

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, Present and Former  
Paris Police Officials Chief  
Gene Ray and Detective James Parrish;  
former Illinois State Trooper Jack  
Eckerty; former Edgar County  
State's Attorney Michael McFatrige;  
EDGAR COUNTY; and Illinois State  
Police Officials Steven M. Fermon,  
Diane Carper, Charles E. Brueggemann  
Andre Parker and Kenneth Kaupus,  
Defendants.

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HERBERT WHITLOCK,  
Plaintiff,

vs.

No. 08-CV-2055

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

DEPOSITION OF JOHN H. STROHL  
August 22, 2008  
10:00 a.m.

Barbara A. Glover, CSR # 084-001223

Area Wide Reporting and Video Conferencing  
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Champaign, Illinois 61820  
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## STIPULATION

IT IS HEREBY EXPRESSLY STIPULATED AND AGREED by and between the parties that the deposition of JOHN H. STROHL may be taken on August 22, 2008, at the offices of Area Wide Reporting Service, 301 West White Street, Champaign, Illinois, pursuant to the Rules of the Federal Court and the Rules of Federal Procedure governing said depositions.

IT IS FURTHER STIPULATED that the necessity for calling the Court Reporter for impeachment purposes is waived.

1 JOHN H. STROHL

2 the deponent herein, called as a witness, after  
3 having been first duly sworn, was examined and  
4 testified as follows:

5

6 EXAMINATION CONDUCTED

7 BY: MR. BALSON

8

9 Q. Captain Strohl, would you say your  
10 full name for the record, please?

11 A. John H. Strohl. It's S-t-r-o-h-l.

12 Q. Your current address?

13 A. REDACTED Shelbyville,  
14 Illinois, REDACTED

15 Q. Is that your home address?

16 A. Yes, sir.

17 Q. Do you have a work address?

18 A. No, sir.

19 Q. You're retired?

20 A. Yes.

21 Q. All right. Let the record show that  
22 this is the deposition of Captain John Strohl  
23 taken pursuant to a subpoena and a notice and  
24 pursuant to the Federal Rules of Civil Procedure

1 and the rules of the United States District Court  
2 for the Central District of Illinois.

3 Captain Strohl, I'm going to ask you a  
4 number of questions this morning, and you've just  
5 given your solemn oath to tell the truth in  
6 response to those questions. If at any time you  
7 don't understand my question, I want you to tell  
8 me that.

9 If you don't hear my question or the  
10 question confuses you or you think it's  
11 ambiguous, difficult for you to answer for some  
12 reason or another, I want you to tell me that.  
13 Is that all right?

14 A. Yes, sir.

15 Q. All of your answers need to be  
16 vocalized. You can't answer with a shrug of the  
17 shoulders or a nod of the head or uh-huhs or  
18 huh-uhs and that sort of thing.

19 A. Understood.

20 Q. We try to do it all in words. Okay?

21 A. Yes.

22 Q. As you know and you can see that all  
23 of my questions and all of your responses and  
24 anything else that any of the other lawyers at

1 this table might say are going to be recorded by  
2 this court reporter. Therefore, it's important  
3 that we all speak one at a time, so if you will  
4 give me the courtesy of allowing me to ask my  
5 question before you start to answer, I will try  
6 to do the same thing and not ask you another  
7 question until you finish answering. Okay?

8 A. Fair enough.

9 Q. Are you represented today by a lawyer?

10 A. No, sir.

11 Q. Okay. Prior to coming here today, did  
12 you discuss this deposition with anyone?

13 A. No, sir.

14 Q. What is your understanding of the  
15 reason that you're here?

16 A. I believe this has something to do  
17 with the Michale Callahan lawsuit -- or, I'm  
18 sorry, it's the Steidl lawsuit against the City  
19 of Paris and so forth.

20 Q. What is your understanding about that  
21 lawsuit?

22 A. Well, I know they were in prison for a  
23 number of years and feel they were wrongly  
24 convicted, and they're out on appeal or have been



1 released.

2 Q. Okay. You mentioned Mr. Steidl. Do  
3 you also know that that there's a person named  
4 Herbert Whitlock?

5 A. Yes, sir.

6 Q. In fact, I represent Herbert Whitlock.  
7 Just for your information, this is a deposition  
8 which is taken in conjunction with both of their  
9 lawsuits. Okay?

10 A. Okay.

11 Q. No one interviewed you prior to coming  
12 here?

13 A. No, sir.

14 Q. You haven't spoken with any of the  
15 attorneys at this table?

16 A. Just Mr. Johnson (sic.) on the phone  
17 that he would accept service for the subpoena.  
18 That's it.

19 Q. Didn't discuss your testimony or what  
20 the case was about or anything like that?

21 A. No.

22 Q. Okay. Have you reviewed any reports  
23 or documents, transcripts, or anything prior to  
24 coming here?

1           A.    I have none in my possession, and I  
2 have not reviewed anything.

3           Q.    Okay. I think you said you were  
4 retired. Is that right?

5           A.    That's correct.

6           Q.    When did you retire?

7           A.    It was July 16th of last year, '07.

8           Q.    What was your position when you  
9 retired?

10          A.    I was the District 10 Commander.

11          Q.    And your rank?

12          A.    Captain.

13          Q.    Generally speaking, what were your  
14 duties as District 10 Commander?

15          A.    I was responsible for the overall  
16 operation, administration of the district as far  
17 as the patrol function went.

18          Q.    What is the geographical boundary of  
19 District 10?

20          A.    It consists of Vermilion, Edgar,  
21 Coles, Douglas, Champaign, Macon, Moultrie,  
22 Piatt, and Shelby Counties and Macon County, if I  
23 didn't say that.

24          Q.    Okay. How long did you hold that

1 position as District 10 Commander?

2 A. Approximately seven years.

3 Q. When did you become the District 10  
4 Commander? What date?

5 A. It was I believe February of 2000.

6 Q. And did your duties and  
7 responsibilities remain pretty much the same  
8 between February of 2000 and July of '07?

9 A. With the exception of that first year  
10 I had also responsibility for the investigative  
11 aspect of the district. There was a  
12 reorganization sometime after that.

13 Q. Was that in January or February of  
14 '01?

15 A. Yes, sir. I believe it was.

16 Q. Can you explain to me what the  
17 reorganization did with respect to your  
18 particular position?

19 A. Just removed all of the investigative  
20 functions under another commander.

21 Q. Would that commander have been Edie  
22 Casella at that time?

23 A. I believe it was, yes.

24 Q. Prior to February of 2000 when you

1 became the District 10 Commander, what was your  
2 position?

3 A. I was the District 9 Administrative  
4 Lieutenant.

5 Q. How long did you serve in that  
6 position?

7 A. One year.

8 Q. From, say, February of '99?

9 A. It was -- I want to say it was  
10 probably January of 2000 -- or '99.

11 Q. Okay. So then becoming District 10  
12 Commander was a promotion from that?

13 A. Yes, sir.

14 Q. Okay. Prior to January of '99, what  
15 was your position?

16 A. I was the District 15 North Patrol  
17 Lieutenant.

18 Q. What were your -- what were your  
19 responsibilities?

20 A. I was responsible for the north  
21 Tri-State and the Northwest Tollway as far as  
22 patrol operation.

23 Q. Is that in the Chicago area?

24 A. Yes, sir.

1 Q. How long did you remain in that  
2 position?

3 A. I was there for approximately 14  
4 months.

5 Q. Prior to that?

6 A. I was a staff officer for the Deputy  
7 Director of Operations.

8 Q. Where?

9 A. In Springfield. That would have been  
10 Colonel Drager.

11 Q. How long were you in that position?

12 A. Oh, well, I can't recall specifically.  
13 I know between '94 and that date I held a number  
14 of staff positions in the armory building for  
15 Region Commander and then the Deputy Director.

16 Q. When did you join the force?

17 A. January of 1979.

18 Q. Can you tell me about your education?

19 A. I have an associate's degree through  
20 Lake Land College.

21 Q. When did you obtain that?

22 A. It was 1979.

23 Q. Where is Lake Land College?

24 A. Mattoon.

1 Q. In 1986, where were you working?

2 A. I would have been in District 9,  
3 Springfield.

4 Q. Doing what?

5 A. I would have been a trooper.

6 Q. Patrol?

7 A. Yes, sir.

8 Q. On July 6th, 1986, the date of the  
9 Rhoads homicides, you were serving -- during that  
10 period of time you were serving as a trooper  
11 then?

12 A. Yes, sir.

13 Q. When did you first learn that there  
14 had been a double homicide in Paris, Illinois?

15 A. I don't know that I heard about that  
16 until I became the District 10 Commander.

17 Q. So during the period of '86 and '87  
18 and the initial trials for Steidl and Whitlock  
19 were going on, the initial investigations were  
20 being conducted, you had nothing to do with it?

21 A. That is correct.

22 Q. And you weren't aware of those  
23 investigations or the murders themselves?

24 A. No, sir.

1 Q. And you think the first time you  
2 learned about those murders was when you were  
3 District 10 Commander which would have been  
4 sometime after February of 2000?

5 A. That's correct.

6 Q. Well, okay, let's jump ahead then to  
7 March 23rd, 2000. Did you have occasion to  
8 receive a copy of a letter from Bill Clutter?

9 A. Yes, sir, I did.

10 Q. And was that letter forwarded to you  
11 by someone?

12 A. Yes, I believe that letter was sent to  
13 the Director of the State Police, and that  
14 filtered down through the ranks to District 10.

15 Q. And when you say filtered down through  
16 the ranks, how did it get from the director to  
17 you, if you know?

18 A. The normal practice is the director's  
19 office has a clerk that sends the stuff to the  
20 Division of Operations who then sends it to the  
21 appropriate region who then sends it to the  
22 district of the affected area. That's how  
23 normally those things are handled.

24 Q. In February of 2000, who was your

1 immediate supervisor?

2 A. Lieutenant Colonel Diane Carper.

3 Q. And that's the person seated  
4 immediately to your right here. Is that right?

5 A. Well, on the other side of Mr. Johnson  
6 (sic.), yes.

7 Q. Okay. Do you know whether or not this  
8 letter from Mr. Clutter came from Lieutenant  
9 Colonel Carper?

10 A. I do not know that. I believe it  
11 probably came from her administrative assistant.

12 Q. Why was the letter forwarded to you?

13 A. Because Edgar County lies within the  
14 boundaries of District 10.

15 Q. Did you understand that at the time  
16 that letter was forwarded to you you would have  
17 any responsibilities relative to it?

18 A. Just to write a response letter for  
19 the director's signature.

20 Q. Did you understand that you were to  
21 initiate any investigations relative to that  
22 letter?

23 A. Not at that time, no.

24 Q. Just to write a response to the



1 letter?

2 A. Yes, sir.

3 Q. And did you go about writing a  
4 response to it?

5 A. Yes, sir.

6 Q. How did you do that?

7 A. I basically just drafted a letter and  
8 a response letter and sent it back to the region  
9 office.

10 Q. Who did you discuss the letter with in  
11 preparing your response?

12 A. Lieutenant Gary Rollings.

13 Q. Why did you discuss it with him?

14 A. I think -- well, as I recall, Gary  
15 was -- he had some -- he was familiar with the  
16 Rhoads homicide in some manner.

17 Q. How was he familiar?

18 A. I am not sure if he may have assisted  
19 on that case or worked the case or talked to the  
20 agents involved in the case. He had some  
21 knowledge about that case.

22 Q. But, as you sit here today, you don't  
23 know what knowledge he had?

24 A. No, sir.

1 Q. Or what role he played in any of the  
2 investigations?

3 A. No, sir.

4 Q. But you remember that you discussed it  
5 with Gary Rollings in preparing a letter -- a  
6 response to that letter?

7 A. Yes. And now that -- as I think about  
8 it a little bit more, I probably asked Gary to  
9 prepare a letter, and he probably would have sent  
10 that to me, and I would have maybe made some  
11 changes and then sent it to the region.

12 Q. At the time you received the letter  
13 were you acquainted with Michale Callahan?

14 A. Yes, I was.

15 Q. When did you first meet Michale  
16 Callahan?

17 A. Oh, it would have probably been  
18 February or March of 2000.

19 Q. Under what circumstances did you meet  
20 him?

21 A. Mike was a task force commander in the  
22 Champaign Office of Investigations.

23 Q. At the time were you interviewing  
24 anybody for a position?

1           A.    I can't recall the specific dates or  
2    timelines, but I do remember that we did  
3    interview for Investigative Lieutenant position,  
4    and we conducted that in Springfield.

5           Q.    Were you aware of Michale Callahan's  
6    reputation in the department?

7           A.    No, sir.

8           Q.    Sometime in 2000 after you became the  
9    District Commander, did Michale Callahan begin  
10   working under your supervision?

11          A.    Yes, sir.

12          Q.    When did that occur?

13          A.    I can't recall the specific month. It  
14   may have been in April, but I think -- Mike was  
15   selected to be the Investigative Lieutenant.

16          Q.    And did you discuss the response to  
17   the director's letter with Michale Callahan at  
18   all?

19          A.    I can't recall if I discussed it with  
20   Mike at that time or not.

21          Q.    But you asked information from Gary  
22   Rollings. Is that right?

23          A.    Yes, sir, I did.

24                MR. BALSON: Would you mark this,

1 please, as Strohl Deposition Exhibit No. 1?

2 (At this point the court reporter  
3 marked Strohl Exhibit No. 1 for  
4 purposes of identification.)

5 BY MR. BALSON:

6 Q. I show you what we've marked as  
7 Captain John Strohl Deposition Exhibit No. 1  
8 which appears to be a couple of e-mails. Do you  
9 recognize this -- these e-mails?

10 A. Well, I recognize the format, and I'm  
11 sure that I -- if it came from me, I wrote it.  
12 If I could have a chance to read it here?

13 Now that I see this, I do recall Gary  
14 being very emphatic about the --

15 Q. Emphatic about what?

16 A. The issue that -- the allegation --  
17 information that somebody had cut off Dyke's  
18 penis and placed it in Karen's mouth. I remember  
19 Gary said saying there was nothing to that, and  
20 it was BS.

21 Q. Uh-huh. Do you know why he sent this  
22 e-mail to you? Was it pursuant to an instruction  
23 you gave him?

24 A. It probably was. I asked him to

1 probably look into what information had been  
2 provided that Clutter had sent or the letter that  
3 he sent. I don't recall specifically what it  
4 said.

5 Q. Do you see in the first -- the second  
6 paragraph in his e-mail to you it says, Also, and  
7 then there's a deletion of a person's identity,  
8 attack the credibility of both eyewitnesses, and,  
9 as in all eyewitnesses' accounts, there certainly  
10 are discrepancies.

11 Do you see that?

12 A. Where's that at again? Uh-huh. Yes.  
13 I see that.

14 Q. And was there a discussion with Gary  
15 Rollings at that time about whether or not there  
16 were discrepancies?

17 A. I can't recall specifically.

18 Q. Well, were there discussions with Gary  
19 Rollings about the validity or completeness of  
20 the Illinois State Police investigations at that  
21 time?

22 A. If I recall correctly, Gary -- like I  
23 said, he said this part about Dyke Rhoads and the  
24 penis thing in Karen's mouth was total bullshit,

1 and there ain't nothing to it, and that was  
2 pretty much it.

3 Q. So he confined his response to the  
4 part about the Sonja Board allegation?

5 A. Yes.

6 Q. Okay. Did you specifically ask him  
7 about Sonja Board's allegations?

8 A. I don't recall. I don't recall any  
9 conversation with Gary other than what I've  
10 stated.

11 Q. Okay. By this time you had not  
12 responded to the director's letter yet. Had you?

13 A. Probably not.

14 Q. Okay. On the top now it looks to be a  
15 copy of an e-mail that you sent to Cheryl Davis?

16 A. Yes.

17 Q. Who is Cheryl Davis?

18 A. Cheryl was Lieutenant Colonel Carper's  
19 administrative assistant.

20 Q. Why did you send an e-mail to Cheryl  
21 Davis?

22 A. Well, I really don't recall if the  
23 letter that we had sent, his response needed more  
24 information or if she wanted -- I don't really

1 recall. I just -- it's been a long time ago.

2 Q. Well, I know it's been a long time.

3 Was Cheryl Davis the one who initially  
4 forwarded the director's letter to you?

5 A. Generally whenever anything got  
6 forwarded from the region office, it came through  
7 Cheryl.

8 Q. Okay. And so were you responding back  
9 up through the chain of command?

10 A. Yes, sir.

11 Q. Okay. At this time did you make a  
12 decision as to who you would assign to do the  
13 investigation to see whether it warranted opening  
14 up the case?

15 A. Well, as I recall, I remember feeling  
16 that maybe Gary was so adamant that, you know,  
17 this was a done deal, closed case, what this part  
18 was was just total bullshit, that he didn't  
19 really give it a good review, so to speak.

20 Q. You thought he wouldn't be impartial?

21 A. I thought Gary had his mind made up  
22 about the situation for some reason, and maybe he  
23 had reason for that. I don't know.

24 Q. All right. And is that why you picked

1 Lieutenant Michale Callahan?

2 A. Yes. Yes.

3 Q. To your knowledge, did Lieutenant  
4 Callahan have any connection with this case?

5 A. No.

6 Q. Did he know anything about the case,  
7 to your knowledge?

8 A. I don't believe he did.

9 Q. Okay. Did you have a discussion with  
10 Lieutenant Callahan relative to this assignment  
11 and whether or not he would accept it or whether  
12 he would be the right person for it?

13 A. I'm sure I did. I mean I would have  
14 asked -- and you say investigation. I don't  
15 think at that point it was an investigation. It  
16 was a review of some information that maybe had  
17 been provided -- I can't recall specifically what  
18 the Clutter letter was, that they had some new  
19 information or were asking for something.

20 Q. But you did ask Michale Callahan to  
21 conduct an initial collection of information. Is  
22 that right?

23 A. Yes.

24 Q. How would you phrase that? Was it an



1 investigation?

2 A. I would say it was an inquiry at the  
3 time.

4 Q. An inquiry, okay. And did you ask him  
5 to report back to you then?

6 A. I would have, yes.

7 Q. Okay. Well, the letter that you sent  
8 back to Director Nolen indicated that Michale  
9 Callahan would be the one who would be contacting  
10 Mr. Clutter. Isn't that right?

11 A. Either that Mike would contact  
12 Mr. Clutter or Mr. Clutter could contact Mike.  
13 I'm not really sure. That was the point of  
14 contact.

15 Q. But you had made the decision that you  
16 would assign Michale Callahan the responsibility  
17 of coordinating with Mr. Clutter. Right?

18 A. Yes.

19 Q. Okay. At that time that you made that  
20 decision did you know that the television program  
21 48 Hours was planning a show on the Steidl and  
22 Whitlock case?

23 A. No, I didn't.

24 Q. When did you first learn that?

1           A.    Oh, I can't -- I can't recall.  I  
2   remember maybe it was June.  It was a few months  
3   later, I thought.

4           Q.    You didn't see the show?

5           A.    I can't recall when it was broadcast.

6           Q.    Well, if I told you that the show was  
7   broadcast on May 15th, 2000, does that help you?  
8   Does it refresh your memory in any way?

9           A.    I couldn't -- I remember I saw the  
10   show, but I can't say -- I can't recall when it  
11   was.

12          Q.    So prior to May 15th, you would have  
13   been alerted to watch the show?

14          A.    Probably, yeah.

15          Q.    Who alerted you to do that?

16          A.    Well, it would have probably have been  
17   Mike.

18                   (At this point the court reporter  
19                   marked Strohl Exhibit No. 2 for  
20                   purposes of identification.)

21                   MR. JOHNSTON:  Off the record.

22                   (At this point there was an off the  
23                   record discussion.)

24

1 BY MR. BALSON:

2 Q. Have you had a chance to read this,  
3 Captain Strohl?

4 A. Uh-huh.

5 MS. SUSLER: Can you say yes or no?

6 THE WITNESS: Yes.

7 MS. SUSLER: Thank you.

8 BY MR. BALSON:

9 Q. This was an e-mail from yourself to  
10 Diane Carper. Is that right?

11 A. Yes, sir.

12 Q. And to James Wolf and Cheryl Davis?

13 A. Yes.

14 Q. Tell me who James Wolf was.

15 A. Jim would have been the staff officer  
16 for Colonel Carper.

17 Q. Can you tell me why you sent this  
18 e-mail to Colonel Carper?

19 A. Well, obviously I became aware of this  
20 48 Hours show and wanted to inform her that, you  
21 know, of an update of what had been going on with  
22 this issue.

23 Q. Did she ask for it?

24 A. I don't recall.

1 Q. During the initial stages when you  
2 assigned Mr. Callahan to look into this and  
3 report back to you and when you learn that there  
4 would be a television show, did you have any  
5 conversations, personally, with Diane Carper  
6 other -- or any communications other than these  
7 e-mails?

8 A. I'm sure that we talked on the phone,  
9 but I can't recall any specifics of those  
10 conversations.

11 Q. What did -- what did Lieutenant  
12 Colonel Carper want to know about this, as you  
13 remember?

14 A. I'm sure she just wanted to be kept  
15 informed of what was going on with it.

16 Q. Well, you indicate here that the 48  
17 Hours show is set to air on Monday, May 15th.  
18 Right?

19 A. That's what it says, yes.

20 Q. And you also inform her that  
21 Lieutenant Callahan has been in contact with  
22 Mr. Clutter?

23 A. Correct.

24 Q. And that he's preparing a memo

1 outlining issues he feels warrant further  
2 investigation?

3 A. Correct.

4 Q. So by this time, obviously Lieutenant  
5 Callahan has indicated to you that he felt that  
6 there were things that warranted further  
7 investigations. Is that right?

8 A. Yes.

9 Q. Did he tell you why?

10 A. I recall Mike had -- he prepared a  
11 memo that I had seen sometime probably right  
12 after that with a bunch of issues that he felt  
13 warranted further investigation.

14 Q. Well, before he gave you the memo, he  
15 told you that --

16 A. I'm sure he did.

17 Q. That he thought this warranted further  
18 investigation?

19 A. Yes.

20 Q. All right. And you were telling  
21 Lieutenant Colonel Carper that too. Weren't you?

22 A. Yes.

23 Q. He says, He has identified some issues  
24 ISP investigators failed to cover during the

1 initial investigation.

2 Did he tell you what issues they were  
3 or just in general that's what he had uncovered?

4 A. That's in general. I don't recall  
5 anything specific.

6 Q. And, again, you were informing  
7 Lieutenant Colonel Carper that that was a fact.  
8 Right?

9 A. Yes.

10 Q. Finally in that first paragraph it  
11 says, These concerns will be provided in the memo  
12 which will be available either this afternoon or  
13 tomorrow a.m.

14 And this e-mail is dated May 2nd,  
15 2000. Right?

16 A. Yes.

17 Q. All right. In fact, did you get a  
18 memo on May 2nd, 2000, from Lieutenant Callahan?

19 A. I can't recall a specific date. I  
20 know it was a multi-page memorandum that I got.

21 MR. BALSON: Okay. Let's drag that  
22 out.

23

24

1 (At this point the court reporter  
2 marked Strohl Exhibit No. 3 for  
3 purposes of identification.)

4 BY MR. BALSON:

5 Q. I show you what we've marked as  
6 Exhibit No. 3 entitled Memorandum. It's several  
7 pages, maybe ten pages, if I recall correctly.  
8 The pages aren't marked.

9 Was this -- is this the report that  
10 you were referencing in your e-mail to Lieutenant  
11 Colonel Carper?

12 A. Yes, sir.

13 Q. Now, this says it's from Lieutenant  
14 Michale Callahan to Captain John Strohl. Did you  
15 receive this on or about May 2nd, 2000?

16 A. I don't recall the exact date. That's  
17 the date the memo was produced, but I can't  
18 recall specifically what date I got it on.

19 Q. Do you remember how you got it? Did  
20 he hand it to you? Did he bring it to your  
21 office?

22 A. I can't recall whether he e-mailed the  
23 document to me or gave me a copy. I just -- I  
24 don't recall.

1 Q. Well, when he did, did you read it?

2 A. Yes, sir.

3 Q. In the third paragraph he says, I have  
4 found many discrepancies in this case which  
5 warrant ISP reevaluating this case.

6 Do you see that?

7 A. Yes.

8 Q. What did you think when you read that?

9 A. Well, after I read -- after I read all  
10 these doc points that he had, I thought Mike had  
11 identified several issues that warranted further  
12 investigation.

13 Q. Well, he went farther than that. He  
14 said, In summarization, the following points lead  
15 me to believe that Steidl was not proven guilty  
16 beyond a reasonable doubt and that other viable  
17 suspects in this case were not thoroughly  
18 investigated.

19 What did you think when you read that?

20 A. Well, I -- I don't recall.

21 Q. Well, what did you do when you read  
22 that?

23 A. Well, I'm sure I was concerned about  
24 it, and, specifically, I mean I don't recall any



1 action I may have taken at that time other than  
2 to provide this to the region office.

3 Q. Can you turn ahead to page 5?

4 A. Okay. I believe this is page 5.

5 Q. It has a paragraph at the top that  
6 begins, But to base the conviction.

7 A. Yes.

8 Q. I says in the second sentence, In  
9 addition, there are several viable suspects that  
10 I feel were never thoroughly investigated.

11 Do you see that?

12 A. Yes, sir.

13 Q. And then he goes on to identify Bob  
14 Morgan and Mark "Smoke" Burba. Do you see that?

15 A. Yes, sir.

16 Q. And to give reasons why he feels that  
17 they were never thoroughly investigated or what  
18 implications he thought that there were? Do you  
19 see that from the bullet points?

20 A. Yeah, there's several bullet points  
21 there, yes.

22 Q. And you read those. Right?

23 A. Yes, sir.

24 Q. Okay. Did you also notice that there

1 were asterisks after the -- after many of these  
2 bullet points?

3 A. Yes.

4 Q. Sometimes one asterisk and sometimes  
5 two asterisks?

6 A. Yes.

7 Q. If you turn the page, does he identify  
8 one asterisk as being investigator's information  
9 and two asterisks as being Clutter's information?

10 A. Yes, he does.

11 Q. Did you understand investigator's  
12 information to be information that Michale  
13 Callahan developed himself?

14 A. No, I took that to mean that was  
15 information that probably he found in a case  
16 file, as I recall.

17 Q. But it didn't come from Mr. Clutter,  
18 necessarily. Right?

19 A. No.

20 Q. The information that came from  
21 Mr. Clutter you understood to be two asterisks.  
22 Right?

23 A. Yes.

24 Q. All right. At that time in the year

1 2000, in May 2000, were you familiar with Robert  
2 Morgan?

3 A. Only that he had served on Operation  
4 Cool board that was a program that Captain Dave  
5 Morgan had initiated before my arrival.

6 Q. What do you mean he had served on Cool  
7 board?

8 A. Well, this Operation Cool was a  
9 program to encourage seat belt use among teen  
10 drivers, and it was made up of several area  
11 business people, insurance people, a restaurant  
12 owner.

13 Q. Had you met him prior to May of 2000?

14 A. I can recall there was an Operation  
15 Cool meeting in Tuscola, but I can't recall  
16 specifically when that was.

17 Q. Well, how do you know he was on the  
18 board?

19 A. There was probably minutes or -- I  
20 can't recall specifically, but I knew that  
21 somebody had introduced him as Bob Morgan.

22 Q. Did you know anything about his  
23 business?

24 A. No, sir.

1 Q. Did you know whether or not there were  
2 any investigations pending about Bob Morgan?

3 A. No, I didn't.

4 Q. Did you know whether anybody in the  
5 Illinois State Police had any reason to believe  
6 that he was involved in drug trafficking?

7 A. No.

8 Q. Did you know anybody named Mark  
9 "Smoke" Burba?

10 A. No, sir.

11 Q. Did you know of any suspected  
12 connection between Bob Morgan and the Pizza  
13 Connection case?

14 A. Prior to this memo?

15 Q. Yes.

16 A. No.

17 Q. Were you familiar with the Pizza  
18 Connection investigation?

19 A. No. No.

20 Q. Well, when you read that Lieutenant  
21 Callahan thought that there were viable suspects  
22 that were never thoroughly investigated like Bob  
23 Morgan, what did you personally do about that?

24 A. I can't recall other than maybe

1 forwarding the information on to the region  
2 office.

3 Q. These bullet points that he has all  
4 throughout this memo, for example, In an  
5 interview with Karen Rhoads' landlord before her  
6 marriage he states Bob Morgan frequently visited  
7 Karen Rhoads at her apartment...

8 MR. JOHNSTON: What page are you on?

9 MR. BALSON: It's just one of the  
10 bullet points. It's on the same page.

11 MR. JOHNSTON: Thanks.

12 BY MR. BALSON:

13 Q. And then when he says, Bob Morgan  
14 states to investigators that he feels two guys  
15 probably broke into the Rhoads' house that night  
16 to rape Karen Rhoads and things got out of hand,  
17 and they were murdered, did you know whether any  
18 of this information was available to the lawyers  
19 or the prosecutors at the time of Steidl and  
20 Whitlock's trials in '86?

21 A. I don't have any knowledge about that.

22 Q. Do you know whether Lieutenant  
23 Callahan obtained any of this information by  
24 actually doing any interviews?

1 A. I don't know what Mike did.

2 Q. On the second to the last page in the  
3 bottom paragraph Michale Callahan writes, As one  
4 can see, there are several viable suspects in  
5 this case, and I am not convinced that ISP or  
6 Paris Police Department ever uncovered the total  
7 truth of what happened that night to Dyke and  
8 Karen Rhoads.

9 Did you read that?

10 A. I'm sure I did, yes.

11 Q. What did you think should be done  
12 about that in May of 2000?

13 A. Well, I'm sure that I would have  
14 supported Lieutenant Callahan's concerns and  
15 recommendations.

16 Q. And by supporting them, do you mean  
17 that you would have supported these up the chain  
18 of command?

19 A. Yes.

20 Q. And that would have been then to  
21 Lieutenant Colonel Carper. Right?

22 A. Yes.

23 Q. On the next page, Lieutenant Callahan  
24 writes, I would like to initiate a new

1 investigation in this case directed towards Bob  
2 Morgan as a primary suspect in the Rhoads  
3 murders. Did you also support that?

4 A. Yes.

5 Q. And then, again, you would have  
6 supported that up the chain of command. Right?

7 A. Yes.

8 Q. When you read this report, did you  
9 think that Michale Callahan did a thorough job of  
10 completing the task you assigned to him?

11 A. I felt he had exceeded expectations,  
12 yes.

13 Q. It was a well-reasoned and complete  
14 report, in your judgment?

15 A. In my opinion, yes.

16 Q. He did what you asked him to do?

17 A. Yes.

18 Q. And more. Right?

19 A. Yes.

20 Q. Well, did you then send this report up  
21 the chain of command to Lieutenant Colonel  
22 Carper?

23 A. Yes.

24 Q. In fact, did you e-mail the report --

1 was she at the region office in Springfield?

2 A. That's where she was based, yes.

3 Q. So she would have had the same report  
4 that you had. Right?

5 A. Yes.

6 Q. Did you speak to Lieutenant Colonel  
7 Carper after you sent this memorandum to her?

8 A. I'm sure at some point we had a  
9 discussion.

10 Q. Do you know what Lieutenant Colonel  
11 Carper did with this memorandum after she got it?

12 A. I don't.

13 Q. It wasn't explained to you?

14 A. No, not that I can recall.

15 Q. You were just waiting for further  
16 instructions?

17 A. Yes.

18 Q. Because you weren't going to initiate  
19 this investigation on your own. Is that right?

20 A. Correct.

21 Q. Do you know whether or not Lieutenant  
22 Colonel Carper forwarded this memorandum to  
23 Captain Fermon?

24 A. I mean it would be -- it would be my



1 guess that she probably did, yes, based upon  
2 Captain Fermon's position.

3 Q. What was Captain Fermon's position?

4 A. He was the investigative -- oh, boy, I  
5 can't recall the exact title, but he kind of  
6 oversaw the investigations aspects in Colonel  
7 Kent's office.

8 Q. And Colonel Kent was?

9 A. He was the Deputy Director of  
10 Operations at the time.

11 Q. Okay. So that meant that Captain  
12 Fermon would have been oversight for  
13 investigations for the entire state of Illinois?

14 A. I'm not sure if oversight was the  
15 correct terminology or not, but he would have  
16 had --

17 Q. Well, how would you describe it?

18 A. Well, he would have had -- I would  
19 assume he would have had some input on  
20 investigative issues throughout the state  
21 regarding the State Police.

22 Q. Well, who was the one who would in  
23 your judgment at the time have to be the one to  
24 approve further operations or investigations in

1 this matter?

2 A. Well, in my opinion, the position  
3 would have to be above my level and, for that  
4 matter, probably the region level. I mean it was  
5 a -- it was a -- I mean it's a big issue, and  
6 that's something that would come above probably  
7 at both of our levels, both Colonel Carper's and  
8 myself.

9 Q. And who was above Colonel Carper at  
10 the time?

11 A. I believe Andre Parker worked for  
12 Colonel Kent.

13 Q. And Andre Parker, what was his  
14 position, if you remember?

15 A. Oh, he was like -- he was the  
16 Assistant Deputy Director for Operations.

17 Q. Was he also a lieutenant colonel?

18 A. I believe that was his rank, yes.

19 Q. And he worked for Colonel Kent?

20 A. Yes.

21 Q. Michale Callahan says and has also  
22 testified that he remembered getting instructions  
23 to share this memo with the Appellate  
24 Prosecutor's Office. Did those instructions come

1 from you?

2 MR. JOHNSTON: I object to the form of  
3 the question. You can go ahead and answer.

4 THE WITNESS: I don't recall. I don't  
5 recall.

6 BY MR. BALSON:

7 Q. Well, do you recall any instructions  
8 given by anyone to share this memorandum with the  
9 Appellate Prosecutor's Office in May of 2000?

10 A. I can recall the memorandum was shared  
11 with the Appellate Prosecutor's Office, but I  
12 can't recall specifically the direction that came  
13 from.

14 Q. Okay. Well, who authorized it?  
15 That's what I'm asking you.

16 A. Well, there again, it would have  
17 probably have been at the highest levels of the  
18 Division of Operations.

19 Q. Did Captain Fermon give those  
20 instructions?

21 A. I don't recall specifically. I do  
22 know that going outside our agency would have  
23 been something that I would have sought approval  
24 for before doing so.

1 Q. Well, once upon a time, you testified  
2 in Mr. Callahan's trial. Do you remember that?

3 A. I remember the trial, yes.

4 Q. Okay. And one of the answers that you  
5 gave was on page 142 of your testimony: When  
6 this memorandum was e-mailed over to the region  
7 office, Colonel Carper forwarded to Steve Fermon,  
8 who was the state-wide investigations  
9 coordinator, who I assume reviewed it and offered  
10 suggestions that this memorandum be shared, I  
11 believe the Attorney General's Office.

12 Do you remember giving that testimony?

13 A. I recall that, yes.

14 Q. Was that correct?

15 A. Yes.

16 Q. You further said, An e-mail came back  
17 to me saying, please consider, please consider  
18 the attached which led me to believe that this  
19 memorandum should be shared with the Attorney  
20 General's Office, and as a result of that you  
21 shared it with the Attorney General's Office.  
22 Didn't you?

23 A. I'm sure if that's what it says there,  
24 yes.

1 Q. Well, you say --

2 A. Well, it's been a long time ago.

3 Q. You say I shared it with the Attorney  
4 General's office?

5 A. Well, I did, then.

6 Q. And you wouldn't have done that  
7 without authority. Would you?

8 A. No, sir, I wouldn't have.

9 Q. So at least as of this date, you had  
10 possession of this memorandum, Lieutenant Colonel  
11 Carper had possession of this memorandum, and  
12 Captain Steven Fermon also had possession of this  
13 memorandum. Correct?

14 MR. JOHNSTON: I'll object to the form  
15 of the question. You can go ahead and answer it.  
16 It mischaracterizes his testimony.

17 THE WITNESS: It has the date of May  
18 2nd, 2000.

19 BY MR. BALSON:

20 Q. Well, not necessarily on that date but  
21 around that date.

22 A. Yes. As I recall, there was an e-mail  
23 I received from Colonel Carper that said those  
24 words, something about please consider the

1 attached, and there was a response from Steve  
2 Fermon on that.

3 Q. Okay. Well, Michale Callahan, when he  
4 testified he said he remembered an e-mail dated  
5 May 9th, a week after that memo, where Captain  
6 Fermon suggested the memo be shared with the  
7 Appellate Prosecutor's office.

8 Does that refresh your memory?

9 A. Yeah, I don't recall a specific date,  
10 but I do recall an e-mail that said, Please  
11 consider the attached from Colonel Carper, or  
12 words to that effect.

13 Q. To your knowledge, was Captain Fermon  
14 upset in any way that Michale Callahan was  
15 assigned to do this investigation?

16 A. I don't know that he was or wasn't.

17 Q. Well, did Captain Fermon tell you that  
18 he felt that Master Sergeant Reed should have  
19 been given the assignment?

20 A. As far as -- which assignment are we  
21 talking about?

22 Q. The assignment to investigate the  
23 Steidl and Whitlock -- well, excuse me, the  
24 Rhoads murders, the homicides?

1           A.    No, sir, I don't believe he ever told  
2 me that.

3           Q.    He never expressed that sentiment to  
4 you?

5           A.    No.

6           Q.    Did you know Master Sergeant Reed at  
7 the time?

8           A.    Yes, I did.

9           Q.    What was his position?

10          A.    At the time when he took over District  
11 10 Danny Reed was the Acting Investigative  
12 Commander, Acting Lieutenant's position.

13          Q.    Well, why didn't you give it to -- the  
14 assignment to Danny Reed rather than to Michale  
15 Callahan?

16          A.    Because in the interim, there was  
17 interviews conducted for the position, and  
18 Michale Callahan received the promotion.

19               MR. BALSON:  Okay.  Can we take a  
20 short break?  Five minutes?

21               (At this point a short recess was  
22 taken.)

23               MR. BALSON:  Vince, are you there?

24               MR. MANCINI:  I am.

1 BY MR. BALSON:

2 Q. All right. At the time that the  
3 Appellate Prosecutor's Office was contacted, did  
4 you get a call from Bob Spence?

5 A. That name doesn't sound familiar to  
6 me.

7 Q. No, it doesn't? You don't know  
8 whether Bob Spence was with the AG's office?

9 A. I don't.

10 Q. How about Joe Battucci (phonetic),  
11 does say that ring a bell to you?

12 A. Not at all.

13 Q. Did you get a call from anybody at the  
14 Attorney General's Office after the report was  
15 sent?

16 A. I can't recall.

17 Q. Were any other copies of the report  
18 requested by the Attorney General's Office, that  
19 you can recall?

20 A. I can't recall.

21 Q. Did Michale Callahan call you and ask  
22 you whether you could send an additional copy to  
23 the Attorney General's Office?

24 A. I don't recall. He may have.



1 Q. Now, let me read some of his testimony  
2 and see if it refreshes your memory.

3 MS. EKL: Whose testimony is this?

4 MR. RAUB: Trial testimony.

5 BY MR. BALSON:

6 Q. This is actually from Michale  
7 Callahan's deposition taken January -- taken the  
8 14th day of January, 2005, and it's page 70.

9 He testified on page 70, Bob Spence  
10 said, Mike, would you mind faxing that memo to us  
11 that you said you had?

12 I said, Let me call my captain and  
13 make sure the order still stands; called Captain  
14 Strohl, and he said, Hey, you heard Lieutenant  
15 Colonel. Send it. I faxed it. That was on  
16 Friday.

17 Does that refresh your memory as to  
18 what happened on that day?

19 MR. JOHNSTON: I'll object to the form  
20 of the question. You can go ahead and answer.

21 THE WITNESS: I mean I'm sure Mike  
22 would have been correct. I don't recall  
23 independently saying anything one way or the  
24 other or even that conversation, but I'm sure if

1 Mike said it, it probably happened.

2 BY MR. BALSON:

3 Q. Do you remember calling Mike and  
4 saying to him, We're in big trouble for sending  
5 the report?

6 A. I can recall there was some -- there  
7 was some issue for sending that, and I can't  
8 recall right now what that was, but I knew -- I  
9 had a feeling we were kind of in hot water for  
10 something. If it was sending that report, I  
11 can't recall, but I remember there was some  
12 fallout after we sent that.

13 Somebody was upset that that went to  
14 the Attorney General's Office, but I can't recall  
15 specifically who.

16 Q. And you don't know why?

17 A. No, not as I sit here today.

18 Q. Somebody up the chain of command was  
19 upset. Is that your memory?

20 A. There's generally how it flew, yes.

21 Q. How it flew?

22 A. It flows downhill.

23 Q. It wouldn't have bothered you so much  
24 if someone down the chain of command was upset?

1 A. No.

2 Q. Did you tell Michale Callahan  
3 something came down from the Director's office,  
4 and I have no idea what it's about, but we're in  
5 a lot of trouble?

6 A. I can remember there being some issue.  
7 I don't remember where it came from, other than  
8 it came above the chain of command, and it was  
9 something about this document going to the  
10 Attorney General's office.

11 Q. Well, if Michale Callahan said,  
12 Something came down from the Director's office,  
13 and I have no idea -- I'm sorry. Strike that.

14 If Michale Callahan said that you said  
15 to him, Something came down from the Director's  
16 office, and I have no idea what it's about, but  
17 we're in a lot of trouble, would you have any  
18 reason to dispute that?

19 MR. JOHNSTON: I'll object to the form  
20 of the question.

21 THE WITNESS: No, I wouldn't dispute  
22 that.

23 BY MR. BALSON:

24 Q. Do you remember making a second call

1 to Michale Callahan later that same day telling  
2 him everything was okay?

3 A. I can remember there was -- there was  
4 some confusion about that whole thing. It was --  
5 it seemed like one minute we were golden. The  
6 next minute we were mud, and the next minute  
7 maybe everything was okay.

8 Q. Did you call him back and say,  
9 Everything is okay. We're heroes. Don't worry  
10 about it.

11 A. I don't know if I used those words  
12 exactly or not, but I can recall there was --  
13 there was concern, and then there was relief.

14 Q. Let me read you what Michale Callahan  
15 testified and then ask if you disagree with it.

16 A. Okay.

17 Q. It's on page 71 of that deposition.

18 And about an half and a half passes,  
19 and Captain Strohl calls me back and said, Don't  
20 worry about it. Now all of a sudden we're kind  
21 of like heroes. Everybody is happy, so he goes,  
22 Don't worry about it. I'm like, okay, fine.

23 Do you have any reason to disagree  
24 with that version that Michale Callahan testifies

1 to?

2 MR. JOHNSTON: I'll object to the form  
3 of the question. Go ahead and answer.

4 THE WITNESS: I have no reason to  
5 doubt Mike's statement.

6 BY MR. BALSON:

7 Q. Okay. Did Colonel Kent ever contact  
8 you about sending this report, that you can  
9 remember?

10 A. I can't recall specifically if it was  
11 Colonel Kent or not, but I do recall kind of  
12 hanging my hat on the e-mail that we got that  
13 Steve Fermon had written suggesting that it be  
14 shared with the Attorney General's Office and  
15 then the attachment to that that said, Please  
16 consider the attached, or something like that,  
17 and that kind of -- I conferred from that it was  
18 okay to share it, and I think maybe that's what  
19 the confusion was initially.

20 Q. Well, after you sent this report, did  
21 Colonel Carper drive down to District 10 for a  
22 meeting with you and Michale Callahan?

23 A. I can't recall if she came to District  
24 10. I know at some point we were in her office.

1 I can't recall one way or the other.

2 Q. Where was your District 10  
3 headquarters in 2000?

4 A. Pesotum.

5 Q. How far is that from Springfield? I  
6 don't know.

7 A. Oh, it's -- gosh, I drove it enough.  
8 I should know, but it's probably in the area of a  
9 hundred miles or so.

10 Q. Well, at some point after this  
11 memorandum of May 2nd was prepared do you recall  
12 there being a meeting in Springfield?

13 A. At some point there was a meeting in  
14 Springfield.

15 Q. Was it in the Division of Operations'  
16 conference room?

17 A. Yes, it was.

18 Q. Who called for that meeting?

19 A. I can't recall specifically who called  
20 for it.

21 Q. Do you remember who attended that  
22 meeting?

23 A. I can remember that Andre Parker was  
24 there and Colonel Carper, myself, and Michale

1 Callahan, and there may have been some others,  
2 but I can't recall right now.

3 Q. Do you remember if Edie Casella was  
4 there?

5 A. I can't recall her being there --  
6 either being there or not being there. I just  
7 don't remember.

8 Q. Do you remember Lex Bitner or Tish  
9 Carneghi being there?

10 A. Well, now that you mentioned those  
11 names, I can recall -- I don't know if they were  
12 there or if there was another meeting later on  
13 involving them.

14 Q. I'm talking about a meeting that would  
15 have taken place right around May 12th, the week  
16 of -- within a week or so after this memorandum,  
17 a week and a half.

18 A. I can remember a meeting involving Lex  
19 Bitner and some other intelligence analysts  
20 taking place at the Zone 5 office in Champaign,  
21 and they drew up this graph of connections of  
22 different people, but I can't recall exactly if  
23 they were at that meeting or not. I just don't  
24 have any memory of that.

1 Q. You don't know exactly when that  
2 meeting took place that they drew up this graph?

3 A. I don't. It would have been after  
4 this date. I'm sure of that.

5 Q. What did you understand the agenda of  
6 this meeting to be?

7 MR. JOHNSTON: Which meeting?

8 BY MR. BALSON:

9 Q. The meeting that he attended with  
10 Colonel Carper and Andre Parker and Edie Casella  
11 and Michale Callahan.

12 MR. JOHNSTON: I'll object to the form  
13 of the question. It misstates his testimony. Go  
14 ahead and answer.

15 THE WITNESS: I recall Mike presented  
16 his views and opinions on his research that he  
17 had done, and I can recall Colonel Parker saying  
18 something to the effect, It sounds like a TV  
19 movie, or something like that. I mean it was --  
20 Mike could really reel off things, and he had all  
21 the facts in his mind that he had researched, and  
22 it was clear that Mike had done his homework on  
23 that. I know that Colonel Parker seemed  
24 impressed by Lieutenant Callahan's report. At



1 least that was the impression that I got.

2 BY MR. BALSON:

3 Q. Did everyone have a copy of the  
4 report?

5 MR. RAUB: This will be Exhibit 3?

6 MR. BALSON: Correct.

7 THE WITNESS: I don't recall if  
8 everybody had a copy laying in front of them or  
9 not.

10 BY MR. BALSON:

11 Q. Do you remember -- other than the  
12 statement that you just remembered about Colonel  
13 Parker saying it sounded like a made-for-TV  
14 movie, do you remember anything that anyone else  
15 said, any questions or comments that were made at  
16 that meeting?

17 A. I can't recall anything specific at  
18 this time.

19 Q. Well, during this particular meeting  
20 did Lieutenant Callahan make any sort of  
21 recommendation what he thought should be done  
22 with the Rhoads case?

23 A. I know that Mike felt that the case  
24 should be reopened. Now, if he brought it up at

1 that time, I don't recall, but after he presented  
2 his facts, I'm sure that he may have made that  
3 recommendation.

4 Q. Did anybody present at that meeting  
5 disagree?

6 MR. JOHNSTON: I'll object to the form  
7 of that question. Go ahead and answer it the  
8 best you can.

9 THE WITNESS: You know, it's hard for  
10 me to remember that meeting seven years ago  
11 exactly every little aspect of it. I mean I just  
12 don't remember a lot of things that happened  
13 there without some type of referral.

14 BY MR. BALSON:

15 Q. Well, I understand that it was eight  
16 years ago and that you've had a lot of meetings  
17 in your life.

18 A. Uh-huh.

19 Q. But what I'm trying to do here is to  
20 exhaust your memory the best I can, see what you  
21 do remember and what you do recall, and if I can  
22 refresh it in some way, I'm going to try and do  
23 that.

24 A. That would be great.

1 Q. What I'd like to know if you remember  
2 anybody at this meeting disagreeing with any of  
3 the recommendations made in Michale Callahan's  
4 memorandum?

5 MR. JOHNSTON: I'll object to the form  
6 of the question. Asked and answered. Go ahead  
7 and answer the best you can.

8 THE WITNESS: I don't recall anybody  
9 objecting to Mike's request that the case be  
10 reopened.

11 MR. BALSON: Okay. Iain, relative to  
12 your objections, I do certainly respect your  
13 right to object to the form of my question.

14 MR. JOHNSTON: Sure.

15 MR. BALSON: But as to recommending  
16 whether this witness should or should not answer  
17 any questions, he's indicated he's not  
18 represented here.

19 MR. JOHNSTON: And why don't we do it  
20 this way?

21 Captain Strohl, my job is to make  
22 objections. Either we're going to sit here  
23 forever and wait for you to figure out what to do  
24 after the objections. After I make the

1 objection, feel free to answer. How is that?

2 Fair enough?

3 THE WITNESS: Okay.

4 MR. BALSON: I'm just trying to  
5 clarify whether or not you're his lawyer.

6 MR. JOHNSTON: No, I'm just getting  
7 the objection out there. I don't want the  
8 witness to be confused and sit there and stare at  
9 you, and you stare at him.

10 MR. BALSON: Not a problem. I don't  
11 want to waste time too.

12 MR. JOHNSTON: Okay.

13 BY MR. BALSON:

14 Q. Was there any discussion at this  
15 meeting, that you can recall, about whether or  
16 not any of Michale Callahan's findings were known  
17 to or available to any of the lawyers back in  
18 1986 and 1987?

19 A. I don't remember.

20 Q. Don't recall that?

21 A. I don't recall.

22 Q. To your memory, did anyone instruct  
23 Michale Callahan or anyone else to contact any of  
24 the trial lawyers or any of the lawyers involved

1 in the original trials to find out whether or not  
2 any of this information was available to them?

3 A. I don't recall.

4 Q. You didn't do that?

5 A. No, I didn't.

6 Q. You don't know whether Lieutenant  
7 Colonel Carper contacted any of the lawyers who  
8 were involved in the Steidl or Whitlock case to  
9 determine whether or not any of the information  
10 in this memorandum was available to them at the  
11 time of the trial?

12 A. No.

13 Q. And you don't know whether Andre  
14 Parker did that?

15 A. No.

16 Q. Or anyone else at that meeting.  
17 Right?

18 A. Correct.

19 Q. Well, we referenced just a few minutes  
20 ago Michale Callahan's proposal that he would  
21 like to initiate a new investigation directed  
22 towards Bob Morgan as a primary suspect, and you  
23 said that you would support that. Did you  
24 support that at the meeting?

1           A.    I would have -- yes, I would have  
2 supported Mike's position.

3           Q.    Right.  And did anybody disagree, to  
4 your memory?

5           A.    At that time, nobody disagreed, that I  
6 can recall.

7           Q.    Okay.  You don't have any memory of  
8 anyone at the meeting who expressed an opinion  
9 that the matter should not be investigated  
10 further?

11          A.    No, I don't.

12          Q.    Okay.  So what was your general  
13 feeling as to what should be done with the Rhoads  
14 homicide investigation at the end of this  
15 meeting?

16          A.    Well, I was under the impression that  
17 there was -- you know, Mike had made some  
18 recommendations, and he was going to follow up on  
19 those.  He basically had approval to go ahead and  
20 proceed, and he had -- he would have had the  
21 disposal of Lieutenant Colonel Casella and her  
22 shop's assistance.

23          Q.    And what did that mean?

24          A.    Well, Edie was in charge of

1 operational services command, or whatever we  
2 called it back then, and there would have been a  
3 couple of intelligence analysts assigned to maybe  
4 work up some timelines or some type of graphs or  
5 something for Mike.

6 Q. Like Lex Bitner?

7 A. Lex Bitner, yes.

8 Q. Was there any discussion during this  
9 meeting, that you can recall, about the current  
10 status of either one of Steidl or Whitlock's  
11 post-conviction proceedings?

12 A. As I recall, Randy Steidl was going  
13 through some type of procedure at that time, some  
14 type of court procedure during that time frame.  
15 I can't recall if it was -- what kind of an  
16 appeal it was.

17 Q. Okay. And how did you know that?

18 A. I'm sure Mike would have told me.

19 Q. Okay. And so that would have been  
20 something discussed at that meeting?

21 A. I'm sure it would have been.

22 Q. Was there any discussion at that  
23 meeting about sharing any of this investigative  
24 material with anyone involved in that

1 post-conviction proceeding?

2 A. I can't recall.

3 Q. You don't recall anybody saying that?

4 A. I can't.

5 Q. And you didn't share any of it?

6 A. No. I'm sure I didn't even want to be  
7 there.

8 Q. At the meeting?

9 A. At the meeting, yes.

10 Q. Why is that?

11 A. Well, you know, in retrospect, I wish  
12 I hadn't been at that meeting.

13 Q. Knowing what you know now?

14 A. Knowing what I know now.

15 Q. Back then, you had no idea. Right?

16 A. I had no idea.

17 Q. Didn't know it was a can of worms back  
18 then. Did you?

19 A. Well, I had a feeling it was a can of  
20 worms. That's probably why I didn't want to be  
21 there.

22 Q. Why did you think it was a can of  
23 worms?

24 A. Well, obviously, there were some



1 issues that needed to be researched further, and  
2 I know Mike, he was adamant that these guys were  
3 railroaded and were -- and, you know, that they  
4 were -- actually, Mike said they were innocent,  
5 and I never could quite buy off on them being  
6 innocent. Mike raised a few issues that I felt  
7 warranted further investigation.

8 Q. Of course, he was the one that was  
9 closest to the investigation?

10 A. He was a lot closer than I was, yes.

11 Q. You respected the fact --

12 A. I respected Mike and his opinions,  
13 yes.

14 Q. All right. You had an opinion that he  
15 was a thorough investigator?

16 A. Yes, I did.

17 Q. Do you still hold that opinion?

18 A. Yes, sir, I do.

19 Q. This report, 10 pages, was all these  
20 bullet point items and what he refers to as  
21 discrepancies, contradictions, have you ever seen  
22 a report like this before?

23 A. No.

24 Q. Have you ever seen one since like

1 this?

2 A. No.

3 Q. Do you remember was there any  
4 discussion at the meeting, that you can recall,  
5 about Governor George Ryan or Jim Ryan?

6 A. I can recall Mike had made a statement  
7 that Bob Morgan was a campaign contributor to  
8 Ryan, and Andre Parker said not George Ryan, and  
9 Mike at the time said, no, Jim Ryan, and I think  
10 he found out later that, in fact, Bob did  
11 contribute to George Ryan.

12 Q. Do you know why Andre Parker was  
13 concerned about George Ryan and Bob Morgan's  
14 contributions at that time?

15 MR. JOHNSTON: I'll object to the form  
16 of that question.

17 THE WITNESS: I don't know why Andre  
18 would have had any concerns about that other than  
19 he was the governor.

20 BY MR. BALSON:

21 Q. But he was concerned?

22 MR. JOHNSTON: I'll object to the form  
23 of the question.

24 THE WITNESS: Well, I mean he did --

1 he did ask for that clarification, so I would  
2 assume he was concerned.

3 BY MR. BALSON:

4 Q. So at this meeting, there was some  
5 discussion about Bob Morgan's involvement.  
6 Right?

7 A. Yes.

8 Q. And whether or not an investigation  
9 should be conducted into Bob Morgan?

10 A. Yes.

11 Q. Do you remember Michale Callahan  
12 expressing an opinion that he believed Bob Morgan  
13 was involved in the homicide?

14 A. Yes, I can recall Mike having those  
15 feelings, yes.

16 Q. Do you remember Michale Callahan  
17 expressing an opinion that Bob Morgan was  
18 involved in significant criminal activity?

19 A. Yes.

20 Q. Was there any reaction from any of the  
21 other attendees at that meeting when Michale  
22 Callahan made -- expressed those opinions, that  
23 you could see?

24 A. Not that I -- nothing, no.

1 Q. Well, were there any plans or  
2 procedures that were adopted at that meeting  
3 concerning the Rhoads investigation and Michale  
4 Callahan, that you can remember?

5 A. The only thing that I can remember at  
6 that time was that Mike had at his disposal Edie  
7 Casella's shop and the intelligence analysts and  
8 to do whatever follow-up they were going to do.

9 Q. What is Rapid Start? Do you know?

10 A. I can't recall. I know that was one  
11 of the programs I think we had at some time or  
12 another.

13 Q. Do you know what Watson was?

14 A. Watson?

15 Q. Yeah.

16 A. No.

17 Q. Was that also an investigative  
18 program?

19 A. It may very well be.

20 Q. Was there any discussion that you can  
21 recall about Rapid Start or Watson?

22 A. If those things were mentioned, it  
23 would have been Edie, probably, or one of her  
24 intelligence analysts that would have brought

1 those things up.

2 Q. Was there any discussion at this  
3 meeting about the television show, the 48 hour  
4 television show?

5 A. I can't recall specifically, but in my  
6 best estimation, it would have been mentioned.

7 Q. Was the meeting before or after the  
8 television show?

9 A. Well, you said this meeting was on May  
10 12th, and the show aired on the 15th.

11 Q. Well, I said about May 12th, yeah.

12 A. Well, based upon my understanding as  
13 we sit here today, it would have been before the  
14 show aired.

15 (At this point the court reporter  
16 marked Strohl Exhibit No. 4 for  
17 purposes of identification.)

18 BY MR. BALSON:

19 Q. Captain Strohl, I show you what we've  
20 marked as Exhibit No. 4 which is entitled  
21 Memorandum dated May 17th, 2000.

22 A. Okay.

23 Q. And this is on Illinois State Police  
24 stationery, it appears to be. The first thing I

1 want to ask is that there is some handwritten  
2 notations in the right-hand corner. Do you see  
3 that?

4 A. Yes, sir.

5 Q. Are those your notations?

6 A. Yes, sir, they are.

7 Q. And what does that say?

8 A. It says, Approved to send to  
9 Mr. Sullivan, and my initials and my  
10 identification number.

11 Q. And that was the Edgar County State's  
12 Attorney, Matt Sullivan?

13 A. Yes.

14 Q. Why did you want this sent to  
15 Mr. Sullivan?

16 A. Well, that would be my assumption  
17 today that it was based upon the information Mike  
18 had uncovered that I felt he probably needed to  
19 see a copy of it, perhaps because of the appeal  
20 process that was going on at the time.

21 Q. You don't have a specific memory?

22 A. I don't, sir.

23 Q. Okay. Well, two or three days after  
24 you had this meeting in Springfield that we've

1 just been talking about did you get a call from  
2 Lieutenant Colonel Carper?

3 A. I got a lot of calls from Lieutenant  
4 Colonel Carper.

5 Q. I know but about the Rhoads homicide  
6 case.

7 A. I'm sure I probably did, yes. I can  
8 recall there was a follow-up meeting in her  
9 office.

10 Q. Okay. That's what I want to get at.

11 A. Okay.

12 Q. That there was a follow-up meeting in  
13 her office, and she initiated that meeting. Did  
14 she not?

15 A. Correct.

16 Q. She asked you to come to her office?

17 A. Yes.

18 Q. Did she also ask you to bring Michale  
19 Callahan too?

20 A. Yes.

21 Q. Did she tell you why she wanted this  
22 meeting on the phone?

23 A. I can't recall if she said why.

24 Q. And you attended that meeting. Right?

1 A. Yes, sir.

2 Q. Who was present at that meeting?

3 A. Colonel Carper, Lieutenant Callahan,  
4 and myself.

5 Q. And where did it take place? In her  
6 office?

7 A. As I recall, it was in her office,  
8 yes.

9 Q. How long did the meeting last, if you  
10 can remember?

11 A. It didn't seem like it lasted very  
12 long.

13 Q. Thirty to 40 minutes?

14 A. Probably at the most.

15 Q. Okay. At that meeting what did  
16 Lieutenant Colonel Carper say to you and Michale  
17 Callahan?

18 A. Well, I can recall that we were not to  
19 reopen the Rhoads case, and it was -- the  
20 terminology used was it was too politically  
21 sensitive.

22 Q. Did she tell you why it was too  
23 politically sensitive?

24 A. I can't recall if she said why. I



1 mean I remember she said that it came from above  
2 her.

3 Q. Well, when you testified in  
4 Mr. Callahan's case on page 152 you said, She  
5 just said it's too politically sensitive, and we  
6 are not to go there and didn't provide any  
7 further explanation, that I can recall.

8 Do you remember that testimony?

9 A. Yes.

10 Q. And is that correct?

11 A. Yes.

12 Q. That's still consistent with your  
13 memory?

14 A. I can recall Colonel Carper saying  
15 that comes from above me.

16 Q. So you had an understanding that  
17 something had changed now from that initial  
18 meeting?

19 A. Yes.

20 Q. That you had a few days before then.  
21 Right?

22 A. Yes.

23 Q. In your opinion, like, this was a 180.  
24 Wasn't it?

1 A. Yes, sir, it was.

2 Q. The statement surprised you?

3 A. Yes, it did.

4 Q. Did you and -- well, speaking for  
5 yourself, did you go away from that meeting  
6 believing that you were not to touch the Rhoads  
7 homicide matter?

8 A. At that time I felt my understanding  
9 was that we were not to reopen the Rhoads  
10 investigation, but Mike was okay to go ahead and  
11 gather further information, intelligence  
12 gathering information I believe was the term  
13 used.

14 Q. Well, in fact, you believed at that  
15 time she was putting the brakes and stopping this  
16 investigation. Did you not?

17 MR. JOHNSTON: I'll object to the form  
18 of the question.

19 THE WITNESS: I can recall that the  
20 case was not to be reopened.

21 BY MR. BALSON:

22 Q. Well, let me read what you testified  
23 to --

24 A. Okay.

1 Q. -- at the trial, and maybe that will  
2 help refresh your memory as to what happened.

3 On 153 you said, My understanding was  
4 that something had changed from the initial  
5 meeting to the time that we were there then. We  
6 just did a 180. Initially we were moving  
7 forward, and we were going to do some things, and  
8 all of a sudden it was put on the brakes and  
9 stop.

10 A. Okay.

11 Q. Is that correct?

12 A. Yes.

13 Q. And you felt that she was adamant  
14 about her instruction. Correct?

15 A. Yes.

16 Q. Did she tell you that Colonel Kent and  
17 Andre Parker were concerned about being blind  
18 sighted?

19 A. Well, that -- I mean there was a lot  
20 of -- not only in this case, but there was a lot  
21 of discussions throughout my tenure as a District  
22 Commander where you wanted to keep everybody  
23 informed of what was going on so that they  
24 wouldn't be blind sighted.

1 Q. What does that mean?

2 A. Well, to give them a head's up on  
3 what's going on so they don't catch it out of the  
4 blue.

5 Q. Did you believe that these  
6 instructions came from Colonel Kent or Andre  
7 Parker?

8 MR. JOHNSTON: I'll object to the form  
9 of the question.

10 THE WITNESS: Which?

11 BY MR. BALSON:

12 Q. Instructions to put a stop on the  
13 investigation.

14 MR. JOHNSTON: Same objection.

15 THE WITNESS: I don't know where they  
16 came from.

17 BY MR. BALSON:

18 Q. But they just came from over  
19 Lieutenant Carper's head?

20 A. Colonel Carper delivered the message  
21 to us.

22 Q. Okay. Were you upset that they were  
23 burying this investigation?

24 MR. JOHNSTON: I'll object to the form

1 of the question.

2 THE WITNESS: I was surprised -- as I  
3 recall, I was kind of surprised that, you know,  
4 we had had this big meeting, and everybody seemed  
5 to be on board, and then all of a sudden it was  
6 time out. Stop what you're doing.

7 BY MR. BALSON:

8 Q. Well, didn't it upset you that  
9 everyone had agreed that there was sufficient  
10 grounds to go ahead with the investigation and  
11 now it was being buried, because it was too  
12 politically sensitive?

13 MR. JOHNSTON: I'll object to the form  
14 of the question. I'm sorry, Beth. Did you have  
15 an objection?

16 MS. EKL: You got it.

17 THE WITNESS: Yeah. I'm sure that I  
18 didn't agree with the direction we were given.

19 BY MR. BALSON:

20 Q. How about Michale Callahan, could you  
21 tell -- well, did he express any -- any --

22 A. Mike was --

23 Q. Any emotion about this?

24 A. Yeah, Mike was very -- he was in

1 disbelief. He couldn't believe what we had just  
2 heard.

3 Q. Do you remember him saying anything to  
4 Lieutenant Colonel Carper?

5 A. I can't recall right now without some  
6 type of refreshing.

7 Q. Was there a discussion about Bob  
8 Morgan?

9 A. There were a lot of discussions about  
10 Bob Morgan.

11 Q. No, no, I'm talking about this  
12 specific meeting, this short meeting that you had  
13 at Lieutenant Colonel Carper's office.

14 A. My impression was, and I don't recall  
15 a conversation about it other than what I'm  
16 stating now was that Bob Morgan was the reason  
17 the case was too politically sensitive based upon  
18 him being a campaign contributor to then Governor  
19 George Ryan.

20 Q. From everything you knew, that was  
21 your impression?

22 A. That was my impression.

23 Q. Well, Colonel Carper was your boss at  
24 the time. Wasn't she?

1 A. Yes, she was.

2 Q. And she prohibited this investigation  
3 from becoming operational. Did she not?

4 MR. JOHNSTON: I'll object to the form  
5 of the question.

6 THE WITNESS: The message that she  
7 relayed to us was that we were not to reopen the  
8 Rhoads case.

9 BY MR. BALSON:

10 Q. It was her instruction to you that  
11 prohibited this operation from being operational  
12 at that point. Is that right?

13 MR. JOHNSTON: I'll object to the form  
14 of the question. Mischaracterizes his testimony.

15 THE WITNESS: She's the one that gave  
16 us that direction, yes.

17 BY MR. BALSON:

18 Q. Okay. Did you later learn that the  
19 FBI had opened the drug trafficking case on Bob  
20 Morgan?

21 A. I knew that the FBI had done  
22 something, and I can't recall if it was some type  
23 of overhear, some type of investigation. I can't  
24 recall specifically what it was in the Edgar

1 County area.

2 Q. Did Colonel Carper say to either you  
3 or to Michale Callahan in your presence that it  
4 was okay to obtain information about any  
5 connection that Bob Morgan had drug trafficking  
6 but to stay away from the Rhoads homicides?

7 A. Well, as I stated earlier, as I  
8 recall, there was some information about  
9 intelligence gathering was okay to do, and I  
10 can't recall if that was separate from the  
11 homicide to the drugs. I don't recall.

12 Q. Was that intelligence gathering  
13 limited solely to drug trafficking?

14 A. I don't recall.

15 Q. Was that a result of the FBI asking  
16 for information from the Illinois State Police  
17 about any connection that Bob Morgan may have had  
18 to drug trafficking?

19 A. The only thing -- like I say, I can  
20 assume that Michale Callahan had been in  
21 conversation with local FBI agents and had some  
22 discussions with them.

23 Q. I'm doing my best to try to refresh  
24 your memory. If it's there, it's there, fine.



1 A. I'm doing my best to remember.

2 Q. Okay. You testified at Mr. Callahan's  
3 trial on page 155 that, As I recall, it was okay  
4 to go ahead and do some background intelligence  
5 on Mr. Morgan, and if we could develop a case on  
6 narcotics or something like that, that was fine  
7 to proceed that avenue, but we weren't to connect  
8 Morgan with the Rhoads homicide.

9 Do you remember giving that testimony?

10 A. Yes, I do.

11 Q. All right. Does that refresh your  
12 memory as to what Colonel Carper may have  
13 instructed you relative to any activities about  
14 Bob Morgan?

15 A. It would have indicated to me that we  
16 were okay to gather intelligence on any  
17 drug-related matter.

18 Q. But you were not allowed to do the  
19 same relative to the Rhoads homicides. Correct?

20 A. Yes.

21 Q. And those instructions would have come  
22 down to you at least through Lieutenant Colonel  
23 Carper right.

24 A. That's correct.

1 (At this point the court reporter  
2 marked Strohl Exhibit No. 5 for  
3 purposes of identification.)

4 BY MR. BALSON:

5 Q. I show you what we've marked as  
6 Exhibit -- is this 5?

7 COURT REPORTER: Yes.

8 BY MR. BALSON:

9 Q. Which appears to be a couple of  
10 e-mails, one sent on June 9th of 2000, and then  
11 one sent on June 12th, 2000?

12 A. Uh-huh.

13 Q. Let me call your attention first to  
14 the one sent on the 9th which was sent from you  
15 to Colonel Carper. The subject is crossed off.  
16 I would suggest to you that it's Bob Morgan.

17 Read through this for a moment.

18 A. Okay.

19 Q. You write to her on June 9th saying  
20 that you spoke with Lieutenant Callahan on  
21 June 8th, and he told you that the FBI had opened  
22 a drug case on who we know to be Bob Morgan.

23 A. Correct.

24 Q. Do you remember speaking with

1 Lieutenant Callahan about that?

2 A. I can't remember. I'm sure Mike  
3 called me, and we talked about it.

4 Q. Do you remember the FBI requesting the  
5 assistance of the Illinois State Police relative  
6 to the investigation of Morgan and drug  
7 trafficking?

8 A. I remember Mike told me that, yes.

9 Q. All right. And typically in your  
10 experience when the FBI requests the assistance  
11 of the Illinois State Police, is it given?

12 A. Yes.

13 Q. Especially if there is some  
14 information from a pending investigation?

15 A. Yes.

16 Q. And you said, This is a separate focus  
17 outside the scope of the Rhoads homicide. Didn't  
18 you?

19 A. Yes, I did.

20 Q. Why did you say that?

21 A. Well, obviously it's because I was  
22 concerned that we had been given direction that  
23 we were not to investigate the Rhoads homicide or  
24 have any direction in that matter.

1 Q. Okay. So you were advising Colonel  
2 Carper that this would not violate her  
3 instructions that you couldn't investigate the  
4 Rhoads homicide. Is that right?

5 A. That's correct.

6 Q. You say, My initial reaction is that  
7 we should assist in any way possible, since this  
8 issue is an entirely different matter. Right?

9 A. Yes, sir.

10 Q. And she responded to you. Did she  
11 not?

12 A. Yes, she did.

13 Q. The top -- the 6/12 e-mail was from  
14 her to Andre Parker. Did it make its way down to  
15 you?

16 A. It doesn't say it came to me.

17 Q. Okay. Well, did you learn that --  
18 well, strike that.

19 She says in the bottom of her e-mail,  
20 I will set up a meeting with you to discuss the  
21 matter.

22 Now, that's to Andre Parker. Were you  
23 included in that meeting? Do you know?

24 A. I don't recall right now.

1 Q. Well, it would have been a meeting.  
2 If it was set up and if you were included, it  
3 would have been a meeting to discuss the Illinois  
4 State Police assisting the FBI in a drug  
5 investigation of Bob Morgan. Do you remember  
6 attending such a meeting?

7 A. Right now, I can't, no.

8 Q. Okay. Do you know whether or not  
9 Michale Callahan did, in fact, collect  
10 information relative to Bob Morgan and narcotics  
11 trafficking and prepare a memo?

12 A. I know Mike worked with the FBI in  
13 some manner in that issue, yes.

14 (At this point the court reporter  
15 marked Strohl Exhibit No. 6 for  
16 purposes of identification.)

17 BY MR. BALSON:

18 Q. I show you what we marked as Exhibit  
19 -- I don't have enough copies of this one either?

20 MR. JOHNSTON: No.

21 MR. THEIS: That's okay.

22 MR. BALSON: Sorry.

23 MS. EKL: Iain gave us his.

24

1 BY MR. BALSON:

2 Q. Okay. I show you what we've marked as  
3 Exhibit No. 6 which is a memorandum to Captain  
4 John Strohl from Lieutenant Michale Callahan  
5 dated July 12th, 2000, subject Bob Morgan  
6 investigation. Do you recall receiving this  
7 memorandum?

8 A. I received it. I mean -- I remember  
9 receiving this, yes.

10 Q. Well, do you remember Michale Callahan  
11 doing --

12 A. Yes.

13 Q. -- an investigation about Bob Morgan  
14 and possibly drug trafficking?

15 A. Yes. This came from Michale Callahan.

16 Q. Okay. And he indicates on page 1,  
17 there have been three meetings with the FBI and  
18 ATF. Right?

19 A. Yes.

20 Q. The FBI is regarding this case as a  
21 narcotics case with possible money laundering  
22 corruption and organized crime ties. You saw  
23 that?

24 A. Yes.

1 Q. But this is not about the Rhoads  
2 homicide, this memorandum. Is it?

3 A. No.

4 Q. Well, you can look at it, if you want.

5 A. I don't see anything there that  
6 indicates anything about the Rhoads homicide.

7 Q. So, in your judgment, this was done  
8 consistent with the instructions that had been  
9 given to you by Colonel Carper?

10 A. Yes.

11 Q. What did you do with this memorandum  
12 when you received it? Did you send it up the  
13 chain of command?

14 A. I'm sure I would have forwarded it,  
15 yes.

16 Q. Now, to your memory, Captain Strohl,  
17 as you're sitting here today -- well, strike  
18 that.

19 In January or February of 2001, some  
20 five or six months after this memorandum, you  
21 were transferred. Right?

22 A. No.

23 Q. Your responsibilities were transferred  
24 away from investigations?

1 A. Yeah, there was a reorganization, yes.

2 Q. Between the time of this memo and the  
3 time that you were transferred, did you ever see  
4 anything further on the Rhoads homicide  
5 investigations?

6 A. I can't recall anything specific on  
7 the Rhoads homicide.

8 Q. As of -- as of at least the date of  
9 this memorandum, the Rhoads homicide  
10 investigation was a closed case, as far as you  
11 were concerned. Right?

12 MR. JOHNSTON: Object to the form of  
13 the question.

14 THE WITNESS: My impression was that  
15 the Rhoads case was closed when we left Colonel  
16 Carper's office.

17 BY MR. BALSON:

18 Q. And nothing had changed between then  
19 and July 12th. Right?

20 A. No.

21 Q. And nothing had changed between then  
22 and the time that you had your reorganization in  
23 January or February of 2001. Correct?

24 A. No.



1 Q. And you never saw anything further?

2 A. No.

3 Q. None of the follow-up investigations  
4 that were recommended at that initial meeting in  
5 Springfield were conducted during the balance of  
6 the year 2000, were they, to your knowledge?

7 A. To my knowledge, no.

8 Q. I think you mentioned that Edie  
9 Casella took over the investigative  
10 responsibilities when there was a reorganization?

11 A. Yes. That's correct.

12 Q. And after that transfer, did you have  
13 any further involvement in the Bob Morgan  
14 investigation?

15 A. I can recall I went down to Paris one  
16 day when one of the Boards -- they were going to  
17 arrest one of the Boards for -- we were going to  
18 help ATF or somebody arrest somebody, but that  
19 was -- that was the limit of it.

20 Q. Do you remember when that was?

21 A. I know it was in the summer months,  
22 and I want to say it was probably shortly after  
23 this memorandum.

24 Q. Did you have any discussions with Mike

1 Callahan after the date of this July 12th, 2000,  
2 memorandum about the Rhoads homicide?

3 A. I'm sure we had discussions about it.

4 Q. Informally?

5 A. Informally.

6 Q. Did you learn that -- well, strike  
7 that.

8 Calling your attention to 2003, did  
9 you have occasion to get a call from Lieutenant  
10 Colonel Carper about Mike Callahan in 2003,  
11 specifically the spring of 2003?

12 A. Is this about the transfer?

13 Q. Yes.

14 A. Yes.

15 Q. What did she say to you at that time?

16 A. I can just recall that I was supposed  
17 to be in Springfield on a certain date. I don't  
18 know -- I don't believe she even told me what it  
19 was about.

20 Q. Did you have a vacancy coming up in  
21 July of 2003?

22 A. Yes.

23 Q. Was Gary Rollings retiring?

24 A. Yes, that's correct.

1 Q. Did Colonel Carper ask you if Mike  
2 Callahan, you thought Mike Callahan would be  
3 interested in that position?

4 A. Yeah, I'm sure that -- I'm sure that  
5 we had probably talked about Mike taking that  
6 position at one time or another.

7 Q. Did Colonel Carper tell you why she  
8 wanted to move Mike Callahan?

9 MR. JOHNSTON: I'll object to the form  
10 of the question. Go ahead. I'm sorry. I'm  
11 objecting to the form of the question.

12 THE WITNESS: Well, as I recall, there  
13 was some -- there was some personality issues up  
14 in the zone office involving Steve Fermon and  
15 Mike. I remember that was going on during that  
16 time frame.

17 Q. You had no direct knowledge of it,  
18 though?

19 A. No.

20 MR. BALSON: Okay. Can we take  
21 another five minute break?

22 (At this point a short recess was  
23 taken.)

24 MR. BALSON: I have no further

1 questions.

2 EXAMINATION CONDUCTED

3 BY: MS. SUSLER

4 Q. I do have some questions.

5 Captain Strohl, I'm Jan Susler, one of  
6 Randy Steidl's attorneys, and I wanted to just  
7 ask you do you have any information about Mike  
8 Callahan contacting Duane Hill of the Illinois  
9 State Police for surveillance assistance  
10 regarding Mr. Morgan?

11 A. I don't recall anything like that. I  
12 know that Duane was the tech services guy, and if  
13 we were going to use anybody, it would have been  
14 Duane.

15 Q. So if Callahan was going to set up  
16 some kind of surveillance in his narcotics  
17 investigation of Mr. Morgan, that Duane was -- or  
18 Duane Hill was the person who he would have gone  
19 to for that?

20 A. He ran that unit.

21 Q. Do you know anything about  
22 surveillance being established from a mobile home  
23 near Mr. Morgan's -- any of Mr. Morgan's  
24 businesses?

1           A.    I don't recall.  I know that there was  
2    some surveillances set up somewhere on a  
3    telephone pole or something in that area, as I  
4    recall.

5           Q.    Know anything about surveillance from  
6    a mobile home?

7           A.    I can't recall.

8           Q.    Know anything about surveillance being  
9    compromised?

10          A.    I can recall there was something that  
11    happened that affected the surveillance.

12          Q.    Do you recall what that was?

13          A.    I don't.

14          Q.    Or when it was?

15          A.    Sometime after it was established,  
16    but, I'm sorry -- I mean...

17          Q.    That's fine.  I just want to know what  
18    you know and what you recall.

19                    Now, did you ever know what the State  
20    Police policies, procedures, or regulations were  
21    for preserving evidence in a homicide cases?

22          A.    As I recall, they keep those  
23    indefinitely.

24          Q.    And do you know anything about the

1 regulations governing the destruction of evidence  
2 in homicide cases?

3 A. I can't recall anything specific right  
4 now. I was under the impression that everything  
5 in a homicide, you kept.

6 Q. Indefinitely?

7 A. Indefinitely.

8 Q. Do you know if those rules were  
9 different for capital cases?

10 A. I don't know.

11 Q. Did anyone ever talk to you about  
12 destroying evidence in the Rhoads case?

13 A. Not that I can recall.

14 Q. More particularly, did Duane Hill ever  
15 talk to you about destroying evidence in the  
16 Rhoads case?

17 A. I can't remember having conversations  
18 with Duane about anything as far as the Rhoads  
19 case.

20 Q. Did you ever authorize or approve the  
21 destruction of any evidence in the Rhoads case?

22 A. No.

23 Q. You have never done that?

24 A. No.

1 Q. Were you Duane Hill's supervisor or  
2 his superior in 2001?

3 A. No, I was not.

4 Q. Were you ever his superior or  
5 supervisor?

6 A. No.

7 Q. More particularly, did he ever --  
8 Duane Hill ever consult with you about destroying  
9 a videotape in the Rhoads case?

10 A. Not that I can recall.

11 Q. Can you think of any reason why Duane  
12 Hill would come to you if he wanted to destroy a  
13 videotape in the Rhoads case?

14 A. No.

15 Q. What, if any, connection did you have  
16 with Duane Hill in 2000 and 2001?

17 A. I can't think of anything. I mean I  
18 know Duane was in tech services, and if he would  
19 have been working with Mike or in conjunction  
20 with Mike, I don't know that I would have known  
21 anything independent without Mike knowing it  
22 also. I mean I just can't recall anything that  
23 Duane ever mentioned to me.

24 Q. Now, did you know Charlie McGrew?

1 A. I know Charlie McGrew, yes.

2 Q. In what context?

3 A. Well, I knew him from -- because he  
4 used to be the contractual evidence custodian at  
5 ECITF which is a drug task force in Mattoon, and  
6 he was a former agent with the State Police, and  
7 now he's the sheriff of Douglas County.

8 Q. Now, in 2000 and 2001 do you know  
9 where he was working?

10 A. He would have been with the ECITF task  
11 force at the time, I believe.

12 Q. Not with the State Police as a sworn  
13 member but on a contractual basis?

14 A. He would have been -- I'm sure he was  
15 a contractual employee with ECITF.

16 Q. Do you know when he retired from the  
17 State Police?

18 A. Not from the State Police, I don't.

19 Q. Now, do you know what he would have  
20 known about destroying evidence in the Rhoads  
21 homicide case at any time?

22 A. I don't know anything about him being  
23 involved in the destruction of any evidence.

24 Q. Did you ever suggest to Duane Hill



1 that he talk to Charlie McGrew about destroying a  
2 videotape in the Rhoads case?

3 A. No, not that I can recall. I mean I  
4 can't -- I don't think I would have had any  
5 conversations about destroying anything.

6 Q. Do you know what Charlie McGrew would  
7 have known about destroying a videotape in the  
8 Rhoads case?

9 MR. JOHNSTON: I'll object to the form  
10 of the question.

11 THE WITNESS: No. I don't.

12 BY MR. BALSON:

13 Q. Did you ever have a conversation with  
14 him about the Rhoads case?

15 A. I can't recall any specific  
16 discussions that we may have ever had about the  
17 Rhoads case.

18 Q. Or about destroying a videotape?

19 A. Or destroying video or anything.

20 Q. Do you know whether Duane Hill ever  
21 talked to Charlie McGrew about destroying a  
22 videotape in the Rhoads case?

23 A. I don't know.

24 Q. Just so I'm clear, you have no memory

1 of ever talking to Duane Hill about destroying a  
2 videotape in the Rhoads case?

3 A. I don't recall anything like that.

4 Q. Have you ever seen any documentation  
5 that would document any kind of conversation like  
6 that?

7 A. Not that I can recall.

8 Q. Do you have any memory of ever  
9 generating any kind of documentation to document  
10 any exchange like that?

11 A. I can't recall anything like that.

12 Q. Or seeing a report that anyone else  
13 wrote regarding that?

14 A. I can't recall anything.

15 MS. SUSLER: I don't have any other  
16 questions.

17 EXAMINATION CONDUCTED

18 BY: MR. RAUB

19 Q. I just have a couple for you.

20 It sounds like during your career you  
21 were primarily involved with patrol and  
22 administrative functions?

23 A. Yes, sir.

24 Q. Were you ever an investigator?

1 A. Yes, sir.

2 Q. Okay. Do you know what -- if there  
3 were any procedures or standards attaching the  
4 weight to a polygraph examination of a suspect by  
5 the State Police?

6 A. I never was involved in any of those  
7 type of cases as an investigator.

8 Q. Okay. Referring to Exhibit No. 6, if  
9 you look at the second page, the third bullet  
10 point from the bottom begins, Witness stated  
11 Darrel Herrington --

12 MR. JOHNSTON: I'm just trying to help  
13 you out a little bit.

14 THE WITNESS: No problem.

15 BY MR. RAUB:

16 Q. The bullet point that begins, Witness  
17 stated Darrel Herrington...

18 A. Okay.

19 MR. BALSON: Where are you?

20 BY MR. RAUB:

21 Q. Page 2 of Exhibit 6, third bullet  
22 point from the bottom.

23 A. Okay. I found it, sir.

24 Q. Okay. That records or at least

1 Mr. Callahan states there that he learned through  
2 his investigation that Darrel Herrington claimed  
3 to have a lockbox which would go to proper  
4 authorities when he died which would tell the  
5 real story about the Rhoads murders?

6 A. That's what it says here, yes.

7 Q. Mr. Herrington has, in fact, died, and  
8 I think he died while you were still District 10  
9 Commander. Did you ever hear anything about a  
10 lockbox coming to light with the true story of  
11 the Rhoads murders in it?

12 A. No.

13 Q. I didn't think so. I thought I would  
14 just ask that.

15 Are you and Michale Callahan friends,  
16 personal friends?

17 A. Yes. We were pretty good friends back  
18 when we were both on the job. I haven't seen  
19 Mike for quite some time now.

20 Q. Do you socialize with each other, your  
21 families and things like that?

22 A. Not for some time.

23 Q. You're retired. Are you doing any  
24 sort of part-time work now?

1 A. Just construction type things.

2 Q. When you were a patrol officer, did  
3 you patrol Edgar County?

4 A. Never.

5 Q. Did you ever have any dealings with  
6 Mike McFatridge when he was State's Attorney?

7 A. No, sir.

8 Q. Did you ever hear any rumors that Mike  
9 McFatridge was involved in drugs or gambling in  
10 Edgar County?

11 A. Just I believe there was a memorandum  
12 that may have stated somebody had said that maybe  
13 he was involved in some things.

14 Q. Do you recall any details about that  
15 memo or just the general recollection?

16 A. Just a general recollection.

17 Q. Was it a Callahan memo?

18 A. I'm sure it was.

19 Q. Did you take any action when you  
20 learned about those allegations?

21 A. No, sir.

22 MR. RAUB: That's all I have for you.

23 Thanks.

24 EXAMINATION CONDUCTED

1 BY: MS. EKL

2 Q. I just have a few questions as well.

3 My name is Beth Ekl. We met earlier  
4 this morning. I represent Jack Eckerty as well  
5 as the City of Paris, Gene Ray, and Jim Parrish?

6 Are you aware of any investigation  
7 that Callahan conducted himself as of May 12th,  
8 the May 12th, 2000, meeting?

9 MS. SUSLER: I object to the form of  
10 your question.

11 THE WITNESS: I'm not sure I  
12 understand what you're saying. Concerning the  
13 Rhoads case?

14 BY MS. EKL:

15 Q. I'm sorry. Yes.

16 A. I know that Mike conducted a review of  
17 the case file, and that's where he identified  
18 several of the discrepancies that he listed in  
19 that memorandum.

20 Q. Other than the information that he  
21 claimed that he received from Bill Clutter as  
22 well as the information that was in the ISP case  
23 file, are you aware of any other investigation  
24 that he, himself, went out and conducted?

1 A. No.

2 Q. Am I correct that as of the May 12th,  
3 2000, meeting that you stated Callahan was  
4 adamant that these guys were railroaded?

5 A. That was Mike's opinion, yes.

6 Q. And that was as of the May 12th  
7 meeting?

8 A. You know, I can't recall if it was at  
9 that point Mike felt that or if it was later on  
10 that he developed those opinions that they were  
11 railroaded.

12 Q. He also said that he believed that  
13 they were innocent?

14 A. Mike had conversations with me that he  
15 felt that they were innocent.

16 Q. And was that as of the May 12th  
17 meeting?

18 A. I don't believe so.

19 Q. Do you know at what point in time Mike  
20 expressed to you that he believed that they were  
21 innocent?

22 A. It would have been sometime after  
23 that, as I recall.

24 Q. As far as the statement that he

1 believed that the guys were railroaded, did he  
2 ever express to you why he believed they were  
3 railroaded or what he meant by that?

4 A. It was my understanding that some  
5 things had not been turned over on discovery.

6 Q. And do you know what those things  
7 were?

8 A. I believe there was an overhear  
9 involving Darrel Herrington talking with Randy  
10 Steidl.

11 Q. And do you know where it is or how it  
12 is that Michale Callahan formed a belief that  
13 those things weren't turned over during  
14 discovery?

15 A. I don't recall.

16 Q. Do you have any personal knowledge as  
17 to whether or not an overhear tape between Darrel  
18 Herrington and Randy Steidl was ever turned over  
19 during discovery?

20 A. I don't have any personal knowledge,  
21 no.

22 Q. At any point in time did Michale  
23 Callahan discuss with you any interviews that he  
24 personally conducted in regard to the Rhoads



1 homicide?

2 A. Mike kept me informed of a lot of  
3 things, and I can't recall any specific -- mostly  
4 it was generalities about what he had found out  
5 or so forth.

6 Q. Did you have any discussions with  
7 Mr. Callahan about how he was to memorialize any  
8 information that he obtained through the course  
9 of his investigation?

10 A. Well, I will say that generally what  
11 we used to do on cases like that is provide like  
12 a weekly update. Weekly or bi-weekly update of  
13 information you discovered. That's generally  
14 what we did, so I would assume that's what we did  
15 in that case as well.

16 Q. As you sit here today, do you recall  
17 receiving weekly or bi-weekly from Michale  
18 Callahan regarding his investigation?

19 A. I can't recall.

20 Q. Where were -- where would a weekly or  
21 bi-weekly update, where would that be kept within  
22 the Illinois State Police?

23 A. Well, I'm sure that if we did it in  
24 that case, it would have been kept in a file

1 folder somewhere.

2 Q. Is there any specific area or  
3 location, if we were looking for it today, we  
4 would be able to find it?

5 A. Today, I don't know. I'm sure on any  
6 hot topic issues that we had going I would have  
7 had a file folder, and I'm sure that the  
8 information would have been sent to Springfield  
9 as well as to the region office.

10 Q. Do you recall receiving any type of  
11 police reports at all from Michale Callahan that  
12 memorialized interviews that he conducted with  
13 any witness in the case?

14 A. Police report, an investigative 4.3,  
15 is that what you're talking about?

16 Q. Right.

17 A. No.

18 Q. Despite Colonel Carper's instructions  
19 not to investigate the Rhoads homicide after May  
20 of 2000 is it your belief that Callahan did  
21 continue to investigate it, at least in some  
22 capacity?

23 A. I would have -- I don't know, but I  
24 would imagine Mike would have continued to

1 research some issues.

2 Q. And are you aware of any interviews  
3 that he conducted after that May 2000 date when  
4 he was told to stop investigating the Rhoads  
5 homicide?

6 A. I can recall going with Mike I believe  
7 to Terre Haute one time and he interviewed  
8 somebody, but I can't recall specifically what it  
9 was about. It probably had something to do with  
10 this issue.

11 Q. And what makes you believe that it had  
12 something to do with this issue?

13 A. As I recall, the person did not want  
14 to meet Mike in the Paris area which is why we  
15 went on the drive to Terre Haute.

16 Q. What was the -- or what was the topic  
17 of information that the person discussed with  
18 Michale Callahan?

19 A. I believe it was about some homicides  
20 in the Paris area concerning some motorcyclists  
21 or perhaps Bob Morgan. I can't recall  
22 specifically, but it seemed like those two issues  
23 may have came up.

24 Q. Were you present for the conversation

1 between Callahan and the person in Terre Haute?

2 A. Yes.

3 Q. Do you recall, was it a female or a  
4 male?

5 A. As I recall, it was a male.

6 Q. Do you recall anything about their  
7 names, first name, last name?

8 A. I don't.

9 Q. Did Michale Callahan take notes of  
10 this interview?

11 A. Yes.

12 Q. Do you know where we could find those  
13 notes today?

14 A. You would have to check with Mike on  
15 that.

16 Q. To your knowledge, did Mike ever  
17 memorialize those notes into any formal report?

18 A. Not to my knowledge.

19 Q. Are you aware of any other notes that  
20 Mike took during the course of any conversations  
21 with any potential witnesses in regards to the  
22 Rhoads homicide?

23 A. No.

24 Q. Were you present with him during any

1 other interviews of any other persons in regards  
2 to the Rhoads homicide?

3 A. No, I wasn't.

4 Q. What was it that caused you to go with  
5 him on this particular day to Terre Haute to  
6 interview the witness about the Rhoads homicide?

7 A. I don't recall specifically, other  
8 than he asked me to go with him.

9 Q. Do you recall anything more specific  
10 about the date other than the fact that it was  
11 after May of 2000?

12 A. No, I don't.

13 Q. As of July 12th of 2000, you knew that  
14 Michael McFatriidge had been the state's attorney  
15 who prosecuted Randy Steidl and Herbie Whitlock.  
16 Correct?

17 A. Yes.

18 Q. And you were also aware -- familiar  
19 with a person by the name of Darrel Herrington at  
20 that time?

21 A. Yes, I was.

22 Q. You knew that Darrel Herrington was a  
23 key witness in the prosecution of Randy Steidl  
24 and Herb Whitlock. Correct?

1 A. That's -- yes.

2 Q. Did Callahan ever discuss with you any  
3 information that he gathered regarding Michael  
4 McFatrige as it related to the Rhoads homicides?

5 A. I can't recall anything he may have  
6 said or found out about McFatrige. Nothing  
7 sticks out right now.

8 Q. Are you aware of whether or not  
9 Michale Callahan personally conducted any  
10 interviews regarding Michael McFatrige as it  
11 related to the Rhoads homicide?

12 A. No, I don't.

13 Q. Did you ever discuss with Michale  
14 Callahan any information that he gathered in  
15 regard to Darrel Herrington in regard to the  
16 Rhoads homicide?

17 A. I can recall Mike discussing both  
18 Darrel Herrington and Sonja Board at times, and  
19 their -- and their allegations that they made or  
20 their testimony.

21 Q. Are you aware of any information that  
22 Michale Callahan gathered outside of trial  
23 testimony or information that was gathered by  
24 either Bill Clutter or the previous investigators

1 regarding Darrel Herrington or Sonja Board?

2 A. I can't recall anything specific.

3 Q. If I could direct your attention to  
4 Exhibit No. 6, specifically page 3, the second  
5 bullet point from the top -- where it states,  
6 Morgan has several businesses associates who  
7 became rich overnight linked to drug dealing,  
8 i.e., Herb, Duke, and Jerry Board, Darrel  
9 Herrington, Gene Rigdon, Mark and Gerald Burba.  
10 Do you see that?

11 A. Uh-huh.

12 Q. I'm sorry. You have to say yes.

13 A. Yes, I do. I'm sorry.

14 Q. Did you ever receive any information,  
15 other than this memo itself, from Michale  
16 Callahan regarding any ties that Darrell  
17 Herrington had to any drug dealing?

18 A. No, not that I can recall.

19 Q. Did you ever ask Michale Callahan  
20 about the source of any of the information that  
21 he contained within his memos?

22 A. No, I didn't.

23 Q. And, similarly, regarding the section  
24 on page 2 that Mr. Raub asked you about, do you

1 have any information regarding the lockbox? Do  
2 you know where that information came from that's  
3 contained within the memo?

4 A. No, I don't.

5 Q. Have you ever worked with Jack  
6 Eckerty?

7 A. No, I have not.

8 Q. Do you know Jack Eckerty in any other  
9 capacity?

10 A. No.

11 MS. EKL: I have nothing further.

12 MR. JOHNSTON: Vince, any questions?

13 MR. MANCINI: I have no questions.

14 RE-EXAMINATION CONDUCTED

15 BY: MR. JOHNSTON

16 Q. All right. Hold on one second.

17 Captain Strohl, you were asked some  
18 questions by Ms. Susler about conversations  
19 relating to Duane Hill. Do you remember those  
20 questions?

21 A. Yes.

22 Q. Okay. And I think your testimony was  
23 you could not recall those conversations?

24 A. Correct.



1 Q. So you're not saying --

2 MS. SUSLER: I object to the  
3 characterization of his testimony. It  
4 mischaracterizes his testimony.

5 BY MR. JOHNSTON:

6 Q. So you're not saying that those  
7 conversations did not happen. You just can't  
8 recall those conversations. Is that right?

9 A. That's correct. I don't recall.

10 Q. So if Duane Hill said that those  
11 conversations took place, you wouldn't be able to  
12 dispute him. Would you?

13 A. That's correct.

14 Q. Okay. You said it was your  
15 understanding that evidence on a homicide case  
16 was to be kept indefinitely. Is that right?

17 A. That's what I've always felt, yes, and  
18 understood.

19 Q. What's your basis for that  
20 understanding? Do you recall the specific policy  
21 directive on that?

22 A. Oh, what do I say? I know it's -- I  
23 believe it's OPS 1, I believe.

24 Q. Any others?

1 A. Oh, I'm sure there are.

2 Q. Okay. As you sit here today, can you  
3 recall exactly what those say?

4 A. No.

5 Q. Do you know anything about the policy  
6 directives relating to maintaining evidence for  
7 an overhear?

8 A. I can't recall anything specific  
9 without referring to the manual.

10 Q. Okay. As you sit here today, do you  
11 know what the state statute said back in 2001  
12 about maintaining evidence relating to an  
13 overhear?

14 A. No.

15 Q. Okay. Do you have all the exhibits in  
16 front of you that have been marked? I don't want  
17 to kill more trees than necessary.

18 If you could look at Exhibit No. 3,  
19 you were asked some questions about this exhibit  
20 by Mr. Balson. Do you remember those?

21 A. I don't remember the specific  
22 questions.

23 Q. Sure. You were asked some questions.  
24 Right?

1 A. Yes.

2 Q. Okay. Go to the third paragraph on  
3 the first page --

4 A. Okay.

5 Q. -- now, in this on the third page it  
6 says --

7 MR. BALSON: Third page?

8 BY MR. JOHNSTON:

9 Q. I'm sorry, first page, third paragraph  
10 it says, In summarization, the following points  
11 lead me to believe that Steidl was not proven  
12 beyond a reasonable doubt. Do you see that  
13 there?

14 A. Yes, I do.

15 Q. All right. On May 2nd did Michale  
16 Callahan say that his belief was Steidl was not  
17 proven beyond a reasonable doubt or that he was  
18 actually innocent?

19 A. At that point it was not proven beyond  
20 a reasonable doubt.

21 Q. And do you have an understanding about  
22 the difference between somebody being actually  
23 innocent and not proven guilty beyond a  
24 reasonable doubt?

1 A. Yes.

2 Q. And what's that distinction?

3 A. Well, beyond a reasonable doubt is  
4 there is absolutely no -- no question in your  
5 mind that the person is guilty.

6 Q. And that's the legal standard that's  
7 applied in a criminal case?

8 A. I believe so, yes.

9 Q. And that's different than someone  
10 being actually innocent?

11 A. I'm not sure what you're asking me.

12 Q. Sure. I think earlier you said that  
13 Michale Callahan had said that Randy Steidl and  
14 Herb Whitlock were innocent. Is that right?

15 A. Yes.

16 Q. Okay. And in your mind do you have a  
17 distinction between being innocent and not being  
18 proven guilty beyond a reasonable doubt?

19 A. Yes, I do.

20 Q. And why don't you explain that  
21 distinction in your mind?

22 A. Reasonable doubt is circumstantial  
23 evidence, not being provided with all the  
24 pertinent information. I don't know how else to

1 describe it to you.

2 Q. The best you can. That's all. If you  
3 go to the third page of that exhibit?

4 A. Okay.

5 Q. I'm sorry. It's the page with --  
6 there's going to be a full paragraph sticking out  
7 at the end. There you go.

8 After several bullet points there's a  
9 full paragraph that says, In reviewing this file,  
10 the purpose is not to indicate the guilt or  
11 innocence of either R. Steidl or H. Whitlock.  
12 Certainly in my mind Whitlock still remains a  
13 suspect, especially if my timeline for the time  
14 of the murders is accurate.

15 Did I read that correctly?

16 A. Yes, sir.

17 Q. Do you recall reading that in this May  
18 2nd, 2000, memorandum from Michale Callahan?

19 A. Yes, I recall reading the memo.

20 Q. All right. So at that point the  
21 purpose was not to prove the guilt or innocence  
22 of either one?

23 A. Correct.

24 Q. Okay. And according to Callahan at

1 least as of May 2nd, 2000, in his mind Whitlock  
2 still remained a viable suspect. Correct?

3 A. That's correct.

4 Q. Now, you were asked some questions  
5 about -- flip forward maybe a page. You'll see  
6 some asterisks?

7 A. Yes.

8 Q. I don't know what the proper plural  
9 is, whether it's asterii or not, but you'll see  
10 on some there's one, and some there's two?

11 A. Yes, sir.

12 Q. And on some there's actually none, for  
13 example, if you look at the first one, Karen  
14 Rhoads worked for Bob Morgan at Morgan  
15 Manufacturing, a dog food producing company. Do  
16 you see that?

17 A. Yes, sir.

18 Q. And there's no source?

19 A. Correct.

20 Q. And there's others throughout that  
21 don't have sources. Do you know what the source  
22 was for the information where there's not an  
23 asterisk?

24 A. I do not.

1 Q. Still on the same page, I'll try not  
2 to jump around so much for you, the fifth page at  
3 the top it starts with but?

4 A. Okay.

5 Q. I think you were asked some questions  
6 about this. It's Michale Callahan wrote in his  
7 May 2nd, 2000, memorandum, But to base the  
8 conviction on the testimony of Herrington or  
9 Reinbolt with all the documents, the  
10 discrepancies, and conflicting statements  
11 definitely merits review.

12 Do you see that there?

13 A. Yes.

14 Q. He uses the word review there. What  
15 was your understanding of what review meant back  
16 on May 2nd, 2000?

17 MR. BALSON: Object to the foundation.

18 THE WITNESS: Well, as I sit here  
19 today, it would have been my thoughts that  
20 perhaps further clarification.

21 BY MR. JOHNSTON:

22 Q. Would that be different than reopening  
23 an investigation?

24 A. It could, yes.

1 Q. How so?

2 A. If you're just seeking clarification  
3 on a statement made, you're not necessarily  
4 reopening the whole case for investigation.

5 Q. And that would be a review is to seek  
6 further clarification?

7 A. Yes.

8 Q. Whereas a reopening would be what?  
9 What would you define reopening --

10 A. Reopening is a more in-depth  
11 investigation where you start basically from the  
12 beginning to the end.

13 Q. What types of activities would you do  
14 in a reopening of a case?

15 A. Well, I would defer that to somebody  
16 with more investigative experience than myself.

17 Q. Okay. You're not comfortable in the  
18 field of investigate investigations?

19 A. No, sir, I do not care for  
20 investigations.

21 Q. Okay. Your career is mostly patrol?

22 A. Yes, sir.

23 Q. The patrol side. I'm not saying that  
24 in a derogatory manner.



1 A. I don't take it that way, sir.

2 Q. Thank you. I don't mean it that way.

3 So on investigative matters, you would  
4 generally refer to people with an investigative  
5 background?

6 A. Absolutely.

7 Q. Would Gary Rollings be someone who had  
8 more of an investigative background than  
9 yourself?

10 A. Yes.

11 Q. Okay. Do you know how much  
12 investigative background Gary Rollings had?

13 A. I believe the majority of his career  
14 was spent in investigations.

15 Q. Okay. And before he retired and was  
16 hired back as a contractual employee, was Gary  
17 Rollings a supervisor of patrol?

18 A. Yes, he was a patrol commander.

19 Q. So despite Gary Rollings spending most  
20 of his career in investigations, he ended his  
21 career supervising patrol officers?

22 A. Yes, sir.

23 Q. You go to the seventh page, first  
24 bullet point starts with recently?

1 A. Okay.

2 Q. It goes to the second bullet point.

3 A. Okay.

4 Q. The last sentence of that paragraph  
5 says, My assertion is this fact with a little bit  
6 of embellishment or just intimidation as prior  
7 investigators feel.

8 Did I read that correctly?

9 A. My assertion is that -- is this fact  
10 with a little bit of embellishment or  
11 intimidation. Yes, you did. I'm not sure if I  
12 can make sense of that as I sit here and read it  
13 today.

14 Q. All right. Do you know if there are  
15 other sentences that might be difficult to make  
16 sense of as you sit here today? I'm not going to  
17 have you read the whole thing.

18 A. There probably is.

19 Q. Okay. There's a reference to  
20 investigators feel. What is that? Is that  
21 another way of saying hunch?

22 A. Yes. That's how I would interpret  
23 that.

24 Q. Go to the second to last page of this

1 exhibit at the bottom it starts with based?

2 A. Okay.

3 Q. The sentence says, Several avenues  
4 need to be investigated, and it is likely that  
5 this could become a very complex and  
6 comprehensive investigation were we to reopen  
7 this investigation.

8 Did I read that correctly?

9 A. Yes, you did.

10 Q. Okay. Now, there the word reopen is  
11 being used. Right?

12 A. Yes.

13 Q. And that's different than the word  
14 review that was used previously in this document.  
15 Right?

16 A. Yes.

17 Q. All right. So when you read the  
18 document, what was your understanding whether  
19 Callahan was asking to review the merits or  
20 reopen the investigation?

21 A. Well --

22 Q. Or was it clear one way or the other?

23 A. What my feeling was reopen the  
24 investigation.

1 Q. And why is that?

2 A. Because of all the issues he  
3 identified, that one review is based on that one  
4 statement concerning the allegation about Dyke, I  
5 believe, and his penis being cut off, I believe,  
6 if I read that correctly.

7 Q. Do you have in your -- strike that.

8 How many years were you a police  
9 officer?

10 A. Twenty-nine and a half.

11 Q. Okay. In your nearly 30 years as a  
12 police officer, did you ever hear the phrase  
13 intelligence gathering?

14 A. Quite often.

15 Q. Okay. And what is intelligence  
16 gathering?

17 A. Well, it's further research into  
18 specific things.

19 Q. Such as what?

20 A. Well, oh, I don't know how to put it  
21 exactly. It's just -- it's well, for an example,  
22 the gang signs you see, you can gather  
23 intelligence on those things to see what type of  
24 gangs are in the area. You're not necessarily

1 doing an investigation. You're just gathering  
2 intelligence.

3 Q. In your experience is the use of  
4 intelligence gathering part of the investigative  
5 process?

6 A. Generally, yes.

7 Q. Is there a black line when you go from  
8 intelligence gathering to investigation?

9 A. Probably not.

10 Q. More of a gray area?

11 A. Yes.

12 Q. Okay. Would surveillance be more on  
13 the investigative side or more on the  
14 intelligence gathering side?

15 MR. BALSON: Object to the foundation.

16 THE WITNESS: Well, it could be on  
17 both.

18 BY MR. JOHNSTON:

19 Q. Okay. If video cameras were set up to  
20 videotape a potential suspect, possible criminal  
21 activity, would that be on the intelligence  
22 gathering or the investigative side?

23 A. It could be on both.

24 Q. Okay. What would tip it one way or

1 the other, if you know?

2 A. Opinion.

3 Q. Okay. So different people could have  
4 different opinions about that?

5 A. Sure.

6 Q. How about interviewing witnesses, is  
7 that investigations or intelligence gathering?

8 A. Well, in my opinion, it would depend  
9 on what context it was, if you're seeking  
10 clarification on previous testimony.

11 Q. That would be more intelligence  
12 gathering?

13 A. More intelligence gathering to make  
14 sure what the person said was accurate.

15 Q. Okay. And, in contrast, if you're  
16 interviewing witnesses and obtaining new  
17 information, that would be more investigation?

18 A. In my opinion, yes.

19 Q. Okay. Would you have been the  
20 District Commander in District 10  
21 February 1st, 2001? In other words, is there a  
22 specific date?

23 A. I can't recall what date the  
24 reorganization was effective on.

1 Q. Okay.

2 A. I was there in my position from  
3 February of 2000 on.

4 Q. Okay. So if a call was made to  
5 District 10 in January of 2001 and somebody was  
6 seeking to speak to the commander, that call  
7 would be referred to you?

8 A. Yes.

9 Q. You were asked some questions about  
10 the transfer of Michale Callahan earlier today.  
11 I want to talk to you briefly about that.

12 A. Okay.

13 Q. You were with Michale Callahan in  
14 Springfield at the time he was told that he was  
15 going to be laterally transferred out of Zone 5.  
16 Correct?

17 MS. SUSLER: Object to  
18 characterization. That assumes evidence not in  
19 evidence.

20 THE WITNESS: Yes. Yes, I was.

21 BY MR. JOHNSTON:

22 Q. Okay. And before you went into the  
23 room with Michale Callahan, was Steve Fermon  
24 present?

1 A. Yes.

2 Q. Okay. Did Steve Fermon go into the  
3 room first?

4 A. Yes, he did.

5 Q. Okay. And did Steve Fermon go with  
6 anybody?

7 A. As I recall, we were all sitting down  
8 on the second floor, and then Steve left, and  
9 then we were called to come up.

10 Q. Okay. You went in the room with  
11 Michale Callahan. Right?

12 A. Yes.

13 Q. Did Steve go in the room with anybody?

14 A. Not that I know of.

15 Q. Okay. And at that point was Michale  
16 Callahan laterally transferred out of Zone 5?

17 MS. SUSLER: Object to your  
18 characterization of the transfer.

19 THE WITNESS: Yes. Colonel Carper  
20 told Mike that he was going to be transferred to  
21 District 10.

22 BY MR. BALSON:

23 Q. Okay. And at this point you had been  
24 a captain for a long time?



1 A. Uh-huh.

2 Q. Is that a yes?

3 A. Yes, I'm sorry.

4 Q. And when Michale Callahan was  
5 transferred from a lieutenant in Zone 5 to a  
6 lieutenant over patrol in District 10, was that,  
7 in fact, a lateral transfer?

8 A. Yes, it is.

9 MS. SUSLER: Objection.

10 BY MR. JOHNSTON:

11 Q. Did Michale Callahan lose any pay, as  
12 far as you know?

13 A. Clothing allowance, possibly.

14 Q. What does that amount to?

15 A. I don't know. Four to \$800 a year.

16 Q. Well, because he got to wear a uniform  
17 then. Right?

18 A. Right.

19 Q. He needed the clothing allowance then?

20 A. Correct.

21 Q. Do you know if he supervised fewer  
22 employees when he was laterally transferred?

23 A. He probably supervised more State  
24 Police employees, and I say that, because as the

1 investigative commander, he had several  
2 inspectors.

3 Q. So he is the task force?

4 A. Yes.

5 Q. I understand.

6 A. Then other officers, yes.

7 Q. All right. At some point in 2003,  
8 late 2003, were you sent on a temporary duty  
9 assignment to Zone 5?

10 A. Yes, I was.

11 Q. Okay. Was that an assignment you  
12 asked for?

13 A. No.

14 Q. And who informed you that you would  
15 have your temporary duty assignment in Zone 5?

16 A. Colonel Carper.

17 Q. Okay. And did she explain to you why  
18 you were going on a temporary duty assignment in  
19 Zone 5 in late 2003?

20 A. Yes, she did.

21 Q. And what did she say?

22 A. Basically that they needed somebody  
23 with my skills to go up there and help out for a  
24 while. I took from that that things were in

1 disarray in the zone.

2 Q. From a management perspective, things  
3 were in disarray?

4 A. Yes.

5 Q. So you, with your years of experience  
6 and skill set in management, were sent there to  
7 -- at least to keep the ship from tipping over?

8 A. Right.

9 Q. When you arrived in Zone 5 in late  
10 2003, was there tension in Zone 5?

11 A. Yes, there was.

12 Q. Okay.

13 MS. SUSLER: I object to this whole  
14 line of questioning as irrelevant to the Steidl  
15 and Whitlock case.

16 BY MR. JOHNSTON:

17 Q. And how did you perceive that tension?

18 A. There was -- there was like two  
19 different camps in the zone. There was a Fermon  
20 camp, and there was a Callahan camp.

21 Q. And did you speak with some agents in  
22 Zone 5 about that?

23 A. I'm sure I did.

24 Q. Okay. And did the agents attribute

1 this tension to both Steve and to Michale?

2 MR. BALSON: Object to the form of the  
3 question.

4 THE WITNESS: Yes.

5 BY MR. JOHNSTON:

6 Q. How many times did you speak with  
7 agents about that issue?

8 MR. BALSON: Object to the form and  
9 the foundation.

10 THE WITNESS: I can't recall a  
11 specific number.

12 BY MR. JOHNSTON:

13 Q. Where would those conversations have  
14 taken place?

15 A. In the zone office.

16 Q. Do you remember anybody specifically  
17 you spoke with?

18 A. I can't recall anybody specific.

19 Q. Okay. Did they explain to you how --  
20 these agents explain to you how they attributed  
21 the tension to both Steve Fermon and Michale  
22 Callahan?

23 MS. SUSLER: Show my continuing  
24 objection.

1 MR. JOHNSTON: Objection. Form and  
2 foundation and hearsay.

3 THE WITNESS: It was more -- as I  
4 recall, the Callahan camp would talk about, you  
5 know, Fermon, and Fermon's camp will talk about  
6 Mike. There was some divided loyalties. They  
7 were loyal to their own camp.

8 BY MR. JOHNSTON:

9 Q. Okay. In your 29 plus years of  
10 experience with the State Police did you ever  
11 work in an environment where there were camps  
12 with divided loyalties between a lieutenant and  
13 captain?

14 A. No, not that I can recall.

15 Q. Let's take our way back machine to May  
16 of 2000, okay, to give you some perspective.

17 A. May of 2000.

18 MR. JOHNSTON: Would you mark this as  
19 Exhibit No. 7, please?

20 (At this point the court reporter  
21 marked Strohl Exhibit No. 7 for  
22 purposes of identification.)

23 BY MR. JOHNSTON:

24 Q. Captain Strohl, you've been handed

1 what's been marked as Exhibit No. 7. It purports  
2 to be a May 9th, 2000, e-mail from you to Diane  
3 Carper, Michale Callahan, James Wolf, Cheryl  
4 Davis. Do you see that?

5 A. Yes, sir.

6 Q. The first page and the second page  
7 appear to be essentially copies of the same, just  
8 different format?

9 A. Yes.

10 Q. And handwriting on them. Okay. Did  
11 you write -- on the first page did you write the  
12 handwriting there? Is that your handwriting at  
13 all?

14 A. No, it's not.

15 Q. Okay. And do you know whose  
16 handwriting that is?

17 A. I believe it's Colonel Carper's.

18 Q. Okay. Before I showed you this  
19 document right now, had you ever seen this  
20 document with the handwriting on it?

21 A. I can't recall.

22 Q. That's fine. As you review this  
23 document, this e-mail, do you recall writing this  
24 document, this e-mail and sending this e-mail?

1 A. Yes, I remember sending this.

2 Q. Okay. And in this e-mail it refers to  
3 Mr. Callahan's May 2nd memo. Is that right?

4 A. Yes, it does.

5 Q. All right. Down on the second or  
6 third from the last paragraph it starts with I  
7 realize?

8 A. Uh-huh.

9 Q. Can you read that?

10 A. Yes.

11 Q. What does it say?

12 A. I realize -- I'm sorry.

13 Q. That's okay. Why don't you go ahead  
14 and read it?

15 A. I realize this is a sensitive issue,  
16 particularly with the fact that Randy Steidl was  
17 originally sentenced to death, the governor  
18 moratorium on executions, the pending 48 Hours  
19 episode, et cetera.

20 Q. And so what did you mean by this is a  
21 sensitive issue?

22 A. In this case the fact that, you know,  
23 the governor had issued the moratorium in  
24 executions and that Randy had originally been

1 sentenced to death, and the 48 Hours episode, it  
2 was going to be probably an issue that came up.

3 Q. Okay. An issue that you thought was  
4 sensitive?

5 A. An issue that I thought was sensitive  
6 that somebody needed to know about.

7 Q. Okay. And in fact in the very next  
8 paragraph you refer to sensitive issues again?

9 A. Yes.

10 Q. Okay.

11 A. Yes.

12 Q. And --

13 A. Do you want me to read that as well?

14 Q. No, that's okay. We're not going to  
15 be that picky here, but I am going to ask you, we  
16 talk about sensitive issue. What do you mean by  
17 the issue? What's the issue that's sensitive?

18 A. Well, as I recall, it was, you know,  
19 the governor's moratorium on the execution, some  
20 of the people that had been sentenced to death  
21 were later acquitted or pardoned or whatever and  
22 that Steidl had been originally sentenced to  
23 death, and it was probably going to become -- it  
24 could become an issue.



1 Q. And so the issue relating to Steidl's  
2 conviction for the murders of Dyke and Karen  
3 Rhoads was the sensitive issue you discuss in  
4 there?

5 MS. SUSLER: Objection. Asked and  
6 answered.

7 THE WITNESS: Well, I don't know about  
8 that. To me, it was more about the governor's  
9 moratorium and the fact that there might be  
10 another innocent person in prison.

11 BY MR. JOHNSTON:

12 Q. Okay. And that other innocent person  
13 that might be in prison would have been Randy  
14 Steidl?

15 A. Correct.

16 Q. Okay. As you sit here today, that  
17 characterization of being sensitive, do you think  
18 that's still correct?

19 A. Yes.

20 Q. Captain Strohl, you've got Exhibit  
21 No. 4. This memorandum, you were asked questions  
22 about it earlier. Right?

23 A. Yes.

24 Q. And when this -- this shows that you,

1 in fact, sent this document to Matt Sullivan.

2 Right?

3 A. I probably gave Lieutenant Callahan  
4 the approval to send it.

5 Q. Okay. In fact, do you know that you  
6 faxed it?

7 A. I may have.

8 Q. Okay. Do you recall seeing -- do you  
9 remember writing an e-mail in which you say that  
10 the initial fax did not go through, so you resent  
11 it?

12 A. You could show it to me, I could  
13 probably remember it.

14 Q. Sure. I won't have to mark it then.  
15 Does that refresh your recollection, and, for the  
16 record, it's ISP 7225?

17 MR. BALSON: Are you marking that?

18 MR. JOHNSTON: No, I'm just seeing if  
19 it refreshes his recollection.

20 MR. BALSON: Can I see it?

21 MR. JOHNSTON: Sure.

22 THE WITNESS: Yes, I see that.

23 BY MR. JOHNSTON:

24 Q. Does that refresh your recollection?

1 A. Yes.

2 Q. Okay.

3 MR. BALSON: Could I see it?

4 MR. JOHNSTON: Sure. Hold on.

5 MR. BALSON: I'd like to see it before  
6 you continue asking him questions about it.

7 MR. JOHNSTON: I've only got two hands  
8 there, Ron. Let's mark it then.

9 (At this point the court reporter  
10 marked Strohl Exhibit No. 8 for  
11 purposes of identification.)

12 BY MR. JOHNSTON:

13 Q. Captain Strohl, does this appear to  
14 be a true and accurate copy of an e-mail you sent  
15 on May 17th, 2000?

16 A. Yes.

17 Q. Okay. And in this e-mail you, in  
18 fact, state that you spoke with Matt Sullivan?

19 A. Yes.

20 Q. Okay. And Matt Sullivan expressed to  
21 you that the fax he received was incomplete?

22 A. Yes.

23 Q. So you faxed it again?

24 A. Yes.

1 Q. All right. And you made sure by  
2 initialling it and each page and putting your ID  
3 on there. Right?

4 A. Correct.

5 Q. And to your understanding -- well,  
6 one, do you know when Matt Sullivan became the  
7 State's Attorney of Edgar County?

8 A. No, I don't.

9 Q. And the first line of it says, On  
10 Tuesday, May 16th, I contacted Edgar County  
11 State's Attorney Matt Sullivan. Right?

12 A. Yes.

13 Q. And did Michale Callahan tell you that  
14 he called Matt Sullivan?

15 A. That's what his memorandum says, yes.

16 Q. Any reason to doubt that?

17 A. No.

18 Q. Do you recall any conversations with  
19 Diane Carper where she instructed that this  
20 memorandum be sent to Matt Sullivan?

21 A. I don't have any recollection of any  
22 conversation that we had, but obviously I told  
23 her that it was going to be provided and faxed,  
24 and I'm sure that I would have gotten permission

1 to do that.

2 Q. Okay. Do you recall having received  
3 permission to send this to Matt Sullivan, or do  
4 you recall being instructed or ordered to send it  
5 to Matt Sullivan?

6 A. I don't recall one way or the other.

7 Q. Okay. Let's go to page 3 of what's  
8 been marked as Exhibit No. 4. It's ISP 7283, at  
9 least on mine it is.

10 Again, there's a paragraph that says,  
11 In reviewing this file, the purpose is not to  
12 indicate guilt or innocence of either R. Steidl  
13 or H. Whitlock. Whitlock still remains a viable  
14 suspect. Correct?

15 A. Yes.

16 Q. And so at that point, Matt Sullivan  
17 was being told that according to Michale Callahan  
18 Herbert Whitlock was still a viable suspect?

19 MR. BALSON: Object to the form of the  
20 question.

21 BY MR. JOHNSTON:

22 Q. Is that correct?

23 A. Well, I want to make sure I answer  
24 this correctly, because this memorandum came from

1 Mike to myself, and I'm not sure at what point it  
2 became necessary to share this with Mr. Sullivan.  
3 I don't think he wrote this for Mr. Sullivan, in  
4 other words.

5 Q. Okay.

6 A. You know.

7 Q. Well, go ahead. On the first page he  
8 says, Callahan says he spoke with Matt Sullivan?

9 A. Okay.

10 MR. BALSON: Okay. It says contacted  
11 him.

12 THE WITNESS: Okay, yeah.

13 BY MR. JOHNSTON:

14 Q. And then the very next day, that's the  
15 date of this memo. Right?

16 A. Yes.

17 Q. Okay. And do you know whether the  
18 purpose of contacting Matt Sullivan was to let  
19 him know that he would be expecting this  
20 memorandum?

21 MR. BALSON: Object to the foundation.  
22 Object to the form.

23 THE WITNESS: If you could repeat  
24 that, please?

1 BY MR. JOHNSTON:

2 Q. Sure. Why don't you just read this  
3 first paragraph?

4 MR. BALSON: He asked you to repeat  
5 the question. Are you withdrawing it or reasking  
6 it?

7 MR. JOHNSTON: I'm asking him to read  
8 that first paragraph.

9 MR. BALSON: You've got a pending  
10 question.

11 BY MR. JOHNSTON:

12 Q. I'm asking him to read that first  
13 paragraph.

14 A. On Tuesday, May, 16th, 2000, I  
15 contacted Edgar County State's Attorney Matt  
16 Sullivan. The purpose of the contact was in  
17 regard to the Rhoads homicide and our recent  
18 review of the case which was initiated as a  
19 result of additional information provided by  
20 Mr. Bill Clutter.

21 I advised Mr. Sullivan I prepared the  
22 following documentation concerning my review of  
23 this investigation and will provide it to him  
24 with this information as I feel it is pertinent

1 for his review.

2 Q. Okay. So having read that paragraph,  
3 it's your understanding that this memorandum  
4 dated May 17th, 2000, was sent to Matt Sullivan  
5 to inform him about the information?

6 MR. BALSON: Object to the form.  
7 Object to the foundation.

8 THE WITNESS: Yes.

9 BY MR. JOHNSTON:

10 Q. Okay. And when the memorandum was  
11 faxed by you to Matt Sullivan, it contained that  
12 sentence about that the purpose of this is not to  
13 indicate the guilt or the innocence and that  
14 Whitlock remained a viable suspect. Right?

15 A. Yes.

16 Q. Did you ask that that sentence be  
17 taken out at all?

18 A. No, I didn't.

19 Q. Okay. Did you have any reason to  
20 dispute that sentence at that time?

21 A. No, I didn't.

22 MS. SUSLER: Are you going to be long?

23 MR. JOHNSTON: Probably another hour.

24 MS. SUSLER: Why don't we take a



1 little vote about whether we're going to have  
2 lunch.

3 (At this point there was an off the  
4 record discussion.)

5 (At this point a noon recess was  
6 taken.)

7 BY MR. JOHNSTON:

8 Q. Captain Strohl, I think you testified  
9 earlier that you felt like you were in hot water  
10 for sending the memorandum out to the Attorney  
11 General's Office, or words to that effect?

12 A. Yes.

13 Q. Okay. Were you ever disciplined  
14 for --

15 A. No.

16 Q. Was Michale Callahan ever disciplined  
17 for doing that?

18 A. No, he wasn't, to my knowledge.

19 Q. If he were disciplined for doing that,  
20 would that be something you would know?

21 A. If I were --

22 Q. If he were disciplined?

23 A. I'm sure, yes, I would have known  
24 about it.

1 Q. You were asked some questions about  
2 Gary Rollings' involvement in responding to Bill  
3 Clutter's letter. We talked a little bit about  
4 that. Right?

5 A. Yes, we did.

6 Q. I'll follow up on that a little bit.  
7 I don't think you were shown the actual letter,  
8 so I'm going to show it to you. I think we're on  
9 9.

10 (At this point the court reporter  
11 marked Strohl Exhibit No. 9 for  
12 purposes of identification.)

13 BY MR. JOHNSTON:

14 Q. Captain Strohl, you've been handed  
15 what's been marked as Exhibit No. 9. Why don't  
16 you take a moment -- you don't have to take that  
17 long, but take a moment and see if you recognize  
18 that document?

19 A. Yes.

20 Q. Does that look like the letter that  
21 Bill Clutter sent?

22 A. Yes.

23 Q. And I think you said it filtered down  
24 to the district level?

1 A. Correct.

2 Q. Okay. And you were given instructions  
3 on -- to follow up on that letter in some manner?

4 A. Yes. Probably had to write a response  
5 letter of some sort.

6 Q. Okay. And who would have been in  
7 charge of authoring that response letter?

8 A. Well --

9 Q. Let me withdraw that question. Let me  
10 try to break it down into a couple of questions.

11 To your knowledge, who would have  
12 signed a response letter to Bill Clutter?

13 A. The director's signature would have  
14 been on it.

15 Q. And who would have been -- to your  
16 knowledge, who would have been involved in  
17 drafting the letter in responsible to Bill  
18 Clutter to give to the director?

19 MR. BALSON: Object to the form.

20 THE WITNESS: Generally it's more than  
21 one person. Usually there's a draft letter.  
22 Then somebody else tweaks it, and somebody else  
23 tweaks it a little bit.

24 BY MR. JOHNSTON:

1 Q. Do you know if that was done in this  
2 case?

3 A. I'm sure that it was.

4 Q. Okay. Do you recall who would have  
5 been involved in the tweaking of the drafts for  
6 the letter to send to Bill Clutter in response to  
7 his letter to the director?

8 A. Well, as I recall, Gary Rollings may  
9 have drafted a letter that I thought was a little  
10 bit too brunt, so I may have adjusted it somewhat  
11 and then sent it on to the region.

12 Q. Okay. And is it your recollection  
13 that Gary Rollings drafted a letter that you  
14 adjusted and sent to Diane Carper at the region,  
15 when you're saying the region?

16 A. Yes.

17 Q. And do you know if Diane Carper -- to  
18 your knowledge, did Diane Carper forward that  
19 letter that you adjusted to the draft by Gary  
20 Rollings?

21 A. I don't know that Diane Carper ever  
22 saw the letter.

23 Q. Who would you have sent it to at the  
24 region?

1 A. Cheryl Davis.

2 Q. Who, again, is Diane Carper's  
3 administrative assistant?

4 A. Correct.

5 Q. Would she have been one of the people  
6 who would have been doing the tweaking?

7 A. Possible.

8 Q. That's not unusual for the  
9 administrative assistant to do?

10 A. Not at all.

11 Q. As far as you know, Diane Carper  
12 trusted Cheryl Davis a lot?

13 A. Yes.

14 Q. Was there any time pressure in  
15 drafting a response letter to Bill Clutter?

16 A. There was always -- whenever you got  
17 something like that, there was always a deadline.

18 Q. And who would have provided that, or  
19 who would have set the deadline?

20 A. Well, generally the director's office  
21 would have had a deadline on the Division of  
22 Operations, and it kind of filtered on down from  
23 there.

24 Q. And would your deadline have been

1 established at some time so that people up the  
2 chain of command had time to review your draft?

3 A. Correct.

4 MR. JOHNSTON: Mark this as 10,  
5 please.

6 (At this point the court reporter  
7 marked Strohl Exhibit No. 10 for  
8 purposes of identification.)

9 BY MR. JOHNSTON:

10 Q. All right. Captain Strohl, you've  
11 been handed what's been marked as Exhibit No. 10.  
12 It's a two-paged document. Can you take a moment  
13 to look at that?

14 A. Uh-huh.

15 Q. This document appears to be two  
16 e-mails. Is that correct?

17 A. Yes, it does.

18 Q. Do they appear to be -- well, do you  
19 recognize the e-mails?

20 A. Yeah.

21 Q. Okay. Would they have been at least  
22 one e-mail that you wrote?

23 A. Yes.

24 Q. And then one e-mail you received?

1 A. Yes.

2 Q. So on April 4th, 2000, you sent an  
3 e-mail to Diane Carper?

4 A. Yes.

5 Q. And that was to seek an extension to  
6 get the response letter?

7 A. Correct.

8 Q. And the very next day Cheryl Davis  
9 says your extension is granted. Correct?

10 A. Correct.

11 Q. Now, on the April 4, 2000, e-mail, you  
12 have copied Master Sergeant Jim Wolf. Right?

13 A. Yes.

14 Q. And he was Diane Carper's staff  
15 officer?

16 A. Correct.

17 Q. And Gary Rollings?

18 A. Right.

19 Q. Yes and Gary was working for you at  
20 that time?

21 A. Yes.

22 Q. And so at point the Gary Rollings was  
23 the person drafting the response letter to Bill  
24 Clutter?

1 A. Yes.

2 Q. And you received about a week  
3 extension. Is that right?

4 A. Yes.

5 Q. Mark this as 11, please.

6 (At this point the court reporter  
7 marked Strohl Exhibit No. 11 for  
8 purposes of identification.)

9 BY MR. JOHNSTON:

10 Q. Captain Strohl, you've been handed  
11 what's been marked as Exhibit No. 11. I'll give  
12 you a moment to review that.

13 A. Okay.

14 Q. This is dated April 6th, 2000?

15 A. Correct.

16 Q. Do you recall seeing this, what  
17 appears to be a draft of a letter?

18 A. I believe this is probably the letter  
19 that Gary Rollings sent to me.

20 Q. Okay. And do you know if you tweaked  
21 this -- I'm using the word tweak, because I  
22 thought you used it.

23 A. I did use the word tweak.

24 Q. That's fine. I just want to make sure



1 I'm not putting words in your mouth.

2 A. Yes, I would have suggested this in  
3 some manner.

4 Q. Okay. And do you know if this letter  
5 was -- what's been marked as Exhibit No. 11, if  
6 that would have been forwarded up the chain of  
7 command to Diane Carper?

8 A. This one?

9 Q. Correct. 11?

10 A. Prior to me adjusting it?

11 Q. Well, let me ask you this: Is this an  
12 adjusted letter -- version letter, or is this the  
13 one that Gary Rollings sent to you?

14 A. I'm pretty sure this is the one Gary  
15 sent to me.

16 Q. Okay. And then so you would have  
17 adjusted this letter?

18 A. Yes.

19 Q. In some manner. And the adjusted  
20 letter would have been the one sent to Diane  
21 Carper?

22 A. Shortly, yes.

23 Q. And do you know -- do you recall what  
24 Diane Carper's response to that adjusted letter

1 was?

2 A. Not offhand, no.

3 Q. Would that adjusted letter have been  
4 sent sometime shortly after April 6th, 2000?

5 A. Yes.

6 Q. Do you recall, as you sit here today,  
7 any response from Diane Carper regarding that  
8 adjusted letter?

9 A. No.

10 Q. Did you have to seek another extension  
11 for the response to Bill Clutter's letter? Is it  
12 possible?

13 A. It's possible, yeah.

14 MR. JOHNSTON: Would you mark this as  
15 12, please?

16 (At this point the court reporter  
17 marked Strohl Exhibit No. 12 for  
18 purposes of identification.)

19 BY MR. JOHNSTON:

20 Q. Captain Strohl, take a moment to  
21 review what's been marked as Exhibit No. 12.  
22 Thanks.

23 A. Okay.

24 Q. All right. Have you seen this

1 document before?

2 A. Yes.

3 Q. Okay. And this is dated April 20th.

4 Right?

5 A. Yes, it is.

6 Q. So it would have been after that April

7 6th draft that we saw?

8 A. Yes.

9 Q. Do you know who authored this April  
10 20th, 2000?

11 A. I believe I did, yes.

12 Q. Okay. And where would you have sent  
13 this draft?

14 A. To the region office.

15 Q. To Diane Carper?

16 A. Yes.

17 Q. Okay. Anybody else?

18 A. Cheryl Davis.

19 Q. How about Jim Wolf?

20 A. Probably, yes.

21 Q. And those would have been the three  
22 people you would normally send correspondence to?

23 A. Generally you want to include  
24 everybody in case somebody was out of the office

1 to make sure it got there.

2 Q. Fair enough. And is this -- does this  
3 appear to be a true, correct copy of the letter  
4 you wrote on or about April 20th, 2000?

5 A. As best I can recall, yes.

6 Q. Okay. Now, by April 20th, 2000, had  
7 you had discussions with Gary Rollings about Dyke  
8 and Karen Rhoads' murder?

9 A. Yeah. Yes, we had.

10 Q. In the second paragraph of the April  
11 20, 2000, draft letter that you wrote it says,  
12 Lieutenant Gary Rollings conducted a thorough  
13 review of the documents and letter you provided.  
14 Do you see that there?

15 A. Uh-huh.

16 Q. Yes?

17 A. Yes.

18 Q. And why did you write that?

19 A. Because I was -- Gary looked through  
20 the case file -- or the documents that Clutter  
21 had sent.

22 Q. Okay.

23 A. The letter that Clutter had sent.

24 Q. That attachment?

1 A. This one.

2 Q. The March 23rd, 2000?

3 A. March 23rd, 2000, letter.

4 Q. Okay. And when you wrote that Gary  
5 Rollings had conducted a thorough review of the  
6 documents in a letter you provided, as far as you  
7 knew, that was true?

8 A. Yes.

9 Q. And you had talked to Gary Rollings to  
10 make sure he had conducted a thorough review. Is  
11 that right?

12 A. Yes.

13 Q. And then it goes on to say, In  
14 addition, he reviewed the investigative report  
15 filed and spoke with a Paris Police Department  
16 detective regarding the murder case. Is that  
17 right?

18 A. If that's what he told me, yes.

19 Q. Okay. And that's what you wrote?

20 A. That's what I wrote, yes.

21 Q. So this would have been based on  
22 information that Lieutenant Rollings told you?

23 A. Yes.

24 Q. After you sent this draft letter dated

1 April 20th, 2000, up the chain of command to  
2 Diane Carper, Cheryl Davis, and Jim Wolf do you  
3 recall getting a response from any one of those  
4 three people?

5 A. I am sure I did, but I can't recall  
6 what it was right now.

7 Q. Okay. Now, the last line in this  
8 April 20, 2000, letter it says, Absent any  
9 additional pertinent information concerning this  
10 issue, I do not believe further investigation is  
11 warranted.

12 Do you see that there?

13 A. Yes.

14 Q. Is that something that you wrote?

15 A. Yes.

16 Q. Okay. And then there's an X through  
17 that. Do you see that there?

18 A. Yes, I do.

19 Q. Do you know who put that X?

20 A. I do not.

21 Q. Do you know if Diane Carper put it  
22 there?

23 A. It kind of looks like an X she might  
24 make.

1 Q. Okay. And did you have any  
2 discussions with Diane Carper about possibly  
3 putting that X through that last sentence?

4 A. I don't recall anything specific,  
5 but if you had something to refresh my memory, it  
6 may help.

7 Q. And the sentence right before that in  
8 the third full paragraph says, Please contact  
9 Lieutenant Rollings at that telephone number if  
10 you believe this information could exonerate  
11 Mr. Steidl. Is that right?

12 A. Yes.

13 Q. So in this letter it would be asking  
14 Bill Clutter to give Lieutenant Rollings  
15 additional information. Correct?

16 A. Right.

17 Q. Do you know if the April 20th, 2000,  
18 version of the letter was the letter that was  
19 sent to Bill Clutter?

20 A. I do not.

21 MR. JOHNSTON: Thank you. 13, right?

22 (At this point the court reporter  
23 marked Strohl Exhibit No. 13 for  
24 purposes of identification.)

1 BY MR. JOHNSTON:

2 Q. Captain Strohl, you've been handed  
3 what's been marked as Exhibit No. 13. Why don't  
4 you take a moment to review that document,  
5 please?

6 A. Okay.

7 Q. Do you recognize this document?

8 A. Yes.

9 Q. And do you recognize this to be the  
10 document that was -- a copy of the document that  
11 was sent to Bill Clutter?

12 A. It's got the director's signature on  
13 it and normally they're not signing until they're  
14 approved.

15 Q. And so that's the indicia that this  
16 would be the final letter? It's got his  
17 signature?

18 A. Correct.

19 Q. All the other documents I showed you  
20 there was no signature. Correct?

21 A. That's correct.

22 Q. And I think you said earlier that  
23 Cheryl Davis would on occasion add lines or  
24 information to letters?



1 A. Uh-huh.

2 Q. Is that a yes?

3 A. Yes, it is, I'm sorry.

4 Q. And would you -- if she did that,  
5 would you concur on those occasions, or would you  
6 take them out? How did it work?

7 A. Well, if Cheryl would have made  
8 adjustments to something I sent, the only thing I  
9 would have got back is the completed copy.

10 Q. Okay. I'm going to try to put this as  
11 politic as possible. Cheryl Davis is the  
12 administrative assistant to Diane Carper, a  
13 civilian. Right?

14 A. Correct.

15 Q. You are a captain. Correct?

16 A. Uh-huh.

17 Q. Is that a yes?

18 A. Yes, it is.

19 Q. Who's going to pull rank?

20 MS. SUSLER: I object to this.

21 THE WITNESS: If Cheryl made a  
22 recommendation or a suggestion, I generally took  
23 her advice based upon her numerous years of  
24 experience in drafting correspondence.

1 BY MR. JOHNSTON:

2 Q. All right. Would you know if Cheryl  
3 Davis would have put the line in the April 27th  
4 letter, the last line that says, Please be  
5 assured, the foremost interest of the Illinois  
6 State Police in this and any case is to seek the  
7 truth and ensure justice is served?

8 A. I believe there's something similar to  
9 that in a prior draft, I think. Yes, it is.

10 Q. Correct. Do you know if she put that  
11 in any of the prior drafts?

12 A. I do not.

13 Q. Would you be surprised if she did put  
14 that in there?

15 MS. SUSLER: Object to speculation.

16 MR. BALSON: Object to form.

17 THE WITNESS: I don't know if I would  
18 be surprised or not. She made a lot of changes  
19 to a lot of correspondence.

20 BY MR. JOHNSTON:

21 Q. Fair enough. Thank you, Captain  
22 Strohl.

23 The May 2nd, 2000, memorandum, I  
24 believe it's Exhibit No. 4. I'm sorry,

1 Exhibit --

2 MR. BALSON: Which one are you looking  
3 for?

4 MR. EKL: Exhibit 3.

5 BY MR. JOHNSTON:

6 Q. I apologize, 3.

7 Do you have any independent knowledge  
8 whether that document was forwarded to Steve  
9 Fermon?

10 A. I believe that it was, yes.

11 Q. And why do you believe it was  
12 forwarded to him?

13 A. Because at the time, Steve was the  
14 investigations coordinator.

15 Q. Did you ever talk to Steve Fermon  
16 about that May 2nd, 2000, memo?

17 A. I don't recall any conversations with  
18 Steve.

19 Q. Did you -- do you recall if you  
20 personally forwarded it to Steve Fermon?

21 A. No.

22 Q. Okay.

23 A. I believe it was forwarded to Steve by  
24 the region office.

1 Q. Okay. Did you ever talk to Diane  
2 Carper about her forwarding that memo to Steve  
3 Fermon?

4 A. I'm sure we probably had some  
5 discussions about Steve reviewing the memorandum  
6 or something to that effect.

7 Q. Do you recall any specific discussions  
8 with Diane Carper about Steve Fermon reviewing  
9 the May 2nd, 2000, memorandum from Michale  
10 Callahan?

11 A. I don't recall anything specific.

12 Q. Do you have any independent knowledge  
13 of whether the May 2nd, 2000, memorandum authored  
14 by Michale Callahan was sent to Andre Parker?

15 A. No, I don't.

16 Q. Okay. I'm going to ask you some  
17 questions about some of the meetings you  
18 testified to earlier. Okay?

19 A. Okay.

20 Q. Now, you testified earlier about a  
21 meeting at the academy -- I'm sorry, strike that.

22 You testified earlier about a meeting  
23 at the Division of Operations where Andre Parker  
24 was present?

1 A. Yes.

2 Q. Was there only one meeting that you  
3 recall when Andre Parker and you were present  
4 regarding either Bob Morgan or the Rhoads  
5 homicide?

6 A. As far as I can recall, there was just  
7 one.

8 Q. And your recollection is at this  
9 meeting there was a reference to a campaign  
10 contribution to Ryan. Correct?

11 A. Yes.

12 Q. Now, at that time were there two  
13 Illinois State Police -- or Illinois  
14 constitutional officers whose last names were  
15 Ryan?

16 A. Yes.

17 Q. There was Jim Ryan who was the AG?

18 A. Correct.

19 Q. And George Ryan who was the governor?

20 A. Correct.

21 Q. Did it strike you as odd that Andre  
22 Parker wanted to know which constitutional  
23 officer named Ryan received the campaign  
24 contribution?

1 MS. SUSLER: Objection.

2 THE WITNESS: No. I mean it didn't  
3 really dawn on me at the time.

4 BY MR. JOHNSTON:

5 Q. And the information that was provided  
6 was factual information as to which Ryan.  
7 Correct?

8 A. As I recall now, Mike initially said  
9 Jim Ryan, and I think he found out later on that  
10 it was actually maybe George Ryan as well.

11 Q. So as you sit here today, is it that  
12 you believe that Michale Callahan specifically  
13 mentioned Jim Ryan?

14 A. I believe that Mike said something to  
15 -- he was a campaign contributor to Ryan, and  
16 there was something -- maybe Andre said something  
17 like not George Ryan, and Mike said, no, Jim  
18 Ryan, and after that meeting -- I don't know how  
19 long it was after that, he found out -- Mike  
20 found out that in fact Morgan was a contributor  
21 to George Ryan.

22 Q. Okay. And do you know if Michale  
23 Callahan received that information from Bill  
24 Clutter?

1 A. I don't know how Mike received it.

2 Q. Okay. As you sat there at this  
3 meeting when Andre Parker asked not George Ryan,  
4 did you think that it was important that he was  
5 apparently trying to figure out which Ryan it  
6 was?

7 MS. SUSLER: Objection.

8 THE WITNESS: Yes. I mean he asked,  
9 so I thought it must have been important to him.

10 BY MR. JOHNSTON:

11 Q. Did you ever wonder which Ryan it was?

12 A. Mike had originally said Jim Ryan. I  
13 assumed that's who it was.

14 Q. So you knew?

15 A. Right.

16 Q. But when Mike said, Ryan -- I'm sorry,  
17 I'll withdraw that.

18 You testified earlier about a meeting  
19 with Michale Callahan, yourself, and Diane in  
20 Diane's office, I think. Right?

21 A. Yes.

22 Q. And I think you said during that  
23 meeting Diane used the phrase too politically  
24 sensitive. Is that right?

1 A. Yes.

2 Q. Did you ever ask Diane Carper at that  
3 meeting what she meant by the phrase too  
4 politically sensitive?

5 A. No, I didn't.

6 Q. Have you ever asked Diane Carper what  
7 she meant by too politically sensitive?

8 A. No, I haven't.

9 Q. Did Michale Callahan ask at that  
10 meeting what Diane Carper meant by too  
11 politically sensitive?

12 A. Not that I recall.

13 Q. Why didn't you ask her what she meant  
14 by too politically sensitive?

15 A. I don't know. I mean it just -- it  
16 came across that we were told it was too  
17 politically sensitive, and that was it.

18 Q. You specifically -- I mean you  
19 specifically recall the phrase too politically  
20 sensitive?

21 MS. SUSLER: Asked and answered.

22 BY MR. JOHNSTON:

23 Q. Now, that's an important phrase.  
24 Isn't it?



1 A. Yes. Yes.

2 Q. And if it's an important phrase, why  
3 didn't you ask her what she meant by it?

4 MS. SUSLER: Asked and answered.  
5 You're getting argumentative.

6 MR. JOHNSTON: I don't think I am. I  
7 apologize if I am.

8 THE WITNESS: It could be interpreted  
9 a couple different ways. Too politically  
10 sensitive, you know, we've got to be careful how  
11 we proceed, or too politically sensitive, don't  
12 even think about going there.

13 BY MR. JOHNSTON:

14 Q. Okay. And when you say don't even  
15 think about going there, can you explain that?

16 A. Don't even think about reopening an  
17 investigation.

18 Q. On the Rhoads?

19 A. On the Rhoads homicide.

20 Q. Okay. Would you be allowed to obtain  
21 information that related to the Rhoads homicide?

22 MS. SUSLER: Objection.

23 BY MR. JOHNSTON:

24 Q. Under your interpretation of too

1 politically sensitive?

2 MS. SUSLER: Objection to form.

3 THE WITNESS: It was clear after that  
4 meeting that there would be no reopening of the  
5 Rhoads homicide.

6 BY MR. JOHNSTON:

7 Q. Could there -- was it clear to you  
8 after that meeting with Diane Carper and Michale  
9 Callahan whether information relating to the  
10 Rhoads could be gathered rather than reopened?

11 A. I can't recall the Rhoads  
12 specifically. I remember more about Morgan,  
13 information on Morgan.

14 Q. Okay. So you don't recall one way or  
15 the other whether information could be obtained  
16 relating to the Rhoads homicide?

17 A. No, I don't. I don't recall.

18 Q. And what do you recall about Robert  
19 Morgan, which is what I think you said you  
20 recalled?

21 A. That -- I can't recall if it was  
22 the -- it was the FBI aspect wanting to look at  
23 an organized crime case or something like that,  
24 to help them with that or something along those

1 lines.

2 Q. When you left that meeting, was it  
3 your understanding whether the Illinois State  
4 Police, including Michale Callahan, could  
5 interview witnesses relating to Robert Morgan's  
6 activities?

7 A. The best I can recall, Bob Morgan was  
8 not off limits.

9 Q. Okay.

10 A. So Mike could do whatever he needed on  
11 Morgan.

12 Q. What do you mean by not off limits?

13 A. That it was okay to investigate Bob  
14 Morgan.

15 Q. And I want to be careful here. It was  
16 your understanding it was okay to investigate Bob  
17 Morgan which is different than a review.  
18 Correct?

19 A. Yes.

20 Q. And so when you left the meeting with  
21 Diane Carper, it was your understanding that  
22 Michale Callahan could go along on interviews  
23 with the FBI relating to Bob Morgan?

24 A. As I recall, yes.

1 Q. And go on with interviews with the  
2 ATF. Right?

3 A. Yes.

4 Q. Participate in search warrants?

5 A. Yes.

6 Q. Set up surveillance?

7 A. Yes.

8 Q. Do Air National Guard flyovers?

9 A. I don't recall anything about anything  
10 like that.

11 Q. Okay. When you left that meeting with  
12 Diane Carper and Michale Callahan, and this would  
13 have been in May 2000, is that right?

14 A. Yes.

15 Q. When you left that meeting with Diane  
16 Carper and Michale Callahan in May of 2000, what  
17 was your understanding about documenting  
18 information relating to Robert Morgan?

19 A. What do you mean by documents?

20 Q. Well, earlier you said that Michale  
21 Callahan could conduct interviews relating to  
22 Robert Morgan. Correct?

23 A. Yeah.

24 Q. And that would be part of the

1 investigation. Right? Is that right?

2 A. You know, as far as opening a case on  
3 Bob Morgan, I don't know if there was ever a case  
4 opened. It may have been an intelligence case.  
5 I don't know how that worked.

6 Q. But did Diane Carper tell you at that  
7 meeting or at any time that Michale Callahan or  
8 you or the State Police could not open a case on  
9 Robert Morgan?

10 A. I don't believe so, no.

11 Q. I know your background is primarily in  
12 patrol, but you have had some experience in  
13 investigation. Right?

14 A. Yes.

15 Q. And when you conduct an interview  
16 during an investigation, there's a specific  
17 document you capture that interview on. Correct?

18 A. Yes.

19 Q. It's called a 4.3?

20 A. Yes.

21 Q. And are 4.3s to be completed for  
22 pretty much any interview of a witness in an  
23 investigation?

24 A. Yes.

1 Q. Okay. That would be policy?

2 A. Yes.

3 Q. And what's the purpose of that policy?

4 A. I believe, yes.

5 Q. Okay. And do you know what the  
6 purpose of that policy is?

7 A. Now --

8 Q. The purpose of the policy -- I'm  
9 sorry. Let me back up a little bit. I'm jumping  
10 ahead of myself, and I apologize.

11 Do you know what the purpose of a  
12 policy for capturing information relative to an  
13 interview on a 4.3 is?

14 A. Verbatim as far as the policy, what it  
15 states?

16 Q. I'm not asking you for verbatim. Just  
17 general.

18 A. Just to document the facts.

19 Q. Okay. And that's an important part of  
20 an investigation. Right?

21 A. Yes.

22 Q. I think you testified earlier it was  
23 your impression that the reopening of the Rhoads  
24 homicide investigation was stopped, because Bob

1 Morgan had made campaign contributions to George  
2 Ryan. Do I have that correct? I don't want to  
3 put words in your mouth.

4 A. Could you ask that again?

5 Q. Sure. Was it your impression that the  
6 investigation relating to the Rhoads homicide was  
7 stopped, because Bob Morgan had made campaign  
8 contributions to George Ryan?

9 A. Well, as I recall, after Lieutenant  
10 Callahan found out that Bob Morgan was, in fact,  
11 a contributor to George Ryan, I believe that's --  
12 I believe that's when that meeting took place was  
13 after that, as far as, you know, that's too  
14 politically sensitive. You're not to go there.

15 Q. Okay. And do you know -- are you good  
16 with a timeline on that, or do you think your  
17 dates could be flipped?

18 A. It could be flipped. Honestly, I try  
19 to put a lot of this out of my mind.

20 Q. What I'm trying to get at, Captain, is  
21 what's the basis for -- first of all, when did  
22 you formulate that impression in your own head?

23 A. Well, I can't recall a specific date,  
24 but it kind of came together to me after thinking

1 about what -- back what Colonel Parker said not  
2 about George Ryan, that statement he made, and  
3 then a few days later that all of a sudden you  
4 can't do anything further on this case.

5 Q. And on this case, you mean the Rhoads  
6 homicide?

7 A. Yes.

8 Q. But you could -- Bob Morgan was fair  
9 game?

10 A. Yes.

11 Q. On anything else?

12 A. Yes.

13 Q. And so based on that, you came to the  
14 impression, I'm using your word, okay, that the  
15 Rhoads aspect was stopped, because Bob Morgan had  
16 made these campaign contributions to George Ryan.  
17 Is that fair?

18 A. That's fair, yes.

19 Q. And, again, if I mischaracterize what  
20 you say, just tell me. Okay?

21 Did you ever wonder why Bob Morgan  
22 would be fair game, as you used the phrase, fair  
23 game for narcotics investigation, other criminal  
24 activity and not a separate murder case?



1 MS. SUSLER: Objection. Relevance.

2 BY MR. JOHNSTON:

3 Q. Do you understand what I'm asking you?

4 A. I didn't think about it at the time.

5 I just didn't consider it.

6 Q. As you sit here today, does that  
7 question make some sense?

8 A. Yes, it does.

9 MS. SUSLER: Objection. Relevance.

10 BY MR. JOHNSTON:

11 Q. I mean as you sit here today and now  
12 you're thinking, all right, the State Police can  
13 go after Bob Morgan on the narcotics front and  
14 all the other things he's fair game, but they  
15 can't go after him on the Rhoads homicide, how  
16 that would actually help Bob Morgan?

17 MS. SUSLER: Objection. Asked and  
18 answered and relevance. Can you move on, please?

19 THE WITNESS: I can see -- yes, I can  
20 see that, I mean now that you state that, yeah.

21 BY MR. JOHNSTON:

22 Q. Okay. I think you said earlier  
23 that when you left this meeting that was at Diane  
24 Carper's office in May of 2000 with Michale

1 Callahan, the Rhoads matter was closed, I think  
2 is what you said. Is that right?

3 A. Yes.

4 Q. I think you testified earlier that  
5 after July 12th of 2000, you didn't see anything  
6 relating to the Robert Morgan investigation?

7 A. Not that I can recall.

8 MR. BALSON: That misstates his  
9 testimony. Objection.

10 BY MR. JOHNSTON:

11 Q. That you recall?

12 A. I remember I saw that memo dated July  
13 12th, but I can't recall anything after that.

14 (At this point the court reporter  
15 marked Strohl Exhibit No. 14 for  
16 purposes of identification.)

17 BY MR. JOHNSTON:

18 Q. Captain Strohl, you've been handed  
19 what's been marked as Exhibit No. 14. Why don't  
20 you take a moment to look at that?

21 A. Okay.

22 Q. Captain Strohl, the document that's  
23 been marked as Exhibit No. 14 purports to be an  
24 e-mail from Michale Callahan to you dated June

1 12th, 2000. Do you see that there?

2 A. Yes.

3 Q. Does this appear to be a true and  
4 accurate copy of that e-mail?

5 A. Yes, it does.

6 Q. Now, the subject matter of this e-mail  
7 is Bob Morgan. Right?

8 A. Yes.

9 Q. And in this e-mail Michale Callahan  
10 describes many activities that are going on  
11 relating to Robert Morgan. Correct?

12 A. Correct.

13 Q. And there's a reference that the FBI  
14 is going to open an OC case on Bob Morgan.  
15 Right?

16 A. Yes.

17 Q. And OC is organized crime. Right?

18 A. Yes.

19 Q. And then on the 11th line it starts  
20 with homicides?

21 A. Okay.

22 Q. If you go over to the end of that  
23 line, there's a sentence that starts with if?

24 A. Right.

1 Q. If they attack this case as a  
2 narcotics case, the Steidl issue may never come  
3 into play, but if they could build a good  
4 historical case on him, as they usually do, it  
5 could very likely come into play.

6 Do you see that there?

7 A. Yes.

8 Q. And do you recall Michale Callahan  
9 informing you of that?

10 A. Well, the e-mail is to me, so I'm sure  
11 he informed me of that.

12 Q. Okay. And in this e-mail Michale  
13 Callahan informs you that he's been talking to  
14 the FBI. Correct?

15 A. Yes.

16 Q. As well as the ATF?

17 A. Yes.

18 Q. That's the alcohol, tobacco, and  
19 firearms. Right?

20 A. Right.

21 Q. Another federal law enforcement  
22 agency?

23 A. ATF, yes.

24 Q. So we've got in this e-mail a

1 discussion of Michale Callahan working with two  
2 federal law enforcement agencies on the  
3 investigation of Robert Morgan?

4 A. Well, it -- the way you phrased  
5 that --

6 Q. Sure. Like I said, if I'm saying  
7 something wrong, you tell me.

8 A. I don't know that Mike was helping the  
9 FBI at this point or if they were just -- they  
10 just had discussions, and they were keeping each  
11 other up-to-date on what was going on.

12 Q. Okay. So is it fair to say that  
13 Michale Callahan and the FBI were having  
14 discussions relating --

15 A. Yes.

16 Q. -- to investigations of Robert Morgan?

17 A. Yes.

18 Q. As well as Michale Callahan was having  
19 discussions with the ATF relating to  
20 investigations of Robert Morgan?

21 A. Yes.

22 Q. And in this e-mail it refers to Debbie  
23 Board. Correct?

24 A. Yes.

1 Q. And do you remember who Debbie Board  
2 was?

3 A. Oh, I don't.

4 Q. Okay. If I use the phrase the Board  
5 brothers, would that help at all?

6 A. Is that -- yeah. I believe so.

7 Q. Okay.

8 A. Duke, I believe is one of them or  
9 something.

10 Q. There's a Sonja Board?

11 A. Yeah.

12 Q. Okay.

13 A. These are the things Mike could rattle  
14 off pretty easily.

15 Q. There's a reference to a Jerry Board.  
16 Right?

17 A. Yes.

18 Q. And that all relates to narcotics  
19 trafficking by Robert Morgan. Right?

20 A. Yes.

21 Q. As well as the Board brothers being  
22 possibly involved in the murders of the Diablo  
23 Bike Gang members. Right?

24 A. Correct.

1 Q. If we go over -- well, let's go to the  
2 bottom of the first page, the second line from  
3 the bottom it says, It looks like Paris PD may  
4 have some links to Morgan also. Flip over to the  
5 next page. According to ATF and Andrea Trapp --  
6 do you see that there?

7 A. Yes.

8 Q. So when you read that, is it your  
9 understanding that Michale Callahan was talking  
10 to the ATF and Andrea Trapp?

11 MR. BALSON: Objection. You're asking  
12 him to guess.

13 BY MR. JOHNSTON:

14 Q. I'm asking him what his knowledge is.

15 A. According to ATF and Andrea Trapp.  
16 That kind of refers -- infers to me that Mike was  
17 talking with Andrea Trapp.

18 Q. Who is Andrea Trapp?

19 A. I believe she's related to either Dyke  
20 or Karen Rhoads.

21 Q. If I told you she was Dyke Rhoads'  
22 younger sister, would that refresh your  
23 recollection?

24 A. Yes.

1 Q. And so according to this June 12th,  
2 2000, e-mail from Michale Callahan to you,  
3 Michale Callahan was informing you that he is  
4 speaking with the younger sister of Dyke Rhoads?

5 A. Andrea Trapp.

6 Q. Who was Andrea Trapp. Correct?

7 A. Yes.

8 Q. Let's go further down, the ninth line  
9 down it starts with holding.

10 A. You say -- okay. Yes.

11 Q. Go over to the end, new sentence.

12 A. Okay.

13 Q. I'm sorry. It's not new sentence. At  
14 this point then the next line, it starts, If we?

15 A. Okay.

16 Q. If we participate, or even if we  
17 don't, ATF is going to question the Boards  
18 reference the Rhoads case and Morgan. Do you see  
19 that there?

20 A. Yes.

21 Q. So Mike -- as far as Michale Callahan  
22 is telling you that the ATF is going to be  
23 involved in the Rhoads homicide case?

24 A. Yes.



1 MR. BALSON: Objection. It's asking  
2 him to speculate what's in Callahan's mind when  
3 he writes something. There's no foundation for  
4 that.

5 BY MR. JOHNSTON:

6 Q. When you read that document that was  
7 sent to you, was it your understanding that the  
8 ATF was possibly going to be involved in the  
9 Rhoads homicide case?

10 MR. BALSON: Again, I object. There's  
11 no foundation for his understanding other than  
12 the words on the page.

13 THE WITNESS: I can recall Mike having  
14 some concern that ATF was going to interview the  
15 Boards without him being present.

16 BY MR. JOHNSTON:

17 Q. Okay. And Mike wanted to be present  
18 with the Boards?

19 A. Yes, he did.

20 Q. Okay. And did you stop him from  
21 interviewing the Boards in any way?

22 A. I believe ATF did.

23 Q. Okay. So did Diane Carper stop  
24 Michale Callahan from interviewing the Boards?

1 A. No.

2 Q. That's the feds kind of throwing their  
3 weight around. Right?

4 MR. BALSON: Objection.

5 THE WITNESS: Well, it was an ATF  
6 arrest warrant, as I recall.

7 BY MR. JOHNSTON:

8 Q. Okay.

9 A. So, yes.

10 Q. That's their ball game, if they've got  
11 the arrest warrant?

12 A. Right.

13 Q. And then go down a couple more lines,  
14 it says, As a side note, for our protection  
15 Clutter has faxed me a list of all campaign  
16 contributions by Morgan, and my feelings are we  
17 could get embarrassed if we don't participate  
18 somewhat in this case as was put to me that  
19 apparently Morgan thinks that he is above the  
20 law.

21 Do you see that there?

22 A. Uh-huh.

23 Q. Does that refresh your recollection in  
24 any way whether or not Bill Clutter faxed the

1 campaign contribution information?

2 MR. BALSON: Objection. He hasn't  
3 said that his memory needs refreshing, and he  
4 would be speculating as to what Callahan meant  
5 when he wrote these words.

6 THE WITNESS: It does say Clutter  
7 faxed Mike the list of campaign contributions. I  
8 know that Mike was the point of contact for  
9 Clutter.

10 BY MR. JOHNSTON:

11 Q. Okay. And Bill Clutter was the  
12 private investigator for Randy Steidl's attorney.  
13 Correct?

14 A. Yes.

15 Q. You can set that aside, Captain.

16 A. Okay.

17 MR. JOHNSTON: 15.

18 (At this point the court reporter  
19 marked Strohl Exhibit No. 15 for  
20 purposes of identification.)

21 BY MR. JOHNSTON:

22 Q. Captain, let me know when you've had a  
23 chance to review that. Okay?

24 A. Okay. Okay.

1 Q. Captain Strohl, this purports to be an  
2 e-mail dated June 18th, 2000, from Diane Carper  
3 to you, copies to Cheryl Davis. Do you see that?

4 A. Yes.

5 Q. Do you recall receiving this e-mail?

6 A. It did -- it's an e-mail that I would  
7 have received, yes. It's addressed to me.

8 Q. Appear to be a true and correct and  
9 accurate copy?

10 A. Yes, it does.

11 Q. Now, this comes towards the middle of  
12 June. Right?

13 A. June 18th.

14 Q. So that would have been after your May  
15 meeting with Diane and Michale Callahan. Right?

16 A. Correct.

17 Q. And in this -- in the first line it  
18 says, District 10 may proceed with assisting the  
19 FBI on the organized crime case against Bob  
20 Morgan. Right?

21 A. Right.

22 Q. And the first paragraph deals with the  
23 FBI and Bob Morgan the next paragraph says,  
24 District 10 may proceed with assisting the ATF on

1 the case on Jerry and Herbie Board. Correct?

2 A. Correct.

3 Q. So the second paragraph deals with  
4 allowing the district to work with the other  
5 federal agency, the ATF. Right?

6 A. Yes.

7 Q. Did you have any -- in your mind  
8 before you got this June 18, 2000, e-mail, did  
9 you have any confusion on whether District 10  
10 could proceed with assisting the FBI? I'm sorry,  
11 Vince?

12 MR. MANCINI: Sorry.

13 MR. JOHNSTON: That's okay. Is it the  
14 baby?

15 MR. MANCINI: No, lunch.

16 MR. JOHNSTON: Could you read that  
17 question back, please?

18 (At this point the court reporter read  
19 aloud the requested portion of the  
20 transcript.)

21 THE WITNESS: I don't believe I did.

22 BY MR. JOHNSTON:

23 Q. Okay. Before June 18th, 2000, did you  
24 have any confusion in your mind about whether

1 District 10 could assist the ATF regarding Jerry  
2 and Herbie Board and their involvement with the  
3 Diablo bike murders?

4 A. I don't believe so.

5 Q. In those two paragraphs they're pretty  
6 clear on what District 10 could do?

7 A. Yes.

8 Q. And the very next paragraph says, It  
9 is understood their assistance with these two  
10 cases may result in the opportunity to obtain  
11 additional information regarding the Rhoads  
12 murders.

13 Did I read that correctly?

14 A. Yes, you did.

15 Q. Okay. Before June 18, 2000, did you  
16 have any confusion in your mind about what the  
17 role of District 10 was relative to the Rhoads  
18 homicide?

19 A. Yes.

20 Q. Okay. Did this paragraph that I just  
21 read to you, did that clarify any confusion you  
22 may have had in your mind?

23 A. Yes, it did.

24 Q. Okay. How did it clarify any

1 confusion you may have had?

2 A. Well, it would have led me to believe  
3 that if some information came up regarding these  
4 two investigations on the Rhoads murders, that it  
5 was okay to go ahead and pursue that.

6 Q. Okay. And as a result of that  
7 clarification, in your mind what was your  
8 understanding of Michale Callahan's role relative  
9 to the Rhoads homicide?

10 A. Well, if I recall correctly, if the  
11 ATF or FBI found anything that could link Morgan  
12 or somebody else to the Rhoads homicide, that we  
13 could pursue that.

14 Q. Okay. The next paragraph says, You  
15 will need to provide me with weekly updates on  
16 these two cases or as significant events occur.  
17 Do you see that there?

18 A. Yes.

19 Q. Providing weekly updates on a  
20 significant case, is that usual practice?

21 A. That's normal practice, yes.

22 Q. And the sentence that starts, In  
23 addition?

24 A. Uh-huh.

1 Q. In addition, if further information is  
2 obtained that would warrant moving the Rhoads  
3 case from review status to opening a new case,  
4 notify the region immediately before the case is  
5 opened. Right?

6 A. Yes.

7 Q. All right. So would that have helped  
8 clarify what District 10 and Michale Callahan  
9 were supposed to be doing?

10 A. Continuing on?

11 Q. Yes.

12 A. But not opening the case.

13 Q. Okay. So continue the review process,  
14 and I think --

15 A. Yes.

16 Q. I think the word review is something  
17 that you've used in the past today.

18 A. Yes, I have.

19 Q. Okay. And so if additional  
20 information regarding the Rhoads is developed,  
21 it's possible to move it from this review status  
22 to opening a new matter. Right?

23 A. Notify the region first.

24 Q. Okay. Anything unusual about



1 notifying --

2 A. Not at all. Not at all.

3 Q. Okay. Okay. Thank you.

4 (At this point the court reporter  
5 marked Strohl Exhibit No. 16 for  
6 purposes of identification.)

7 BY MR. JOHNSTON:

8 Q. Captain Strohl, why don't you take a  
9 moment to review that document? Let me know when  
10 you've had a chance. Thanks.

11 A. Okay.

12 Q. Captain Strohl, this purports to be an  
13 e-mail from Michale Callahan to you dated June  
14 30th, 2000. Do you recognize this e-mail?

15 A. It's standard e-mail format that would  
16 have come to me at the time.

17 Q. All right. Any reason to doubt --

18 A. No, not at all.

19 Q. And the subject is Bob Morgan  
20 investigation. Correct?

21 A. Yes.

22 Q. The first line says, the FBI, Nate  
23 Williams, ATF, Eric Jensen, Dennis Fritchie,  
24 Sergeant Dixon, and myself met with Andrea Trapp

1 and Tony Rhoads on Tuesday night 6/27/2000. Do  
2 you see that there?

3 A. Yes.

4 Q. Do you know who Tony Rhoads is?

5 A. I believe that may have been Dyke's  
6 brother.

7 Q. Okay. So in this June 30, 2000,  
8 e-mail Michale Callahan is informing you that  
9 he's at least meeting with two witnesses. Is  
10 that your understanding?

11 A. He's meeting with Andrea Trapp and  
12 Tony Rhoads.

13 Q. Okay. And, again, Andrea Trapp would  
14 have been --

15 A. The brother and sister of Dyke.

16 Q. Okay. And did you have any  
17 understanding when you received this e-mail what  
18 the purpose of that meeting was?

19 MR. BALSON: Objection. No foundation  
20 for that.

21 MR. JOHNSTON: I'm asking for your  
22 understanding, what you have.

23 THE WITNESS: Just provide me with an  
24 update of what he's been doing.

1 BY MR. JOHNSTON:

2 Q. Okay. And at that point, June 30th,  
3 2000, did you know who Andrea Trapp and Tony  
4 Rhoads were?

5 A. I'm sure I probably did. I can't  
6 recall.

7 Q. Okay. When you received this e-mail,  
8 did you call him and say, whoa, whoa, what are  
9 you doing, Mike? You can't touch the Rhoads.  
10 Anything like that?

11 A. No.

12 Q. By July 30th, 2000, you understood  
13 that if there was information collected relating  
14 to Bob Morgan to link back to the Rhoads, that,  
15 again, was fair game?

16 A. Yes.

17 Q. There's a line that says, Up and up.  
18 I apologize. These aren't numbered.

19 A. Up and up. On the up and up. Okay.

20 Q. It says, We have two witnesses who  
21 work for Morgan stating they have seen semi loads  
22 of drugs come into Morgan's former dog food  
23 company which is still owned by him but under a  
24 new name of AC HumKo. Right?

1 A. Yes.

2 Q. Do you know if those were two  
3 additional witnesses, or if that was Andrea Trapp  
4 and Tony Rhoads?

5 MR. BALSON: Object to the foundation.

6 BY MR. JOHNSTON:

7 Q. What was your understanding?

8 MR. BALSON: There's no -- there's no  
9 foundation as to the basis for such an  
10 understanding. Object.

11 MR. JOHNSTON: He can read a document  
12 and come to a conclusion.

13 MR. BALSON: Anyone can read the  
14 document.

15 MR. JOHNSTON: And come to a  
16 conclusion. I'm asking him for what --

17 MR. BALSON: Not without a foundation,  
18 he can't.

19 MR. JOHNSTON: Okay. You keep making  
20 that objection. You can have a standing  
21 objection to that. We can move quicker.

22 MR. BALSON: I don't need standing  
23 objections.

24

1 BY MR. JOHNSTON:

2 Q. All right. Your understanding was  
3 that Andrea Trapp and Tony Rhoads were two  
4 additional witnesses?

5 A. My impression of that would have been  
6 two additional witnesses.

7 Q. Okay.

8 A. Because he had already mentioned  
9 Andrea and Tony by name.

10 Q. By name, so he would have mentioned  
11 them again by name. Right?

12 A. Yes.

13 Q. There's a line that starts with, Owned  
14 by him. Actually, it's the very next sentence,  
15 it says Tish Carneghi --

16 A. Yes.

17 Q. -- is doing an excellent job of  
18 digging up information on the leads we're giving  
19 her.

20 A. Yes.

21 Q. Do you see that there? And who is  
22 Tish?

23 A. She was an intelligence analyst.

24 Q. Had you ever worked with Tish before?

1 A. No.

2 Q. Did Michale Callahan ever tell you  
3 what types of information leads they were giving  
4 Tish?

5 A. Oh, I can't recall anything specific,  
6 but I'm sure that any information that he would  
7 have given her, she was plotting out somehow to  
8 see how everything tied together.

9 Q. Tied together to get additional  
10 information on Bob Morgan?

11 A. Yes.

12 Q. And then it goes on to say, We are  
13 meeting with Protess on the 7th of July. Do you  
14 see that there, after complicated case?

15 A. Okay. Okay.

16 Q. Do you know who Protess was?

17 A. I think it's that professor that had  
18 the students go down and do some research or  
19 something.

20 Q. David Protess?

21 A. I don't know what his first name is.

22 Q. Do you recall attending a meeting with  
23 David Protess on July 7th?

24 A. I can't recall one way or another, to

1 be honest with you.

2 Q. Fair enough. Besides this e-mail, do  
3 you recall other information that Michale  
4 Callahan gave you regarding information received  
5 from David Protess or the Protess from  
6 Northwestern University?

7 A. Not that I can recall right now.

8 Q. And it goes on to say, We're going to  
9 sit down and plan some strategies next week.

10 Were you part of that sit down and  
11 strategy session?

12 A. I don't remember if I was or not.

13 Q. Okay. It says, We are looking into  
14 cabinet. Do you see that there?

15 A. Yes, looking into cabinet.

16 Q. Do you know what cabinet is?

17 A. No.

18 Q. Okay. And then maybe set up some pole  
19 cameras?

20 A. Yes.

21 Q. What's a pole camera?

22 A. It's for surveillance.

23 Q. And I think you already testified that  
24 to your knowledge there was surveillance done on

1 Bob Morgan properties. Is that right?

2 A. Yes. I wouldn't say -- I don't know  
3 if it was on his property or not, but surveilling  
4 his comings and goings of his property.

5 Q. Of his property. So, to your  
6 knowledge, there was surveillance done of the  
7 comings and goings on Bob Morgan's property?

8 A. Yes.

9 Q. Thank you. 17.

10 (At this point the court reporter  
11 marked Strohl Exhibit No. 17 for  
12 purposes of identification.)

13 BY MR. JOHNSTON:

14 Q. You were asked some questions about  
15 this. I'm going to try to make it fast.

16 A. Okay.

17 Q. Do you know if Vince -- if this  
18 memorandum, this July 12th, 2000, memorandum was  
19 sent to Matt Sullivan?

20 A. I don't know.

21 Q. Okay. Do you know if -- you don't  
22 recall yourself doing it. Do you?

23 A. No, I don't.

24 Q. Do you know if anybody else did it?



1 A. I don't.

2 Q. Okay. Is there a reason why it would  
3 not have been sent out?

4 A. I don't know that it wasn't or if it  
5 was.

6 Q. You don't know one way or the other?

7 A. I don't know one way or the other.

8 Q. Fair enough. This is a memorandum  
9 from Michale Callahan to you. Do you know -- do  
10 you have any independent recall whether you sent  
11 it to Diane Carper?

12 A. I'm sure that I did, because this  
13 would have been an update.

14 Q. Would you have attached it to an  
15 e-mail? Would there be some kind of document  
16 showing that?

17 A. Probably. I would have sent it via  
18 e-mail.

19 Q. Do you have any independent knowledge  
20 of whether you sent this July 12th, 2000,  
21 memorandum regarding the Bob Morgan investigation  
22 to Steve Fermon?

23 A. No, I don't.

24 Q. Okay. Do you have any independent

1 recollection whether you sent this July 12th,  
2 2000, memorandum regarding the Bob Morgan  
3 investigation to Andre Parker?

4 A. No.

5 Q. Okay. Any independent recollection  
6 whether you sent this memorandum to Ken Kaupus?

7 A. No.

8 Q. Any independent recollection whether  
9 you sent this July 12th, 2000, memorandum  
10 regarding the Bob Morgan investigation to Charles  
11 Brueggemann?

12 A. No.

13 Q. Any independent recollection whether  
14 you would have sent this July 12th, 2000,  
15 memorandum to Jeffery Marlow?

16 A. No. That would have been very unusual  
17 to send it to that agent.

18 Q. Okay. And, again, the subject matter  
19 of this memorandum is the investigation of Robert  
20 Morgan. Right?

21 A. That's how it's worded, yes.

22 Q. It's in the subject matter. It's in  
23 the very first sentence the word investigation is  
24 in there twice. Right?

1 A. Yes.

2 Q. It refers to three meetings with the  
3 ATF and FBI. Right?

4 A. Yes.

5 Q. It refers to the ISP looking at Bob  
6 Morgan as a narcotics target. Right?

7 A. Yes.

8 Q. Sort of the second bullet point  
9 heading, it refers to witness interviews. Is  
10 that right?

11 A. Yes. It says information received  
12 from witnesses this far.

13 Q. Okay. What would you understand that  
14 to mean?

15 A. That they had talked to somebody.

16 Q. Okay. If you go to page 2, the  
17 numbers are actually at the top of this document.

18 A. Okay.

19 Q. Go to page 2. If you go down sort of  
20 in the middle it says, Witness stated, Rick Cash?

21 A. Okay.

22 Q. Witness stated Rick Cash, Duke Board,  
23 and Jerry Board also drove trucks and did drug  
24 runs for Bob Morgan. Do you see that there?

1 A. Yes.

2 Q. So at this point, you've had several  
3 documents tying the Boards to Robert Morgan at  
4 that point. Right?

5 A. Yes.

6 Q. Did you, yourself, draw any  
7 conclusions about Duke or Jerry Board?

8 A. No, I didn't.

9 Q. And then there's additional bullet  
10 points. There's a Brian Griffin also reported,  
11 Wayne Griffin reference, and then witness stated  
12 Darrel Herrington, Rod Rhoads stated, so as it  
13 looks from this, what's your understanding about  
14 what they're doing with witnesses?

15 A. Interviewing them.

16 Q. If we go over to page 3, plan of  
17 action, and there's a reference to the Boards in  
18 assisting ATF. Right?

19 A. Yes.

20 Q. And do you know -- do you have any  
21 recall of whether or not Michale Callahan and the  
22 State Police assisted the ATF with the Boards?

23 A. I was there as well.

24 Q. That's pretty good recall?

1 A. Yes.

2 Q. Then, again, there's a plan of action  
3 is to put pole cameras up?

4 A. Yes.

5 Q. And then continue to interview  
6 witnesses?

7 A. Yes.

8 Q. All right. And then, again, it looks  
9 like work with the FBI on this matter?

10 A. Correct, as well as the IRS, possibly.

11 Q. Okay. So if we -- so we've got the  
12 FBI, the ATF, and then possibly the IRS. Right?

13 A. Right.

14 Q. Three federal law enforcement  
15 agencies?

16 A. I don't know if the IRS is necessarily  
17 a law enforcement agency.

18 Q. Do you know if they issue subpoenas?

19 A. I'm sure they probably do.

20 Q. I'm glad you personally don't know.  
21 We'll scoot past that one.

22 I think earlier you testified that you  
23 didn't have any independent recollection about  
24 receiving anything relative to the Morgan

1 investigation post July 12th, 2000. Right?

2 A. Not anything independent, no.

3 Q. Okay.

4 (At this point the court reporter  
5 marked Strohl Exhibit No. 18 for  
6 purposes of identification.)

7 MS. SUSLER: So 6 is also 17?

8 MR. JOHNSTON: Sure.

9 THE WITNESS: Okay.

10 BY MR. JOHNSTON:

11 Q. All right. I think Ms. Ekl asked you  
12 questions about updates or activity reports.

13 A. Yes.

14 Q. Would this be -- this 7/18/2000  
15 e-mail, would that be like an update or an  
16 activity report?

17 A. Yes, it would.

18 Q. And this purports to be an  
19 investigative update from Michale Callahan to  
20 you?

21 A. Correct.

22 Q. And it's dated July 18, 2000. Right?

23 A. Yes, it is.

24 Q. So that would be obviously after July

1 12th, 2000. Correct?

2 A. Yes.

3 Q. Under gen.crim. Right?

4 A. Yes.

5 Q. And gen.crim is general criminal.

6 Correct?

7 A. Correct.

8 Q. It says, ATF assists (Boards). We are  
9 meeting next week to plan the arrest and  
10 execution of the search warrants on the Boards.  
11 Right?

12 A. Yes.

13 Q. And those are the same Boards that are  
14 tied to Bob Morgan's criminal activity. Right?

15 A. Herbie and Jerry, I believe. Yeah,  
16 it's the same two.

17 Q. Same two individuals. And that was  
18 the action that you participated in?

19 A. Yes, I did.

20 Q. How many Illinois State Police  
21 personnel participated in the arrests and search  
22 warrants for the Boards, if you recall?

23 A. I only participated in the arrest, and  
24 as far as a search warrant, I don't know.

1 Q. Okay. Besides you and Michale  
2 Callahan, do you recall who else would have  
3 participated from the State Police?

4 A. I'm sure -- I want to say I'm sure  
5 there were others, but I don't recall who they  
6 may have been.

7 Q. Greg Dixon?

8 A. Probably.

9 Q. Jeff Marlow?

10 MR. BALSON: Objection. You're asking  
11 him to speculate.

12 MR. JOHNSTON: I'm asking his recall.

13 MR. BALSON: No, you're not. You're  
14 asking him to speculate.

15 BY MR. JOHNSTON:

16 Q. All right. Do you recall if Jeff  
17 Marlow was there?

18 A. I believe Jeff was involved in the  
19 search warrant aspect of that. I remember they  
20 spent several days out there with a -- I don't  
21 know, some type of X-ray machine or something.

22 Q. Looking in the ground?

23 A. Yeah.

24 Q. Then scoot about 80 percent down. It



1 starts with Bob Morgan?

2 A. Okay.

3 Q. All right. Does this e-mail refresh  
4 your recollection of whether activity was being  
5 conducted relating to Robert Morgan post July  
6 12th, 2000?

7 A. Yes.

8 Q. It says, Bob Morgan: Tish continues  
9 on. Right?

10 A. Yes.

11 Q. And Tish, again, is Tish Carneghi, the  
12 intelligence person?

13 A. Yes.

14 Q. And it says, Operationally we are  
15 waiting for the Board arrests to be concluded.  
16 U.S. Attorney's has offered a decent proffer for  
17 them if they want to talk to us about Morgan.

18 I'll stop right there. What's your  
19 understanding of the word operational? What does  
20 that mean to you?

21 A. Operational to me in this context is  
22 an investigation, an aspect of the investigation.

23 Q. And, as far as you knew, the State  
24 Police was still on hold while the Board arrests

1 were going to be concluded?

2 A. As far as -- the State Police aspect  
3 in the Morgan issue, yes. They were going to try  
4 to get the Boards to cooperate.

5 Q. Did the Boards -- the State Police  
6 were going to get the Boards to cooperate to get  
7 information on Bob Morgan?

8 A. That was the hope.

9 Q. That was the hope?

10 A. Yeah.

11 Q. And it says, We have several people to  
12 interview that are currently holding back. The  
13 FBI feel based upon what Tish has found, the IRS  
14 could make a good case on Morgan?

15 A. Correct.

16 Q. So, to your understanding, do you have  
17 any knowledge on whether the knowledge Tish was  
18 obtaining was being provided to the FBI and the  
19 ATF?

20 A. It appears it was.

21 Q. Okay. This sentence that says, We  
22 have several people to interview but are  
23 currently holding back, what's your understanding  
24 of what that sentence means? Does it mean you're

1 holding back while you're waiting for the Boards?

2 How did you interpret that sentence?

3 MR. BALSON: Object to the foundation.

4 THE WITNESS: I took that to mean that  
5 they didn't want to interview until they had an  
6 opportunity to interview the Boards following  
7 their arrest.

8 MR. JOHNSTON: Thank you, Captain.

9 (At this point the court reporter  
10 marked Strohl Exhibit No. 19 for  
11 purposes of identification.)

12 THE WITNESS: I would point you said  
13 you would only be about an hour, though.

14 MR. JOHNSTON: We were all supposed to  
15 be back from lunch, though, at quarter until.

16 MR. BALSON: We are back at ten to.

17 MS. EKL: I kind of missed a number.  
18 Which one was Exhibit No. 17?

19 MS. SUSLER: No. 6 is also No. 17.

20 MR. RAUB: He remarked it, so it's the  
21 same thing.

22 BY MR. JOHNSTON:

23 Q. Okay. Take a moment to look at that.

24 A. Okay.

1 MS. SUSLER: How much more do you  
2 think you have?

3 MR. RAUB: Your docket seems to be  
4 getting bigger.

5 MR. JOHNSTON: I think I only have  
6 five more exhibits.

7 THE WITNESS: Okay.

8 BY MR. JOHNSTON:

9 Q. Again, this is a July 26th, 2000,  
10 e-mail?

11 A. Correct.

12 Q. Again, activity update. That's what  
13 you referenced to Ms. Ekl?

14 A. Yes.

15 Q. The first thing, Board Morgan  
16 investigation. Do you see that there?

17 A. Yes.

18 Q. Is it Bob Morgan? Is it the Boards  
19 and Morgan? How did you interpret that?

20 A. I took it to mean the Board connection  
21 with Morgan.

22 Q. Because the two were linked?

23 A. Yes.

24 Q. You had meetings with the ATF. Right?

1 A. Yes.

2 Q. And more meetings and witness  
3 interviews. Right?

4 A. Correct.

5 Q. And the idea is to kind of put  
6 pressure on Morgan. Is that right?

7 A. Yes.

8 Q. Okay.

9 (At this point the court reporter  
10 marked Strohl Exhibit No. 20 for  
11 purposes of identification.)

12 BY MR. JOHNSTON:

13 Q. Captain Strohl, can you take a look at  
14 that? That's been marked as 20.

15 A. Okay.

16 Q. All right. Captain Strohl, this  
17 purports to be an August 1st, 2000, e-mail from  
18 you to Diane Carper, Cheryl Davis, her  
19 administrative assistant, Jim Wolf, her staff  
20 officer, and Michale Callahan. Correct?

21 A. Correct.

22 Q. It's regarding the Illinois State  
23 Police's assistance to ATF. Right?

24 A. Yes.

1 Q. Is this a true and accurate copy of  
2 something you authored?

3 A. Yes.

4 Q. Any reason to dispute?

5 A. No.

6 Q. If you go down to the second paragraph  
7 it says, On Thursday, August 3rd, ISP will assist  
8 ATF execute search warrants on property owned by  
9 the Boards where it is believed the bodies may be  
10 located. Right?

11 A. Correct.

12 Q. The very next paragraph, As you  
13 recall, the Board brothers were employed by Bob  
14 Morgan at one time, and they do all the concrete  
15 work for Morgan and his new bank.

16 Now it says, as you recall, and you're  
17 sending this to Diane Carper. Do you recall  
18 actually talking to Diane Carper about the Boards  
19 being employed by Morgan, or is that just a  
20 transitional phrase?

21 A. I'm sure it's transitional. There  
22 were so many names in this thing it got...

23 Q. The next sentence says, It is our hope  
24 that the Boards may be willing to provide

1 details/knowledge of the Rhoads homicide that was  
2 featured on 48 Hours. Right?

3 A. Yes.

4 Q. And when you wrote this e-mail on  
5 August 1st, 2000, was that, in fact, your hope?

6 A. That was -- I'm sure that Mike had  
7 told me that's what the plan had been to hope to  
8 get information from the Boards about that.

9 Q. So Mike had told you that -- he had  
10 hoped to get information from the Boards to link  
11 the Boards back to the Rhoads homicide?

12 A. Or to get some more information about  
13 it.

14 Q. And those are the same Boards that are  
15 linked to Robert Morgan. Right?

16 A. Yes.

17 Q. And it says, Once again, the ISP is in  
18 assist mode. This is an ATF case. Right?

19 A. Yes.

20 Q. So because it's an ATF warrant,  
21 they're the ones running that?

22 A. Yes.

23 Q. Very next sentence, though, says,  
24 However, any potential information that develops

1 concerning the Rhoads homicides will be handled  
2 jointly by the ATF and the ISP. Right?

3 A. Yes.

4 Q. So if information is developed linking  
5 the Boards to the Rhoads homicide, the Illinois  
6 State Police is going to be involved. Right?

7 MS. SUSLER: Asked and answered.

8 THE WITNESS: Yes.

9 BY MR. JOHNSTON:

10 Q. And the Illinois State Police would  
11 include Michale Callahan. Right?

12 A. Absolutely.

13 (At this point the court reporter  
14 marked Strohl Exhibit No. 21 for  
15 purposes of identification.)

16 BY MR. JOHNSTON:

17 Q. Captain Strohl, I hand you what's been  
18 marked as Exhibit No. 21 for identification. Why  
19 don't you take a moment? It's a short e-mail.  
20 Let me know when you've had a chance to review.

21 A. Okay.

22 Q. Again, this is an update?

23 A. Yes.

24 Q. It's one week after the August 1st, so



1 it's a weekly update type document?

2 A. Yes.

3 Q. And, again, this is a discussion of  
4 the ATF's investigation of the Boards. Right?

5 A. Yes.

6 Q. And the State Police's involvement in  
7 that?

8 A. Yes.

9 Q. It says on the fifth line, They  
10 advised that once he, meaning Duke Board, is  
11 ready to talk, they, meaning the ATF, will call  
12 me, meaning Michale Callahan, to sit in on the  
13 interview regarding any information on Morgan or  
14 the Rhoads that may -- he may offer up. Right?

15 A. Yes. Correct.

16 Q. And when you were getting these  
17 e-mails from Michale Callahan regarding the  
18 Boards' relationship to Morgan and the possible  
19 relationship to the Rhoads homicides, was Michale  
20 Callahan doing what you thought he was supposed  
21 to be doing?

22 A. Yes.

23 Q. All right. And in doing that, he was  
24 developing information relating to possible other

1 suspects who may be involved in the Rhoads  
2 homicides?

3 MR. BALSON: Objection.

4 THE WITNESS: Yes.

5 MR. BALSON: There's absolutely no  
6 foundation for that question.

7 THE WITNESS: Yes.

8 BY MR. JOHNSTON:

9 Q. Thank you.

10 A. I wish we would have had these  
11 documents a few years ago to help refresh my  
12 memory.

13 MR. BALSON: Let the record show that  
14 Mr. Johnson (sic.) just shook the hands of the  
15 witness while he's testifying.

16 MR. JOHNSTON: The record can show  
17 that I shook the hand of the witness.

18 (At this point the court reporter  
19 marked Strohl Exhibit No. 22 for  
20 purposes of identification.)

21 BY MR. JOHNSTON:

22 Q. August 25th, Michale Callahan to you  
23 e-mail, subject Morgan investigation. Right?

24 A. Yes.

1 Q. Any reason to dispute the accuracy of  
2 this document? True and correct copy?

3 A. Yes. That's correct.

4 Q. Again, there's references to the ATF  
5 and the FBI being involved in the investigation  
6 of Bob Morgan?

7 A. Yes.

8 Q. And the Board brothers?

9 A. Yes.

10 Q. As well as the Illinois State Police  
11 interviewing witnesses relating to the Board  
12 brothers?

13 A. Help me out with that one.

14 Q. During the interview, he corroborated  
15 much of the ATF's case and those involved.

16 A. I don't know whose interview that was.

17 Q. Okay. Sorry. I'm trying to speed up,  
18 and it's actually going to backfire if we do it  
19 that way.

20 Let's do it this way. In addition,  
21 the FBI intercepted a phone call by him involving  
22 info about the Board case. It says, This is the  
23 reason for the interview. He has agreed to talk  
24 with the FBI -- or the ATF, the FBI, or us,

1 meaning the State Police, as long as he has a  
2 letter of immunity from the fed. Okay?

3 So does that refresh your  
4 recollection -- well, strike that.

5 Do you recall receiving this e-mail  
6 from Michale Callahan providing this information  
7 to you?

8 A. I don't remember receiving it, but  
9 this is -- I'm sure I received this. This is a  
10 normal format.

11 Q. Okay. In this e-mail it says, In  
12 addition, he, meaning Board, told ATF the  
13 individual's name who says -- let me read this.

14 It says, In addition, he told ATF the  
15 individuals' names who he says told him they  
16 committed the Rhoads homicides. Right? Is that  
17 correct?

18 A. Correct.

19 Q. So would this e-mail be additional  
20 evidence showing that the Illinois State Police  
21 was attempting to obtain information relative to  
22 the Rhoads homicides as of August 25th, 2000?

23 A. Yes.

24 Q. Go down a couple of lines. The

1 inmates stated Dale Peterson had told him he made  
2 the hit on the Rhoads. Is that right?

3 A. Yes.

4 Q. Do you remember Dale Peterson's name  
5 coming up before?

6 A. No.

7 Q. Lots of names, again?

8 A. Yeah.

9 Q. And so it would be an additional  
10 possible -- it appears to be an additional  
11 possible person who may have murdered the Rhoads.  
12 Is that right?

13 A. Correct.

14 Q. The line that starts that, We have  
15 Clark identified, go to the very end.

16 A. Yes.

17 Q. At then it says, ATF did not get in to  
18 detail about the Rhoads case, since they wanted  
19 to make sure we, meaning the State Police.  
20 Right?

21 A. Uh-huh.

22 Q. Is that a yes?

23 A. Yes. I'm sorry.

24 Q. And the FBI could get involved in a

1 second interview. Is that right?

2 A. Yes.

3 Q. So the ATF is holding back on the  
4 Rhoads case to allow the Illinois State Police to  
5 be involved?

6 MS. SUSLER: Asked and answered.

7 MR. BALSON: Objection. He has  
8 absolutely no knowledge other than the fact that  
9 Michale Callahan put those words on a paper.

10 BY MR. JOHNSTON:

11 Q. Is that correct?

12 MR. BALSON: There's no foundation to  
13 anything other than his reading this paper.

14 BY MR. JOHNSTON:

15 Q. Is that correct?

16 A. That's correct.

17 Q. And this is an e-mail that was sent to  
18 you from Michale Callahan?

19 A. Yes, it is.

20 Q. Thank you. 23.

21 (At this point the court reporter  
22 marked Strohl Exhibit No. 23 for  
23 purposes of identification.)

24

1 BY MR. JOHNSTON:

2 Q. This is an e-mail dated September 5th,  
3 2000, Michale Callahan to you, subject Rhoads?

4 A. Yes.

5 Q. Any reason to dispute the accuracy of  
6 this document?

7 A. No, there's not.

8 Q. Okay. And this is a discussion or  
9 information Callahan is providing to you  
10 regarding the ATF's involvement of a person  
11 identified as Dale Peterson. Right?

12 A. Yes.

13 Q. And that Dale Peterson is allegedly  
14 involved in the Rhoads murders?

15 A. Yes.

16 Q. Right? And then Michale Callahan  
17 says, He anticipates talking to both of these  
18 sources sometime next week. Right?

19 A. Yes, that's what he says.

20 Q. Do you know if Michale Callahan in  
21 fact talked to both of those sources?

22 A. I don't know.

23 Q. Okay. Would there be any prohibition  
24 on him talking to either of those sources?

1 A. No.

2 Q. And so as of September 5th, 2000,  
3 Michale Callahan was able to talk to sources  
4 regarding the Rhoads homicides?

5 MS. SUSLER: Objection. Asked and  
6 answered.

7 BY MR. JOHNSTON:

8 Q. Right?

9 A. Yes.

10 (At this point the court reporter  
11 marked Strohl Exhibit No. 24 for  
12 purposes of identification.)

13 BY MR. JOHNSTON:

14 Q. Again, Captain Strohl, this is a  
15 September 12th, 2000, e-mail. Why don't you take  
16 a moment...

17 A. Okay.

18 Q. It says Morgan Investigation at the  
19 top. Correct?

20 A. Yes, it does.

21 Q. Would this be one of those weekly  
22 updates? It's a stand alone. What I'm trying to  
23 get at is it separate from one of those activity  
24 reports, or does it have its own stand alone?



1 A. I don't know either way.

2 Q. Okay. And in this e-mail Michale  
3 Callahan says that there's another person  
4 admitting to be part of the Rhoads murders.  
5 Right?

6 A. Yes.

7 Q. And he learned that, as far as you  
8 know, through his review, investigation relating  
9 to Bob Morgan. Right?

10 A. Okay. Ask that again, please.

11 Q. Sure. The subject matter of this is  
12 Robert Morgan investigation?

13 A. Correct.

14 Q. But within this e-mail there's a  
15 discussion about a person admitting to be part of  
16 the Rhoads murders. Right?

17 A. Yes.

18 Q. So it appears, and you can correct me  
19 if I am wrong, that the Morgan investigation is,  
20 according to Callahan, identifying people who are  
21 admitting to be part of the Rhoads murders?

22 A. Yes, that's correct.

23 Q. Okay. And he was able to obtain that  
24 information based upon witness interviews.

1 Right?

2 MR. BALSON: Objection. It says that  
3 the ATF got that information not Callahan.

4 BY MR. JOHNSTON:

5 Q. You can go ahead and answer, if you  
6 want. And that's a speaking objection.

7 MR. BALSON: Yes, it is, but, do you  
8 know what? That's a trick question.

9 BY MR. JOHNSTON:

10 Q. Captain, I'm not trying to trick you  
11 in any way, okay?

12 A. Well, it says --

13 MR. BALSON: You know, the beauty of  
14 this, Iain, is that when you get to court and you  
15 ask questions without any foundations, the judge  
16 isn't going to let you do it, and he's not going  
17 to let you shake the hand of the witness and  
18 smile on his face and put words into his mouth  
19 that aren't on the page.

20 That's the beauty of all this. You  
21 can get away with this at a table, but you won't  
22 get away with it in court.

23 MR. JOHNSTON: Thank you, Mr. Balson.

24 MR. BALSON: You're welcome.

1 BY MR. JOHNSTON:

2 Q. Do you remember what the question was?

3 A. I don't. Well, you better ask it  
4 again.

5 MR. JOHNSTON: Sure. Can you read it  
6 back?

7 (At this point the court reporter read  
8 aloud the requested portion of the  
9 transcript.)

10 THE WITNESS: Callahan obtained that  
11 information based upon ATF interviews.

12 BY MR. JOHNSTON:

13 Q. Let me back it up here so there's not  
14 a problem. It says on Thursday, September 14th,  
15 2000, we have an interview set up with Scott  
16 Goins. Right?

17 A. Yes.

18 Q. So that would have been him with  
19 Scott. Right? Goins is a Sons of Silence biker.  
20 Right?

21 A. Right.

22 Q. He's the individual who recently came  
23 forward on the ATF case giving them very credible  
24 information on the Board investigation. Right?

1 A. Okay.

2 Q. During the ATF interview, Goins gave  
3 them information that Dale Peterson and David  
4 Clark had admitted to be part of the Rhoads  
5 murders. Correct?

6 A. Right.

7 Q. Do you know if Michale Callahan was  
8 involved in that?

9 A. No, I don't.

10 Q. Do you know if any of the previous  
11 e-mails we have gone through show that he was at  
12 that interview?

13 A. No, I don't.

14 Q. Okay. Thank you.

15 (At this point the court reporter  
16 marked Strohl Exhibit No. 25 for  
17 purposes of identification.)

18 BY MR. JOHNSTON:

19 Q. Again, a November 28th, 2000, e-mail  
20 from Callahan to you. Right?

21 A. Yes.

22 Q. Info?

23 A. Yes.

24 Q. And, now, this would have been more of

1 a -- sort of a general discussion about what's  
2 going on in the activities in the district. Is  
3 that right?

4 A. Yes.

5 Q. There's a reference to a bunco party?

6 A. Yes.

7 Q. What's a bunco party?

8 A. It's a dice game.

9 Q. On the very next page, and I don't  
10 know if it's the same e-mail or if it's an  
11 attachment, there's no time on it, the very last  
12 line -- well, let me go back. Tanner is Michale  
13 Callahan's son. Right?

14 A. Yes, it is.

15 Q. And he's taken off Friday so he can go  
16 to his son's birthday?

17 A. Yes.

18 Q. Okay. Next page, very last line, I  
19 may -- I may actually have time to work this  
20 Morgan case somewhat which would be nice. Right?

21 A. That's what it says, yes.

22 Q. Okay. Did Michale Callahan have time  
23 constraints, that you know of as his supervisor,  
24 back in the fall of 2000?

1 A. I don't know about time constraints.

2 Q. Well, sure. He says, I may actually  
3 have time to work this Morgan case somewhat which  
4 would be nice.

5 Okay? So I'm trying to figure out if  
6 he's working a lot of different matters, and he  
7 hasn't had time to focus on the Morgan case, and  
8 so I'm asking --

9 MR. BALSON: Object to the foundation.

10 BY MR. JOHNSTON:

11 Q. If you personally as his supervisor  
12 know what he was doing at that time.

13 A. No, I don't.

14 Q. Okay.

15 A. He would have been involved in a lot  
16 of things.

17 Q. Okay. And so based on this, your  
18 understanding was he just didn't have time to  
19 focus on the Morgan case?

20 MR. BALSON: Object to the foundation.

21 THE WITNESS: Yes.

22 MR. JOHNSTON: One second. I think  
23 I'm done.

24 (At this point there was an off the

1 record discussion.)

2 MR. BALSON: No more questions?

3 MR. JOHNSTON: No, I have no more  
4 questions.

5 RE-EXAMINATION CONDUCTED

6 BY: MR. BALSON

7 Q. I have some follow-up questions,  
8 Captain Strohl.

9 A. Okay.

10 Q. Captain Strohl, you came here today  
11 pursuant to a subpoena that Mr. Johnson (sic.)  
12 accepted for you. Right?

13 A. Yes.

14 Q. Is that correct?

15 A. Yes.

16 Q. I'm a little concerned that while  
17 testifying under oath here today you lean over  
18 and smile and shake the hand of the defendant's  
19 attorney. What's that all about?

20 MS. EKL: Objection.

21 MR. JOHNSTON: I'll object.

22 MR. BALSON: No, I want him to answer  
23 the question.

24 MS. EKL: I'm objecting to the form.

1 MR. BALSON: You can object.

2 MR. JOHNSTON: Object to the form.

3 It's argumentative.

4 BY MR. BALSON:

5 Q. I'm just interested in what that's all  
6 about.

7 A. What I'm referring to is some of these  
8 documents that I'm seeing for the first time in  
9 several years brought back -- refreshed my memory  
10 of a case that may have been -- the Callahan  
11 lawsuit originally, when Callahan sued the  
12 department and Colonel Carper.

13 Q. And so what?

14 A. So it just -- it just helped me  
15 remember things that had happened along the way.  
16 It refreshed my memory.

17 Q. I see.

18 A. You've got to understand that after  
19 that federal trial, my career was basically over.

20 Q. Why is that?

21 A. It was basically over at that point.

22 Q. Why don't you tell me why?

23 A. You testify against your own  
24 department, basically.



1 Q. But you told the truth, though.

2 Didn't you?

3 A. I told the truth, absolutely.

4 Q. And because you told the truth, your  
5 career was basically over?

6 A. It was done.

7 Q. But now you're here today, and you're  
8 shaking the hand of the defendant's attorney?

9 A. I shook your hand too when I walked  
10 in.

11 Q. Not during your testimony, you didn't.

12 A. Well, he reached his hand out. What  
13 do you want me to do, slap it away? I mean I  
14 didn't know what the gesture was.

15 Q. Is it fair to say that if you could  
16 help the department today, you would?

17 A. What do you mean by that?

18 Q. Well, if you could help Diane Carper  
19 in this case, you would. Wouldn't you?

20 A. I want to convey what I know about  
21 this case based upon the documents I'm being  
22 provided to the best of my memory.

23 Q. Well --

24 A. What I'm saying is now some of the

1 documents I've been provided with had they been  
2 provided four years ago may have resulted in a  
3 defendant outcome for Diane Carper, possibly.

4 Q. Would you change your testimony?

5 A. No.

6 Q. Okay.

7 A. I was never asked some of these  
8 questions.

9 Q. Well, let me ask you this: What's  
10 your understanding as you sit here today about  
11 the obligations of a captain of the Illinois  
12 State Police to disclose evidence which is  
13 favorable or exculpatory to a defendant in a  
14 pending trial or post-conviction hearing?

15 MR. JOHNSTON: I'll object to the form  
16 of the question.

17 BY MR. BALSON:

18 Q. Do you understand the question?

19 A. No, I don't.

20 Q. Okay. I want to know what you  
21 understand your obligation to have been as the  
22 District 10 Commander.

23 A. Okay.

24 Q. If you came into possession of

1 information that you felt was favorable to or  
2 exculpatory for a defendant in a criminal case,  
3 are you following me so far?

4 A. Yes.

5 Q. What is your obligation to disclose  
6 that information to that defendant or his  
7 attorneys?

8 MR. JOHNSTON: I'm going to object to  
9 the form of the question.

10 THE WITNESS: I would have to probably  
11 run it up the chain of command just like I would  
12 anything else.

13 BY MR. BALSON:

14 Q. So if you came into possession of  
15 exculpatory information, you wouldn't necessarily  
16 disclose it first. Would you? Is that what  
17 you're saying?

18 MR. JOHNSTON: I object to the form of  
19 the question.

20 THE WITNESS: I guess not. I mean I  
21 don't know what you're asking me specifically.

22 BY MR. BALSON:

23 Q. Well, I'm trying to make this as  
24 simple as I can.

1 A. Okay.

2 Q. I want to know as a District 10  
3 Commander, pretty high position in the Illinois  
4 State Police, what your understanding is if you  
5 come into possession of exculpatory information,  
6 do you know what I'm saying when I say  
7 exculpatory information? Do you know what that  
8 means?

9 A. Go ahead and explain it.

10 Q. Information which tends to show or  
11 that might show that a defendant in a criminal  
12 case is not guilty.

13 A. You're supposed to disclose everything  
14 you've got.

15 Q. Disclose everything you've got?

16 A. Yes, good and bad.

17 Q. Okay. When you received this Callahan  
18 report, did you consider any of that information  
19 favorable to either Whitlock or Steidl?

20 A. Yes.

21 Q. Did you disclose it to anybody?

22 A. My superiors.

23 Q. Who?

24 A. Colonel Carper.

1 Q. Was it disclosed, to your knowledge,  
2 to anyone else?

3 MR. JOHNSTON: Object. Asked and  
4 answered. Go ahead. I'm sorry. Asked and  
5 answered, go ahead.

6 THE WITNESS: I know now that it was  
7 shared with the Attorney General's Office.

8 BY MR. BALSON:

9 Q. Do you think you had an obligation to  
10 make sure that information got to the court or to  
11 the defendants' attorneys?

12 MR. JOHNSTON: I'll object to the form  
13 of the question.

14 THE WITNESS: It went to Matt  
15 Sullivan, the Edgar County State's Attorney.

16 BY MR. BALSON:

17 Q. Did you hear the question I asked you?

18 MR. JOHNSTON: I'll object to the form  
19 of the question. Argumentative.

20 THE WITNESS: I wouldn't have known  
21 who Mr. Steidl's attorney was.

22 BY MR. BALSON:

23 Q. Did you ask?

24 A. No.

1 Q. You knew that they had a pending case  
2 going on, though. Didn't you? You said that.

3 A. That was the information I had, yes.

4 Q. And you didn't do anything to make  
5 sure that that information was made public in  
6 that case or at least tendered to the people that  
7 were working in that case. Did you?

8 MR. JOHNSTON: I'll object to the form  
9 of the question.

10 THE WITNESS: Well, at the time it  
11 was -- it was some information that one person  
12 had gleaned from reviewing a case file, and I  
13 would say that just about any case you pick up  
14 you could find things that may be cause for  
15 concern or review or something that the original  
16 investigators didn't have.

17 At that point -- I mean at what point  
18 do you draw the line?

19 Q. Earlier in your testimony Captain  
20 Strohl, you told me you never saw a memo like  
21 this in the entire time that you worked in the  
22 department?

23 A. I hadn't --

24 MR. JOHNSTON: Object to the form

1 question. The record can show it's getting  
2 argumentative, and Mr. Balson is leaning forward  
3 and raising his voice.

4 MS. SUSLER: Object to the  
5 characterization of Mr. Balson's conduct.

6 MR. JOHNSTON: I object to your  
7 objection.

8 BY MR. BALSON:

9 Q. Do you feel intimidated, Captain  
10 Strohl?

11 A. I feel I've just about had enough of  
12 this, to be honest with you.

13 Q. Well, I'm afraid I'm not finished yet.

14 MR. JOHNSTON: I'll object to that  
15 comment.

16 BY MR. BALSON:

17 Q. You felt strongly enough about Michale  
18 Callahan's memo that you supported his  
19 recommendation to reopen the case. Isn't that  
20 what you testified?

21 A. Yes, I did.

22 Q. But yet you did nothing to make sure  
23 that Steidl and his attorney whose case you knew  
24 to be pending had access to that information.

1 Isn't that right?

2 MR. JOHNSTON: I'll object to the form  
3 of the question.

4 THE WITNESS: Callahan was in direct  
5 contact with Bill Clutter, the investigator for  
6 Steidl's attorney, I believe.

7 BY MR. BALSON:

8 Q. Did you hear -- did you hear the  
9 question?

10 A. Yeah. The point of contact was  
11 Michale Callahan.

12 Q. The question was about Captain Strohl.  
13 Did you do anything?

14 A. I can't recall.

15 Q. It slipped your mind?

16 MR. JOHNSTON: I'll object to the form  
17 of the question.

18 MS. EKL: Object. Argumentative.

19 MR. JOHNSTON: I'm sorry, Beth?

20 MS. EKL: I said argumentative.

21 BY MR. BALSON:

22 Q. I know you understand the gravity of  
23 telling the truth under oath. Don't you?

24 A. Absolutely.



1 Q. You testified under oath on page 156  
2 of your testimony in Callahan's case?

3 MR. JOHNSTON: I'm sorry, Ron, what  
4 page did you say?

5 MR. BALSON: That's 156.

6 MR. JOHNSTON: Thank you.

7 MS. EKL: Was this the deposition  
8 or --

9 MR. JOHNSTON: Deposition.

10 MR. BALSON: No, this is the  
11 testimony, his testimony in court.

12 MS. EKL: Okay. Thank you.

13 BY MR. BALSON:

14 Q. When they were questioning you about  
15 that second meeting where Lieutenant Colonel  
16 Carper told you not to investigate the Rhoads  
17 case. You said, answer: We were not to open the  
18 Rhoads homicide case. It was okay if we gathered  
19 intelligence on Bob Morgan to see if we could  
20 develop enough information to open up an  
21 investigation case for narcotics.

22 Was that true at the time?

23 A. Yes.

24 Q. Did you tell the truth?

1 A. Yes.

2 Q. Is that still the truth?

3 A. Yes.

4 Q. You left that meeting knowing that the  
5 Rhoads case was closed as far as the department  
6 was concerned. Isn't that true?

7 MR. JOHNSTON: Object to the form of  
8 the question.

9 THE WITNESS: At that time, that's the  
10 feeling I had.

11 BY MR. BALSON:

12 Q. Okay. Now, let's look at these  
13 documents that you've been shown that you said  
14 you wished you had at that time. Any of these  
15 documents that you've been shown, whether it's 14  
16 all the way through 25, did any of them reference  
17 the meeting that you had with Lieutenant Colonel  
18 Carper?

19 A. Not that I can recall, no.

20 Q. Do any of these documents, e-mails  
21 come from Lieutenant Colonel Carper?

22 A. I would have to look back to make  
23 sure.

24 Q. Do any of these documents that you

1 were shown say, Go ahead and investigate the  
2 Rhoads murder case?

3 MR. JOHNSTON: I'll object to the form  
4 of the question.

5 THE WITNESS: Let me see if I can  
6 find...

7 Yeah, this 15.

8 BY MR. BALSON:

9 Q. Let's look at 15. Okay. And tell me  
10 where in this it reopened the investigation in  
11 the Rhoads case.

12 MR. JOHNSTON: I'll object to the form  
13 of the question.

14 THE WITNESS: If further information  
15 is obtained that would warrant moving the Rhoads  
16 case from review status to opening a new case,  
17 notify the region before case is opened.

18 BY MR. BALSON:

19 Q. Okay. Now, did you understand -- and  
20 this came from Lieutenant Colonel Carper. Right?

21 A. Yes.

22 Q. Didn't you understand Lieutenant  
23 Colonel Carper to say before we can reopen this  
24 case, you must notify the regional office?

1 A. That's what it says.

2 Q. So her orders are still standing as of  
3 that date. Aren't they?

4 A. Yes.

5 Q. She has not rescinded her order. Has  
6 she?

7 MR. JOHNSTON: I'll object to the form  
8 of the question.

9 THE WITNESS: Notify the region before  
10 a case is opened.

11 BY MR. BALSON:

12 Q. Right. She has not rescinded her  
13 order that the Rhoads case is not to be reopened.  
14 Has she?

15 MR. JOHNSTON: I'll object to the  
16 form.

17 BY MR. BALSON:

18 Q. She says before you can do it, notify  
19 us?

20 MR. JOHNSTON: I'll object to the form  
21 of the question.

22 THE WITNESS: Well, I mean it's a fine  
23 line. It says, If further information is  
24 obtained. You've got to get that information

1 somehow.

2 BY MR. BALSON:

3 Q. Well, it could come from the ATF.  
4 Couldn't it?

5 A. It could.

6 Q. It could come from the FBI. Couldn't  
7 it?

8 A. It could.

9 Q. It could come from the IRS. Couldn't  
10 it?

11 MR. JOHNSTON: Objection as  
12 speculation.

13 THE WITNESS: Possibly, yes.

14 BY MR. BALSON:

15 Q. In fact, at this time and through all  
16 of these little memos that we've been shown here  
17 the fact of the matter was that Michale Callahan  
18 and District 10 was assisting the FBI and the ATF  
19 with their case on the Board brothers. Isn't  
20 that right?

21 MR. JOHNSTON: I'll object to the form  
22 of the question.

23 THE WITNESS: That was -- yes, that  
24 was the majority of the issues.

1 BY MR. BALSON:

2 Q. And the ATF and the FBI were trying to  
3 establish some link with Bob Morgan. Weren't  
4 they?

5 A. A link to what?

6 Q. With the Board brothers.

7 A. I don't know if they were trying to  
8 establish a link with the Board brothers or  
9 narcotics and organized crime.

10 Q. As far as Bob Morgan was concerned?

11 A. Yes, organized crime and narcotics.

12 Q. You said the ATF was running the show.  
13 Right?

14 A. In that -- the Boards' thing, yes.

15 Q. Well, in the Bob Morgan investigation  
16 too. Right?

17 MR. JOHNSTON: I'll object to the form  
18 of the question.

19 BY MR. BALSON:

20 Q. The FBI and the ATF working together?

21 MR. JOHNSTON: I'll object to the form  
22 of the question.

23 THE WITNESS: The ATF was working the  
24 Boards case.

1 BY MR. BALSON:

2 Q. Okay. Who was working the Bob Morgan  
3 organized crime/narcotics case?

4 A. It's my understanding both the ATF and  
5 the FBI.

6 Q. Okay. It was their show. It was a  
7 federal show. I think you testified to that.  
8 Wasn't it?

9 A. Yes.

10 Q. And the federal officers had asked  
11 Michale Callahan and the Illinois State Police  
12 for assistance. Right?

13 A. Yes.

14 Q. Diane Carper didn't say, no, we're not  
15 going to give you assistance. It's politically  
16 sensitive. Did she?

17 MR. JOHNSTON: Object to the form of  
18 the question.

19 BY MR. BALSON:

20 Q. To your knowledge. She didn't say  
21 that. Did she?

22 A. No.

23 Q. But she said that insofar as  
24 investigates the Rhoads murder. Didn't she?

1 MR. JOHNSTON: I'll object to the form  
2 of the question.

3 THE WITNESS: Yes.

4 BY MR. BALSON:

5 Q. Okay. I want to go back to the  
6 letters that were written for Director Nolen to  
7 sign. This is letters 11, 12, and 13.

8 When Callahan's letter came down to  
9 you with instructions, you were told to draft a  
10 response, because it came out of your district.  
11 Right?

12 MR. JOHNSTON: I'll object to the form  
13 of the question. I think you said Callahan's  
14 letter.

15 BY MR. BALSON:

16 Q. I am sorry. You're right. Clutter's  
17 letter.

18 A. Yes, Clutter's letter.

19 Q. Okay. And, as a practical matter, at  
20 that time you had no personal knowledge of the  
21 Rhoads murders and had done no investigations of  
22 your own. Right?

23 A. That's correct.

24 Q. And the one that you thought had some



1 knowledge was Gary Rollings. Right?

2 A. Correct.

3 Q. But I think you told me earlier today  
4 you didn't know what he had done and what  
5 knowledge he had. Right?

6 A. That's correct.

7 Q. And you still don't know. Do you?

8 A. No.

9 Q. So you asked Gary Rollings to help you  
10 out. Right?

11 A. Yes.

12 Q. And that resulted in a letter you  
13 drafted which we've identified as Exhibit 12.  
14 Right?

15 A. Yes.

16 Q. Where you say, Lieutenant Gary  
17 Rollings conducted a thorough review of the  
18 document and letter you provided. Right?

19 A. Yes.

20 Q. But you don't really know what he did.  
21 Do you?

22 A. No.

23 Q. And then at the end you said -- you  
24 wrote, Absent any pertinent information

1 concerning this issue, I do not believe further  
2 investigation is warranted.

3 And you prepared that for the  
4 director's signature. Right?

5 A. Yes.

6 Q. Okay. But that's not the way it went  
7 down. Right?

8 A. Nope.

9 Q. Did Lieutenant Rollings review this  
10 letter before it went up the chain of command?

11 MR. JOHNSTON: I object to the form of  
12 the question. Foundation.

13 MR. RAUB: This is Exhibit 12 you're  
14 talking about?

15 THE WITNESS: No.

16 BY MR. BALSON:

17 Q. He did not. You wrote it and didn't  
18 show it to Gary Rollings or run it by him?

19 A. Correct.

20 Q. Was this -- the last sentence that has  
21 the X across it, Absent any additional pertinent  
22 information concerning this issue, I do not  
23 believe further investigation was warranted, was  
24 that also Gary Rollings' opinion as of that date?

1           A.     That's basing my opinion off Gary's  
2     opinion.

3           Q.     That was his opinion also?

4           A.     Yes.

5           Q.     And as we know now that that opinion  
6     was wrong.   Wasn't it?

7           MR. JOHNSTON:   I object to the form of  
8     the question.

9           THE WITNESS:   Gary was adamant that  
10    the whole thing was BS based upon the fact that  
11    the allegation was that Dyke's penis was found in  
12    Karen's mouth, and he was adamant that never  
13    happened.

14    BY MR. BALSON:

15           Q.     Okay.   But the fact that absent any  
16    additional pertinent information, I do not  
17    believe further investigation is warranted, that  
18    conclusion with the knowledge we now have is  
19    wrong.   Right?

20           MS. EKL:   Object to the form.

21           MR. JOHNSTON:   Object to the form of  
22    the question.

23           THE WITNESS:   If I understand you,  
24    yes, you're correct.

1 BY MR. BALSON:

2 Q. I mean Steidl and Whitlock have since  
3 been released. Correct?

4 MR. JOHNSTON: I'll object to the form  
5 of the question.

6 THE WITNESS: Yes.

7 BY MR. BALSON:

8 Q. They're not in prison anymore?

9 A. That's correct.

10 Q. Pretty clear now that Gary Rollings  
11 was wrong?

12 MS. EKL: Objection. Form.

13 MR. JOHNSTON: I'll object to the form  
14 of the question.

15 BY MR. BALSON:

16 Q. Isn't it?

17 A. I don't know that he was wrong or not.  
18 I don't know what further information may have  
19 came up in the interim.

20 Q. When you also wrote the letter I guess  
21 which is Exhibit 13, right? Did you write that  
22 too?

23 MR. JOHNSTON: Objection. Asked and  
24 answered.

1 THE WITNESS: I don't believe I did.

2 BY MR. BALSON:

3 Q. Well, who wrote that one?

4 MR. JOHNSTON: Objection. Foundation.

5 THE WITNESS: That looks like it's  
6 probably an adjustment of the one that I sent to  
7 the region.

8 BY MR. BALSON:

9 Q. That looks nothing like Exhibit 12?

10 MR. JOHNSTON: I'll object to the form  
11 of the question.

12 THE WITNESS: It's not unusual.

13 BY MR. BALSON:

14 Q. Well, who made the adjustments?

15 MR. JOHNSTON: I'll object to the form  
16 of the question. Foundation.

17 THE WITNESS: I don't know.

18 BY MR. BALSON:

19 Q. You don't know?

20 A. No.

21 Q. Did you see this before it was sent up  
22 to Director Nolen?

23 A. No. The only thing I would have  
24 gotten back would have been a copy of the signed

1 letter.

2 Q. Did you bother asking, hey, what  
3 happened to my letter?

4 A. No.

5 Q. Did you bother asking anybody why it  
6 was all changed?

7 A. No, it wasn't unusual for  
8 correspondence to be changed.

9 Q. That wasn't the question.

10 MR. JOHNSTON: I object to the form.

11 BY MR. BALSON:

12 Q. The question was did you bother to ask  
13 anybody?

14 A. No.

15 MR. JOHNSTON: Object to the form of  
16 the question.

17 BY MR. BALSON:

18 Q. I'm wondering what occurred between  
19 April 20th when you had Lieutenant Gary Rollings  
20 looking at this and coming to the conclusion that  
21 you don't believe further investigation is  
22 warranted and the fact is, okay, we appointed  
23 Lieutenant Michale Callahan to review this. What  
24 happened between those seven days?

1 MR. JOHNSTON: I'll object to the form  
2 of that question.

3 THE WITNESS: I don't recall, other  
4 than the fact that -- maybe I felt Gary was  
5 close-minded about the matter.

6 BY MR. BALSON:

7 Q. Okay. What made you think he was  
8 close-minded about the matter if you wrote this  
9 letter on the 20th and sent it up the chain of  
10 command?

11 A. I don't recall specifically. It was  
12 just -- he felt that one aspect was total BS.

13 Q. About the penis in the mouth?

14 A. So he just was -- I think that just  
15 ended his review of it, possibly.

16 Q. Well, his review is good enough for  
17 you on April 20th. Wasn't it?

18 MR. JOHNSTON: I'll object to the form  
19 of the question.

20 THE WITNESS: It was for me, yes.

21 MR. BALSON: Is there something wrong  
22 with the form of that question?

23 MR. JOHNSTON: Sure.

24 MR. BALSON: What is it?

1 MR. JOHNSTON: Argumentative.

2 MR. BALSON: Oh.

3 MR. JOHNSTON: Also lacks foundation  
4 based upon your own theory.

5 BY MR. BALSON:

6 Q. He wrote the letter. Never mind.

7 It was Gary Rollings' information and  
8 review was good enough for you on April 20th. I  
9 guess I don't understand what happened subsequent  
10 to April 20th for you to take Gary Rollings off  
11 of this case and put Michale Callahan on. That's  
12 what I'm asking you.

13 MR. JOHNSTON: I'll object to the form  
14 of the question.

15 THE WITNESS: I can't recall anything  
16 specific other than recalling that Gary was so  
17 adamant, hung up on that one issue that I felt  
18 maybe he wasn't giving it an objective opinion.

19 BY MR. BALSON:

20 Q. Well, you felt he was on April 20th?

21 A. I did.

22 Q. Did somebody tell you after April 20th  
23 to put Michale Callahan on this?

24 A. I can't recall.



1 Q. Could have happened?

2 A. Could have happened.

3 Q. You were shown these -- I don't think  
4 they were referred to as updates. I don't know  
5 if these are reports or e-mails or whatever they  
6 are, Exhibits 14 through 25. Are these e-mails?

7 A. They are e-mails, yes.

8 Q. And on pretty much a periodic basis  
9 Lieutenant Callahan is advising you on what's  
10 happening with the FBI/ATF investigation. Right?

11 A. Correct.

12 Q. What did you do when you got these  
13 e-mails?

14 A. I would have forwarded them to the  
15 region office.

16 Q. And filed them away?

17 A. Not necessarily filed them away.

18 Q. Did you throw them away?

19 A. I probably didn't even print them out.

20 Q. You just push the forward button and  
21 send them up?

22 MR. JOHNSTON: Object to the form of  
23 the question.

24 BY MR. BALSON:

1 Q. Did you have any other involvement  
2 other than pushing the forward button?

3 MR. JOHNSTON: I object to the form of  
4 the question.

5 THE WITNESS: As far as providing --

6 BY MR. BALSON:

7 Q. As far as anything that had to do with  
8 these investigations.

9 A. There may have been some  
10 conversations, but --

11 Q. Do you remember any of them?

12 A. No.

13 Q. When Mike said in his memo that he  
14 hoped the Board brothers would be willing to  
15 provide details or knowledge of the Rhoads  
16 homicide, did you see anything wrong with that?

17 A. Where are we at?

18 Q. I'm on 20. You were asked about this.  
19 In the middle of the document. I'll wait until  
20 you get there.

21 A. Okay.

22 Q. It says, It is our hope that the  
23 Boards may be willing to provide detailed  
24 knowledge of the Rhoads homicide that was

1 featured on 48 Hours. Do you see that?

2 A. Yes.

3 Q. You wrote that to Diane Carper.

4 Right?

5 A. Yes.

6 Q. Is there anything wrong with that?

7 Was that your hope?

8 A. Yeah. We were wanting more -- I mean  
9 if the Boards could provide information, that was  
10 fine.

11 Q. Well, you wrote that was your hope.  
12 Right?

13 MR. JOHNSTON: Objection. Asked and  
14 answered.

15 BY MR. BALSON:

16 Q. Did you author this e-mail?

17 MR. JOHNSTON: Objection. Asked and  
18 answered.

19 THE WITNESS: I believe I did, yes.

20 BY MR. BALSON:

21 Q. And you said, It's our hope that the  
22 Boards may be willing to provide the details and  
23 knowledge of the Rhoads homicide that was  
24 featured on 48 Hours. Right?

1 MR. JOHNSTON: Objection. Asked and  
2 answered and argumentative.

3 THE WITNESS: Right.

4 BY MR. BALSON:

5 Q. And you sent that to Lieutenant  
6 Colonel Carper. Right?

7 A. Yes.

8 Q. But you didn't indicate that you had  
9 violated her instructions and reopened the case.  
10 Did you?

11 A. No. I put on there we're in the  
12 assist mode.

13 Q. That's right. Just doing whatever the  
14 FBI and the ATF asked you to do. Right?

15 MR. JOHNSTON: I'll object to the form  
16 of the question.

17 BY MR. BALSON:

18 Q. Is that correct?

19 A. At that point, we were in the assist  
20 mode.

21 Q. You were doing -- well, assist,  
22 doesn't that mean you were doing what the ATF and  
23 the FBI asked you to do in helping them in their  
24 investigation?

1 MR. JOHNSTON: I'll object to the form  
2 of the question.

3 THE WITNESS: Yeah, you could put it  
4 that way, yes.

5 BY MR. BALSON:

6 Q. Okay. Well, that's the way I put it.  
7 If you disagree, tell me you disagree.

8 A. I will.

9 Q. Okay. Just one or two more questions,  
10 Captain. I'm on 21, if you can find that one.

11 It says, The ATF found some bone fragments at the  
12 Board farm. Do you see that?

13 A. Yeah.

14 Q. They are prepared to cut him a good  
15 deal if he talks. Do you see that?

16 A. Yep.

17 Q. Who is they, to your understanding?

18 A. The feds.

19 Q. Okay. And Mike says, They advised  
20 once he's ready to talk, they'll call me to sit  
21 in on the interview regarding any information on  
22 Morgan or the Rhoads that he may over. Do you  
23 see that?

24 A. Yes.

1 Q. Did you see anything wrong with that?

2 A. No.

3 Q. Does that mean that as of this date,  
4 August the 8th, 2000, Michale Callahan or the  
5 Illinois State Police had opened up an  
6 investigation into the Rhoads murders?

7 MR. JOHNSTON: I'll object to the form  
8 of the question.

9 THE WITNESS: Opened up a case?

10 BY MR. BALSON:

11 Q. Had they reopened?

12 A. No.

13 Q. They hadn't violated Colonel Carper's  
14 standing orders. Had they?

15 A. No.

16 Q. You wouldn't do that anyway? She was  
17 your superior. Right?

18 A. I wouldn't violate any order  
19 intentionally, no.

20 Q. Let's look at 16. Okay? Michale  
21 Callahan to John Strohl, subject Bob Morgan  
22 investigation, June 30th. It says, The FBI Nate  
23 Williams, ATF, Eric Jensen, Dennis Fritchie,  
24 Sergeant Dixon, and myself met with Andrea Trapp

1 and Tony Rhoads on Tuesday night. Do you see  
2 that?

3 A. Yes.

4 Q. And you've identified those people as  
5 relatives of Dyke Rhoads. Right?

6 A. Yes. That's correct.

7 Q. That's what you remember?

8 A. Yes.

9 Q. Okay. And it says, They provided us  
10 with a lot of intelligence information and  
11 possible witnesses leads which further indicates  
12 Morgan is most likely into a lot of different  
13 things, mainly narcotics tracking, money  
14 laundering, trucking scams, and possible  
15 corruption. Is that right?

16 A. Yes.

17 Q. Do you see the Rhoads murder  
18 investigation in that sentence?

19 A. No, I do not.

20 MR. BALSON: Okay. I don't have  
21 anything more.

22 RE-EXAMINATION CONDUCTED

23 BY: MS. SUSLER

24 Q. Well, I'm sorry to tell you, I do have

1 a couple of questions.

2 MR. RAUB: Just a couple of minutes'  
3 worth or a half an hour's worth?

4 MS. SUSLER: No, it's not a half an  
5 hour's worth.

6 MR. RAUB: Okay.

7 BY MS. SUSLER:

8 Q. Have you had any contact with Diane  
9 Carper since you retired?

10 A. No, I haven't.

11 Q. Contact with her since Mr. Callahan's  
12 trial?

13 A. She was still the region commander.

14 Q. Did you ever talk to her about Mike  
15 Callahan?

16 A. Since?

17 Q. Since the transfer, since he was  
18 demoted and placed in patrol.

19 MR. JOHNSTON: I'll object to the form  
20 of the question. It assumes things contrary to  
21 his previous testimony.

22 THE WITNESS: Are you talking about  
23 after the Callahan trial did I talk to Diane  
24 Carper?



1 BY MS. SUSLER:

2 Q. No. After Lieutenant Callahan was  
3 moved from investigations to patrol, did you ever  
4 talk to her about Lieutenant Callahan?

5 A. I'm sure we had conversations, yes.

6 Q. What did you say, and what did she say  
7 and when?

8 A. Well, I mean could you be more  
9 specific? I mean --

10 Q. Why don't you tell me chronologically  
11 what you can recall about your interactions with  
12 Diane Carper about Mike Callahan after he was  
13 moved from investigations to patrol?

14 A. Well, I really don't recall anything  
15 specifically, but I'm sure that we had some  
16 discussions about how Mike was doing, if he was  
17 transitioning in patrol and so forth.

18 Q. Do you recall anything more specific  
19 than that?

20 A. I can't recall anything specific.

21 Q. Was anybody else present during any of  
22 these conversations or communications?

23 A. I don't believe so, no.

24 Q. Is there any other interaction you've

1 had with Diane Carper about Mike Callahan since  
2 he was moved?

3 A. I can't remember anything specific.

4 Q. Did you tell Ms. Carper that  
5 Lieutenant Callahan wasn't very happy about his  
6 move?

7 A. Yeah, I may have. I don't think that  
8 was any surprise to her, though.

9 Q. She knew that?

10 A. Yes.

11 Q. She knew that before she moved him?

12 MR. JOHNSTON: Object to the form of  
13 the question.

14 THE WITNESS: She had a good idea that  
15 Mike wasn't going to take it well, I believe.

16 BY MS. SUSLER:

17 Q. Now, I just want to explore with you a  
18 little bit your testimony about your career being  
19 ruined.

20 A. I didn't say ruined. I said it was  
21 over.

22 Q. Over. I apologize for  
23 mischaracterizing that.

24 Could you explain to me what you mean

1 by your career being over?

2 A. Well, I felt any opportunity I may  
3 have had for advancement was probably -- it was  
4 over at that point.

5 Q. Why did you think that?

6 A. Why did I think that?

7 Q. Yes.

8 A. Well, for an example, when Colonel  
9 Carper was on time off or whatever, most of the  
10 time she would ask me if I could assume acting --  
11 fill in in her shoes.

12 Q. That was before your testimony at  
13 trial?

14 A. Yes.

15 Q. And then after your testimony at  
16 trial?

17 A. Didn't.

18 Q. That didn't happen?

19 A. Didn't happen.

20 Q. Okay. Were there other indications  
21 that led you to believe that your career was over  
22 because you testified at Lieutenant Callahan's  
23 trial?

24 MR. JOHNSTON: I'll object to the form

1 of the question.

2 THE WITNESS: I'll just leave it it  
3 was my impression that I pretty much felt I was  
4 pretty much done.

5 BY MS. SUSLER:

6 Q. Is this awkward for you?

7 A. Is this awkward for me? Absolutely.

8 Q. Why?

9 A. Well --

10 MR. JOHNSTON: I'll object.

11 Relevance.

12 THE WITNESS: It just is. I mean it's  
13 difficult to do.

14 BY MS. SUSLER:

15 Q. And it's difficult, because I think  
16 you said something about testifying against  
17 the --

18 A. Department.

19 Q. Against the department. And why are  
20 you characterizing your -- well, let me ask it  
21 this way: Do I understand you to be saying that  
22 your testifying at Mike Callahan's trial, is that  
23 what you're saying was testifying against the  
24 department?

1 A. Yes.

2 Q. Why do you call that testifying  
3 against the department?

4 A. Because it was against Colonel Carper.

5 Q. And Steve Fermon?

6 A. And Steve Fermon, yes.

7 Q. Were there other defendants in that  
8 case?

9 A. I believe Chuck Brueggemann was named  
10 as well.

11 Q. Okay. So did anyone else characterize  
12 it that way to you?

13 MR. JOHNSTON: I'll object to the form  
14 of the question.

15 THE WITNESS: As being awkward?

16 BY MS. SUSLER:

17 Q. No, as testifying against the  
18 department.

19 A. Not that I can recall.

20 Q. Now, you knew when you testified both  
21 at deposition and at trial that that was going to  
22 be the likely consequence of your testifying.  
23 Didn't you?

24 A. Yes, I did.

1 Q. And you did it anyway?

2 A. I did it anyway.

3 Q. And why did you do it?

4 A. Because it was the right thing to do.

5 Q. And it was the right thing to do

6 because why?

7 A. Because it was the truth.

8 Q. Okay. When you say it was the truth,

9 what are you referring to?

10 MR. JOHNSTON: I'll object to the form

11 of the question.

12 THE WITNESS: What my testimony was, I

13 mean the facts that were presented and the

14 questions I was asked.

15 BY MS. SUSLER:

16 Q. Well, basically for telling the truth?

17 A. Yes.

18 Q. And that's what you did when you

19 testified at Mr. Callahan's deposition and at

20 trial?

21 A. Yes.

22 Q. And you feel that you've been punished

23 as a result of that?

24 A. No, I don't feel I was punished. I

1 felt I was done.

2 Q. Perhaps punished isn't the right word.  
3 That you suffered as a result of it?

4 A. I don't know that I suffered. I feel  
5 I may have been -- I may have lost out on some  
6 opportunities that may have been out there.

7 Q. Is one of the reasons that you, well,  
8 let's say stuck your neck out? Do you think  
9 that's a fair way to characterize it?

10 MR. JOHNSTON: Object to the form of  
11 the question.

12 THE WITNESS: No?

13 BY MS. SUSLER:

14 Q. No? One of the reasons that you were  
15 willing to suffer the consequences of testifying  
16 against the department is because you knew that  
17 Michale Callahan was doing the right thing in  
18 investigating the Rhoads and Bob Morgan?

19 MR. JOHNSTON: I'll object to the form  
20 of the question.

21 THE WITNESS: I had a great deal of  
22 faith in Mike, and I still do. The issues that  
23 he brought to me I felt were valid and were cause  
24 for concern.

1 BY MS. SUSLER:

2 Q. Do you still feel that way today?

3 A. Yes, I do.

4 Q. In spite of the fact that you lost  
5 career opportunities as a result?

6 A. You know, that's okay.

7 Q. Sometimes that happens when you do the  
8 right thing?

9 A. That happens, right.

10 Q. And was also one of the reasons that  
11 you were willing to come forward and testify both  
12 on deposition and trial in Mr. Callahan's civil  
13 case because you knew that there was a great  
14 potential that two innocent men were in prison?

15 MR. JOHNSTON: I'll object to the form  
16 of the question.

17 THE WITNESS: I'm reluctant to say  
18 innocent men. I feel more comfortable saying  
19 that I don't believe they got a fair trial or  
20 weren't proven guilty beyond a reasonable doubt.

21 BY MS. SUSLER:

22 Q. All right. And you felt that Mike had  
23 developed a significant amount of evidence that  
24 is what you were basing your opinion on?



1 A. Yes.

2 Q. Okay. And you felt like if there was  
3 any chance that there were people who may be  
4 innocent, that that warranted a review?

5 A. Yes.

6 Q. And that was the review that you  
7 understood Mike wanted to do?

8 A. Correct.

9 Q. And you understood that that  
10 information that they didn't get a fair trial was  
11 something that should see the light of day?

12 MR. JOHNSTON: Object to the form of  
13 the question.

14 THE WITNESS: Yeah, I mean anything  
15 that Mike had found that was an inaccuracy or  
16 left out needed to be provided.

17 BY MS. SUSLER:

18 Q. And I think you testified earlier that  
19 Mike had developed information that there was  
20 evidence that was never given to Mr. Steidl and  
21 Mr. Whitlock. Is that correct?

22 MR. JOHNSTON: Object to the form of  
23 the question.

24 THE WITNESS: Yes.

1 BY MS. SUSLER:

2 Q. And it's your understanding that the  
3 State Police has an obligation to disclose  
4 evidence that tends to show that a person didn't  
5 commit the crime that they're accused or  
6 convicted of?

7 A. It's my understanding you have to  
8 disclose everything in your possession, both good  
9 and bad as far as your case.

10 Q. And can you think of any reason why  
11 Ms. Carper, Mr. Fermon, Mr. Parker,  
12 Mr. Brueggemann, Mr. Marlow, Mr. Kaupus should  
13 not have disclosed information in their  
14 possession that tended to show either that  
15 Mr. Steidl and Mr. Whitlock did not commit the  
16 crime or that someone else had?

17 MR. JOHNSTON: I'll object to the form  
18 of the question. It assumes a whole host of  
19 facts not in evidence.

20 THE WITNESS: Well, along those same  
21 lines, I mean it was like a question a while ago,  
22 why I didn't? I mean I'm not sure how that's  
23 done.

24 I mean we provided the State's

1 Attorney. Was it his responsibility to disclose  
2 it? I mean I don't believe it's the police  
3 department's. We disclose what we have to the  
4 State's Attorney, correct, and then they provide  
5 the discovery.

6 BY MS. SUSLER:

7 Q. Well --

8 A. Isn't that the way it goes?

9 Q. Well, I don't know.

10 A. Ideally.

11 Q. And if it didn't go that way?

12 A. Ideally, that's the way it should go.

13 Am I right?

14 Q. Let me ask you this: Can you think of  
15 any reason why if any of those people I just  
16 named had possession of evidence tending to show  
17 either that Mr. Steidl or Mr. Whitlock did not  
18 commit the crimes that they were convicted of or  
19 that someone else did, can you think of any  
20 reason why that shouldn't have been disclosed?

21 A. No, I can't.

22 MR. JOHNSTON: Object to the form of  
23 the question.

24 MS. SUSLER: Okay. I don't have any

1 other questions.

2 RE-EXAMINATION CONDUCTED

3 BY: MR. RAUB

4 Q. Just one here. As I understand it,  
5 you did not personally conduct any investigation  
6 yourself?

7 A. No.

8 Q. To establish whether or not Steidl or  
9 Whitlock got a fair trial?

10 A. That's correct.

11 Q. And any concerns you have on that  
12 point are solely based on Michale Callahan's  
13 investigation?

14 A. Yes.

15 MR. RAUB: Okay. That's all I have.  
16 Thank you.

17 RE-EXAMINATION CONDUCTED

18 BY: MS. EKL

19 Q. What information did Callahan develop  
20 that led you to believe that Steidl and Whitlock  
21 didn't receive a fair trial?

22 A. Mike had developed some information.  
23 It was a number of things: Something about they  
24 provided alcohol to Herrington. I can't recall

1 if that was one of them or not. I can't recall  
2 specific issues now, but there were several  
3 things that Mike had identified.

4 Q. What of those things that Mike had  
5 identified were, to your knowledge, not provided  
6 to the plaintiffs' attorneys -- or, I'm sorry, to  
7 the defendants' at that time, to Steidl and  
8 Whitlock's attorneys during the trial  
9 proceedings?

10 A. The best I can recall, I believe it  
11 was either an audio overhear of Herrington  
12 talking with Randy Steidl.

13 Q. Other than that overhear, can you  
14 think of any other evidence or information that  
15 to your knowledge wasn't provided to either Randy  
16 Steidl or Herb Whitlock's attorneys at the time  
17 of their criminal proceedings?

18 A. I can't recall anything right now.

19 Q. Okay. And have you testified today  
20 that everything that you can recall that Callahan  
21 himself developed that might have led you to  
22 believe that Steidl and Whitlock didn't receive a  
23 fair trial?

24 A. My opinion is based on what Mike had

1 relayed to me, yes. Is that what you're asking?

2 Q. Basically, yes.

3 A. Yes.

4 MS. EKL: Thank you. I have nothing  
5 further.

6 RE-EXAMINATION CONDUCTED

7 BY: MR. JOHNSTON

8 Q. Captain Strohl, you testified  
9 truthfully today. Didn't you?

10 A. Yes, I did.

11 Q. And your testimony was doing the right  
12 thing. Right?

13 A. Yes.

14 Q. Okay. Do you have any personal  
15 knowledge as to why Steidl and Whitlock have been  
16 released from prison?

17 A. Federal judge threw out a conviction,  
18 I believe.

19 Q. Do you know if it was based upon  
20 ineffective assistance of counsel?

21 A. Yes.

22 Q. You were asked a lot of questions  
23 about your previous testimony at trial and your  
24 deposition in the Callahan case. Did you have --

1 did you have any of the documents that were  
2 placed before you today that have been marked as  
3 exhibits given to you? Did you have any of those  
4 provided to you before your testimony in either  
5 your deposition or at the trial of Callahan?

6 A. I may have been provided with some of  
7 these memorandums and the letter from Clutter and  
8 so forth, but these e-mails, no.

9 Q. Okay. Did those e-mails help refresh  
10 your recollection about events happening years  
11 ago?

12 A. Yes, they did.

13 Q. I'll be brief with these. Did Jeff  
14 Marlow do anything to end your career?

15 A. No.

16 Q. I'm going to use the phrase end the  
17 career as a shorthand for your career being done.  
18 Is that okay?

19 A. Okay.

20 Q. Did Ken Kaupus do anything to end your  
21 career?

22 A. No.

23 Q. Did Steve Fermon do anything to end  
24 your career?

1 A. Nobody did anything.

2 Q. Did Diane Carper do anything?

3 A. No.

4 Q. And Andre Parker was retired?

5 A. Yeah.

6 Q. Did he do anything to end your career?

7 A. No.

8 MR. JOHNSTON: That's all I have.

9 Vince, you're done. You don't have time.

10 MR. MANCINI: I have nothing.

11 MR. JOHNSTON: Captain Strohl, I think  
12 you may have been through this before. Here's  
13 the deal with the signature.

14 The court reporter has been  
15 transcribing everything that's been said today.  
16 You have the opportunity to get a copy of the  
17 transcript. She'll give it to me. I'll send  
18 it -- or she can send it to you directly, she can  
19 send it to me, whatever works easiest.

20 You have a chance to review it, make  
21 any changes you think are necessary. There's  
22 something called an errata sheet. It's a fancy  
23 word for a correction page.

24 You can go through and make the



1 changes that you think are necessary, and then  
2 you have that page, you sign it, have it  
3 notarized. You can do that.

4 The other option is something called  
5 waiving signature. You can say I trust her,  
6 whatever she has taken down, and you don't  
7 review, so it's your choice.

8 THE WITNESS: Why don't you send a  
9 copy to me?

10 (Deponent is excused at 4:17 p.m.)

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## CERTIFICATE

I, BARBARA A. GLOVER, Certified Shorthand Reporter, do hereby certify that JOHN H. STROHL, the deponent herein, was by me first duly sworn to tell the truth, the whole truth and nothing but the truth in the aforementioned cause of action.

That the foregoing deposition was taken on behalf of the Plaintiff on August 22, 2008.

That said deposition was taken down in stenograph notes and afterwards reduced to typewriting under my instruction and said transcription is a true record of the testimony given; and that it was agreed by and between the witness and attorneys that said signature on said deposition would be not waived.

I do hereby certify that I am a disinterested person in this cause of action; that I am not a relative of any party or any attorney of record in this cause, or an attorney for any party herein, or otherwise interested in the event of this action, and am not in the employ of the attorneys for either party.

Dated this 2nd day of September, 2008.

\_\_\_\_\_  
Barbara A. Glover, CSR, RPR  
CRR, CCR

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.

7 CITY OF PARIS, et al.,  
8 Defendants.

No. 05-CV-2127

No. 08-CV-2055

9 This is to certify that I have read  
10 the transcript of my deposition taken in the  
11 above-entitled cause, and that the foregoing  
12 transcript taken on August 22, 2008 accurately  
13 states the questions asked and the answers given  
14 by me, with the exception of the corrections  
15 noted, if any, on the attached errata sheet(s).

16 \_\_\_\_\_  
17 JOHN H. STROHL

18 Subscribed and Sworn before  
19 me this \_\_\_\_\_ day of  
20 \_\_\_\_\_, 2008.

21 \_\_\_\_\_  
22 Notary Public

23 Return to Area Wide Reporting, 301 W. White,  
24 Champaign, IL 61820