 Herbie.

8 Q. And wasn't Nannette Klein and Chris  
9 Ferris, weren't they alibi witnesses for Randy?

10 A. Yes, they were.

11 Q. Okay. But conspicuously absent from this  
12 list of witnesses is either Debbie Reinbolt or  
13 Darrell Herrington, right?

14 MS. EKL: Objection, form.

15 A. Yes, sir.

16 Q. And why were they not called to testify?

17 MS. EKL: Objection, foundation.

18 A. From what I can remember -- recall, is on  
19 a Grand Jury, I could have done the testifying for  
20 them because it was like the same thing as a  
21 preliminary hearing.

22 Q. So that's what you did. You brought your  
23 reports and what you say that they told you and told  
24 the Grand Jury that and that was -- that hearsay is



1 what they based their indictment on, right?

2 MS. EKL: Objection, foundation.

3 A. Basically, yes.

4 Q. Okay. Now, did you feel at that time that  
5 it would be important to get more evidence if you  
6 could, eyewitness evidence, with regard to what  
7 happened in the apartment -- I'm sorry, I mean,  
8 excuse me, in the bedroom, how the murders took  
9 place actually?

10 A. No, I guess not.

11 Q. Well, you had a completely circumstantial  
12 case here, right? Didn't have anyone who saw them,  
13 the perpetrators, kill, stab and kill either Dyke or  
14 Karen Rhoads, and you didn't have anyone that saw  
15 them, the perpetrators, set the fire, right?

16 MS. EKL: Objection, form.

17 A. Not according to their statements I guess.

18 Q. You had a murder weapon that had been  
19 purged of blood according to the witness and not  
20 turned over for eight months, right?

21 A. That we did, that's true.

22 Q. And the murder weapon was much bigger than  
23 the description that your witness gave. Isn't that  
24 fair to say?

1 MS. EKL: Objection, form, foundation.

2 A. I don't remember how big the murder or I  
3 don't remember how big the weapon was that Debbie  
4 turned over.

5 Q. Now, I guess it's indicative of how small  
6 a town Paris is that Marie Tellschow who was the  
7 landlady of Deborah Reinbolt was the court reporter  
8 here, right?

9 A. Yes, she was.

10 Q. Okay. Now, after the --

11 A. Oh.

12 Q. Yeah, sure.

13 A. You're talking about on the Grand Jury  
14 now?

15 Q. Yes, I am.

16 A. That's Barbara Cash on the copy I got.

17 Q. Well, look at page 93. I think it says  
18 Marie M. Tellschow, Shorthand Court Reporter.

19 MS. EKL: Do you have two different --

20 A. My cover sheet says --

21 Q. Well, you know, maybe -- did they work  
22 together?

23 A. No. Barbara -- Barbara came later.

24 Q. Well --

1 A. There's --

2 Q. Well, perhaps this is two different days.  
3 Whatever. Yeah, I see the front, it's different  
4 than the back, so -- but the certification on the  
5 transcript is Marie Tellschow. Do you see that on  
6 the last page?

7 A. Oh, yes, sir, I do see that.

8 Q. Okay.

9 MS. EKL: Just to be clear, I think  
10 there's two different transcripts. This is -- you  
11 don't have everything in front of you. I mean this  
12 is skipping pages. So this cover sheet skips the  
13 Grand Jury being sworn in, and there's further  
14 transcripts that go in between here, and then where  
15 Marie's transcription starts.

16 MR. TAYLOR: Are they two different days  
17 or --

18 MS. EKL: I think it's all from 3/10, but  
19 it's just two different --

20 MR. RAUB: There could have been other  
21 cases presented that day to the Grand Jury.

22 MS. EKL: If you go back to what we  
23 produced, this goes 4213 and then you skip to 4229.  
24 There's transcription in between that I believe

1 relates to this cover sheet that you have on here  
2 and then --

3 MS. SUSLER: I think the purpose for the  
4 exhibit was to give him his testimony, which that's  
5 what the exhibit is, it's his testimony.

6 MS. EKL: I'm just saying this cover sheet  
7 with Barbara Cash doesn't belong.

8 MS. SUSLER: Got you.

9 MR. TAYLOR: I see.

10 MS. EKL: Just so you didn't  
11 misunderstand.

12 MR. TAYLOR: But can we stipulate, Beth,  
13 that the date of the testimony was the 10th?

14 MS. EKL: Absolutely, and I mean --

15 MS. SUSLER: Which is the purpose of  
16 putting the first page on there because it has the  
17 date.

18 MS. EKL: There's another page, and  
19 because I think this is what you want on the record,  
20 it's Steidl 4224, it's a cover sheet, it says  
21 transcript of the proceedings of the Grand Jury, and  
22 it indicates on there that the court reporter is  
23 Marie Tellschow.

24 MR. TAYLOR: Okay, thank you. Now --

1 THE WITNESS: Did we ever get our question  
2 answered?

3 MS. EKL: I'm stipulating that it was  
4 Marie Tellschow.

5 MR. TAYLOR: She stipulated. You don't  
6 have to.

7 THE WITNESS: Okay.

8 BY MR. TAYLOR:

9 Q. Now, were you in regular contact with  
10 Deborah Reinbolt after the 17th and up and through  
11 the time she testified at both trials in June, May  
12 and June of '87?

13 A. On a daily basis, probably not, but I  
14 don't recall.

15 Q. But would you say you were in regular  
16 contact? You spoke with her every few days?

17 A. Very possible, yes. I don't recall.

18 Q. All right. And were you -- was there some  
19 kind of monitoring going on with regard to Deborah  
20 Reinbolt?

21 A. Yes, sir.

22 Q. And were you one of the people monitoring  
23 her?

24 A. No, sir.

1 Q. Who was?

2 A. Gary Wheat was through the daytime, and  
3 then at night there were different -- we're talking  
4 about watching her house for her?

5 Q. Uh-huh.

6 A. Yeah. Then at night there was a uniformed  
7 -- could have been either a city policeman down  
8 there or a deputy sheriff down there or I believe  
9 the state police provided a man once in a while if  
10 they had the extra manpower to be down there.

11 Q. Okay. Did you interview Deborah Reinbolt  
12 again towards the end of March?

13 A. I remember I interviewed her again, but  
14 what day it was, I don't know.

15 Q. Okay. If you look at your report at page  
16 43, let's start with 43 first, did you on March 25th  
17 interview an individual by the name of Carol  
18 Robinson?

19 A. Yes, sir.

20 Q. All right. And where did you interview  
21 her?

22 A. It doesn't say, but I assume at the Paris  
23 Police Department.

24 Q. All right. And did -- was she a

1 bartender?

2 A. She worked at the Horseshoe bar.

3 Q. Okay. What -- did you have anyone present  
4 when she was interviewed besides yourself?

5 A. Jack Eckerty.

6 Q. So this doesn't reflect that Eckerty was  
7 there, does it?

8 A. Yes, sir.

9 Q. It does?

10 A. Mine does, sir.

11 Q. Okay, you're right. Mine does too.

12 A. Okay.

13 MS. EKL: I don't know what page you have,  
14 Flint.

15 Q. Now, during this interview, did you raise  
16 your voice at all with Carol Robinson?

17 A. Not that I recall.

18 Q. Did you in any way threaten her or -- with  
19 any kind of physical force?

20 A. Not that I recall, sir.

21 Q. Did you have any other interviews with her  
22 other than the one that's recorded in this  
23 particular interview?

24 A. Not that I recall, sir.

1 Q. Did you strike her or threaten to strike  
2 her in any way?

3 A. No, sir.

4 Q. And did you lose your temper with her at  
5 all?

6 A. No, sir.

7 Q. Now, the next entry is -- it says at 10:15  
8 a.m. on March 29th that you conducted an interview  
9 with Deborah Reinbolt. Do you see that?

10 A. I'm catching up to you. 10:15, yes, sir.

11 Q. Now, is this the next recorded interview  
12 that you have with Deborah Reinbolt?

13 A. That I was -- not unless Jack's got one in  
14 between.

15 Q. He does?

16 A. No, I said unless he does.

17 Q. Yeah, I don't believe he does, at least  
18 not recorded. Do you remember there being any kind  
19 of interview between the 17th of February and the  
20 28th of March with Deborah Reinbolt?

21 A. None that I show in my report, sir.

22 Q. Okay. And how about in your memory? You  
23 were -- you were having contact with her, but you  
24 weren't doing any additional interviews. Is that



1 fair to say?

2 A. That would be fair to say.

3 Q. Did you have short conversations with her  
4 about additional information that she might be  
5 giving you or any changes in what she was saying  
6 between the 17th of February and the 28th of March?

7 A. I don't recall.

8 Q. Was there during this period of time any  
9 effort to get her to go to a detox program?

10 A. She went to detox in Danville. When it  
11 was, I don't -- I don't recall the dates.

12 Q. All right. Did you visit her when she was  
13 in Danville?

14 A. Yes, sir, I believe I did.

15 Q. All right. And was this before the trial?

16 A. I don't recall the specific dates, but I  
17 would say yes.

18 Q. All right. And did she -- did you take  
19 her down there to check her in or did someone else?

20 A. Sir, I don't remember how she got up  
21 there.

22 Q. Okay. But she left detox before she  
23 should have, right?

24 A. I don't recall any of that.

1 Q. You don't remember her checking herself  
2 out or taking herself and leaving the place?

3 A. No, sir.

4 Q. All right. That wouldn't have been  
5 something you would have approved of, would it?

6 MS. EKL: Objection, form.

7 A. I don't know the circumstances behind it.

8 Q. What was the purpose of having her check  
9 into detox?

10 MS. EKL: Objection, form.

11 A. I don't recall whether we had her check in  
12 or she wanted to go up there voluntarily or her  
13 counselor wanted her to go up there. I -- I don't  
14 remember. I don't recall.

15 Q. Did you feel that she would be a better  
16 witness for you if she were detoxed off of drugs and  
17 alcohol?

18 A. Sure.

19 Q. Did you feel that she would be a more  
20 credible witness if she was -- had detoxed and was  
21 clean when she testified?

22 A. Yes, sir.

23 Q. Did you do any checking between the 17th  
24 and the 28th when you next saw her to find out what

1 -- whether some of the key things she was telling  
2 you were corroborated or contradicted by other  
3 people?

4 A. I don't recall.

5 Q. Well, do you remember that one -- a couple  
6 of key things she said about the night in question,  
7 that being the night of July 5th, was that she  
8 borrowed a car of a friend and she said that  
9 friend's name was Tammy. Do you remember that?

10 A. I remember her talking about who she  
11 was -- asked that night, yeah.

12 Q. And, in fact, she later changed that part  
13 of the story, right, and said that that was a woman  
14 by the name of Della Wakefield. Do you remember  
15 that?

16 A. Let me go back through my notes here  
17 please. I remember the name Tammy and I remember  
18 Della Wakefield, but what it pertains to for sure, I  
19 don't remember exactly what each one said. Have you  
20 got it marked in your --

21 Q. I don't know. Maybe we can find it  
22 quicker. I don't --

23 A. Okay. Here's Tammy, Tammy Coffins, is  
24 that who you're referring to?

1 Q. Yeah.

2 A. Page 36.

3 Q. I'm referring to a Tammy whose car she  
4 borrowed. Is that who you're talking about?

5 A. Got the wrong one, I'm sorry. Would those  
6 interviews have been in Jack's reports?

7 Q. Well, it's the same -- no, it's the same  
8 interview unless you -- here you go. Look at  
9 page -- the bottom of page 32 and the top of page  
10 33. Debbie stated after making the phone call she  
11 waited -- she walked to a coworker's apartment at  
12 the corner of Ann and Water Street. The coworker's  
13 name was Tammy and Debbie had know that she was  
14 going to be out of town for the weekend and that she  
15 kept her keys under the floor mat of her vehicle.  
16 See that?

17 A. Yes, sir, I got you.

18 Q. And so that was how she -- she told a  
19 story that she -- that she didn't go to work and  
20 instead she went and got this Tammy's vehicle,  
21 right?

22 A. Yes, sir.

23 Q. And, in fact, did you later check out the  
24 place that she worked to find out whether she was

1 punched in or not at work?

2 A. Yes, we did.

3 Q. And you found out that she was punched in  
4 at work contrary to her assertion that she didn't go  
5 to work, right?

6 A. That's right, sir.

7 Q. And you also found out that she later  
8 changed the Tammy to someone named Deborah  
9 Wakefield -- or is that her name, Deborah?

10 MS. SUSLER: Della.

11 Q. Della Wakefield, right?

12 A. Okay.

13 Q. If you look --

14 A. Is that another interview or is that in  
15 the same --

16 Q. Yeah, look at the 29th.

17 A. Oh, okay, you're going to a whole  
18 different interview.

19 Q. Yeah, I --

20 MS. SUSLER: Page 45 at the bottom.

21 A. Okay.

22 Q. So she changed the person whose car it was  
23 from Tammy to Della Wakefield; is that right?

24 A. Yes, sir.

1 Q. And did you confront her with the fact  
2 that the time sheet showed that she was, in fact, at  
3 work rather than taking -- taking the day off?

4 A. My recollection, I think we did ask her  
5 that.

6 Q. And did she then give another story which  
7 was she asked someone else to punch her out and in,  
8 so -- someone named Bev Johnson?

9 A. Yes, sir.

10 Q. Did you ever follow up with Bev Johnson to  
11 see if that, in fact, was true or whether that was a  
12 lie?

13 MR. RAUB: Look on page 36.

14 A. I think we followed up on it, but I don't  
15 know where the --

16 MR. RAUB: Page 36, middle of the page.

17 THE WITNESS: Page 36?

18 MR. RAUB: Uh-huh, of your report.

19 MR. TAYLOR: I don't know what you're  
20 talking about.

21 THE WITNESS: Oh.

22 MR. TAYLOR: Oh, that's the --

23 MR. RAUB: Paris Police Department.

24 THE WITNESS: Page 36 halfway down.

1 MR. RAUB: Yeah, at approximately 5:45  
2 p.m.

3 THE WITNESS: Yes, sir, thank you.

4 MR. RAUB: Okay.

5 MR. BALSON: Could I ask you not to do  
6 that?

7 MR. RAUB: Well, I'm just trying to speed  
8 things up.

9 MR. BALSON: Well, I know, but the  
10 question was -- the question was to the witness and  
11 did he follow it up, and you supplied him with an  
12 answer. He may or may not testify as to anything.  
13 He may say we never did, he may say, yes, we did but  
14 I don't recall what page it's on, he may say any  
15 number of things, but it's the witness's job to  
16 testify, and it's improper for you in the midst of a  
17 question to tell him to look on a page.

18 MR. RAUB: You want to wait for him to  
19 search the whole thing for --

20 MR. BALSON: I just don't want you to give  
21 him any answers. I think that's inappropriate.

22 BY MR. TAYLOR:

23 Q. So you talked to Beverly Johnson before  
24 the March interview; is that right?

1 A. Talked to her on February the 20th.

2 Q. Right. And she said sometime, not  
3 necessarily the night of the murders, that on one  
4 occasion Deb Reinbolt had asked her to punch her in  
5 and out, right?

6 A. Yes, sir, she said at one time in the  
7 summer.

8 Q. Right. So Reinbolt said that that  
9 occasion was the night of the murders, right?

10 A. Yeah, that's what Debbie said.

11 Q. Did you get -- were you able ever to  
12 confirm or to rule out through Bev Johnson that it  
13 was, in fact, the night of the murders?

14 A. No, sir, never did.

15 Q. Okay. But at some point, Reinbolt herself  
16 repudiated that, right? Said she was at work and  
17 left early.

18 MS. EKL: Objection, form, foundation.

19 Q. Is that right?

20 A. I would have to find that in the report to  
21 confirm that.

22 Q. All right. Well --

23 A. Would that have been --

24 Q. If you don't remember it, we won't take



1 the time to look through the report this time. It  
2 may have been sometime subsequent to this particular  
3 interview that she did that.

4 A. Okay, I'll say I don't recall at this  
5 time.

6 Q. All right. Now, this time, in this  
7 interview, she gets herself closer to the -- to the  
8 murder scene than she was the last time; is that  
9 right?

10 A. Absolutely, correct.

11 Q. Does she put herself in the building on  
12 this interview?

13 MS. EKL: Just so we're clear, what date  
14 are you referring to?

15 MR. TAYLOR: The 29th of March.

16 Q. If you look at the bottom of page 47, this  
17 time she's getting out of the car and she says she  
18 goes into the -- into the kitchen and she hears  
19 people screaming and that she sees a vase-shaped  
20 object and actually goes into the bedroom. Is that  
21 right?

22 A. Yes, sir.

23 Q. But she does not say that she sees any  
24 actual stabbings, is that right, in this interview?

1           A.    I'm trying to get caught up here with you.

2    I believe that's right, sir.

3           Q.    Okay.  So now we have two witnesses, she  
4    and Herrington, who say they went into the place,  
5    saw Whitlock and Steidl there, saw the bodies and  
6    saw blood, but did not see the stabbings.  Is that  
7    right?

8           A.    Yes.

9           Q.    All right.  So you continued then.  At  
10   that point had either of the trials been set?  Now,  
11   I know the Whitlock trial was -- went in May and the  
12   Steidl trial went in June, and we're now up to the  
13   end of March.  At that point had the -- had there  
14   been a trial set in either case?

15          A.    I have no idea.

16          Q.    But do you remember that, in fact, there  
17   was an indication that these cases were going to go  
18   to trial in the near future?  In other words, there  
19   wasn't going to be any kind of long continuances in  
20   the trials?

21          A.    That was my understanding, yes.

22          Q.    So that any evidence that you needed to  
23   develop had to be developed in the next month or two  
24   or it would be too late for the trial, right?

1           A.    Not unless a continuance would have been  
2           offered and I don't -- I don't know anything about  
3           that part of the law system.

4           Q.    Right.  But your understanding was that  
5           there was going to be trials in the near future  
6           right after the arrests almost.

7           A.    Yes, sir, thank you.

8           Q.    Okay.  So you were -- continued to have if  
9           not daily contact with Deb Reinbolt frequent contact  
10          with her.  You'd go by her house and occasionally  
11          she'd come to the station, right?

12          A.    I don't -- I don't recall if she ever came  
13          to the police station or not.

14          Q.    Okay.  Well, on the 29th, where did that  
15          interview take place?

16          A.    Well, it doesn't say, so I can say I don't  
17          recall.

18          Q.    All right.  You can say that, but in fact  
19          do you not recall?

20          A.    I don't recall.

21          Q.    All right.  But a couple of weeks later on  
22          the 11th you had another interview with her, right?

23                   MS. SUSLER:  Page 50 in your report.

24                   MR. TAYLOR:  Thank you.

1 Q. But that's the -- Ray 9, isn't it?

2 A. I have --

3 Q. Yeah, you've got to look at Ray 9 because  
4 Ray 8 doesn't go all the way. Ray 9 goes all the  
5 way.

6 A. Okay, Ray 9, page 50, is that what we're  
7 looking for?

8 Q. Yes. So you see that? You find it?

9 A. Yes, sir, I'm with you.

10 Q. Okay. So on the 9th she called you,  
11 right?

12 A. Yes. Okay, I was looking at the wrong  
13 paragraph. No, wait a minute.

14 Q. It says you received a telephone call from  
15 Reinbolt residence in Paris, Illinois. Do you see  
16 that?

17 A. My report shows the 11th.

18 Q. Yeah, I'm sorry, did I say the 11th?

19 A. I thought you said the 9th.

20 MR. RAUB: 4/11 or 5/11?

21 THE WITNESS: Be 4/11.

22 MR. RAUB: Okay.

23 BY MR. TAYLOR:

24 Q. And so you got a call from Deb Reinbolt,

1 right?

2 A. Yes, sir.

3 Q. And she requested that you go to her house  
4 and talk to her; is that right?

5 A. Yeah, I met down there with Lee Chambers.

6 Q. Okay. Who's Lee Chambers?

7 A. She would have been -- she was the  
8 counselor that Debbie had.

9 Q. All right. And was the call from Lee  
10 Chambers or from Debbie?

11 A. It doesn't say.

12 Q. Now, by counselor, are we talking about --  
13 are we talking about a psychological counselor, a  
14 drug counselor, a probation counselor? What kind of  
15 counselor is she?

16 A. I think she would have been a drug and  
17 alcohol counselor.

18 Q. All right. So was she -- what was the  
19 purpose of her being there? Was she staying with  
20 her or treating her or what?

21 A. I don't -- I'm assuming she was counseling  
22 her.

23 Q. All right. By counseling, you mean like a  
24 psychologist or psychiatrist, that kind of

1 counseling?

2 A. I don't -- I don't recall what Lee's  
3 credentials were. I just call them counselors.

4 Q. But you were familiar with the Human  
5 Resources Center in Paris; is that right?

6 A. Yes, sir.

7 Q. And you were aware that Debbie was being  
8 treated by someone at the Human Resources Center; is  
9 that right?

10 A. I knew she had a counselor out there.

11 Q. But that wasn't a detox center. That was  
12 in Danville, right?

13 A. Yes, sir.

14 Q. Okay. Now, this time it says and Victor  
15 was there as well; is that right?

16 A. Yes, sir.

17 Q. Now, it says that she told you that she  
18 remembered more details in the case and at this time  
19 she wanted to speak with you; is that right?

20 A. Yes, sir.

21 Q. Now, up until this point, she had put  
22 herself in the place, she had washed the murder  
23 weapon, she had kept quiet about the murder weapon  
24 according to her for eight months, and was there

1 anything else that implicated her as a -- as a  
2 participant or as an active concealant[sic] of the  
3 homicide other than what I just said?

4 A. No, sir.

5 Q. But up and until the 11th of April, you  
6 had never given her any Miranda warnings or advised  
7 her she needed a lawyer or was entitled to one,  
8 right?

9 A. Correct.

10 Q. But on the 11th, you did, right?

11 A. Yes, sir.

12 Q. And this was before you talked to her on  
13 the 11th and found out what she had to say, right?

14 A. Yes, sir.

15 Q. So what led you to conclude that she  
16 needed a lawyer at that point or that at least she  
17 was entitled to Miranda warnings at that point when  
18 you had not so concluded at any time in the past for  
19 her?

20 A. I've got to assume at that time when I  
21 went to talk to her that her involvement was going  
22 to get so much greater that I felt it was necessary  
23 at that time to read her her Miranda warning.

24 Q. Did she say to you that she was going to

1 implicate herself more?

2 A. I don't -- sir, I don't remember what she  
3 told me.

4 Q. But this was a feeling that you had that  
5 she was going to spill more information that might  
6 get her in further trouble?

7 A. Yes, because I think it said up here in  
8 the report that she had more information or did it  
9 say that? Oh, Deborah stated that she had  
10 remembered more details in the case at this time and  
11 she wanted to speak to me.

12 Q. Okay. But she didn't say that these  
13 details were going to get her any further involved  
14 in the case than she already was, did they?

15 A. I took --

16 Q. You made the --

17 A. I assumed that she was going to.

18 Q. Okay. But you had never assumed that in  
19 the past either with her or with Darrell Herrington,  
20 right?

21 MS. EKL: Objection, form.

22 A. Apparently not, no.

23 Q. Okay. And so you gave her her rights with  
24 Lee Chambers present, right?



1           A.    Yes.  And her husband would have been  
2 present too.

3           Q.    Okay.  And then was -- was her husband --  
4 were her husband and Lee Chambers present when she  
5 started to tell the story that you reflect on your  
6 report at pages 50 and 51?

7           A.    Yes, sir, because they was present for  
8 everything else, so yes.

9           Q.    They remained there?

10          A.    Best of my recollection, yes.

11          Q.    And were you taking notes?

12          A.    Yes, sir.  At that time I was, yes.

13          Q.    Okay.  And where were you in her house  
14 when you did this?

15          A.    I don't recall because I don't even  
16 remember the layout of the house as we speak right  
17 now.

18          Q.    All right.  But this time she told you a  
19 story that put her in the room when some of the  
20 stabbings were happening, right?

21          A.    Yes, sir.

22          Q.    And she told you a story where it had her  
23 holding Karen down when she was stabbed, right?

24          A.    Let me see her --

1 Q. In the middle of page 51.

2 A. 51, okay. Yes, sir.

3 Q. Now --

4 MS. EKL: You've got a couple more  
5 minutes, Flint.

6 Q. Now, prior to the 11th, did you at any  
7 time tell her that she faced the death penalty if,  
8 in fact, she didn't cooperate with you?

9 A. No, sir.

10 Q. Did you ever mention the death penalty to  
11 her?

12 A. No, sir.

13 Q. Did -- you understood, did you not, that  
14 if convicted of these murders, anyone who was  
15 convicted was eligible for the death penalty?

16 A. Yes, sir.

17 Q. But you never told her that.

18 A. I don't recall telling her that, no.

19 Q. That's a legitimate law enforcement  
20 technique, isn't it, to tell somebody if you don't  
21 tell me the truth here you might end up getting the  
22 death penalty?

23 A. I reckon you could use it if you wanted  
24 to.

1 Q. Have you ever used it?

2 A. Not that I recall.

3 Q. Okay. Now -- so she's holding Karen down,  
4 and although she's telling her that for some -- she  
5 is supposedly telling Randy and Herb that she's got  
6 nothing to do with it, but ultimately while she's  
7 being held down, she's stabbed, right?

8 MS. EKL: Objection, form.

9 A. Yes.

10 Q. All right. So at that point, if that's  
11 true, she's a participant in the murders, right?

12 A. Exactly right.

13 Q. She could be charged with both murders,  
14 couldn't she?

15 A. Yes, sir.

16 Q. But you never charged her with those, did  
17 you?

18 A. Pardon me?

19 Q. You didn't -- she was never charged with  
20 either murder, right?

21 A. No, sir.

22 Q. All right.

23 MS. EKL: I note it's now five o'clock.

24 We told you that we would go two full days and that

1 we would conclude at five o'clock. Obviously we're  
2 going to now end the deposition. You chose to ask  
3 whatever questions you wished to and I think we've  
4 been more than generous with the time that we  
5 provided. Unless you have a couple follow-up  
6 questions. Other than that, I'm not --

7 MS. SUSLER: Where is Ron? I'll get him.

8 MR. TAYLOR: I'm waiting for Mr. Balson.

9 (Pause at 5:01 p.m. to 5:02 p.m.)

10 MR. TAYLOR: Mr. Balson, Ms. Susler and I  
11 have consulted given your intent to terminate the  
12 deposition now or after I ask a couple more  
13 follow-up questions. I think the record is clear  
14 that we've been laboring in good faith to get  
15 through an enormous amount of material with the lead  
16 witness in the case. I spoke with co-counsel and  
17 collectively we have about three hours left. Either  
18 me doing an hour and him doing two hours or however  
19 that breaks down, we have three hours of material  
20 collectively.

21 And we realize that we've been about 12  
22 hours and we would be asking to have a half a day  
23 with him sometime in the future to finish our  
24 questioning. Is that a fair representation? Do you

1 want to put --

2 MR. BALSON: I know that you have -- and I  
3 say this out of respect to you, Beth, and also to  
4 Mr. Parrish. I know that you have given us a lot of  
5 time with this witness and -- two days of  
6 questioning, and these have been intense days of  
7 questioning, no question about that, but Flint is  
8 apparently not done with his questioning and I do  
9 have questions of this witness that pertain to some  
10 areas that Flint hasn't even covered and that also  
11 would pertain to my client.

12 So I would ask for an additional -- and I  
13 don't think it would be more than half a day, but an  
14 additional sitting with Mr. Parrish at some time in  
15 the future that accommodates his schedule and yours,  
16 maybe when we're down here again, maybe if we have  
17 to go back to Paris, whatever. I would -- I would  
18 appreciate that opportunity to because I have not  
19 had an opportunity to ask any questions.

20 MS. EKL: I'd just like to make of  
21 record -- and I understand you have not had a chance  
22 to ask questions today. I would note that you have  
23 been giving Mr. Taylor questions and have been  
24 conferring with him. I did make it clear at the

1 beginning that these two days of questions would be  
2 encompassing both cases. This is a consolidated  
3 deposition. I understand that you've been asking  
4 questions related to the case, but certainly the  
5 investigation was long and you could certainly fill  
6 weeks of questions if you wanted to, and I assume  
7 that you'd pick and choose which questions you  
8 wished to take given the time limitations.

9           If you weren't able to ask your questions,  
10 that's unfortunate, but I think we'll have to seek  
11 involvement by the court because Mr. Parrish was  
12 prepared to come and sit here today and to complete  
13 his deposition. He took off time to do that from  
14 work, and, you know, he anticipates that if he ends  
15 up in trial, he's going to have to take off time for  
16 that as well.

17           Based on that, all plaintiffs' counsel as  
18 well as defense counsel realize they have to get  
19 together and accommodate each other's time and ask  
20 questions accordingly, and it doesn't appear to be  
21 the case of what happens a lot of times with  
22 plaintiffs' counsel. I know, Mr. Balson, you seem  
23 to get the short end of the stick most of the time,  
24 but that's something I think that needs to be worked

1 out among plaintiffs' counsel.

2 So without starting a precedent otherwise,  
3 I think I was generous with the time that was given,  
4 and I would respectfully say that we're concluding  
5 Mr. Parrish's dep without further -- unless there's  
6 further order of the court. That's it.

7 MR. BALSON: Well, I mean that's your  
8 position.

9 MS. SUSLER: Do you want to go on record  
10 about signature even though it's not done?

11 MS. EKL: We'll reserve.

12 (Adjourned at 5:07 p.m.)

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1 STATE OF ILLINOIS )  
 ) SS  
 2 COUNTY OF FORD )  
 3

4 I, June Haeme, a Notary Public in and for  
 the County of Ford, State of Illinois, do hereby  
 5 certify that JAMES PARRISH, the deponent herein, was  
 by me first duly sworn to tell the truth, the whole  
 truth and nothing but the truth, in the  
 6 aforementioned cause of action.

7 That the following deposition was taken on  
 behalf of the Plaintiffs at the offices of Area Wide  
 Reporting Service, 301 West White Street, Champaign,  
 8 Illinois, on March 5th [6.35 hours] and March 6th  
 [6.31 hours], 2009.

9 That the said deposition was taken down in  
 stenograph notes and afterwards reduced to  
 10 typewriting under my instruction; that the  
 deposition is a true record of the testimony given  
 11 by the deponent; and that it was agreed by and  
 between the witness and attorneys that said  
 12 signature on said deposition would not be waived.

13 I do further certify that I am a  
 disinterested person in this cause of action; that I  
 am not a relative, or otherwise interested in the  
 14 event of this action, and am not in the employ of  
 the attorneys for either party.

15 IN WITNESS WHEREOF, I have hereunto set my  
 hand and affixed my notarial seal this 13th day of  
 16 March, 2009.

17  
 18  
 19

JUNE HAEME, CSR, RMR, CRR  
 NOTARY PUBLIC

20  
 21  
 22

"OFFICIAL SEAL"

23 June Haeme  
 Notary Public, State of Illinois  
 My Commission Expires:  
 24 September 27, 2012



IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF ILLINOIS  
STATE OF ILLINOIS

GORDON RANDY STEIDL, )  
Plaintiff, )  
vs. ) No. 05-CV-2127  
CITY OF PARIS, et al., )  
Defendants. )

-----)  
HERBERT WHITLOCK, )  
Plaintiff, )  
vs. ) No. 08-CV-2055  
CITY OF PARIS, et al., )  
Defendants. )

-----  
This is to certify that I have read the transcript of my deposition taken by June Haeme, CSR, RMR, CRR, in the above-entitled cause, and that the foregoing transcript taken on March 5, 2009, for 6.35 hours, and March 6, 2009, for 6.31 hours, accurately states the questions asked and the answers given by me, with the exception of the corrections noted, if any, on the attached errata sheet(s).

JAMES PARRISH

Subscribed and Sworn before  
me the day of , 2009.  
, Notary Public

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