

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

4 GORDON RANDY STEIDL,)
5 Plaintiff,)
6 vs.) No. 05-CV-2127
7 CITY OF PARIS, Present and Former)
8 Paris Police Officials Chief Gene)
9 Ray and Detective James Parrish;)
10 former Illinois State Trooper Jack)
11 Eckerty; former Edgar County)
12 State's Attorney Michael McFatridge;))
13 EDGAR COUNTY; and Illinois State)
14 Police Officials Steven M. Fermon,)
15 Diane Carper, Charles E. Brueggemann))
16 Andre Parker and Kenneth Kaupus,)
17 Defendants.)

18 -----)
19 HERBERT WHITLOCK,)
20 Plaintiff,)
21 vs.) No. 08-CV-2055
22 CITY OF PARIS, Present and Former)
23 Paris Police Officials Chief Gene)
24 Ray and Detective James Parrish;)
former Illinois State Trooper Jack)
Eckerty; former Edgar County)
State's Attorney Michael McFatridge;))
EDGAR COUNTY; and Illinois State)
Police Officials Steven M. Fermon,)
Diane Carper, Charles E. Brueggemann))
Andre Parker, Kenneth Kaupus and)
Jeff Marlow; and Deborah Rienbolt,)
Defendants.)

25 DEPOSITION OF MICHAEL CALLAHAN
26 December 18, 2008
27 10:07 a.m.

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

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1 (Commencing at 10:10 a.m.)

2 MICHAEL CALLAHAN,

3 having first been duly sworn, testified as follows:

4 EXAMINATION BY

5 MR. JOHNSTON:

6 Q. Good morning, Mr. Callahan.

7 A. Good morning.

8 Q. Are you currently employed?

9 A. Yes, I am.

10 Q. Substitute teacher?

11 A. Yes, for Unit 4 schools in Champaign.

12 Q. How long have you been doing that?

13 A. Boy, probably three to four years.

14 Q. Besides substitute teaching, what else are
15 you doing for employment?

16 A. I work part-time for Bill Clutter
17 Investigations, I have a contract with the Champaign
18 Public Defenders Office, I process papers, and then
19 I do some periodic cases for attorneys here in town,
20 workmen's comp cases and some criminal work.

21 Q. And what type of work do you do for Bill
22 Clutter Investigations?

23 A. Just what I said, basically process
24 serving. Whatever work I do over here in Champaign,

1 he gets a percentage of whatever I do because I work
2 under his license, so -- but he doesn't necessarily
3 give me the work. I get it on my own.

4 Q. So you work under his license?

5 A. Yes.

6 Q. You're not a licensed private
7 investigator?

8 A. No.

9 Q. And that's Bill Clutter Investigations,
10 his own private firm, not any -- not any
11 relationship with the Innocence Project that --

12 A. Not that I'm aware of, no. It's Bill
13 Clutter Investigations, Inc.

14 MR. BAKER: Let him completely finish his
15 questions even if you know what he's going to ask
16 just so it makes it clear on the record.

17 MR. JOHNSTON: Thank you, John.

18 Q. You also work for the Public Defenders
19 Office in Champaign County?

20 A. Yes, it's a contract given to Bill Clutter
21 Investigations, Inc., and I do the investigator work
22 for the public defenders.

23 Q. And Bill Clutter was the private
24 investigator working for Michael Metnick; is that

1 correct?

2 A. Yes.

3 Q. And Bill Clutter investigated on behalf of
4 Randy Steidl, correct?

5 A. Yes.

6 Q. Do you know how long Bill Clutter worked
7 for Randy Steidl?

8 A. No, I don't know how long he was actually
9 doing it, but I know I met Bill Clutter in 2000,
10 early 2000.

11 Q. We'll get to that. Did you review any
12 documents in preparation for today's deposition?

13 A. Yes, I did.

14 Q. What documents did you review?

15 A. Went over a lot of memorandums, affidavits
16 that were provided -- well, just a lot of
17 documentation.

18 Q. When you say memoranda --

19 A. Trial transcripts, affidavits that were
20 provided in the original by Mr. Clutter,
21 postconviction relief petitions, the original case
22 file, investigative reports from 2004, just -- just
23 a lot of documentation.

24 Q. Investigative reports from 2004?

1 A. Yes. Emails.

2 Q. We'll stop right there. When you said
3 emails, are the emails investigative reports or are
4 those separate documents?

5 A. No, those are separate documents.

6 Q. Okay. And when did you retire from the
7 Illinois State Police?

8 A. 2005. I believe March 2005.

9 Q. And who wrote these investigative reports
10 in 2004?

11 A. It would have been Jeff Marlow and Greg
12 Dixon.

13 Q. And who provided those investigative
14 reports from 2004 to you?

15 A. Jeff Marlow and Greg Dixon.

16 Q. And when you said trial transcripts, which
17 trials are you talking about?

18 A. The trial, my trial, my civil trial.

19 Q. Your civil trial --

20 A. Yes.

21 Q. -- in April of 2005, right?

22 A. Yes. And I guess I should say add
23 depositions, too, since that's part of it.

24 Q. Again, your deposition in the civil case,

1 your civil case?

2 A. Yeah, I didn't really review mine. I
3 don't think I had to. I just did from some of the
4 other individuals that were in my -- in that civil
5 case.

6 Q. Okay. And the emails you referred to,
7 whose emails were those?

8 A. Those would have been emails from a lot of
9 different people, from Gary Rollings, there was some
10 from Diane Carper, there was some from John Strohl,
11 from myself, Rory Steidl, James Wolfe who was a
12 staff officer for Diane Carper. I'm sure there's
13 others. There was just a plethora of emails. Steve
14 Fermon.

15 Q. Did you review any deposition transcripts
16 from this case that we're here for today?

17 A. No.

18 Q. Did you read John Strohl's deposition
19 transcript?

20 A. No.

21 Q. Anybody read John Strohl's deposition
22 transcript to you?

23 A. Mr. Baker read parts of it to me last
24 night.

1 Q. Okay. And what parts of John Strohl's
2 deposition transcript did Mr. Baker read to you last
3 night?

4 A. Just pertaining I think to the end when
5 John said something about this case kind of -- when
6 he testified it ruined his career and then the part
7 about when you were questioning him about
8 restricting -- were we restricted in the
9 investigation and how were we restricted.

10 Q. Do you recall being -- hearing the part in
11 John Strohl's deposition where he said Diane Carper,
12 Steve Fermon and Charles Brueggemann had nothing to
13 do with ruining his career?

14 A. No, I wasn't read that.

15 Q. And when you heard John Strohl's
16 deposition testimony about my questioning of him
17 relating to restricting the investigation, what did
18 you think?

19 A. Well, really we didn't get into detail.
20 John, I think, just summarized it to me and didn't
21 read it verbatim. He just more or less was pointing
22 out to me the difference between John Strohl's
23 deposition in my civil case versus the deposition he
24 recently took there, so --

1 Q. What did you think about that?

2 A. You know, just that's John Strohl. I
3 don't know, I can't think for John Strohl.
4 That's -- you know, I can only talk for Mike
5 Callahan.

6 Q. I'm not asking --

7 A. I mean it was five years ago. Maybe John
8 remembers things differently today than he did then.
9 So I'm not about to answer for John Strohl what he
10 was thinking.

11 Q. All right.

12 A. He's not an investigator, so his
13 interpretation would probably be totally different
14 than mine.

15 Q. I'm not asking what John Strohl was
16 thinking. I was asking you what did you think about
17 John Strohl's change in his testimony?

18 A. Well, I don't think we --

19 MS. SUSLER: Objection, relevance and
20 asked too many times. You're getting argumentative
21 and it's not relevant.

22 A. Well, it wasn't really relayed to me that
23 John Strohl's deposition testimony was that
24 different from his testimony in my deposition. So I

1 guess we didn't really get into detail with it
2 because John said "you know, it's really immaterial.
3 I don't think we need to sit there and read it to
4 you and I don't need to send it to you." He goes
5 "you just need to go and testify to what you know."

6 Q. Did anybody read to you the part in John
7 Strohl's deposition where he said that he thought
8 the results of Diane Carper's civil trial and your
9 case would have been different if he had seen
10 documents?

11 A. I think that his -- the answer he said was
12 maybe. He said maybe is what John said.

13 Q. And do you recall somebody reading that to
14 you?

15 A. John did last night.

16 Q. Okay. And what did you think when you
17 heard that?

18 A. I --

19 MS. SUSLER: Objection, relevance.

20 A. Well, the facts are the facts, and if John
21 remembers things differently now, that's fine, but,
22 you know, we can sit there and -- I was sent the
23 emails that he was presented, so I mean those are
24 easily understandably answered. So, you know, John

1 has a different opinion. It's been a long time.
2 John probably wasn't as close to this case as I was,
3 so -- he was a patrol commander and tried to stay
4 away from investigations and his attitude was "you
5 run investigations, I don't know anything about
6 investigations, Mike, so I'm relying on you." So
7 John didn't -- so, you know, it's no way downplaying
8 him, but he just wasn't an investigator, so...

9 Q. Besides your conversation with Mr. Baker,
10 did you speak with anybody else about today's
11 deposition?

12 A. I talked to Richard Kling last night which
13 he just called me to wish me luck.

14 Q. Did Mr. Kling call you or did you call
15 him?

16 A. He called me two nights ago and then I
17 paged him last night.

18 Q. And you know Mr. Kling represents Herbie
19 Whitlock in this case, right?

20 A. Yes.

21 Q. And how long did that conversation with
22 Mr. Kling last?

23 A. Probably five minutes.

24 Q. And what did you talk about with Mr.

1 Kling?

2 A. I just -- I asked him if he was going to
3 be coming down here and that maybe we could get
4 together or go to lunch while we were here. And the
5 day before when he had called and was wishing me
6 luck, it was just basically just standard
7 conversation. It was nothing pertinent to this
8 case, I mean no specific questions if that's what
9 you're asking.

10 Q. But he wished you luck in today's
11 deposition --

12 A. Yes.

13 Q. -- which relates to this case.

14 A. Yes.

15 Q. Since June 13th, 2003, have any other
16 conversations with Mr. Kling?

17 A. Since June of what?

18 Q. 13th, 2003.

19 A. Oh, yes.

20 Q. About how many?

21 A. That would be several. I mean it's
22 probably impossible for me for the last five years
23 to do every bit but several -- I mean there was
24 quite a few. I mean he called me, he came to my

1 house when Whitlock -- after I retired and Whitlock
2 was trying to get a new trial, he came to my office
3 with Susana Ortiz. We talked on the phone, you
4 know, quite often.

5 Q. And Susana Ortiz also represents Herbert
6 Whitlock?

7 A. Yes.

8 Q. Different people have different
9 interpretations of several. If I tell my wife I had
10 several beers, she may think it's six, I may think
11 it's two. Can you put a number on the word several?

12 A. You know what, any number I would come up
13 with, unless I sat here probably thinking for a good
14 half-hour or so, would be almost impossible. I
15 would say let's probably say maybe in the last --
16 this is probably a five year period, maybe 20
17 conversations, 25 conversations like those.

18 Q. Have you had any conversations with Mr.
19 Balson?

20 A. I met him at -- the day that Herbie
21 Whitlock was released, so that would be the time I
22 talked to him.

23 Q. And how long did you speak with Mr. Balson
24 then?

1 A. I was introduced by Mr. Kling, and he
2 shook my hand, gave me his card, and said that he
3 would probably be talking to me in the future.

4 Q. And has he talked to you in the future?

5 A. He has been on I think two phone
6 conferences with me, but that was through Richard.

7 Q. And when were those phone conferences?

8 A. Within the last year. I can't be
9 specific. They weren't long conferences.

10 Q. Who else was on those phone conferences
11 with you, Mr. Kling and Mr. Balson?

12 A. That was it.

13 Q. And was it relating to this case?

14 A. Yes.

15 Q. Do you recall what you told him?

16 A. No, I don't recall. It was -- they were
17 asking me questions about the case, specific
18 questions, but I can't recall exactly what
19 questions, there's so many questions on this case.

20 Q. Do you know if they were asking you
21 questions before or after they filed the complaint
22 in this case?

23 A. I would say probably I had one
24 conversation before and one conversation after.

1 Q. Did you ever see a draft of the complaint
2 before it was filed?

3 A. No, I didn't.

4 Q. Did you ever see a filed copy of the
5 complaint --

6 A. No, I haven't.

7 Q. -- filed by Mr. Whitlock? Did you speak
8 with Ms. Susler?

9 A. Yes, I did.

10 Q. When's the last time you spoke with her?

11 A. Boy, it was quite a while ago. We had a
12 phone conversation and then she also came to my
13 house on one occasion.

14 Q. When was she at your house?

15 A. Oh, I would want to say I think it was in
16 2006.

17 Q. And who else was present?

18 A. She had -- there was a male with her, but
19 I don't remember, don't recollect his name.

20 Q. White hair?

21 A. No, I think he was a younger gentleman.
22 He seemed younger.

23 Q. Can you give me a time frame in 2006?

24 A. I think it was the summertime.

1 Q. What did you -- how long did you speak
2 with Ms. Susler?

3 A. Quite a while. I would probably say at
4 least two to three hours.

5 Q. Did you show her any documents?

6 A. I don't -- I think she just had a laptop
7 out and we just talked and she took down notes from
8 me talking. I don't remember showing her any
9 documents.

10 Q. So she took notes of basically an
11 interview of you?

12 A. Yes.

13 Q. Was she representing you at that time?

14 A. No.

15 Q. Speak with Mr. Metnick at all, Michael
16 Metnick?

17 A. No.

18 Q. How about Flint Taylor?

19 A. No.

20 Q. Carrie Hall?

21 A. No, unless that's the gentleman that I
22 don't know his name.

23 Q. Carrie is a female.

24 A. Oh, okay.

1 Q. That's okay. And obviously you have
2 spoken with Mr. Clutter several times about the
3 Rhoads homicide and Randy Steidl and Herbie
4 Whitlock, correct?

5 A. Yes.

6 Q. When was the last time you spoke with John
7 Strohl?

8 A. The last time I saw John, he -- it would
9 have probably been the summer of last year, not this
10 last summer but the summer before. He came with
11 another captain, a former captain from District 12,
12 and they were both on their motorcycles and stopped
13 by to say hi.

14 Q. When you spoke with Ms. Susler in the
15 summer of 2006, did you speak to her at all about
16 the actions of Jeff Marlow?

17 A. I may have. I don't remember what we got
18 into. I think that -- can you be more specific what
19 actions?

20 Q. Well, did Jeff Marlow's name come up?

21 A. It may have. I don't recall that. I know
22 that she was more interested in the original
23 investigation and the -- you know, evidence in the
24 original -- between Clutter's information and the

1 original investigation. I think she probably asked
2 me what I thought of Jeff Marlow.

3 Q. And what did you say?

4 A. I told them that there was a time I
5 thought he was a very honest cop and would always do
6 the right thing.

7 Q. All right. And then did you tell her that
8 your opinion of Jeff Marlow changed at some point?

9 A. I said that after Jeff Marlow's email went
10 public, he suddenly distanced himself. He called me
11 on the phone and said that it was best he no longer
12 talk to me and that one day when he retires in 2010
13 we would sit down and have a beer together, and I
14 said I hadn't really talked to him since. I'm
15 assuming he -- the department must have been upset
16 about the email, so -- and then --

17 Q. So did your opinion about Jeff Marlow
18 being an honest cop and doing the right thing, did
19 it change after you had this conversation?

20 A. Well, I told her that I don't think that
21 it's ever changed as far as honesty. I told her
22 that I think that he was probably -- had been
23 intimidated by the department to do things.
24 Obviously he felt that he was hindered in the

1 investigation prior and that probably now he is also
2 being hindered likewise, but he's probably too
3 afraid to actually talk about the hindrance.

4 Q. Have you talked to Greg Dixon about any
5 potential hindrance of Jeff Marlow's investigation?

6 A. No.

7 Q. And you obviously haven't talked to Jeff
8 Marlow about any perceived potential hindrance.

9 A. The last time I talked with him, Jeff said
10 it's best we not talk anymore and he said he would
11 talk to me again when --

12 Q. Okay. And you know he was sued by Herbie
13 Whitlock, right?

14 A. Yes.

15 Q. But not by Randy Steidl?

16 A. Yes.

17 Q. Does that surprise you at all?

18 A. Yeah, it was a little shocking, but --

19 MS. SUSLER: Objection, relevance.

20 Q. And why is that?

21 A. Well, no matter what Jeff's done, I don't
22 think that -- I think this goes well above Jeff. I
23 think probably there's a lot of scapegoats in this
24 case and he's probably going to be made to be one of

1 them.

2 Q. Jeff's going to be made to be a scapegoat
3 by who?

4 A. The Illinois State Police.

5 MS. SUSLER: Objection, relevance.

6 Q. Is there anybody specific in the Illinois
7 State Police that's going to make Jeff a --

8 A. No.

9 Q. You've got to wait. I'm sorry, Mr.
10 Mike -- Mr. Callahan.

11 A. That's all right.

12 Q. As your attorney told you, you've got to
13 wait until we finish the question and I'll try not
14 to walk -- talk over you and you try not to talk
15 over me, okay?

16 A. Okay.

17 MR. BAKER: It's hard because you know
18 what he's going to ask, but just for the transcript
19 you've got to let him get it out --

20 THE WITNESS: Okay.

21 MR. BAKER: -- all right? Wait until
22 he --

23 MR. JOHNSTON: Could you please read that
24 question back?

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

3 BY MR. JOHNSTON:

4 Q. Mr. Callahan, is there anybody in the
5 Illinois State Police specifically that you think is
6 going to make Jeff Marlow a scapegoat in this
7 matter?

8 A. No one specific. That's just the -- the
9 overall atmosphere of the department, and I make
10 that opinion based on how they conducted their --
11 themselves in my case, as far as what happened after
12 I filed complaints to DII, so...

13 Q. Okay. Mr. Callahan, you've testified in
14 trials before, right?

15 A. Yes.

16 Q. And you've testified in suppression
17 hearings before, correct?

18 A. Yes.

19 Q. All right. Any idea how many trials
20 you've testified in?

21 A. Several throughout my career, but --

22 Q. More than --

23 A. -- I would think that probably, most of my
24 cases were pled out, thank God, about 20.

1 Q. Ever testified in suppression hearings?

2 A. Yes.

3 Q. Okay. Do you recall any judge not finding
4 your testimony credible at a suppression hearing?

5 A. No.

6 Q. Do you recall a case called People versus
7 Romaro D. Rueda, R-U-E-D-A, before Judge Doyle in
8 1993?

9 A. No. I remember Judge Doyle.

10 Q. Do you have any recollection of Judge
11 Doyle finding your testimony not believable?

12 A. I remember he recused himself because of a
13 comment I made.

14 Q. What comment did you make that caused the
15 judge to recuse himself?

16 A. I think I said that there was a Greylord
17 in Chicago and there should be one in Kane County.

18 Q. Okay. And did he recuse himself?

19 A. I think he did on -- I think he did on the
20 case. I don't remember. I remember him recusing
21 himself.

22 Q. And on what case did you tell Judge Doyle
23 that there should be a Greylord in Kane County?

24 A. It was actually made in the hallway and

1 his bailiff reported it.

2 Q. Did you think that Judge Doyle was
3 corrupt?

4 A. You know what, I don't --

5 MS. SUSLER: Objection, relevance.

6 A. You're asking me to remember back to a
7 case I don't remember the specifics of it, so I
8 can't -- I can't sit there and -- without
9 remembering the specifics of the case.

10 Q. You mean --

11 A. I just -- I know that it was probably a
12 different -- obviously if I said that, I felt the
13 judge had done something wrong.

14 Q. As you sit here today, you can't remember
15 what Judge Doyle did wrong that would cause you to
16 mention Operation Greylord?

17 A. I remember -- I remember the case was
18 about -- where Judge Doyle and I had a conflict, I
19 testified that it was Illinois, under the Illinois
20 state statutes that if we arrest people and there's
21 children present at the house, we have to find an
22 adult to take care of them or they have to be turned
23 over to DCFS. And the defense counsel tried to say
24 that I was saying that in an intimidating manner to

1 get the woman to testify, and I said no, I was just
2 citing the law. And Judge Doyle obviously said he
3 felt differently, so I became upset and said, you
4 know what, there was like -- I think basically this
5 is a fix and there was a Greylord in Chicago and
6 there should be one in Kane County, because my
7 testimony was just reciting what the state statute
8 said.

9 Q. Are you writing a book?

10 A. Yes, I am.

11 Q. How far along are you in your book?

12 A. It is -- the manuscript is being edited
13 right now by an editor I have. There's probably
14 about five chapters to be edited and then it'll be
15 edited one more time.

16 Q. Is the editor a publishing house?

17 A. No.

18 Q. And who is the editor?

19 A. It's Gary Henry from the Paris Beacon.

20 Q. And did you provide copies of the book,
21 what you've written so far, in response to the
22 subpoena that was served on you?

23 A. To? Have I provided? No.

24 Q. Why not?

1 MR. BAKER: Objection. Calls for
2 attorney/client privileged communications. He's not
3 going to answer the question.

4 Q. Did you see the subpoena served on you in
5 this matter?

6 A. Yes.

7 Q. Okay. And did you read it when you saw
8 it?

9 A. I read a subpoena that I got quite a while
10 ago and then I think they've been sent to John
11 since, so --

12 Q. And did you understand that the subpoena
13 sought documents relevant to the Rhoads homicides?

14 A. Well, I guess my answer to that would be
15 there is nothing that's in that book that isn't in
16 the 7,000 pages of documents that I sent to you in
17 discovery.

18 Q. What's in the book is your recall of what
19 happened in your tenure with the Illinois State
20 Police relating to the Rhoads homicide and --

21 A. Not just the Rhoads homicide.

22 Q. You've got to let me finish -- and Robert
23 Morgan, correct?

24 A. I mentioned Morgan very little. The

1 book --

2 Q. My question is, your book --

3 MR. BAKER: Hold on. You -- hold on,
4 Iain, hold on.

5 MR. JOHNSTON: Okay, I thought he was
6 paused, I thought he was done.

7 MR. BAKER: He wasn't done. I mean --

8 MR. JOHNSTON: All right.

9 Q. Go ahead.

10 A. Repeat your question.

11 MR. BAKER: -- it's fair both sides get to
12 answer the question.

13 BY MR. JOHNSTON:

14 Q. And, Mr. Callahan, remember, I said I'll
15 try to wait until you're finished and you try to
16 wait until I'm finished. I thought you were done.

17 A. No, I wasn't, but that's fine. Can you
18 repeat the question?

19 MR. JOHNSTON: Why don't we have the court
20 reporter read it back.

21 (Requested portion of the deposition was
22 read by the court reporter.)

23 BY MR. JOHNSTON:

24 Q. Do you understand -- do you recall the

1 question?

2 A. So you're wanting to know what my book
3 covers?

4 Q. No. What I'm asking you is part of your
5 book --

6 A. Part of my book is about the Rhoads
7 homicide.

8 Q. We're going to have trouble with this all
9 day I see.

10 A. Yeah. I mean my throat is --

11 Q. We'll try to be careful, we'll be careful.
12 My question is at least part of the book relates to
13 your involvement with the Illinois State Police and
14 the Rhoads homicide investigation, correct?

15 A. Yes.

16 Q. All right. And do you have drafts of
17 those parts of your book at the house?

18 A. Yes.

19 Q. Okay. And is it your understanding that
20 the subpoena requested documents relating to your
21 involvement with the Rhoads homicide?

22 MR. BAKER: I'm going to object because I
23 think that goes to something that's privileged by
24 the attorney/client privilege, my communications

1 with him as to what the subpoena encompasses, and
2 he's not going to answer that question.

3 MR. JOHNSTON: Okay. We can talk about
4 this later, John.

5 MR. BAKER: That's fine.

6 MR. JOHNSTON: We won't fight about it.

7 MR. BAKER: That's fine.

8 BY MR. JOHNSON:

9 Q. Any other documents you have at your house
10 that were not provided?

11 A. No, I think you have them all.

12 Q. Okay. Other than the drafts of the book?

13 A. I don't think we -- newspapers articles,
14 but those are public knowledge to everybody, so --

15 Q. That's fine. Other than newspaper
16 articles and drafts of the book, we've been provided
17 with everything that you have in your possession?

18 A. Yeah, and what I just gave up in discovery
19 the last -- whatever you got on that disk.

20 Q. What you just gave us.

21 A. I think, yes.

22 Q. Okay, that's what I'm asking is what you
23 gave us.

24 A. Yes.

1 Q. Has any current ISP employee provided you
2 with information regarding the investigations into
3 Robert Morgan and the Rhoads homicide, say, in the
4 last two years?

5 A. No.

6 Q. Would you say you have a good memory or
7 bad memory?

8 A. I have a good memory.

9 Q. Obviously you've been deposed before,
10 right?

11 A. Yes.

12 Q. So I'm not going to go over all the rules
13 of a deposition, you know them, okay, but I would
14 like to make sure that the main rule of a deposition
15 is that I understand what you're saying and you
16 understand what I'm saying, okay?

17 A. Uh-huh.

18 Q. Is that fair?

19 A. That's fair.

20 Q. Along with us not talking over each other,
21 okay?

22 A. Right.

23 Q. Okay. So to make sure that we're talking
24 about the same things, I want to just go over some

1 terms and definitions to make sure you and I have
2 the same understanding.

3 A. Okay.

4 Q. See if we can agree on certain things. A
5 4-3, that's an Illinois State Police report,
6 correct?

7 A. It's an investigative report, yes.

8 Q. Okay. It's an investigative report of the
9 Illinois State Police.

10 A. Yes.

11 Q. And are witness interviews captured on a
12 4-3?

13 A. Yes.

14 Q. Okay. An FBI 302, what's that?

15 A. It's an investigative report by the FBI.

16 Q. So basically the counterpart to a 4-3?

17 A. I assume. I'm not with the FBI, but I
18 would assume they're going to say that's their
19 investigative report.

20 Q. You've seen plenty of 302s in your career,
21 haven't you?

22 A. Yes.

23 Q. And you've read them?

24 A. Uh-huh.

1 Q. Is that yes?

2 A. Yes.

3 Q. And so that's -- your understanding is the
4 302 is the same thing as the 4-3?

5 A. Yes.

6 Q. What's the regional level of the Illinois
7 State Police? Where is that line?

8 A. The regional level is there was -- at the
9 time I was with the state police, I'm not familiar
10 with the state police right now, but there was four
11 regions. There was region one, two, three and four,
12 and I don't think if they -- I don't know if they
13 considered OSC a separate region or not, but those
14 regions split up the state, and there was a
15 lieutenant colonel over each region.

16 Q. And what's upper command in your mind?

17 A. Upper command would be probably anybody in
18 Springfield that would be at the regional level or
19 above.

20 Q. So anybody in Springfield at the regional
21 level or above?

22 A. Yes.

23 Q. So a captain in a district is not going to
24 be upper command in your mind?

1 A. No.

2 Q. Overhear. We've all heard a lot about
3 overhears recently. Why don't you tell me a little
4 bit about what you think or in your mind what's an
5 overhear?

6 A. An overhear is a consensual overhear where
7 there's one party consents. To obtain a consensual
8 overhear, it means that a person is either going to
9 conduct a -- for a consenting party, a person will
10 wear a body wire or make a recorded phone call. To
11 do that, you need a court order from a judge. You
12 need the consenting party to sign and agree to do
13 so. There has to be a return of it. Judge usually
14 stipulates. It's usually a ten day period. I think
15 you have 90 days to return it. There's just a lot
16 of stipulations, but it's basically a court order to
17 do a one-party consensual overhear.

18 Q. A court order to allow you to -- one party
19 to eavesdrop on a conversation and record it,
20 correct?

21 A. Yes.

22 Q. Surveillance, what's that?

23 A. Surveillance would be the -- could be
24 stationary or movement, following a person, keeping

1 that person under observation or a business under
2 observation.

3 Q. Would surveillance include both an
4 individual's visual surveillance of somebody as well
5 as by use of a camera?

6 A. Yes.

7 Q. Is surveillance different than an
8 overhear?

9 A. Yes.

10 Q. And how so?

11 A. Well, I mean if you record it with a
12 camera as you just suggested, you would still have
13 to have a court order to have the audio recorded.

14 Q. But without the audio, you don't need a
15 court order.

16 A. No.

17 Q. How about a negative overhear? What's
18 that?

19 A. A negative overhear?

20 Q. Yes.

21 A. Probably would be an overhear that
22 would -- in my opinion, a negative overhear would
23 be, for instance, if we put a wire on an informant
24 that says that he knows this person committed a

1 crime and then that person denies it, that would be
2 a negative overhear. You could also find out that
3 your informant was lying and that would be a
4 negative overhear. So I mean there's different
5 interpretations of what a negative overhear could
6 be.

7 Q. And I just want to know what yours is --

8 A. Yes.

9 Q. -- so when we talk about it we're talking
10 on the same issues. How about a dirty call?

11 A. Dirty call?

12 Q. Yeah.

13 A. (Shakes head).

14 Q. Never heard that term?

15 A. Uh-uh.

16 Q. An overhear when there's a discussion of
17 criminality?

18 A. No.

19 Q. Never heard that term as a dirty call?

20 A. No, it's a new one to me.

21 Q. Okay. How about Brady material?

22 A. Brady material?

23 Q. Yes.

24 A. Is a Supreme Court ruling and it means

1 that any evidence favorable to the defense has to be
2 turned over.

3 Q. Does that include exculpatory material?

4 A. Yes.

5 Q. You were a law enforcement officer for
6 what? How many years? 20 something?

7 A. Close to 25.

8 Q. Okay. In those 25 years, nearly 25 years,
9 you found exculpatory material that was required to
10 be returned over pursuant to Brady, right?

11 A. Yes.

12 Q. And who did you turn that material over
13 to?

14 A. As far as a specific case? I mean --

15 Q. Any case.

16 A. -- this case?

17 Q. Any case.

18 A. In this case, I forwarded it up through
19 the chain of command.

20 Q. In other cases, who did you give that
21 exculpatory material to?

22 A. I would give anything to the prosecutor.

23 Q. Okay. And that's -- generally your
24 understanding is that you give exculpatory material

1 to a prosecutor.

2 A. Yes.

3 Q. Have you ever given exculpatory material
4 directly to criminal defense attorneys?

5 A. No.

6 Q. Have you ever heard of any law enforcement
7 officers giving exculpatory material directly to a
8 criminal defense attorney?

9 A. I believe I did on one occasion.

10 Q. And who is that?

11 A. Because it just comes to mind I think that
12 -- and again, I don't know the particulars of it,
13 but I do know Willie Gartrell in our office got into
14 trouble for giving some information to a defense
15 attorney.

16 Q. Okay. And he got in trouble because --

17 A. A defense attorney basically called him on
18 the phone and asked him some questions and he
19 answered that, which I guess led to some information
20 that hadn't been given, and Willie was chastised for
21 that.

22 Q. Okay. Because a law officer is supposed
23 to give the information to the State's Attorney who
24 then turns it over to the defense attorney, right?

1 A. Yes.

2 MS. SUSLER: Objection. You're calling
3 for a legal conclusion.

4 MR. JOHNSTON: It's been answered.

5 Q. Associate. What does associate mean in
6 your mind?

7 MS. SUSLER: Iain -- Iain, excuse me just
8 a minute. I think you know from being involved in
9 video depositions that there is a slight delay in
10 the audio transmission. So you're not going to get
11 over in this deposition if you just want to say that
12 it's already been answered by the time you hear my
13 objection.

14 MR. JOHNSTON: Thank you, Jan.

15 MS. SUSLER: I just want you to understand
16 that there's an audio delay and I want to make sure
17 that the court reporter can hear my objections.

18 MR. JOHNSTON: We can hear you, Jan.

19 MS. SUSLER: Can you hear them?

20 MR. JOHNSTON: We can hear them, Jan,
21 thank you.

22 MS. SUSLER: I'm asking the court
23 reporter. She's the one that's making the record,
24 Iain.

1 MR. JOHNSTON: Well, now we've taken 30
2 seconds asking that question. Do you want to answer
3 that please?

4 MS. SUSLER: I don't care how long it
5 takes, Iain.

6 MR. JOHNSTON: Thank you.

7 COURT REPORTER: Yes, I heard your
8 objection.

9 BY MR. JOHNSTON:

10 Q. Associate.

11 MS. SUSLER: Thank you very much.

12 A. Associate?

13 Q. Yes.

14 A. Associate would be somebody that would
15 know someone else, like an associate of someone.

16 Q. Do they just have to know the person or
17 they have to have some kind of closer relationship?

18 A. Well, I mean if they're associated with
19 each other, they would know each other. I mean,
20 again, there's different interpretations. They
21 could be associated to one other by just knowing
22 each other, they could be associated with they --
23 they interact together, go out and have beers
24 together, whatever. I mean, you know, associate is

1 a broad term I guess when you say associate.

2 Q. It's pretty encompassing --

3 A. Yes.

4 Q. -- is that fair to say? How about a
5 business profile? You know what a business profile
6 is, right?

7 A. Uh-huh.

8 Q. And what's a business profile? And I'm
9 sorry, one other rule is you can't say uh-huh.

10 A. I'm sorry, I know, but my throat's
11 hurting, so -- a business profile would be --
12 usually that came from our intelligence division.
13 We would ask for business profiles and they have the
14 databases in Springfield and -- at Operational
15 Services Command and they could do a business
16 profile for you.

17 Q. And a business profile would have
18 information relating to a particular business like
19 who owns it, to where it's located, who the
20 registered agent is and other information, if they
21 have outstanding taxes, that type of thing. Is that
22 right?

23 A. Yes. I don't know about the tax
24 information, I don't know if we were privy to that,

1 but yes, basically you're right.

2 Q. And how about a personal profile?

3 A. Personal profile? Again, that would
4 probably indicate it came from our intelligence
5 division. Those profiles would have the person
6 identified by name. It would have any criminal
7 histories, vehicles owned, residences, you know,
8 information like that about the individual
9 themselves, height, weight.

10 Q. Address?

11 A. Yes.

12 Q. Social security number? All those type of
13 things?

14 A. Yes.

15 Q. And when you get a business profile or an
16 individual profile from the intelligence bureau, it
17 prints out at the bottom the date it was created,
18 right?

19 A. Yes. To my recollection it does. I
20 haven't seen one in quite a while.

21 Q. Okay. How about investigation? What's an
22 investigation?

23 A. An investigation is when you actually go
24 out proactively and try and investigate a case, look

1 for the truth, establish leads, find the facts,
2 corroborate those facts and then try to make a
3 prosecutable case, and you can do that in an
4 investigation several ways.

5 [Interruption.]

6 A. That's just a short synopsis. It's a
7 little bit more.

8 MR. RAUB: We're missing the party here, I
9 think.

10 MR. BALSON: My computer went nuts, sorry.

11 MR. RAUB: Was that I Won't Be Fooled
12 Again?

13 MR. JOHNSTON: Tricky Day actually to tell
14 you the truth.

15 BY MR. JOHNSTON:

16 Q. When you defined investigation, you used
17 the word investigate. You said there are several
18 actions I think that show that something is being
19 investigated.

20 A. Well --

21 Q. Is that fair to say? Let me ask you it
22 this way. What activities are indicia of an
23 investigation?

24 A. Okay. Whenever you get an investigation,

1 you get information, and obviously if there's a
2 crime, you would want to establish all the facts of
3 that crime, when it happened, where, why, who, you
4 know, that. And then you look for leads and then
5 you may get witnesses. And what you would do is you
6 want to get the information from those witnesses and
7 try and develop additional leads. And then -- but
8 like any witnesses, some information may be
9 embellished, some may be totally true, some may be
10 facts, some may be a total lie.

11 So it's the job of an investigator to go
12 out, find those leads, find those witnesses, and
13 establish what's fact and what's fiction, what's
14 been embellished, what is the truth. And from that
15 you try to build what they -- a prosecutable case.

16 Q. Let me try to go about it this way.
17 Witness interview, that would be something you do in
18 an investigation.

19 A. That would be one thing.

20 Q. One of the things you would do in an
21 investigation. An overhear, that would be one of
22 many things you could do in an investigation.

23 A. Yes.

24 Q. Surveillance, that would be one of many

1 things you could do in an investigation.

2 A. It depends on what type of surveillance.
3 Sometimes surveillances are to gather information,
4 they're not proactive where you're actually trying
5 to -- you may be just watching somebody to see if it
6 warrants any type of investigative necessity. Some
7 surveillances are where you're actually -- you know,
8 you have a suspect and you're following them and
9 you're trying to actually make a case.

10 A surveillance could be on a drug deal,
11 for instance, where you're getting ready to arrest
12 the person and the surveillance would follow the guy
13 trying to determine where he's getting the narcotics
14 from, so there's different types of surveillances.

15 Q. So the surveillance that you used, the
16 examples you used were that you're viewing a
17 potential drug deal to get information to make an
18 arrest. Would that be action that shows an
19 investigation?

20 A. Yeah, because you're trying to make a
21 criminal case.

22 Q. The use of videocameras, time lapse or
23 night vision, is that something you do in an
24 investigation?

1 A. If you had a time lapse camera going,
2 you're -- most likely it's going to be an
3 intelligence gathering surveillance because what
4 you're looking for is to find some type of
5 intelligence or something to warrant a further
6 investigation.

7 Q. You mentioned intelligence gathering a
8 couple of times. What is -- what is intelligence
9 gathering?

10 A. You know, intelligence gathering, you
11 know, in my opinion it is you as a police officer
12 will get all the types of information that comes in
13 to you. Again, some of it may be fact, some of it
14 may be fiction, some of it may be embellished, some
15 of it may not be, but when you gather intelligence,
16 you gather everything that comes in and you put it
17 down. And then if you're going to take it to the
18 investigative level, that's when you start actually
19 trying to disseminate what -- the truth from the
20 fiction, what's fact, and develop additional leads.

21 Q. So intelligence gathering, you just get
22 information and you put it in a cubbyhole somewhere?

23 A. No, intelligence gathering can be -- for
24 instance, it could be hearsay. It could be where

1 somebody calls me on the phone and says so-and-so
2 said this to me and I heard this and this and this,
3 it was a conversation, but you document that because
4 it's pertinent information, it may be part of a
5 puzzle, but really you don't confirm it until you
6 would go out and interview the person that actually
7 said that to the person.

8 If you use it just as hearsay, just from
9 the person, say, a confidential source, for
10 instance, will call you and say, hey, I have this
11 information, I heard this, this and this. But until
12 you corroborate what he says is truth, it's just
13 strictly intelligence gathering. You're just
14 getting intel from this person and you haven't
15 verified it yet.

16 Q. So it's the verification aspect that
17 changes something from intelligence gathering to
18 investigation?

19 A. It's -- yeah, it's kind of complex, but
20 yeah, more so when you start to actually go out and
21 try and verify things or corroborate and actually
22 investigate what's been going on and then maybe try
23 to develop on what's told you from there.

24 Q. How about operational? What's that mean?

1 A. Operational is actually when you -- you
2 actually are going out trying to make a prosecutable
3 case or doing some type of -- a search warrant is a
4 good example of operational.

5 Q. Okay.

6 A. A drug buy, undercover drug buy is
7 operational, when you're actually out there trying
8 to conduct some type of a criminal investigation in
9 order to make a case.

10 Q. So, for example, serving search warrants
11 would be indicia of investigations.

12 A. Yeah, I mean that's an operational police
13 -- yeah, we wrote up operational plans which would
14 detail what everybody's assignment was, so it was
15 operational because we actually had manpower going
16 out there and effecting some type of police action.

17 Q. Again, as well as participating in a
18 search warrant, participating with an arrest warrant
19 would be something that would be indicia of
20 investigation.

21 A. It would be operational.

22 Q. Okay. And if it's operational, that means
23 it's investigation? That's what I'm trying to get
24 clear on.

1 A. Well, I mean if -- hopefully if you have
2 an arrest warrant, you've already completed your
3 operation because you're arresting somebody for a
4 completed investigation, so hopefully you have the
5 information that --

6 Q. Okay. But that arrest could -- that
7 arrest of that person could be a part of a larger
8 investigation, right?

9 A. Yes. I mean it could lead to other
10 arrests, yes.

11 Q. I mean you can have a huge investigation
12 and have a series of arrests within the
13 investigation.

14 A. Yes.

15 Q. And that's been your understanding as to
16 what these terms mean basically throughout your
17 career of 20 -- almost 25 years?

18 A. 25 years, yes.

19 Q. So basically that's been your
20 understanding?

21 A. Yes.

22 Q. Okay. And you mentioned about documenting
23 witness interviews. That's part of the
24 investigative process?

1 A. Again, it could be intelligence or it
2 could be investigative. It depends on what format
3 you're using that witness interview.

4 Q. What do you mean --

5 A. If you're using the witness's interview to
6 make a case, a criminal case, yes, then it becomes
7 investigative. If you're just documenting a
8 witness's information just for intelligence or just
9 for the information without trying to corroborate
10 that, then it goes back to being intelligence.

11 Q. Okay. So, again, it's the corroboration
12 aspect --

13 A. Yes.

14 Q. -- that seems to be kind of the key for
15 you.

16 A. Yes.

17 Q. Does intelligence gathering often lead to
18 an investigation?

19 A. Oh, yes, it can.

20 Q. Is it common that an investigation starts
21 with intelligence gathering?

22 A. Not necessarily. I mean a lot of times
23 we'll get reports of crimes or actual crimes that
24 have happened and I mean there's no need to gather

1 intelligence. I mean you know you have a crime, so
2 you go out and investigate it.

3 Q. But sometimes invest --

4 A. That's possible, yes.

5 Q. We're trying not to talk over each other
6 again, remember? Okay. Sometimes investigations
7 start with intelligence gathering, right?

8 A. Yes.

9 Q. And when you write reports of witness
10 interviews or of anything, you be careful in what
11 types of language you use in your report, right?

12 A. Again, you're -- you mean -- are you
13 talking about profanity or --

14 Q. No. Okay.

15 A. I mean --

16 Q. Well, I guess you try not to use profanity
17 in your reports, right?

18 A. Well, of course, but --

19 Q. Okay. Well, let's be -- let's be a little
20 more specific. When you write a report, you try to
21 be careful in the language you use to make sure you
22 convey to the reader what's actually happening or
23 what occurred or the information that --

24 A. You try to write down the information of

1 you -- what you received, yes.

2 Q. And you use terms that you know mean what
3 they say, right?

4 A. Yes.

5 Q. And so if something's investigation, you
6 say it's investigation. If something is a witness
7 interview, you say it's a witness interview, right?

8 A. I don't think we termed them as a witness
9 interview, we would just say interview, but yeah, I
10 mean --

11 Q. Okay. So if something's investigation,
12 you're going to say it's investigation.

13 A. If it's an investigation, that's going to
14 go on a 4-3. So if it's an interview of a witness
15 and it's an investigative interview, it would be on
16 a 4-3.

17 Q. Okay. And if it's an investigation,
18 you're going to say it's an investigation.

19 A. Yes.

20 Q. Okay. Intelligence gathering can allow an
21 investigator to obtain evidence to show that the
22 suspect may be more culpable of a crime. Is that
23 true?

24 A. Can you repeat that?

1 Q. Sure.

2 A. That was a lot of words jumbled together.

3 Q. I'll try to slow down for the court
4 reporter. Intelligence gathering can be used by an
5 investigator to obtain additional evidence to show
6 that a person is more or less culpable of a crime.

7 A. Yes.

8 Q. Now, for brevity's sake, and so John
9 doesn't yell at me because I promised him I'm going
10 to try not to go over a lot of things we talked
11 about in the past, I'm just going to try to go
12 through what I understand your testimony was before.
13 You tell me if I'm wrong and you correct me, okay?

14 A. Okay.

15 Q. I think you've testified -- well, strike
16 that. You've testified before that you were ordered
17 that you could, quote, not look into the Rhoads
18 homicide in any way and you were told you, quote,
19 couldn't go there. Is that right?

20 A. Yes.

21 MS. SUSLER: I object. I object to your
22 asking him whether he's previously testified to
23 something. If you have a question you want him to
24 answer today about what he's going to say today, I

1 have no objection to that, but to ask this man to
2 sit here and remember what he testified to in
3 depositions, in trials, in other cases, I object and
4 I think it's improper.

5 MR. TAYLOR: I would add the further
6 objection -- this is Flint Taylor for the plaintiff
7 Steidl -- that if you're going to read from prior
8 testimony, that you give him -- you cite the page
9 and you give him the opportunity to read it.

10 MR. JOHNSTON: Your objections are noted,
11 counsel.

12 BY MR. JOHNSTON:

13 Q. And when you were told those things, this
14 meant to you -- again, correct me if I'm wrong --
15 that you could not gather intelligence on the Rhoads
16 homicide; is that right?

17 MS. SUSLER: Objection, foundation. Where
18 are you reading from?

19 MR. JOHNSTON: My outline.

20 Q. Can you answer that or do you want me to
21 repeat it?

22 A. No, I can -- you know what, there's
23 several different times I was told that I could not
24 reopen the Rhoads case or reinvestigate it, so I

1 guess your question is kind of broad over a
2 different thing. I mean I can go over exactly what
3 happened at each one of those conversations if
4 that's what you want.

5 Q. Well, we're trying to avoid that whole
6 process.

7 A. Well, I think it would be easier than for
8 you -- I mean it's kind of what you're doing is
9 reading from -- I guess it would be easier for me to
10 say yes, I was told that the Rhoads case -- I could
11 not touch the Rhoads case because it was too
12 politically sensitive.

13 Q. And that's what you told us, right?

14 A. Yes.

15 Q. We're okay on that.

16 A. Okay. And then at one point --

17 Q. Wait. Can I stop you right there? I
18 don't want to interrupt you, but can I stop you? My
19 question --

20 MR. BAKER: You don't want to interrupt
21 him, but you want to stop him?

22 MR. JOHNSTON: I don't, I really don't
23 want to interrupt him, but I do want to stop him so
24 we can kind of get this thing back on track to get

1 to the question that --

2 MS. SUSLER: Well, Iain, I object. He's
3 in the middle of an answer and you interrupted him.
4 Let him finish the answer.

5 MR. JOHNSTON: You know, Jan, he's got an
6 excellent lawyer sitting right next to him.

7 MR. BAKER: Thank you, Iain. I appreciate
8 that.

9 MS. SUSLER: And he has his job to do and
10 I have my job to do.

11 MR. JOHNSTON: That's fine.

12 MS. SUSLER: And regardless of who's
13 making the objection, you're not to interrupt a
14 witness when he's in the middle of an answer.

15 BY MR. JOHNSTON:

16 Q. Mr. Callahan, what I'm trying to get at,
17 and again, you tell me if I'm wrong here, when you
18 were told that you couldn't go there and you
19 couldn't look into the Rhoads homicide in any way,
20 in your mind did that mean you could not do
21 intelligence gathering on the Rhoads homicide when
22 you heard those words?

23 MR. BAKER: At which time that he was
24 told?

1 A. That's what I'm asking you.

2 Q. Okay, all right.

3 MR. BAKER: Because that's the -- I think
4 that's the problem that we're having here --

5 MR. JOHNSTON: That's fine.

6 MR. BAKER: -- is that there are multiple
7 conversations --

8 MR. JOHNSTON: Sure.

9 MR. BAKER: -- and trying to lop them all
10 into one specific instance, that's the --

11 MR. JOHNSTON: All right. Thanks, John.
12 I'll try to do it this way.

13 BY MR. JOHNSTON:

14 Q. When you were told in April, on April 4th,
15 2001, that you could not look at the Rhoads homicide
16 and you couldn't go there, was it your understanding
17 at that point you could not do intelligence
18 gathering on the Rhoads homicide?

19 A. April 2001 we were told that we could
20 still gather intelligence.

21 Q. On the Rhoads homicide?

22 A. No, on Robert Morgan.

23 Q. Okay. And so I'm trying to be careful
24 here with you, Mr. Callahan.

1 A. Yes.

2 Q. In April of 2001 when you were told you
3 could not investigate the Rhoads or you could not
4 look at the Rhoads homicide, couldn't go there, was
5 it your understanding at that point you could not do
6 intelligence gathering on the Rhoads homicide?

7 A. The statement made to me at the April
8 2004[sic] was we could not touch the Rhoads or could
9 not look at the Rhoads homicide because it was too
10 politically sensitive, and that came from the
11 command above, then it was reiterated to us. And I
12 believe Major Casella said can we continue to gather
13 intelligence and would I be allowed to open a
14 repository intelligence case on Mr. Morgan? And we
15 were told that we could continue to gather
16 intelligence, but we could not be operational, the
17 same rules that was applied the first time. We
18 could not be operational in any way nor could we be
19 proactive.

20 Q. Okay. And you changed up on me there in
21 the middle of your answer, so let me try to
22 backtrack.

23 A. Well, I'm just trying to tell you what I
24 was told.

1 Q. I understand.

2 MS. SUSLER: Objection to your
3 characterization of his testimony. You can get as
4 impatient as you want, Iain, but I have a job to do
5 just like you do and I don't appreciate your
6 attitude.

7 MR. JOHNSTON: Well, let the record
8 reflect I'm not being impatient and I don't think I
9 have an attitude, so we'll just keep going on with
10 the process.

11 BY MR. JOHNSTON:

12 Q. What I was asking you, Mr. Callahan, was
13 about the Rhoads homicide and then you mentioned Bob
14 Morgan. And so what I'm trying to do is -- and you
15 tell me if I can separate the two, but I was talking
16 about the Rhoads homicide and you threw in Bob
17 Morgan, so let me see if I can work this out so I
18 understand what you're saying, okay?

19 A. Okay.

20 Q. You were told that you could not look into
21 the Rhoads homicide and you couldn't go there,
22 correct?

23 A. That we could not reinvestigate the Rhoads
24 homicide, yes.

1 Q. And when you were told that in April of
2 2001, was it your understanding relating to the
3 Rhoads homicide that you could not do intelligence
4 gathering on the Rhoads homicide?

5 A. That's correct, we could not do anything
6 with the Rhoads homicide.

7 Q. Okay. And that would include intelligence
8 gathering.

9 A. Yes.

10 Q. Okay. To speed up the process and if it's
11 okay with you, can we either call that the Rhoads
12 order or the Rhoads directive if that's work for
13 you? If it doesn't, we'll figure out what else to
14 do.

15 A. Yes.

16 Q. Okay. And when you were told in April of
17 2001 that you could not look into the Rhoads
18 homicide and you couldn't go there, you understood
19 you could not investigate the Rhoads homicide,
20 correct?

21 A. That was what we were told, yes.

22 Q. And that's your understanding.

23 A. Yes.

24 Q. But I think you also testified that in

1 April of 2001 you were told you could do
2 intelligence gathering on Robert Morgan, correct?

3 A. We could continue, yes.

4 Q. Okay, and you could continue to gather
5 intelligence on Robert Morgan.

6 A. Yes.

7 Q. So that -- if the word continue is being
8 used, that means up to that point you had been
9 gathering intelligence on Robert Morgan; is that
10 right?

11 A. Yes. Through the federal entities.

12 Q. In April of 2001, were you told that you
13 could not investigate Robert Morgan?

14 A. Yes.

15 Q. And again, for brevity's sake, can we call
16 that either the Morgan directive or the Morgan
17 order?

18 A. Yes.

19 Q. Is that fair? And I assume if we go
20 through these questions today, you're going to have
21 the same answers, right?

22 A. Yes.

23 Q. And based upon Mr. Baker's objection, what
24 I'm going to go through is a couple of the other

1 times when I think you've testified that you were
2 given something similar to the Rhoads directive or
3 Rhoads order, okay?

4 A. Yes.

5 Q. Were you given an order or a directive in
6 May of 2000 that you could not look at the Rhoads
7 homicide?

8 A. Yes.

9 Q. And in May of 2000 when you were told you
10 could not look at the Rhoads homicide, you knew you
11 could not do intelligence gathering on the Rhoads
12 homicide.

13 A. We were actually told to completely shut
14 down on everything on the Rhoads case and Morgan and
15 everything. We were told it was -- we could not
16 touch the Rhoads case, it was too politically
17 sensitive.

18 Q. Okay. And so in May of 2000 you couldn't
19 even do intelligence gathering on Robert Morgan?

20 A. In the beginning until I continued on with
21 a conversation with Colonel Carper.

22 Q. Okay. When did that conversation with
23 Colonel Carper occur?

24 A. Shortly after she told me the Rhoads case

1 was too politically sensitive and we couldn't touch
2 it.

3 Q. Could you give me a date on that
4 conversation with Colonel Carper?

5 A. Well, it was probably -- like I think we
6 testified before, it was sometime within a week
7 after the May 18th meeting where Andre Parker was
8 present and several -- Edie Casella, the
9 intelligence analysts that were present, Captain
10 Strohl was there and myself.

11 Q. And Lieutenant Colonel Carper told you at
12 that point you could gather intelligence on Robert
13 Morgan?

14 A. Let me back up. We had the May 18th
15 meeting. Now we're not talking about that anymore,
16 correct?

17 Q. No, you jumped --

18 A. We jumped --

19 Q. I was talking about the May --

20 A. -- up to within a week. We were called
21 into a meeting, a one-on-one meeting with Colonel
22 Carper at her office on the second floor of the
23 Armory building, and when John Strohl and I walked
24 in, we were told you cannot touch the Rhoads case

1 any longer, you are to cease and desist, the case is
2 too politically sensitive. And it took a few
3 seconds to gather our thoughts and I brought up a
4 couple of things.

5 She already knew that I had already
6 offered assistance to ATF in their case on the
7 Diablo murders because ATF also said they had an
8 interest in Bob Morgan for all the arsons and that
9 also ATF had information that the Board brothers
10 might have also been involved in the Rhoads
11 homicides.

12 So based on that, I also advised her "I
13 know the FBI is interested in Bob Morgan. Mr.
14 Morgan is being looked at for either several
15 suspicious FDIC audits, money laundering and
16 narcotics, possibly narcotics from information, so,
17 colonel, do you really want the FBI and these
18 federal agencies out there? Do you want them to
19 find out something about the Rhoads homicide and
20 then it's going to embarrass us because it looks
21 like we covered everything up?" And that's when I
22 was told that I could go along with the federal
23 agencies and gather intelligence.

24 Q. So --

1 A. And --

2 Q. And this --

3 A. I wasn't done, but go ahead.

4 Q. I'm sorry, I thought you were done. I
5 apologize.

6 A. Okay. And I was told that I could not be
7 operational in any way, we could not be proactive,
8 that I could only go along with them and gather
9 whatever intelligence that came back, and then if
10 something come up where the FBI or anyone got
11 proactive on Mr. Morgan or if something came up on
12 the Rhoads case, I was to immediately contact her,
13 and I was to give her periodic updates on what the
14 Feds were doing.

15 Q. And so after this meeting that you've just
16 described --

17 A. Yes.

18 Q. -- you understood that you were allowed to
19 gather intelligence on Robert Morgan?

20 A. Yes.

21 Q. Besides Diane Carper, did anybody else
22 give you what we're calling the Rhoads directive or
23 the Morgan directive?

24 A. No. Colonel Carper. It was just a

1 meeting with John Strohl, Colonel Carper and myself.

2 Q. The Rhoads directive, was that a lawful
3 order?

4 MS. SUSLER: Objection.

5 A. I didn't feel it was.

6 Q. Okay. And I can't tell you to answer, and
7 I talked to John about this before, so you do
8 what -- John'll take care of it.

9 MR. BAKER: Well --

10 MR. JOHNSTON: That's fine. I don't want
11 to interrupt, John, and do your job.

12 MR. BAKER: Well, I mean he -- obviously
13 Mr. Callahan is not a lawyer.

14 MR. JOHNSTON: Yeah, I understand.

15 MR. BAKER: All right. And so to the
16 extent that there's any legal connotation associated
17 with that question, I guess I would object, but I
18 think he can certainly offer his opinion on what he
19 thought about that particular order.

20 A. And I wasn't done talking anyways.

21 Q. I'm sorry. All right, so I think the
22 question --

23 MR. BAKER: Iain is trying to protect you
24 by deferring to me. I mean he knows that's a touchy

1 area because we've discussed that before, and so he
2 was deferring to me there. He wasn't trying to
3 interrupt you.

4 Q. So my question, and go ahead and answer it
5 to the extent you need to, is when Diane Carper gave
6 you the Rhoads directive, do you think it was a
7 lawful order?

8 A. No, I was very shocked and I was very
9 upset. You know, you're talking about at that point
10 20 years of my career thinking that the Illinois
11 State Police always does the right thing, so to have
12 an order that we can't investigate a crime with so
13 many questions left in it, yeah, I was shocked. I
14 guess I left that day somewhat deflated, but I also
15 felt as long as the federal agencies were still
16 looking, then I still had that small avenue of
17 having my foot in the door with them, and there
18 would eventually be something that could come up
19 that couldn't be ignored no matter how politically
20 sensitive it was.

21 Q. When Diane Carper gave you that Rhoads
22 directive, did it -- in your mind did it violate ISP
23 policy?

24 A. Yes.

1 Q. You wouldn't happen to know which rule of
2 conduct, would you?

3 A. (Shrugs shoulders.)

4 Q. No?

5 A. Probably could be official misconduct,
6 conduct unbecoming. The ISP has policies for about
7 every little thing you do. If they want to get you,
8 they'll get you.

9 Q. When Diane Carper gave you the Morgan
10 directive, was that a lawful order?

11 A. To gather --

12 MS. SUSLER: Objection.

13 MR. BAKER: Go ahead.

14 A. Well, I think that I had a couple -- to be
15 honest with you, my feeling was when I left that the
16 reason that she was allowing me to go along and
17 gather intelligence with the FBI and with the
18 directive to actually report back if they got
19 proactive on Morgan was I was somewhat suspect.
20 Like I guess my attitude was does Springfield want
21 me to be a snitch on what the FBI is doing or what
22 they found out? So I was a little bit guarded with
23 -- but at least I felt like, hey, as long as I try
24 to do the right thing and I keep my foot in the

1 door, you know, eventually something can happen.

2 Q. All right. But was that a lawful order?

3 The Morgan directive, was it a lawful order?

4 A. I mean there was -- I mean she was
5 allowing me to still gather intelligence, so I mean
6 I don't know, you'll have to ask her what her
7 reasoning was for allowing me to go, but I said --
8 again, I guess, there wasn't anything unlawful about
9 that, no.

10 Q. Okay, and that's what I'm getting at is in
11 your mind it sounds like the Rhoads directive was
12 unlawful but the Morgan directive wasn't. Is that
13 accurate?

14 A. Yeah, I would say --

15 MS. SUSLER: Asked and answered.

16 A. -- my opinion would be it was very
17 restrictive, but it still -- you know, the ISP was
18 very big on image then and they would -- the last
19 thing they would want to do is be embarrassed by a
20 federal investigation. I mean we had been
21 embarrassed by enough federal investigations by that
22 time that to be embarrassed by a federal
23 investigation, it shows we turned a blind eye once
24 again.

1 Q. So there was a distinction in your mind
2 between what you thought was the unlawfulness of the
3 Rhoads directive and the -- what seemed to be a
4 lawful directive regarding Morgan?

5 A. Well, I mean you're asking me --

6 MS. SUSLER: Objection, asked and
7 answered. That's the third time you've asked the
8 question and gotten the answer.

9 A. Again, I'm saying you're talking about
10 strictly unlawful. I wouldn't say it was
11 unlawful --

12 Q. That's what I'm --

13 A. -- but it still caused me some questions I
14 guess.

15 Q. Thank you, Mr. Callahan.

16 A. But it's not unlawful.

17 Q. Okay, thank you. That's all I'm looking
18 for is was it unlawful in your mind --

19 A. Right.

20 Q. -- and I don't think it was.

21 A. All right.

22 Q. When you were a lieutenant with the
23 Illinois State Police, was there a rule of conduct
24 regarding obeying unlawful orders?

1 A. Well, there's a directive that says that
2 you don't have to obey unlawful orders.

3 Q. And do you recall what the directive
4 allows you to do?

5 A. Well, I guess the directive allows you to
6 go up your chain of command and report it, but
7 obviously you saw what happened to me when I did
8 that.

9 Q. Did you any time before 2003 go up
10 anywhere on the chain of command to notify somebody
11 of what you thought was the unlawful order that
12 Lieutenant Colonel Carper gave you regarding the
13 Rhoads directive?

14 A. Above me?

15 Q. Yes.

16 A. Yes. Edie Casella.

17 Q. Okay. And when did you tell her that?

18 A. And John Strohl was above me, but John
19 Strohl heard it himself, so...

20 Q. Okay.

21 A. Edie Casella became our -- we reorganized
22 I believe in late 2000, early 2001. Investigations
23 and patrol split up. Edie -- Mike Snyder was our
24 zone commander for maybe three days I think. I

1 don't know, I think I had maybe two conversations
2 with him, and he was I believe made a deputy
3 director or assistant deputy director somewhere, and
4 Edie Casella replaced him shortly after that, so she
5 would be there in early 2001.

6 Q. Does the ISP directive tell you that --
7 tell the officer that if they receive an unlawful
8 order that they can go to the Division of Internal
9 Investigation?

10 A. You know what? I'd have to read the
11 directive again --

12 Q. Fair enough.

13 A. -- to be exact I mean.

14 Q. Did you follow this Rhoads directive from
15 April 4, 2001, until the date of your retirement?

16 A. No, we made other attempts to get the case
17 reopened, reinvestigated.

18 Q. Did you -- from April 4th, 2001, to the
19 date of your retirement, did you always follow the
20 Morgan directive?

21 A. Well, you have a very broad range and
22 things changed over the time.

23 Q. Let me -- that's fine.

24 A. You know, I mean --

1 Q. And then I was thinking you were going to
2 answer like -- well, let me ask the question a
3 little more specifically for you, okay, Mr.
4 Callahan?

5 A. Okay.

6 Q. Between April 4, 2001, and let's say
7 January 17th, 2003, did you follow the Morgan
8 directive?

9 A. Well, again, things changed prior to
10 January 17th.

11 Q. Okay. When did they change?

12 A. At the clemency meeting and --

13 Q. All right. So that would have been
14 January 9th, 2003.

15 A. Yeah, so if you want to reference before
16 that.

17 Q. Okay, let's do it that way then.

18 A. Okay.

19 Q. Between April 4, 2001, and January 9th,
20 2003, did you follow the Morgan directive?

21 A. Again, you're -- the time -- let's see,
22 we're talking about from the time -- okay, I'm going
23 to go down the time line because you're giving me a
24 couple years here, because for 2002 I had absolutely

1 nothing hardly to do with anything with the Rhoads
2 or Morgan. I was told in early 2002 by Captain
3 Fermon to address my narcotics task force business
4 only and that Mr. Ben Halloran, Sergeant Halloran
5 and Danny Reed, if anything came up on the Rhoads or
6 Morgan, I was to give them the immediate
7 information.

8 There was an instance where I did a vault
9 inspection where we did find a discrepancy with
10 evidence in the Rhoads case that was turned over by
11 the vault custodian to Danny Reed because he was in
12 the chain of command and also that was the
13 directive. I have no clue what they did with that
14 although there was a pretty big discrepancy in the
15 evidence I pointed out.

16 The only other time was Danny Reed --
17 there was significant interest by Tim Bass in
18 getting something going in the Paris area on some of
19 these things like Mr. Morgan, there was the FDIC
20 allegation, and he had voiced a desire to get
21 together and do things. We had actually wrote an
22 executive summary in early 2002, but after that,
23 like I said, Greg Dixon was transferred to one of my
24 narcotics task forces, I was told to address my

1 narcotics task force business only.

2 Danny Reed told me I would be allowed to
3 sit in on any federal meetings, but they always got
4 cancelled, so I don't believe we had any federal
5 meetings at all during 2002 until I think I was
6 approached by Tim Bass in September at a Champaign
7 chiefs meeting and he asked me why we didn't try to
8 get together and do something, what we were talking
9 about in February, and my response to Mr. Bass was
10 go ask Captain Fermon.

11 Q. Okay. From April 4th, 2001, until what
12 day, if you can recall, did you follow the Morgan
13 directive?

14 MS. SUSLER: Objection. Asked and
15 answered.

16 A. Probably up to like I said 2002.

17 Q. 2002.

18 A. That February when we did the executive
19 summary --

20 Q. Okay.

21 A. -- and that and then kind of cease and
22 desist after that.

23 Q. So 4/1/01 to February '02, correct?

24 A. Yes.

1 Q. This executive summary you've mentioned a
2 couple of times, is it labeled overview?

3 A. No, that overview was actually after the
4 clemency meeting.

5 Q. After the clemency meeting.

6 A. Yes, and I can go into that too.

7 Q. So the overview is after January 9th,
8 2003, correct?

9 A. Yes. It would have been probably later
10 than that. It was prepared during when the -- when
11 all the federal agencies and state agencies started
12 meeting to try and form a task force. And if you
13 want me to go into it, I'll tell you exactly what
14 happened.

15 Q. We'll see if we get there.

16 A. Okay.

17 Q. Say February 2003, were you allowed to
18 investigate Robert Morgan?

19 A. I told you I was told to address my
20 narcotics task force business only.

21 Q. 2003.

22 A. Oh, 2003, I'm sorry.

23 Q. Let me back up.

24 A. Now you're going back.

1 Q. Let me ask you the question. I
2 understand. After or, say, beginning February 1st,
3 2003, were you allowed to investigate Robert Morgan?

4 A. Okay, we're going by years. Okay. Yes.

5 Q. And that was after this January 9th, 2003,
6 academy meeting and I think you used the word
7 clemency, right?

8 A. I called it the clemency meeting, but yes,
9 Colonel Brueggemann said we could do a full court
10 press. He wanted us to become a OCDETF case.

11 Q. And that meeting was called by Diane? The
12 clemency meeting that you've described, that was
13 called by Diane Carper after you got a phone call
14 from Matt Bettenhausen, right?

15 A. Yes, I got a call on the night of January
16 8th and I informed up through the chain of command,
17 and then Colonel Carper called me and told me to be
18 at the academy the next day.

19 Q. Then you had this big meeting -- we'll
20 talk about it.

21 A. Yes.

22 Q. You had this big meeting at the academy in
23 Springfield, right?

24 A. Yes.

1 Q. And after that big meeting, Diane Carper
2 calls and you were allowed to investigate Robert
3 Morgan.

4 A. Yes. I was told I would be able to.

5 Q. Did Robert Morgan's presence at the scene
6 of the Rhoads house the morning of the murders cause
7 you to be suspicious of him?

8 A. I remember Jack Eckerty telling me that
9 Morgan was there and that caused somewhat suspicion
10 with him, which I said, yeah, I understand, it would
11 cause some suspicion with me, especially when you
12 relate to Morgan saying that their relationship was
13 an employee -- employer/employee type relationship
14 only.

15 Q. Why did Bob Morgan's presence at the scene
16 of the Rhoads fire cause suspicion in your mind
17 other than the fact that, among other things, Jack
18 Eckerty told you it caused him to be suspicious?

19 A. Well, probably through all the reports I
20 read and the actual original case file and then some
21 of the documentation that Bill Clutter had also
22 provided me.

23 Q. So it was not just his presence but
24 additional information you had that caused you to be

1 suspicious of him?

2 A. Yes.

3 Q. Did you ever see a crime scene video of
4 the Rhoads homicide?

5 A. No. I had asked for them.

6 Q. Okay. Do you know if one ever existed?

7 A. I know one was destroyed.

8 Q. A video?

9 A. Crime scene video, yes.

10 Q. Okay. And how do you know one was
11 destroyed?

12 A. Actually I learned that in discovery on
13 Mr. Whitlock when the appellate prosecutor turned
14 over all that evidence. Mr. Clutter let me go
15 through it and I saw the 4-9 destroying the crime
16 scene video, and I think there was a computerized
17 lab report where it showed destroyed by I think it
18 was Sergeant -- Master Sergeant Duane Hill.

19 Q. D. C. Hill, right?

20 A. Yes.

21 Q. And did you ever talk to Rodney Miller
22 about that -- that alleged video?

23 A. I talked to Rodney Miller at the Grand
24 Jury, but I don't believe -- I don't remember ever

1 talking about the video.

2 Q. Okay. Do you know that Rodney Miller
3 created documents saying that that was not a crime
4 scene video? Have you ever seen that?

5 A. No.

6 Q. Have you ever seen the videotape of the
7 overhear between Darrell Herrington and Randy
8 Steidl?

9 A. No.

10 Q. Have you ever seen it on the 48 Hours
11 episode?

12 A. I saw -- I think they had excerpts of it.

13 Q. Do you know how CBS obtained copies of
14 that excerpt of that video and audio overhear?

15 A. No.

16 Q. Do you know if Bill Clutter has copies of
17 that video and audio overhear between Darrell
18 Herrington and Randy Steidl?

19 A. No, I don't.

20 Q. A basic investigative technique to solve a
21 large crime is to investigate lower level people,
22 get them to flip so you can put pressure on the
23 people higher up the criminal chain. Is that fair
24 to say?

1 A. Yes.

2 Q. There's nothing stunning about that
3 investigative technique.

4 A. No.

5 Q. Between February of 2003 through May of
6 2003, did you make attempts to put pressure on Bob
7 Morgan's associates so that they would eventually be
8 arrested and flip and you'd get information on Bob
9 Morgan?

10 A. Yes, we developed two informants, and I
11 think we had some pretty good game plans of what we
12 were going to try to do with getting some people
13 that were not only connected to Bob Morgan, that
14 would have been the farthest reach, but also
15 information we had received from ATF in the Rhoads
16 homicide.

17 Q. So that would have been James Lawton and
18 George Stevens?

19 A. No.

20 Q. Two different confidential informants?

21 A. These were totally two different
22 informants.

23 Q. Okay. Were James Lawton and George
24 Stevens ever confidential informants?

1 A. No.

2 Q. And when you go into an investigation,
3 should you have an open mind?

4 A. Yes.

5 Q. Should it focus on anybody in particular
6 right off the bat?

7 A. I think that you go -- you establish the
8 suspects, and then, you know, as time goes on you
9 may lead to more suspects and -- or it could be a
10 conspiracy of suspects. There can be more than one
11 person that's a suspect in a crime, I mean could be
12 four or five people commit a crime, so I mean, yeah,
13 you have to keep an open mind.

14 Q. Okay. So it's important to keep an open
15 mind when you go into investigations.

16 A. Yes.

17 Q. And not to have any preconceived ideas
18 before you go into a --

19 A. No.

20 Q. Is it fair to say it's important to get
21 facts before you start developing ideas about where
22 an investigation should lead to?

23 A. Once you start investigating, that's what
24 you're doing is you're looking for facts and the

1 truth.

2 Q. Now, is it fair to say that one
3 unfortunate reality of any investigation is that you
4 need to determine how many resources to use on that
5 investigation?

6 A. Yeah, you're always going to have to worry
7 about resources and over time -- I mean, yeah, are
8 you talking about from a commander's -- yeah. I
9 mean if I would have been allowed to reopen the case
10 or reinvestigate the case, I would have had to
11 have -- actually when we opened the case, I would
12 have had to -- or reopened the case, I would have
13 had to pick which manpower or how much manpower,
14 which agents I felt were competent and able to
15 handle a case that complex or an investigation that
16 complex, how many man hours, overtime.

17 You know, you take into a lot of factors
18 of what you're going to have in the investigation,
19 what it's going to entail, are we going to do
20 overhears and is it going -- how much is it going to
21 cost, who's going to transcribe the reports. I mean
22 there's a lot of factors you take on in an
23 investigation.

24 Q. When you start an investigation, you don't

1 have a blank check, right?

2 A. No. You wish you did, but, you know, in
3 those days, unfortunately we had to start going to
4 Springfield to --

5 Q. Okay. And I wish I had a pony, but
6 neither one is going to happen, right? You're not
7 going to get -- you're not going to be able to get
8 to do everything you want in any investigation,
9 right?

10 A. That's -- again, that's up to the powers
11 above me what limitations they could set or not,
12 so --

13 Q. Well, it also depends --

14 A. And you try to -- any time you're an
15 investigator, you try to play with the cards you're
16 dealt, so to speak, and you still try to deal with
17 your limitations and do the best job you can.

18 Q. And as a lieutenant overseeing
19 investigations, you had to determine on various
20 investigations how many resources or what resources
21 to allocate to various investigations sort of under
22 your control.

23 A. Yes.

24 Q. And unfortunately after 9/11 there were

1 additional resource concerns in all law enforcement.

2 Is that fair to say?

3 A. I would say 9/11 changed a lot of things
4 for everybody.

5 Q. After 9/11, were there additional
6 terrorism concerns that the Illinois State Police
7 was involved in?

8 A. Well, I believe that probably at levels
9 much higher than us and at zones in the district,
10 business was probably still -- my task force still
11 functioned. I know that the department started
12 looking at things like STIC centers and getting a
13 Homeland Security database and things like that.

14 And obviously any information that we
15 would have, say, maybe from a narcotics task force,
16 might deal with somebody that might also be involved
17 in terrorism. Certainly they would be able to glean
18 from that information from one of our narcotics task
19 forces.

20 But to say my narcotics task force, for
21 instance, went out and specifically looked for
22 al-Qaeda members, no. I mean it was business as
23 usual, and whoever is dealing the drugs, that's who
24 you go after.

1 Q. And I'm not -- and I think you've answered
2 this. I'm not saying that you had people under your
3 control that were taken out and physically put into
4 antiterrorism. I'm not asking you that. And that
5 didn't happen, right?

6 A. Actually it did.

7 Q. Okay, good. All right. Who was taken out
8 of your investigative function and sent over to take
9 care or to investigate terrorism?

10 A. I lost one of my sergeants, Bob Cummins,
11 from my Decatur office, and he was removed to a
12 terrorism task force.

13 Q. Okay.

14 A. Actually I think I was the last person to
15 find out about it until he -- he called me, but that
16 happened. And then Val Tally, but Val Tally wasn't
17 in my chain of command, he was a staff officer for
18 Captain Fermon, but those are the two that come to
19 mind that were taken from our zone and put in a
20 terrorism task force.

21 Q. So post 9/11, Zone 5 lost two people to
22 terrorism duties?

23 A. Yes. And I only lost one under my chain
24 of command.

1 Q. Okay. And besides the Illinois State
2 Police, certainly the FBI had to refocus to some
3 extent on terrorism activities.

4 A. Yes.

5 Q. Did the FBI's involvement in looking at
6 Bob Morgan diminish in the spring of 2003 because it
7 began to focus on terrorism?

8 A. It --

9 MS. SUSLER: Objection. If he knows.

10 A. It diminished, but it didn't stop. Nate
11 Williams had said in his words, "things just don't
12 smell right and I want to keep my foot in this door,
13 I want to still be apprised. I may not be able to
14 be at every meeting, I may not be able to be as
15 interactive with you as I have in the past, but I
16 still want to be involved in any task force meetings
17 you have. If I'm not there, if I can't make the
18 meetings myself," which he did make a lot of the
19 meetings still, I mean there wasn't that many
20 meetings, but his intentions were to still keep a
21 focus on it, although he said, "you know, our
22 directive now is terrorism is our number one
23 priority."

24 Q. So as I understand it, Nate Williams'

1 involvement with the task force became more limited
2 because his focus was directed towards terrorism,
3 but he still wanted to be involved in the task
4 force --

5 A. Right.

6 Q. -- to some extent.

7 A. Yes, to some extent.

8 MS. SUSLER: Iain, can I just, sort of a
9 point of order, you're -- you know, I don't know how
10 long this witness is willing to sit, but you're
11 really prolonging the deposition by repeating every
12 answer that he gives you, so I would suggest that
13 you not do that.

14 MR. JOHNSTON: Thank you.

15 BY MR. JOHNSTON:

16 Q. Is it fair to say that another fundamental
17 rule in investigations is to document information?

18 A. Yes.

19 Q. And as an investigator, there's protocol
20 that you use when you document information; is that
21 right?

22 A. You would put it on an investigative
23 report, 4-3.

24 Q. And you write down what the witness tells

1 you?

2 A. Yes.

3 Q. And part of this protocol is you take your
4 own notes of the witness interview and then you take
5 your notes and you write up the 4-3.

6 A. Yes.

7 Q. And any time you meet with a witness you
8 want to document those meetings with those
9 witnesses, correct?

10 A. Yes.

11 Q. And the purpose of writing reports and
12 memos is to document exactly what was said?

13 A. A report is different than a memo. You
14 know, if you're going to write an investigative
15 report, that's actually part of a case file or an
16 investigation. A memo could be just something as
17 simple as interoffice communication.

18 Q. When you write a memo, even if it's just a
19 simple interoffice document, do you want to make
20 sure it contains all the relevant facts?

21 A. Yes.

22 Q. And you want to make sure you say who said
23 what to who, where they were and when they said it,
24 those types of things?

1 A. I think that there's a lot of times -- I
2 mean in some of the cases you would say I don't
3 think you're going to have to be so -- you're not
4 writing a dissertation, so I don't think you have to
5 sit there in a thing and say I received this
6 information from this person through this person.
7 So I don't necessarily think that you -- I mean it's
8 just you're reporting what information that you got
9 and then you can always explain how you got it. So
10 I mean interoffice memos aren't dissertations and I
11 don't think they have to be so -- I mean if that was
12 the case, I'd be -- would have been writing memos
13 eight hours a day.

14 Q. In an interoffice memo, should you at
15 least say who told you the specific information so
16 that you know what --

17 A. Basically what --

18 Q. Wait, let me finish. Sorry, I apologize.
19 I gave you a little pause there and you took the
20 opportunity, so let me back up.

21 In an interoffice memo, should you at
22 least say who told you the information so you had
23 the source of where the information came from?

24 A. Well, I guess as long as I knew the

1 source, and the fact is I'm saying me as this person
2 writing this document got this information. I'm
3 telling the person I'm writing this to this is the
4 information that I received. Now, for me to break
5 down each individual person that I got the
6 information from, that would be counterproductive
7 because again it's -- you know, I would hope that
8 the person I'm writing this to would say Callahan
9 got this information and therefore he's documenting
10 it, and if they have to -- if they're that
11 concerned, they can always call me and say who did
12 you get this information from.

13 Q. When you document information, though, you
14 also leave a paper trail so that if somebody picks
15 up the file after you they know where you obtained
16 your information, is that fair to say? So if
17 somebody read one of your memos and it doesn't say
18 where you got the information, they're not going to
19 know unless they reach out to you.

20 I know that's a compound question, John,
21 so you can object, but I'm just trying to ask a
22 question.

23 A. No, and that's why I wrote the overview.
24 I think in the overview I tried to be a little bit

1 more specific in that overview to -- I think I even
2 prefaced it with some of this information was
3 hearsay, some of it was facts, some whatever, but --
4 you have to remember, I guess my mindset was writing
5 those memos we had already been told we couldn't
6 investigate the case. So, you know, just putting
7 something in a memorandum to detail every little
8 thing, I mean you're -- basically the memo is just
9 saying, hey, here's my concerns.

10 Q. Was there lots of information relating to
11 the Rhoads homicide and the Bob Morgan matter that
12 never made its way into the case file and the only
13 place it is in your head?

14 A. I like to think that through some notes or
15 something that there's always something, but there's
16 a possibility. I mean I do -- but I would say
17 that -- and I guess that's a broad question from
18 you, but a lot of my analyses or concerns came from
19 the case file itself by reading the reports that
20 contradicted each other or left so many questions,
21 or when you analyzed it by putting what Clutter had
22 found with his documents.

23 So I guess as any type of investigator I
24 could come up with what ifs or hypotheticals in my

1 mind, I think every investigator does that with
2 hypotheticals constantly, probably still does in
3 this case, but -- so to say that I've documented
4 each and every little hypothetical that's ever
5 entered my mind, no, I haven't.

6 Q. Okay. I don't know if I asked you about
7 hypotheticals but --

8 A. Well, I mean you were kind of broad there,
9 that's what I'm saying, so...

10 Q. Well, you mentioned notes in your answer.
11 Where did you document these notes that you just
12 mentioned in your answer?

13 A. Usually if somebody called and gave me
14 information, it would usually end up going on the
15 memorandum. Say if I got a phone call and somebody
16 said, hey, I just heard this, I document it on a
17 note and then I add it to the memorandum.

18 Q. And then where would the notes go?

19 A. Sometimes I'd just destroy them because
20 they were now on the memorandum.

21 Q. And other times you didn't destroy them,
22 where would they go?

23 A. I -- just a file I would keep.

24 Q. Where is that file that you keep?

1 A. You have all the notes. It's at home now.

2 Q. Okay. And those were produced in response
3 to the subpoena?

4 A. Yes.

5 MS. SUSLER: Iain, when you get to a
6 convenient breaking point, I'd like to take like a
7 two minute, three minute break.

8 MR. JOHNSTON: Okay.

9 BY MR. JOHNSTON:

10 Q. Is there an ISP policy about documenting
11 information?

12 A. Oh, I'm sure there is and I don't
13 recollect it exactly specifically. We had about ten
14 pages of policy regulations.

15 Q. On documenting?

16 A. Yeah, but I'll answer your question more
17 succinctly. In this case I was specifically told
18 not to write reports, so if that's what you're
19 getting at about no investigative reports, in that
20 first meeting in May 2000 I was told not to document
21 reports, not to write any reports, and that's why
22 you'll only see FBI reports written from interviews
23 they did. I was told I could go along and sit in on
24 the interviews.

1 Q. But I -- and I don't know if you answered
2 it, but my question was there is a policy about
3 documenting.

4 A. Oh, if you say there is. You probably
5 know --

6 Q. I don't know.

7 A. -- the policy better than I do now.

8 Q. I don't know. You were 25 years, I'm not,
9 you know. Do you recall there being a policy on
10 documenting reports?

11 A. Well, if you're doing an investigation and
12 you have a case open, yes, you will document
13 reports, but a case wasn't. There was no case
14 reopened in this case.

15 MR. JOHNSTON: I'll try to get you there
16 quick, Jan.

17 Q. So you didn't write a single 4-3 regarding
18 Morgan or Rhoads. Is that fair to say?

19 A. No, not that I remember.

20 Q. Okay.

21 A. And I can add something a little bit
22 further there. You have to understand I was a
23 lieutenant in the Illinois State Police.
24 Lieutenants don't do investigative work. They

1 oversee investigations. If there was an
2 investigation, we would have been reinvestigating
3 it. I would have assigned case agents and agents
4 to -- and they would have been the ones that would
5 have documented those 4-3s. They are the ones that
6 would have wrote those reports not a lieutenant. I
7 might have overseen or given some guidance or said,
8 hey, we can't afford to do this or I can't pay this
9 overtime. You know, there would have been -- I
10 would have been overseeing the investigation, but I
11 wouldn't have been actually writing the reports
12 anyway.

13 Q. Do you know if during your time at Zone 5
14 whether Greg Dixon wrote any 4-3s on Rhoads or
15 Morgan?

16 A. I didn't see any.

17 Q. Okay. Did you see any 4-3s written at any
18 time when you were in Zone 5 relating to Rhoads or
19 Morgan?

20 A. I did see a 4-3 written by Danny Reed
21 about campaign contributions.

22 Q. Any others?

23 MR. BAKER: You're talking about that were
24 written during the 2000 to 2003 time frame?

1 MR. JOHNSTON: Yes.

2 MR. BAKER: Okay.

3 Q. Does that help?

4 A. Yeah. No, not that I --

5 Q. No other --

6 A. I just remember -- I remember -- my
7 recollection is I remember the Ben Halloran one.

8 Q. I'm sorry, Ben Halloran?

9 A. It was I think Ben Halloran and Danny
10 Reed, I don't know who authored it, but it was from
11 Reed and Halloran, something about campaign
12 contributions.

13 Q. Do you recall when you saw that 4-3?

14 A. When I last saw it, it was probably when I
15 was feeding documents through the scanner at Mr.
16 Baker's office for discovery, so that's why it stood
17 out.

18 Q. And before seeing it as you were feeding
19 it through the scanner, when was the last time you
20 saw that 4-3?

21 A. I would have no idea. Probably it might
22 have been when it was written. I think it was
23 written by Reed about campaign contributions. He
24 might have shown it to me.

1 Q. And where did that 4-3 go after he wrote
2 it and you saw it?

3 A. I don't know. You would have to ask Danny
4 Reed that.

5 Q. Would it go in a particular file anywhere
6 within the zone, within the state police? Did it
7 just sit on a desk? Any idea?

8 A. It -- if there was a file open, they would
9 have put it in the file I would assume. You would
10 have to ask Ben Halloran that. Again, I was told to
11 stay away, so I didn't -- at that point I was pretty
12 much fed up.

13 Q. When you reviewed the Rhoads case file
14 back in March, April, maybe May of 2000, was one of
15 your concerns regarding investigation the lack of
16 documentation?

17 A. First of all, I reviewed it in late April
18 probably because there was an email on April 14th
19 where the staff officer advised Colonel Carper that
20 I should look at it, so that's your time frame in
21 there.

22 Q. So let's go with that. So when you
23 reviewed it from late April until May when you wrote
24 it, was one of your concerns the lack of

1 documentation?

2 A. Yeah, I thought -- I thought not only were
3 the reports poorly written, poorly grammatically
4 written, but they lacked an awful lot of
5 information. An example would be they identified an
6 individual as Smoke Burba in one of the reports and
7 didn't even document his real given name or date of
8 birth or anything, so --

9 Q. Are you done?

10 A. Yes.

11 MR. JOHNSTON: We can take a two minute
12 break and we'll go off the clock. Thank you.

13 (Recess at 11:45 a.m. to 11:55 a.m.)

14 (Callahan Exhibit No. 1 was marked by the
15 court reporter.)

16 BY MR. JOHNSTON:

17 Q. Mr. Callahan, I'm going to hand you what's
18 been marked Callahan Exhibit No. 1 for
19 identification.

20 MR. JOHNSTON: Here you go, John.

21 MR. BAKER: Thank you.

22 MR. JOHNSTON: I made a lot of copies, but
23 I don't know if I made enough.

24 MR. RAUB: Do you have a number or stamp?

1 MR. JOHNSTON: Oh, you know what?

2 MR. RAUB: Bates stamp number from anyone?

3 MR. JOHNSTON: How did that happen?

4 There's not a Bates stamp number.

5 MS. SUSLER: What is it?

6 MR. KLING: Give us some indication of
7 what it is.

8 MR. JOHNSTON: Yeah, hold on. It is an
9 email dated November 17th, 2003. It's a series of
10 emails November 17th, 2003, between Mr. Callahan and
11 Rory Steidl. John, I gave you a copy. And like I
12 said, can't find a Bates stamp. Somebody is going
13 to have mine. Somebody's got a highlighted copy.
14 All right.

15 MR. RAUB: Do you have an extra one?

16 MR. JOHNSTON: Yeah, sure.

17 BY MR. JOHNSTON:

18 Q. Mr. Callahan, I'm going to ask you a
19 couple of questions about the second email.

20 A. Okay.

21 Q. It's on the first page.

22 A. Read it?

23 Q. Yeah, I'm just drawing your attention to
24 the one that starts with 10-4.

1 MR. BALSON: I mean I don't even know if
2 you can tell whether or not they -- okay, is it one
3 email or two emails? To Rory?

4 MR. JOHNSTON: It's a two page document.
5 The second page just goes over one line. It's one,
6 two, three emails. It's a series. The first one is
7 11/16. The next two are 11/17.

8 BY MR. JOHNSTON:

9 Q. Mr. Callahan, have you had a chance to
10 read the 11/17 email?

11 A. Uh-huh.

12 Q. All right. And in this email, you write
13 of course over the years I learned a lot that would
14 not be in the case file or anywhere else but in my
15 head or my notes. Do you see that there?

16 A. Uh-huh.

17 Q. And what did you mean by that? And again,
18 not to be a jerk, but it has to be a yes or a no not
19 an uh-huh or an uh-uh.

20 A. No, are you -- what are you asking though?
21 I mean --

22 Q. My question is what did you mean when you
23 wrote of course over the years I learned a lot that
24 would not be in the case file or anywhere else but

1 in my head or my notes?

2 A. What I was referring to is when you
3 analytically look at this in your mind, I could pick
4 out a lot of things, possibility questions,
5 whatever, that weren't in the case file that you
6 could ask questions about that were never answered.
7 And I can give you a prime example if you'd like.

8 Q. Well, let me -- what I'd like to know
9 is -- and then you said or your notes, and those are
10 the notes we've talked about --

11 A. Yes.

12 Q. -- that we have? Did you give those notes
13 to Ellen Mandeltort?

14 A. No.

15 Q. Okay. Why not?

16 A. She didn't ask for them.

17 Q. Okay. Do you know what Ellen Mandeltort
18 was doing when you gave her documents?

19 A. She told me she was reviewing the -- Judge
20 McCuskey's order.

21 Q. Okay. Did you think it would have been
22 helpful to give Ellen Mandeltort those documents?

23 A. She specifically said just bring what you
24 can, and she was more interested in just -- I mean

1 most of what were on those notes was in my head, so
2 I assumed I could tell her about everything she
3 needed that I knew was on the notes.

4 Q. All right. And earlier before we took a
5 break, you mentioned that you were ordered not to
6 write any reports; is that right?

7 A. Yes.

8 Q. Okay. Do you have any documentation where
9 you state that Diane Carper told you not to write
10 any reports?

11 A. Probably in my transcripts of my trial.

12 Q. Okay. Besides your own personal testimony
13 at trial or in a deposition, do you have any other
14 documentation showing that Diane Carper told you not
15 to write any --

16 A. No, not from the colonel, no.

17 Q. Okay. Do you have any documentation
18 showing that anybody else instructed you not to
19 write any notes?

20 A. No.

21 Q. And that instruction from Diane Carper not
22 to write any notes, that was an important moment in
23 your career; is that correct?

24 A. You just said notes. You mean reports.

1 Q. Well, let me back up. Do you have any
2 documentation showing that anybody besides Diane
3 Carper told you not to write any reports?

4 A. No.

5 Q. Okay. Did Diane Carper ever tell you not
6 to write notes?

7 A. No.

8 Q. Did Diane Carper ever tell you not to
9 write memoranda?

10 A. No.

11 Q. Did Diane Carper specifically say don't
12 document what you've learned in any way?

13 A. Well, I will backtrack on that because we
14 had received in April 2001 not to -- to cease and
15 desist on the Rhoads, to quit ask -- I mean that we
16 couldn't touch it, it was not going to be reopened,
17 and I did write the memorandum on May 15th, so I
18 guess when I wrote that I guess technically I was
19 probably doing something she had told me not to do,
20 so if you're going to reference something broad
21 there, I mean --

22 Q. So within a month of Diane Carper telling
23 you not to write anything, you wrote something
24 regarding Rhoads and Morgan.

1 A. Yes.

2 Q. Eventually Captain -- in April 2000,
3 Captain Strohl contacted you about reviewing the
4 Rhoads case file. Is that fair to say?

5 A. April 2000?

6 Q. April -- did I say April 2000?

7 A. Yes. It was actually Gary Rollings called
8 me to inform me first.

9 Q. Okay. Did I give you a different day?

10 A. No. You said it was Captain Strohl.

11 Q. Okay. So it was Lieutenant Rollings
12 that --

13 A. I got a call from Lieutenant Rollings.

14 Q. Okay. And did Lieutenant Rollings give
15 you the instruction or orders on what to do?

16 A. I was actually off that day. I was
17 cleaning my squad car and he called, paged me, I
18 returned the call, and he said that I was going to
19 be getting a case to review, it was basically the
20 Rhoads homicides; that a private investigator was
21 asking questions and making some waves, and he said
22 that now it was going to be given to me to review.
23 And that's when he said, you know, you can -- we
24 have the right guys, you can just basically

1 rubber-stamp this.

2 Q. Did Lieutenant Rollings tell you that --
3 or was he your superior, so he ordered you to --

4 A. No, he told me I was going to be getting
5 this to review.

6 Q. Okay.

7 A. That the captain wanted me to know that I
8 was going to be getting this case to review and he
9 was just giving me his input.

10 Q. Okay. So the captain -- Captain Strohl
11 was the one who gave you the assignment to review
12 the Rhoads case file.

13 A. Well, he said it came through Captain
14 Strohl --

15 Q. Okay, and you just --

16 A. -- yes, who eventually said it came
17 through the region, so I mean it's -- yes, and so --

18 Q. So there's no reason to dispute Lieutenant
19 Rollings --

20 A. No.

21 Q. -- telling you that it was coming from
22 Captain Strohl?

23 A. No.

24 MR. JOHNSTON: Would you mark this as 2

1 please?

2 (Callahan Exhibit No. 2 was marked by the
3 court reporter.)

4 MR. JOHNSTON: It's the May 2, 2000, memo.

5 MS. SUSLER: Just for another point of
6 order, Iain, we had talked when you weren't at the
7 deposition, I think it was at Gene Ray's deposition
8 where we talked about developing sort of a theory of
9 exhibits so that we don't have to be duplicating
10 them for each deposition, to use consistent numbers,
11 and just so that if you want to do that, that would
12 probably be easy. This has already been marked as
13 Bass Deposition Exhibit No. 1.

14 MR. JOHNSTON: Okay. Well, I've got a box
15 full of exhibits. I don't want to change up on the
16 exhibit labeling now. Maybe at some time in the
17 future before our next series of depositions we can
18 go through that exercise.

19 BY MR. JOHNSTON:

20 Q. Mr. Callahan, you've been handed what's
21 been marked as Callahan Exhibit No. 2 for
22 identification. You don't need to read the whole
23 document, I have a feeling you've seen it before,
24 but why don't you take a look at it and tell me if

1 you recognize it.

2 A. Yes.

3 Q. And before you wrote this document, you
4 met with Bill Clutter?

5 A. Yes.

6 Q. How many times did you meet with Bill
7 Clutter before you wrote the May 2nd, 2000?

8 A. Once he came to my office.

9 Q. How long did that meeting last?

10 A. I would say I would -- I'm not good with
11 times. He was there for probably one to two hours.
12 He dropped off a bunch of the documentation he had
13 for me to review and we talked.

14 Q. The documentation that Mr. Clutter dropped
15 off for you, how voluminous was that?

16 A. It was pretty voluminous. It would be
17 several affidavits, several interview reports by
18 him, postconviction, the recantations of both the
19 eyewitnesses, Herrington and Reinbolt.

20 Q. When you say postconviction, do you mean
21 the postconviction recantations or postconviction --

22 A. No, the postconviction --

23 Q. -- transcripts?

24 A. -- transcripts. Not transcripts but

1 postconviction petition.

2 Q. Okay, the petition itself.

3 A. Yeah, the petition itself.

4 Q. Okay. And what else?

5 A. And again, I may miss some things here,
6 but the affidavits, his -- some of his investigative
7 reports, the recantations, some transcribed
8 interview reports with people like I think Paula
9 Myers and Carol Robinson. Just, you know, a
10 plethora of information that he had obtained.

11 Q. I mean you said transcribed interview
12 reports. Were those different than the other
13 interview reports that you just mentioned or are
14 they one and the same?

15 A. He had transcribed interviews with several
16 people. Like, for instance, one was Carol Robinson
17 that comes to mind. Another one was Paula Myers.

18 Q. Were there notes that were not transcribed
19 or were they all --

20 A. No, he was in report form.

21 Q. Okay, thank you.

22 A. And there was -- of course, then there was
23 the Paris police and the Paris police notes he found
24 that were hidden away in the basement of the Paris

1 Police Department. He provided me that.

2 Q. Did you review that Rhoads case file
3 before you met with Bill Clutter?

4 A. It was probably an ongoing process. I had
5 a very short turnaround because I was told that
6 command wanted something by the beginning of May
7 because of the pending 48 Hours. So you have to
8 understand I had four narcotics task forces and a
9 general criminal unit, so I spent a lot of my
10 evenings at home with that case file and Clutter's
11 documentation. So I would probably give my full
12 attention to it as much as I could between phone
13 calls or operations or whatever else was going on.

14 Q. So had you read part of the case file, met
15 with Clutter, and then continued reading the case
16 file?

17 A. You know what, I don't really recollect
18 that much specific. I know I think I started
19 reading the case file before Mr. Clutter gave me his
20 documentation would be my best recollection.

21 Q. That's all I'm asking. Before you drafted
22 and wrote the May 2nd, 2000, memorandum, did you
23 interview Andrea Trapp?

24 A. I think it was later. I know I

1 interviewed her and her brother.

2 Q. Are you sure you interviewed Andrea Trapp
3 after you wrote the May 2nd, 2000, memorandum?

4 A. I don't know the exact date when it was.
5 I'd have to reread the memo. There might be some
6 things that I refer to she said if that was the
7 case. It might have been a phone call, too, so...

8 Q. What's your recollection on speaking and
9 interviewing Tony Rhoads? Did that occur before or
10 after you wrote the May 2nd, 2000, memorandum?

11 A. That would be the same answer because I
12 met with Andrea and Tony both together.

13 Q. How long did that last?

14 A. I know it was an evening. It was probably
15 a good I'd say two hours at least. Nate Williams
16 was there, myself, and I believe Greg Dixon might
17 have been there, but I'm not positive on Greg.

18 Q. And Nate Williams is the FBI agent, right?

19 A. Yes.

20 Q. And you think Greg Dixon was present as
21 well?

22 A. It's possible. I believe.

23 Q. Why would Nate Williams from the FBI be
24 present for your interview of Andrea Trapp and Tony

1 Rhoads?

2 A. Because I think, like I testified earlier,
3 the FBI was already interested in Robert Morgan
4 through some suspicious FDIC audits, his banking and
5 narcotics.

6 Q. Okay. So by -- even before May 2nd, 2000,
7 there was already a link between Bob Morgan and the
8 Rhoads homicides?

9 A. Well, I guess that's accurate to say.
10 From my review, yes, I would probably have linked,
11 you know, Bob Morgan as a suspect.

12 Q. Did you call Nate Williams to come to this
13 interview of Andrea Trapp and Tony Rhoads?

14 A. No, I believe Nate Williams and I were
15 talking and he -- we were talking and then it came
16 up, I was telling him about this case I was
17 reviewing, and it might have been a lunch, I don't
18 know, but I was telling him about this case, and
19 when I mentioned Bob Morgan's name, he said, oh,
20 wow, that guy's name has come up with us. And they
21 have actually -- I don't even think he was the agent
22 that was involved in -- with the FDIC audits.

23 Q. Okay. And so did Nate Williams tell you
24 that in order to get information on Bob Morgan he'd

1 like to go along with you on your interview of
2 Andrea Trapp and Tony Rhoads?

3 A. Yes.

4 Q. Did you interview Cathy Rhoads?

5 A. No.

6 Q. Did you --

7 A. She's not that --

8 Q. Did you ever interview Cathy Rhoads before
9 you wrote the May 2nd, 2000, memorandum?

10 A. No.

11 Q. Okay. Have you ever interviewed Cathy
12 Rhoads?

13 A. Never interviewed her. I talked to her.

14 Q. Okay. How many times did you talk to her?

15 A. Let's see. That would be four or five
16 times.

17 Q. Okay. And what's the difference between
18 talking to somebody and interviewing them?

19 A. Well, most of the times I talked to her I
20 was already retired, so I guess I wouldn't be
21 interviewing anybody once I was retired, I was no
22 longer a policeman, so -- in fact, every time I
23 talked to her would have been I was already retired,
24 because --

1 Q. Okay, that's my --

2 A. -- the first time I met her was during my
3 trial.

4 Q. Okay, that's my question. Had you ever
5 interviewed Cathy Rhoads before you were retired?

6 A. No.

7 Q. Besides interviewing Andrea Trapp and Tony
8 Rhoads before you wrote the May 2nd, 2000,
9 memorandum, did you interview anybody else?

10 A. Not that I recollect. It's possible. I'd
11 have to read the memo or memorandum again to -- Mr.
12 Clutter obviously.

13 Q. Were you talking to Mr. Clutter or were
14 you interviewing Mr. Clutter?

15 A. No, I was talk -- I mean he -- if I had a
16 question, I might call him on the phone and ask him
17 a question, or the only time in person I met him was
18 that time I just told you about when he brought the
19 paperwork to the district.

20 Q. Where did your interview of Andrea Trapp
21 and Tony Rhoads occur?

22 A. In my office.

23 Q. Do you remember what time of day?

24 A. It was the evening. I think it was after

1 work hours.

2 Q. And even though you interviewed Andrea
3 Trapp and Tony Rhoads, you didn't write a 4-3 about
4 those interviews, did you?

5 A. No.

6 Q. Did you create any notes when you
7 interviewed Andrea Trapp and Tony Rhoads before May
8 2nd, 2000?

9 A. I'm sure I took notes at that meeting,
10 yes.

11 Q. And where are those notes?

12 A. Well, if they still even exist, they would
13 be at my house and you'd have them because you have
14 all the notes I had left.

15 Q. Do you know if those notes still exist?

16 A. Well, without me going through each little
17 note, no.

18 Q. When you met with Bill Clutter at your
19 office before May 2nd, 2000, you've already told me
20 a lot of the documents Mr. Clutter gave to you. Did
21 he also give you documents out of the ISP case file?

22 A. I don't recollect of seeing any because I
23 had the case file, but I mean I don't --

24 Q. But you don't know if you had finished

1 reviewing the case file, so you don't know exactly
2 what you had reviewed at that point.

3 A. Right.

4 Q. Is that fair to say?

5 A. I don't -- yeah, I don't believe -- I
6 don't believe he had any of our actual original case
7 file reports in his -- I mean I don't know if he had
8 them, he may have had them, but I didn't see them in
9 the -- and I'm just going to assume that he knew I
10 already had them, so why would he bring them to me,
11 so --

12 Q. And so that's my question.

13 A. I don't recollect him having any -- giving
14 me any of the original case file documents if that's
15 what your question is.

16 Q. Yeah, my question is Mr. Clutter did not
17 bring the ISP case file to you, but he may have had
18 the ISP case file by the time he spoke to you before
19 May 2nd, 2000?

20 A. He may have. I don't know.

21 MS. SUSLER: Objection.

22 Q. Isn't it true you also spoke with Tony
23 Rhoads -- I'm sorry, strike that. Isn't it true you
24 also spoke with Rory Steidl before you wrote the May

1 2nd, 2000, memorandum?

2 A. When I got the assignment, I remember Rory
3 calling me, yes.

4 Q. Okay. And Rory is Randy's half brother,
5 right?

6 A. Yes.

7 Q. And he is currently a master sergeant with
8 the Illinois State Police, right?

9 A. Yes.

10 Q. And how long did this conversation with
11 Rory last?

12 A. The conversation I remember specific to
13 Rory was that he was -- he was upset and he was
14 hoping that I would, you know, do a good thorough
15 job, and he wanted to let me know about what
16 happened to him when he had filed charges against
17 Jack Eckerty for inducing Darrell Herrington with
18 alcohol.

19 Q. Okay. And was there a DII investigation
20 done on those charges filed by Rory?

21 A. No. Rory said he was told, and I think he
22 followed up in an email, but he told me that he was
23 told, "you're just a young trooper now, son. Are
24 you sure you want to do that?" He said, "yes, I

1 do." And he said as a result, a DII case was opened
2 on him and never on Mr. Eckerty.

3 Q. Did Rory tell you that he had spoke with
4 Bill Clutter?

5 A. It may have come up. I know that they
6 were -- I mean I know Mr. Clutter told me he had
7 been, you know, in contact with Rory Steidl.

8 Q. Okay, that was my next question. When you
9 spoke with Bill Clutter before May 2nd, 2000, did
10 Bill Clutter tell you that he had already spoken
11 with Rory Steidl?

12 A. Yeah, I believe he -- I think they had
13 spoken over the ATF investigation or that had come
14 out from ATF on the Diablo murder.

15 Q. And the ATF investigation you're
16 mentioning is the doc -- the investigation reference
17 in Bill Clutter's letter to Sam Nolan that started
18 this whole process; is that right?

19 A. Yes.

20 Q. What, if anything, did you do to examine
21 the physical evidence relating to the Rhoads
22 homicide before you wrote the May 2nd, 2000, memo?

23 A. I didn't. I -- I was told to review the
24 case file and specifically Mr. Clutter's information

1 because Mr. Clutter had said he had new evidence.

2 So my instructions were to review Mr. Clutter's new
3 evidence to see if it warranted reopening the
4 investigation. So my assignment was strictly to
5 review this and then make an assessment if we needed
6 to relook at the evidence, relook at the case.

7 Q. Was there anything preventing you -- well,
8 strike that. You knew where the physical evidence
9 was at that point, right? You knew it was at Paris
10 PD.

11 A. Some of it was and then obviously there
12 was some we found in our vault, too, so --

13 Q. Okay. Besides the physical evidence you
14 found in the Zone 5 vault in late 2001 or sometime
15 in --

16 A. It was in early 2002.

17 Q. -- or early 2002, did you know where any
18 other evidence was relating to the Rhoads homicide?

19 A. I remember calling and asking for the
20 crime scene photos and those couldn't be located,
21 and I asked for the overhear tapes and those
22 couldn't be located. And I remember saying, well,
23 I'm just going to look at the case file, make my
24 assessment, because I had a short turnaround. I had

1 probably less than two weeks to write an assessment.

2 Q. You got an extension though, right?

3 A. An extension?

4 Q. On writing the --

5 A. No.

6 Q. -- memo? Okay. Besides the short
7 turnaround time, was there anything that prevented
8 you from going to Paris and reviewing the physical
9 evidence?

10 A. Well, it wasn't a necessity. My job was
11 just to review Mr. Clutter's concerns and then to
12 have an assessment and then we could do that if we
13 were going to reopen the case, so I guess what
14 you're asking is to put the cart before the horse.
15 Why would I start an investigation until, you know,
16 we did the assessment first if it needed to be
17 reinvestigated?

18 Q. So the assessment was just to look at the
19 case file and address Mr. Clutter's concerns?

20 A. Mr. Clutter's new information that he said
21 he had addressed, yes.

22 Q. Okay, so it --

23 A. That he had found. And there was probably
24 four or five or I don't know, maybe four things that

1 he had addressed.

2 Q. So those were the only two items is to
3 review the case file and address Mr. Clutter's new
4 evidence, correct?

5 A. Yes.

6 Q. Then why did you speak with Andrea Trapp
7 and Tony Rhoads?

8 A. Because I wanted to just get their opinion
9 and feel on what they felt and stuff, and I had
10 actually been reached out I believe by Andrea that
11 wanted to tell me her feelings and that they had
12 some concerns.

13 Q. But that was not part of --

14 A. She addressed --

15 Q. I'm sorry, I don't want to interrupt you.

16 A. She addressed some things that -- I think
17 she told me that her brother and sister-in-law Cathy
18 had -- they lived across from what they described as
19 some tobacco barns, and they were somewhat
20 suspicious because they had seen some late night
21 truck trafficking from Bob Morgan's business come in
22 between the hours of 2:00 and 4:00 and then they
23 would leave by early morning.

24 Q. But speaking to Andrea Trapp and Tony

1 Rhoads was not part of the directive of reviewing
2 the case file, speak to Clutter and look at the new
3 evidence that he brought to you, was it?

4 A. Well, I don't think I had a directive on
5 what I could or couldn't do. I'm just telling you
6 that I thought it would be a good idea for me to
7 reach out to the family members and get their side
8 of the thing.

9 Q. And why would --

10 A. Because obviously I've got Mr. Clutter who
11 represents the defendants, so I wanted to also talk
12 to the victim's family to get -- you know, there's
13 always two sides to each story. So I wanted to talk
14 to both and then obviously I'm assessing the Rhoads
15 case file which drew several red flags immediately
16 along with a lot of questions from the reports that
17 were written. And then when I started analyzing Mr.
18 Clutter's information to the reports, I started
19 having a lot of questions and discrepancies.

20 Q. You said you wanted to hear from both
21 sides, correct?

22 A. Yes.

23 Q. Why didn't you speak to the prosecutor
24 instead of the Rhoads family because obviously the

1 prosecutor is going to know what took place at the
2 trial, right?

3 A. My job wasn't to go to the transcripts or
4 look at the trial, and quite frankly, as I started
5 reading the case file and looking at these two
6 eyewitnesses, whatever they said at the trial
7 probably didn't hold any credibility with me anyway.

8 Q. But I thought you testified you wanted to
9 get both sides of the story and so you heard from
10 Mr. Clutter who rep -- you've got to let me finish.
11 You heard from Mr. Clutter who represented Randy
12 Steidl because he was the prime investigator for Mr.
13 Metnick. If you want to hear the other side of the
14 story, why wouldn't you either speak with the
15 investigator who investigated the Rhoads homicide or
16 the prosecutor who prosecuted it?

17 A. I did speak to Mr. Eckerty and he told --

18 MS. SUSLER: Objection. Asked and
19 answered.

20 Q. I'm sorry, what was your answer?

21 A. I said I did speak with the investigator.
22 Mr. Eckerty did call me and so did Mr. McGrew.

23 Q. Did you reach out to Mr. McGrew and Mr.
24 Eckerty or did they call you?

1 A. They called me.

2 Q. How long did those conversations last with
3 Mr. Eckerty?

4 A. Very short, the first one.

5 Q. Okay. And when was that?

6 A. It was actually the day I started to read
7 the case file. I hadn't even flipped the first page
8 I remember. I got a call first from Charlie McGrew.

9 Q. And how long was your conversation with
10 Charlie McGrew?

11 A. I can probably almost give you the
12 conversation verbatim. It was very short. He said
13 it was his understanding that I was now reviewing
14 the Rhoads case file, the Rhoads case, and I
15 remember my first thought is how does he know and
16 then I thought, well, of course, he worked at the
17 time as an evidence custodian at one of my task
18 forces, so I probably assumed that news travels fast
19 within the district. He was retired from the
20 Illinois State Police, but he was a part-time
21 evidence custodian.

22 And his first words were, "I understand
23 you're reviewing the Rhoads case." I said yes. And
24 he said, "don't make us old guys look bad," and I'm

1 like, "what?" He said, "don't make us old guys look
2 bad, you hear?" And I'm thinking, whoa, there was a
3 lot of concern in his voice and I'm thinking that's
4 really a strange comment to make seeing that this
5 case was allegedly successfully investigated and
6 prosecuted, so I --

7 Q. The conversation lasted how long? A
8 minute?

9 A. About that.

10 Q. Okay.

11 A. And I think I -- well, I did respond. I
12 said, "you know, my job is not to armchair
13 quarterback this. I'm not looking to rip holes
14 through anybody. I mean in any investigation
15 there's always things that you said I wish I could
16 have done or I should have done, but my job is not
17 to armchair quarterback this."

18 Probably I mean within 30 minutes to an
19 hour I get a call from Jack Eckerty who introduces
20 himself, and by this time I've started reading the
21 case file and his -- he says, "I understand you're
22 reviewing the Rhoads case file." And I said, "yes,
23 I am," and I'm like, wow, you know, news really
24 travels fast, I'm thinking this, and that's when he

1 says, "I just want you to know I'm a good cop," and
2 I'm paraphrasing, "I just want you to know I'm a
3 good cop. Please don't ruin my reputation. I'm not
4 a dirty cop. I didn't do anything wrong."

5 Q. How long did your conversation with Jack
6 Eckerty last?

7 A. Probably the same length.

8 MS. SUSLER: Objection. I think he was in
9 the middle of his answer and you interrupted him.

10 A. And again, I responded with the same, I'm
11 not here to armchair quarterback, but again I guess
12 that caused suspicion in my mind because again I'm
13 thinking, wow, these guys solved this case. I mean
14 if you look in the case file, I think there was
15 some -- they got accolades from a guy name Ditore
16 and why are they so concerned with me reviewing this
17 case?

18 Shortly after that, I got a call from
19 Sergeant Tony Snyder who -- same thing, "hey, I want
20 you to know Jack Eckerty is a good guy, please don't
21 ruin his reputation." So at this point I'm
22 thinking, you know, this just doesn't sound right
23 and I better really start paying attention to this
24 case file and start looking at it pretty carefully.

1 Q. Did you review the trial transcripts
2 before you wrote your May 2nd, 2000, memo?

3 A. No, I didn't.

4 Q. And because you didn't review the trial
5 transcripts before you wrote the May 2nd, 2000,
6 memo, you don't know what the jury heard at the
7 trials, did you?

8 A. No.

9 Q. And you did not review the appellate court
10 decision before you wrote the May 2nd, 2000, memo,
11 right?

12 A. I think Bill Clutter had some of the -- I
13 think Judge Heiple's, and I read that.

14 Q. What of Judge Heiple's opinion did you
15 read?

16 A. I think I read -- and then some of it was
17 in the -- you know, interlaced through the
18 postconviction petition which talked about witnesses
19 that had come forward later like Beverly Johnson,
20 Eva Jane Trover, and I think Heiple basically said
21 these people had no credibility because of their
22 alcohol, past alcohol and drug use, which I thought
23 was kind of humorous given Herrington and Reinbolt's
24 alcohol and drug history.

1 Q. And Judge Heiple's little incident with an
2 officer when he was drinking and driving.

3 A. So I -- well, I don't even know about that
4 one, but --

5 Q. Okay.

6 A. -- anyway that's -- I just remember that
7 standing out in my mind as quite a humorous
8 justification.

9 Q. Now, you said you reviewed the
10 postconviction filings. Did you review the
11 postconviction transcripts?

12 A. No, unless there was just -- I think there
13 was a few transcripts in there, but I think they
14 were just sporadic.

15 Q. Do you recall specifically reading
16 postconviction transcripts or what those
17 transcripts --

18 A. I think the only one --

19 Q. You've got to let me finish -- or what
20 those transcripts went to?

21 A. The only one I can specifically remember
22 was something about a Tammy Lewis because Debbie
23 Reinbolt had talked about in her first version about
24 a girl named Tammy, that she took her brown small

1 type station wagon car, and I think it disclosed
2 that there was a Tammy Lewis that was identified
3 working at the nursing home, but nobody had talked
4 to her and I don't believe there was a police report
5 written on that.

6 Q. And this information regarding Tammy Lewis
7 was information that Bill Clutter provided to you,
8 correct?

9 A. Yes.

10 Q. Before you began the review of the Rhoads
11 case file, had you had any experience in cold
12 homicide case reviews or investigations?

13 A. I mean I had been involved in homicides,
14 but a cold case? No, to what -- I mean homicides
15 are always -- I mean they're after the fact, so I
16 mean I had assisted, you know, up north in homicides
17 that had occurred, you know, months earlier and --

18 Q. Well, you know what a cold case -- I'm
19 sorry?

20 A. Yeah, but a cold case, I mean as far as
21 this, no, this was --

22 Q. And tell me what you think a cold case is
23 so again we're talking about the same thing.

24 A. Well, this is a case that's probably long

1 been -- you know, I mean obviously was still on
2 appeal, so it's not over, so -- but it's -- a cold
3 case is probably where -- to me, a cold case is
4 usually an unsolved homicide, that it's just been
5 set aside because they don't have any more leads or
6 suspects or everything that they've done has been
7 exhausted, so to me that's what a code case is.

8 Q. Okay. And before May 2nd, 2000, had you
9 had any experience doing cold case reviews?

10 A. No.

11 Q. Is cold case review a specialty in the law
12 enforcement field?

13 A. Not in the Illinois State Police. I don't
14 believe we have anybody designated for it. We have
15 intelligence command that can put such things in
16 Rapid Start databases and stuff that would come,
17 but, you know, in the Illinois State Police,
18 investigators weren't designated as a homicide cop
19 or burglary or narcotics or I mean --

20 Q. Well, there's gen crim, right, general
21 criminal?

22 A. General criminal and then there's
23 narcotics.

24 Q. And narcotics such as --

1 A. But narcotics in itself wasn't always
2 limited to narcotics. When I ran narcotics task
3 forces, there was oftentimes we assisted on
4 homicides up north.

5 Q. Although the Illinois State Police may not
6 have a cold case unit, you know that other law
7 enforcement agencies have cold case units, right?

8 A. Yes.

9 Q. And is it your understanding with your 24
10 plus years of experience in law enforcement that
11 cold case review is a specialty within the law
12 enforcement field?

13 A. It can be I guess. You know, I'm not
14 familiar with it, so what exactly -- how they're
15 trained or what training they take.

16 Q. And you've never had any training on that?

17 A. No.

18 Q. Do you know of any experts in the field of
19 cold case review?

20 A. No.

21 Q. Do you know if Greg Dixon has any
22 experience in cold case review?

23 A. I don't think any of us were specifically
24 trained for any of it, so no.

1 Q. So you have no knowledge if Greg Dixon
2 went through cold case --

3 A. I have no --

4 Q. -- review?

5 A. I don't know what Greg Dixon did or didn't
6 do, I mean his training.

7 Q. Isn't it true that you did not feel
8 reviewing the trial transcripts of Steidl was worth
9 reviewing?

10 A. Not at that time.

11 Q. Before you wrote the May 2nd, 2000, memo,
12 did you understand that the evidence presented at
13 the Steidl trial was different than the evidence
14 presented at the Whitlock trial?

15 A. Well, there being overhears, I would
16 assume that evidence was different of course.

17 Q. And this May 2nd, 2000, memo, that was
18 provided to the Attorney General's office; is that
19 right?

20 A. Yes.

21 Q. In May of -- sometime in May of 2000,
22 correct?

23 A. May 12th.

24 Q. Okay. And you were ordered to provide

1 this to the Attorney General's office?

2 A. It was suggested.

3 Q. And did you ever say that you were ordered
4 to provide your memo to the Attorney General's
5 office?

6 A. I felt it was an order and so did Captain
7 Strohl because he -- his comment to me was when I
8 said they requested it, he just said, "you heard the
9 colonel, send it," so I sent it.

10 Q. So my question is do you recall saying
11 that you were ordered to --

12 A. I don't recall saying that I was ordered,
13 but, you know, I probably felt it was an order.

14 Q. Possibly you did say that you were --

15 A. Or it was a direction. I don't know if it
16 was a direct order like a command, but I mean I
17 would -- there was certainly emails that exist out
18 there that show the sequence of events of how that
19 got sent to the Attorney General.

20 Q. And I think you said that Strohl said,
21 "you heard the lieutenant colonel, go ahead and send
22 it to the Attorney General."

23 A. I think his words were colonel. I mean we
24 can refer to lieutenant colonels, but it was

1 colonels at the time, so you don't...

2 Q. So it was your understanding that Strohl
3 was telling you that Colonel Carper instructed,
4 directed, ordered you to produce the documents to
5 the Attorney General's office.

6 A. Yes, when I called him to see if it was
7 okay.

8 Q. Would you go to -- it's not numbered, but
9 there's a Bates stamp number. If you could go to
10 ISP 17540.

11 MS. SUSLER: Are you in the same exhibit?

12 MR. JOHNSTON: Yes, Exhibit No. 2.

13 A. Okay.

14 Q. And, Mr. Callahan, I'm going to draw your
15 attention to the middle down at the bottom.

16 A. Uh-huh.

17 Q. And why don't you read that to the end of
18 that page and let me know when you've had a chance
19 to review it.

20 MS. SUSLER: Iain, I'm sorry, but I have a
21 version that has different Bates stamp numbers, so
22 could you say how many pages back from the front
23 or --

24 MR. JOHNSTON: Sure. It's the fourth

1 page.

2 MS. SUSLER: Thank you.

3 MR. JOHNSTON: Welcome.

4 BY MR. JOHNSTON:

5 Q. Mr. Callahan, have you had a chance to
6 review that bottom portion of that page that's
7 marked --

8 A. Are you talking about the dot points or
9 the typed part that --

10 Q. The typed part above the dot points, okay?

11 A. Yes.

12 Q. And it says in reviewing this file, the
13 purpose is not to indicate the guilt or innocence of
14 either R. Steidl or H. Whitlock. Certainly in my
15 mind, Whitlock still remains a viable suspect,
16 especially if my time line for the time of the
17 murders is accurate. Right?

18 A. Uh-huh.

19 Q. Is that a yes?

20 A. Yes.

21 Q. Okay. And you wrote that?

22 A. Yes, I did write it.

23 Q. And your time line for the murders that
24 you developed showed that the murders you thought

1 occurred later in the day than originally thought.

2 Is that fair to say or --

3 A. Later in the morning.

4 Q. Later in the morning, okay. So the
5 murders were -- the time line you put together in
6 your head was that the murders occurred sometime
7 between 3:00 and 4:00 instead of midnight and 1:00.

8 A. Yes.

9 Q. Now, when you wrote this May 2nd, 2000,
10 memo, at that point you were already suspicious,
11 concerned about Debbie Reinbolt's credibility. Is
12 that fair?

13 A. I questioned the credibility of both
14 eyewitnesses, yes.

15 Q. Okay. And if you go to the one, two --
16 third bullet point.

17 A. Same page.

18 Q. Yes. It says Debbie Reinbolt does state
19 Whitlock told her he was there that night of the
20 murders at the Rhoads house. Right?

21 A. Uh-huh.

22 Q. Is that correct?

23 A. Yes.

24 Q. So are you crediting Debbie Reinbolt at

1 that point --

2 A. I'm talking that's --

3 Q. -- at least to some degree?

4 A. -- from a police report.

5 Q. Okay. And taking that from a police
6 report led you to come to the conclusion that in
7 your mind Whitlock still remains a viable suspect.

8 A. No, that wasn't the reason.

9 Q. Okay. Why does that bullet point follow
10 that paragraph that I read earlier?

11 A. Well, I looked at the alibi witness -- I'm
12 sorry, what now? It was probably -- you know,
13 again, this wasn't a dissertation, this was just me
14 doing a quick assessment, so I mean we could get
15 very detailed about this and every little thing if
16 you'd like and I would be more than glad to do that,
17 but Debbie Reinbolt -- I took this from a report.
18 Why it's in this exact location, you know, I don't
19 know.

20 Q. Well, it kind of makes sense for it to be
21 in that location, doesn't it, because --

22 A. But the --

23 Q. You've got to let me finish -- because
24 right above that you state that Whitlock remains a

1 suspect, and then you have one, two, three, four
2 bullet points which seem to indicate why in your
3 mind Whitlock remained a suspect. Does that make
4 sense?

5 A. Yes.

6 Q. Okay. If you go to the next page, 17541.
7 If you go to the second bullet point. It says -- it
8 starts with in an interview with Bob Morgan.

9 A. Uh-huh.

10 Q. Is that a yes?

11 A. Yes. You were just directing me, right?

12 Q. Yes.

13 A. Okay, yes, I'm there.

14 Q. You never interviewed Bob Morgan before
15 this, did you?

16 A. No.

17 Q. And so this was an interview done by the
18 previous investigators?

19 A. If you will see the asterisk after that,
20 if you will go back to the end, it says
21 investigators' information or Clutter's information.

22 That should have been --

23 Q. Correct.

24 A. -- from the case file.

1 Q. Okay. So let's jump to that sort of
2 asterisk area. We've got it on a few pages where,
3 like you said, it's one asterisk equals
4 investigators' information, two asterisks equals
5 Clutter information, right?

6 A. Yes.

7 Q. And when you're saying investigators
8 information, are you just saying the initial
9 investigators meaning Eckerty, Parrish and whoever
10 else was involved in the initial investigation?

11 A. When I was doing this, it was from either
12 information from the case file or from Bill Clutter.

13 Q. Okay. So nothing that you learned during
14 your interviews of Andrea Trapp or Tony Rhoads made
15 it in this --

16 A. It's possible. I haven't read this whole
17 thing and I didn't review it, so I mean there's
18 possible information in here from them, too, I mean
19 if that helps.

20 Q. Okay. Why would that not be indicated
21 with some kind of notation with an asterisk, maybe
22 three asterisks?

23 A. Well, again, I think I've answered that
24 question. I didn't realize I had to write a

1 dissertation to reinvestigate a case. I thought
2 that there was more than enough concern developed in
3 this memorandum to warrant that.

4 Q. Now, in several of these bullet points,
5 for example, the first one, Karen Rhoads worked for
6 Bob Morgan at Morgan manufacturing, a dog food
7 producing company. Right?

8 A. Yes, uh-huh.

9 Q. There's no asterisk or there's not one or
10 two asterisks, right?

11 A. Yes.

12 Q. Would you know where that information came
13 from?

14 A. Came from -- probably it could have come
15 from the case file and from both Bill Clutter
16 because it was identified in both the case file and
17 by Bill Clutter.

18 Q. All right. So if you go to page 17543,
19 I'll just direct your attention to the first bullet
20 point and then several starting with Herbert Board
21 Junior, that bullet point, another Herbert Board
22 bullet point, an Angela Board bullet point, a Jerry
23 Board bullet point, Diablo biker gang murder bullet
24 point, none of those have an asterisk, either one or

1 two. Do you know where those -- that type of
2 information would have come from?

3 A. The Herschel Wright -- you want to go
4 right down the list?

5 Q. The first one?

6 A. I'm going from the bottom up.

7 Q. Oh. I was going to go from the top
8 down --

9 A. I don't care.

10 Q. -- but you can go whichever way you want.

11 A. Herschel Wright, that was the actual case
12 file. That was in the case file.

13 Q. Okay.

14 A. And I think there is an asterisk there.

15 Q. No, not -- I didn't go up to that one.
16 The one starting with two Diablo biker gang members.

17 A. That could have been from ATF or it could
18 have been from Clutter. I think it was more from
19 Clutter because he mentions Vitale. I don't
20 remember the ATF ever talking about Vitale.

21 Q. When you're talking about the ATF, where
22 would the ATF information be coming from?

23 A. I actually talked to the ATF, Eric Jensen,
24 and I had the report from master -- not master

1 sergeant, Sergeant Michael Britt who had been -- it
2 was his report with Sonja and Debbie Board. He was
3 an Illinois State Police officer that had I think
4 interviewed them, got passed on to ATF, and Mr.
5 Clutter had also had information from ATF.

6 Q. Besides Eric Jensen, Mr. Clutter, Andrea
7 Trapp, Tony Rhoads, is there any other person you
8 spoke with that you obtained information from that
9 may have made its way into this May 2nd, 2000,
10 memorandum?

11 A. Again, I'd have to read the whole memo to
12 tell you that.

13 Q. You don't need --

14 A. We could do that if you want.

15 Q. You don't need to do that today, Mr.
16 Callahan. All right. So there are these -- is
17 there a reason why some of these don't have
18 asterisks? Is it just that you didn't have time to
19 put the asterisks in or you got the information from
20 somewhere other than the initial case file or Mr.
21 Clutter?

22 A. Well, I didn't type this, my secretary
23 did. It could be there was -- some of this
24 information might have come from both the case file

1 and from Mr. Clutter, so if it was from the same
2 thing, a lot of times I wouldn't put an asterisk.
3 So again, I would have to read through each one of
4 these dot points to tell you where the information
5 came from.

6 Q. You lost me there for a second. If there
7 is not an asterisk, it is possible that you had got
8 the information both from Mr. Clutter and from the
9 case file?

10 A. Yes.

11 Q. Okay.

12 A. For instance, what we just talked about,
13 that Karen Rhoads worked for Bob Morgan, so that
14 came from both the case file, it came from -- also
15 from Mr. Clutter.

16 Q. And it's your recollection that there was
17 something in the case file about Joe's Pizza and
18 Gilseppe Vitale being involved in the Pizza
19 Connection cases?

20 A. Yes, that would be from Mr. Clutter.

21 Q. All right. Well, if you go to page 17542.

22 A. I'm already there.

23 Q. Second from the bottom. Starts with in
24 April and there's one asterisk. So that would mean

1 it would be investigators' information, right?

2 A. That could be -- should be two asterisks.

3 Q. Okay.

4 A. Shame on me.

5 Q. Is it possible there are other asterisks

6 that should either have one asterisk or two

7 asterisks?

8 A. Yes.

9 Q. So -- well, again, you correct me if I'm
10 wrong, Mr. Callahan. By May of 2000 it appears that
11 Gilseppe Vitale and the Pizza Connection case is
12 already being thought of as a possible link with Bob
13 Morgan and the Rhoads homicides?

14 A. Yes.

15 Q. If you could go to page 17545.

16 MS. SUSLER: Just another favor.

17 MR. JOHNSTON: Sure.

18 MS. SUSLER: Could you tell me how far
19 from the back of the --

20 MR. JOHNSTON: It's the second from the
21 last page.

22 MS. SUSLER: Thank you.

23 BY MR. JOHNSTON:

24 Q. The very bottom paragraph starts with

1 based on. If you go up to the bullet point above
2 that, Mr. Callahan, and starts with there are also
3 allegations.

4 A. Yes.

5 Q. Now, in this bullet point, it appears that
6 the murders of Dyke and Karen Rhoads are linked to a
7 deal involving narcotics. Is that fair to say?

8 A. Yes.

9 Q. All right. And that had sort of always
10 been the theory behind the prosecution; is that
11 right?

12 A. That was some of the -- it was a drug deal
13 gone bad. I don't know --

14 Q. Drug deal, okay.

15 A. -- I think the runs to Florida was just
16 one of the rumors that was bandied about then.

17 Q. And this -- well, this paragraph right
18 here you're reading that starts with there were
19 also, is that a -- does that say it's a rumor?

20 A. There were -- no.

21 Q. Okay. And when you investigate something,
22 do you rely upon rumors?

23 A. You listen to them, but it's your job as
24 an investigator to determine if they're fact or not

1 fact.

2 Q. Did you make an effort to find out the
3 veracity of those rumors?

4 A. If you're allowed to investigate the case,
5 yes, you do.

6 Q. Okay. And page 17546. It's the last
7 page.

8 MS. SUSLER: Thank you.

9 Q. Second from the top one, first full
10 sentence says I would like. Do you see that there?
11 You wrote I would like to initiate a new
12 investigation in this case --

13 A. I don't have that. Oh, okay. This is a
14 little off over here. Okay, yeah.

15 Q. Okay, I'll start again. You wrote I would
16 like to initiate a new investigation in this case
17 directed towards Bob Morgan as a primary suspect in
18 the Rhoads murders. Right?

19 A. Yes.

20 Q. And so by May 2nd of 2000, you had already
21 identified or in your head thought that Bob Morgan
22 should be the primary suspect in the murders.

23 A. Yes.

24 Q. Okay.

1 A. One of the suspects.

2 Q. As the primary suspect.

3 A. Yes.

4 Q. Did you have any other suspects in your
5 head at that point?

6 A. Oh, yeah.

7 Q. Who?

8 A. The Boards were mentioned.

9 Q. Dale Peterson?

10 A. Dale Peterson, I don't know if he was yet
11 or not. He might have been just through information
12 we received from ATF because they had linked some
13 stuff with Scott Goins. You know, as the years went
14 on, there was other suspects that came through, but
15 probably initially, yes, after I read Clutter's
16 notes of the police notes, yes, I would say that Mr.
17 Morgan became one of the prime suspects.

18 Q. Okay. Go to the second from bottom
19 paragraph on that page.

20 A. Yes.

21 Q. It says in addition the manpower currently
22 at the general criminal squad in District 10 is at a
23 low with Mark Peyton assigned out of the district
24 and the Amy Warner homicide (cold case) also

1 consuming manpower hours. Right?

2 A. Yes.

3 Q. And so even in May of 2000, in your head
4 you're already thinking about the resources that
5 would be available relating to the Rhoads homicides.

6 A. If you're asking my thoughts, yes, I'm
7 thinking, yes, I want to reinvestigate this case,
8 and yes, we had manpower, but I want to assess who
9 I'm going to assign and the resources, yes, because
10 I felt -- I didn't know I needed permission to
11 reinvestigate a case.

12 Q. And you were -- in your own head, you're
13 thinking we're low on manpower in District 10 and
14 that's something you need to consider when you're
15 going to investigate anything, right?

16 A. If I'm going to assign agents, yes, I --
17 yes.

18 MR. JOHNSTON: What time is it?

19 MR. BAKER: Huh?

20 MR. JOHNSTON: What time is it? It's
21 12:50. I could keep going. I can get a coke and go
22 until whenever. It's up to you and your witness and
23 the court reporter.

24 MR. BAKER: What do you want to do as far

1 as lunch?

2 THE WITNESS: I'm starting to get a little
3 hungry, but I mean I can go a little bit longer if
4 you want.

5 MR. JOHNSTON: It's up to you. You give
6 me --

7 THE WITNESS: What's the consensus? It's
8 a democracy where I come from.

9 MS. EKL: I'll leave it up to you.

10 THE WITNESS: You know what, I'll leave it
11 up to the ladies because they should always get the
12 first choice.

13 MS. WADE: We can go all day long.

14 THE WITNESS: Don't tell me you're on
15 diets.

16 MR. RAUB: They've got all the snacks down
17 there. We've got nothing up here.

18 MS. SUSLER: What does the court reporter
19 think?

20 COURT REPORTER: I'm fine.

21 MR. JOHNSTON: All right, let's talk about
22 the --

23 THE WITNESS: Let's give it another
24 half-hour and then I'll get light-headed, so --

1 (Callahan Exhibit No. 3 was marked by the
2 court reporter.)

3 MR. BALSON: Why don't we break at 1:00,
4 Iain?

5 MR. JOHNSTON: Well, that's not going to
6 work for me, so either we break now or we break in
7 about 20 minutes.

8 MR. BALSON: That's five after 1:00 then?

9 MR. JOHNSTON: We'll break in about 20
10 minutes.

11 MR. BALSON: All right.

12 MR. RAUB: What date of this memo is --

13 MR. JOHNSTON: This is the May 17th, 2000.

14 MR. RAUB: Okay.

15 MR. JOHNSTON: Jan, it's the May 17th,
16 2000, memo, subject Rhoads homicide, Callahan to
17 Strohl, Bates numbered ISP 02543 through 49. Also
18 has a Callahan Bates number on it.

19 BY MR. JOHNSTON:

20 Q. Mr. Callahan, you've been handed what's
21 been marked Exhibit No. 3. I think you've seen this
22 document a few dozen times. I've got some questions
23 for you about it, okay?

24 A. Sure. Shoot.

1 Q. This May 17th, 2000, memo is essentially
2 the same as the May 2nd, 2000, memo, right?

3 A. Yes, it is. I think it was altered by
4 Captain Strohl at the order of Lieutenant Colonel
5 Carper somewhat, but --

6 Q. Do you know if Lieutenant Colonel Carper
7 ordered Captain Strohl to alter it?

8 A. I believe that he told me he did because I
9 remember he had to get it approved from her and then
10 it was sent because I -- before he sent it to Matt
11 Sullivan.

12 Q. Do you specifically recall John Strohl
13 telling you that Lieutenant Colonel Carper
14 instructed him to alter your memo?

15 A. Yes, because I remember he was telling me
16 he had got in quite a bit of trouble and he said
17 that he had to rewrite it and Mark -- I think
18 there's another one out there actually with
19 confidential writ all over it and his approval.

20 Q. We'll get there.

21 A. Okay, we'll get there. So that was where
22 that come from.

23 Q. Basically the only difference between the
24 May 17th, 2000, memo that you have in front of you

1 and the May 2nd, 2000, memo is that the
2 recommendation at the front was removed; is that
3 right?

4 A. I'd have to reread them both to tell you
5 the discrepancy, but I'll take your word for it if
6 that's --

7 Q. Well, do you know if you ever testified
8 that the only difference between the May 2nd, 2000,
9 and the May 17th, 2000, memo was that the
10 recommendation on the front was removed?

11 MS. SUSLER: Objection to what he ever
12 testified to. If you want an answer to the
13 question, he told you he needed to look at it to
14 answer your question.

15 A. I don't remember exactly every little
16 thing I testified, and I didn't review my testimony
17 so I can't answer that accurately, but --

18 Q. Didn't you tell me at the beginning of
19 this deposition that you reviewed your trial
20 testimony?

21 A. I said I reviewed trial testimony.

22 Q. Well, did that include your trial
23 testimony?

24 A. No. I said that was mostly the

1 depositions of other people.

2 Q. Did you review your own deposition?

3 A. No.

4 Q. And this May 17th, 2000, memo was
5 basically put on ISP letterhead and faxed to Matt
6 Sullivan, right?

7 A. Yes.

8 Q. And when you wrote this, the May 2nd and
9 the May 17th memo, you were conducting your own
10 investigation; isn't that right?

11 A. Captain Strohl I think said -- I told you
12 he did this.

13 Q. When you wrote the May 2nd memorandum --

14 A. Yes.

15 Q. The May 2nd -- strike that. When you
16 wrote the May 2nd, 2000, memorandum, you were
17 conducting your own investigation at that point,
18 right?

19 A. I wasn't conducting an investigation, no.
20 I just got done reviewing the case and it was my
21 intentions on conducting an investigation, but an
22 investigation hadn't been started yet. I hadn't
23 opened the case. I hadn't assigned any agents.

24 MR. JOHNSTON: Here you go, John. We can

1 mark this.

2 (Callahan Exhibit No. 4 was marked by the
3 court reporter.)

4 BY MR. JOHNSTON:

5 Q. Mr. Callahan, I'm handing you what has
6 been marked Exhibit No. 4 for identification.

7 A. Okay.

8 Q. Why don't you go to page 28? You've got
9 the miniscript.

10 MS. SUSLER: Iain, I'm sorry, could you
11 identify the exhibit?

12 MR. JOHNSTON: Sure, when I'm done telling
13 the witness what to do.

14 Q. If you go to page 28, this is the
15 postconviction testimony of Michale Callahan in
16 Herbert Whitlock's postconviction hearing.

17 Mr. Callahan, you've got like a
18 four-on-one page, so look for the one with the page
19 28 on it.

20 A. I've got it.

21 Q. Okay. You see right there where Mr. --
22 and Mr. Kling who is sitting -- oh, he is not there
23 anymore. Mr. Kling was the one who was asking you
24 questions at Mr. Whitlock's postconviction

1 proceeding.

2 A. Yes.

3 Q. Mr. Rands cross-examined you, right?

4 A. Yes.

5 Q. And didn't Mr. Kling ask you, quote, Did
6 you also review documentation that was provided to
7 you by private investigator Bill Clutter? Answer:
8 Yes, I did. Question: Did you also conduct your
9 own investigation by talking to witnesses and/or
10 evaluating other documents? Answer: Yes, I did.

11 Was that your testimony at that time?

12 A. Yes.

13 Q. And so in fact --

14 MS. SUSLER: I object. If you're -- I
15 object. That's not impeaching because you don't say
16 anything in there about when did he conduct his own
17 investigation.

18 Q. So, in fact, you were conducting your own
19 investigation, weren't you?

20 A. No, you're --

21 MS. SUSLER: I object.

22 A. You're mixing apples with oranges. This
23 is during -- before the May 2nd and there was no
24 investigation. It was my intentions on doing an

1 investigation, so I guess if you want to say my
2 review of the Rhoads case and determining in my mind
3 that this case needs to be reinvestigated, yes, I
4 was starting an investigation, but it hadn't been
5 officially started. There was no investigation
6 because the case was never opened or investigated,
7 so I'm clarifying that. So maybe I wasn't as clear
8 in this testimony, so...

9 Q. So maybe your testimony at a
10 postconviction hearing on a man serving life in
11 prison wasn't clear?

12 A. I think you're mixing --

13 MS. SUSLER: Objection.

14 MR. JOHNSTON: John, I swear to God, I'm
15 holding my tongue. I just don't want to jump in and
16 tell him to answer.

17 MR. BAKER: Well, I mean he can answer
18 that question. I --

19 A. I think I've already answered it you're
20 mixing apples with oranges, that there was no
21 official investigation started, but in my mind, yes,
22 we were going to investigate the case or
23 reinvestigate the case.

24 Q. But didn't Mr. Kling ask you if you had

1 also conducted your own investigation and you told
2 him yes?

3 A. It wasn't an investigation. I guess it
4 was an assessment. I used poor wording. I should
5 have said it was -- I had been conducting an
6 assessment, so...

7 Q. And at the beginning of this deposition we
8 went over definitions of terms, right?

9 A. Yes.

10 Q. And investigation was one of those terms?

11 A. Yes.

12 Q. And we talked about --

13 MS. SUSLER: Objection. You're getting
14 argumentative here.

15 Q. And we talked about the -- the importance
16 of using the right terms, correct?

17 A. Yes.

18 Q. And you also testified that when you wrote
19 reports or documents or memoranda that you made sure
20 you put the correct term in those documents, right?

21 A. Yes.

22 Q. Now, you know what, we will take -- let's
23 see what we can do here. As you sit here today --
24 and, Mr. Callahan, we're talking about the May 17 --

1 A. This one (indicating).

2 Q. -- 2000. Yes. Yes, that's the one. Let
3 me see if we can do it off the top of your head. If
4 you can't, you just tell me, okay?

5 Do you know if anywhere in this May 17,
6 2000, memorandum that you wrote says that Whitlock
7 had not been proven guilty beyond a reasonable
8 doubt? Do you know if that's in this document?

9 A. I'd have to review it.

10 Q. Okay. And do you know if anywhere in this
11 May 17th, 2000, memo it says that Bob Morgan was at
12 one time and should still be the focus of the
13 investigation? You'd have to review it.

14 A. I'd have to review it.

15 Q. Okay. You know what? If it's okay with
16 you, instead of wasting our time reviewing it now,
17 we can take a break, and if you want a spare copy,
18 you can review it and just answer those two
19 questions when we get back.

20 MR. JOHNSTON: Is that okay with you,
21 John?

22 MR. BAKER: Yeah, that's fine. I mean the
23 document speaks for itself.

24 MR. JOHNSTON: Sure.

1 MR. BAKER: It says what it says.

2 MR. JOHNSTON: I understand.

3 Q. If you want to review it and answer, you
4 can.

5 A. You can just point out the dot points to
6 me and I'll be glad to answer.

7 Q. All right. Well, the point is I've looked
8 it over and I didn't see it anywhere.

9 A. Well, you know what, I didn't rewrite
10 this.

11 Q. Okay.

12 A. Mr. Strohl did.

13 Q. Okay. But you said the only difference
14 between the May 2nd and the May 17th was that your
15 recommendation at the beginning was taken out,
16 right?

17 MR. BAKER: No, you said that.

18 A. I didn't say that. You said that.

19 MS. SUSLER: Objection.

20 A. I didn't say that. I said I would --

21 MS. SUSLER: That mischaracterizes the
22 testimony.

23 A. I said no, he said that, I didn't say
24 that. I would have said I would have to review

1 them.

2 Q. Okay. Do you have your -- we have it
3 marked as Exhibit No. 4 for identification. You've
4 got it in your hand right there. Again, this is
5 your testimony in Mr. Whitlock's postconviction
6 proceedings?

7 A. Hold on. Let me get my glasses.

8 Q. I'm sorry.

9 A. Okay.

10 Q. Why don't you go to page 16.

11 A. Okay, I'm there.

12 Q. Lines 3 through 8.

13 A. Okay.

14 Q. Having read that, does that refresh your
15 recollection as to what changes Captain Strohl made
16 to your May 2nd, 2000, memorandum?

17 A. Yes.

18 Q. Okay. And so, in fact, the only change
19 from the May 2nd to May 17th memorandum is that your
20 recommendation was removed.

21 A. Yes.

22 Q. Okay.

23 MR. JOHNSTON: Having gone through that
24 little exercise, John, if you want to take them,

1 take them. We can take a break.

2 MR. BAKER: What?

3 MR. JOHNSTON: No, you hold on to those.

4 If he wants to look at them, he can, but --

5 MR. BAKER: Were you going to keep asking
6 him questions about them?

7 MR. JOHNSTON: The only question I wanted
8 to ask him about that particular document is whether
9 it says in it that Whitlock had not been proven
10 guilty beyond a reasonable doubt and that whether it
11 says Bob Morgan was at one time and should still be
12 the focus of the investigation. That's it.

13 MR. BAKER: I say the document speaks for
14 itself on what it -- on what it says. I'm not going
15 to have him spend half an hour reading through both
16 documents in detail to see if those two things are
17 there.

18 MR. JOHNSTON: Thank you.

19 MR. BAKER: If you want to spend your
20 deposition time doing that, by all means.

21 MR. JOHNSTON: All right. Thank you, Mr.
22 Baker. We'll take a break right now.

23 MS. SUSLER: What time are we coming back?

24 MR. RAUB: It's one o'clock now, so I

1 don't know.

2 MR. JOHNSTON: Well, if we say a quarter
3 to 2:00, then we'll be back in one. If we say one,
4 then we'll --

5 MR. RAUB: You mean 2:00.

6 MR. JOHNSTON: A quarter to 2:00.

7 MR. RAUB: Right, right. Yeah, I think
8 that's fair. Let's aim for 1:45.

9 MR. JOHNSTON: Okay.

10 (Recess at 1:00 p.m. to 2:05 p.m.)

11 (Callahan Exhibit No. 5 was marked by the
12 court reporter.)

13 BY MR. JOHNSTON:

14 Q. We're back on the record. Mr. Callahan,
15 you're being handed what's been marked as Callahan
16 Exhibit No. 5 for identification.

17 MR. JOHNSTON: We've lost some people so
18 that helps. I'm sorry, did John get one?

19 MR. BAKER: I didn't get one.

20 MR. RAUB: Here, John. Oh, you've got
21 one, okay.

22 MS. WADE: May I have one please?

23 MR. JOHNSTON: You've got it, John?

24 MR. BAKER: Yeah, I've got one, thank you.

1 BY MR. JOHNSTON:

2 Q. All right. Mr. Callahan, you've been
3 handed what's been marked Callahan Exhibit No. 5 for
4 identification. Have you seen this document before?

5 A. Yes.

6 Q. And I think you mentioned earlier this
7 morning --

8 MS. SUSLER: Iain, I'm sorry, before you
9 go on, would you please identify it for those of us
10 who aren't in the room?

11 MR. JOHNSTON: Sure, I apologize. It's
12 ISP 7281 through 7287. It is the May 17th, 2000,
13 memorandum that is on ISP letterhead and signed off
14 as approved to send to Mr. Sullivan and then John
15 Strohl's initials and his ID number.

16 MS. SUSLER: Thank you.

17 MR. JOHNSTON: You're welcome.

18 BY MR. JOHNSTON:

19 Q. Mr. Callahan, you mentioned that there was
20 a document, a similar document that we talked about,
21 and this would be the document you were referring
22 to?

23 A. Yes.

24 Q. It's signed off by Mr. -- Captain Strohl

1 and so it was faxed off to Matt Sullivan, correct?

2 A. Yes. I mean I didn't do the faxing, but
3 I'm --

4 Q. Okay.

5 A. I know it was supposed to be faxed, so I'm
6 going to assume it was.

7 Q. Is it your understanding it was faxed to
8 Matt Sullivan?

9 A. Yes.

10 Q. And Matt Sullivan was the -- was and is
11 the Edgar County State's Attorney.

12 A. Yes.

13 Q. All right. And so the first line in this
14 document says that you had a conversation with him
15 the day before; is that right?

16 A. I did have a conversation with Matt
17 Sullivan. That was he was --

18 Q. And was it on that day if you recall?

19 A. Yeah, I recall a conversation with him.

20 Q. Okay. And did you inform that you would
21 be faxing him or somebody would be faxing him a copy
22 of the memorandum?

23 A. I don't know if John Strohl had talked to
24 him before or not, but I know John had called me to

1 touch base with him and actually he was upset.

2 Q. Who was? John or --

3 A. No, Matt Sullivan.

4 Q. Okay.

5 A. Because it came out he said, "I already

6 have this document from the Attorney General's

7 office from May 2nd."

8 Q. And that's -- let me do it so it's nice

9 and clean. Did you have this conversation with Matt

10 where he told you that or was that conversation John

11 had that he related to you?

12 A. John -- you know what? I don't know if it

13 was the other way. I know that Matt Sullivan had

14 got -- he was a little upset because he -- he felt

15 that it was we had changed the date to reflect that

16 we were just now sending this to him and this was

17 just done at this point when we had actually -- but

18 he said, "I already have the May 2nd memo," and then

19 he was like, "what gives you the right to say a case

20 should be reinvestigated?" So he was a little

21 upset, so I just --

22 Q. Did Matt Sullivan say that to you?

23 A. Yes.

24 Q. Okay. And this was faxed to Matt Sullivan

1 at the direction of Captain Strohl; is that right?

2 A. You know, I don't know who -- I know it
3 was faxed because I know John Strohl told me he had
4 faxed it, but I don't know if he personally did it
5 or a secretary or one of my secretaries. I don't
6 know who did it. I know I didn't. I'll put it this
7 way, I know I didn't do the personal faxing of this.

8 Q. All right, that's fine. Now, you don't
9 have to read through this whole document or the
10 other documents I'm showing you on this point, but
11 in a few of these documents or maybe in this
12 document or maybe it's just something I've heard you
13 say or I've read, was it one of your concerns that
14 caused you concern or suspicion about the initial
15 prosecution of Steidl and Whitlock had to do with
16 the fact that Reinbolt and Herrington both placed
17 themselves there at the murder scene or both placed
18 themselves there but then never see each other?

19 A. That was one of my concerns. There were
20 several concerns.

21 Q. Okay. And that was one of them?

22 A. Yes.

23 Q. Do you know that that argument was
24 presented to the jury, the juries?

1 A. Well, I had a conversation with Charlie
2 McGrew and he pointed that out, but it's -- it
3 didn't answer my question, so...

4 Q. Okay. So that you learned that fact that
5 that argument was related to the juries only from
6 Charlie McGrew?

7 A. Yes.

8 Q. Now, that document is dated 5/17, correct?

9 A. May 17th.

10 Q. Of 2000. Did you have a meeting on May
11 18th of 2000?

12 A. Yes.

13 Q. And where did that meeting take place?

14 A. Second floor of the Armory building in
15 Springfield, Illinois. Illinois State Police Armory
16 building I should say.

17 Q. Okay. You're there, right?

18 A. Yes.

19 Q. What time of day was this?

20 A. Oh, I couldn't tell you exactly what time
21 of day. You know, I mean --

22 Q. Morning or afternoon, if you recall?

23 A. I don't recall.

24 Q. Okay. You're there, Diane is there, Diane

1 Carper is there, Edie Casella, Tish Carneghi or
2 Carneghi depending how you say it, Lex Bitner.

3 A. I believe Lex Bitner was there.

4 Q. Okay. Danny Reed?

5 A. No.

6 Q. You don't think Danny Reed was there?

7 A. No, he wasn't there.

8 Q. Do you think Jim Wolfe was present?

9 A. He might have been in and out, he was
10 Diane's staff officer, but I don't remember him
11 being there for any extended amount of time.

12 Q. And John Strohl was present?

13 A. John Strohl. And possibly Dora Tyrell
14 would be the last one.

15 Q. Now, Dora Rentmeister?

16 A. That could be.

17 Q. Was Andre Parker at this meeting?

18 A. Yes.

19 Q. So those are all the participants?

20 A. Yes.

21 Q. And how long did this meeting last?

22 A. Oh, gosh, again you're asking times. I'm
23 very bad on times. It was probably an hour to two
24 hour time frame.

1 Q. Do you know who did most of the talking?

2 A. I did.

3 Q. And at this time, May of 2000, there were
4 two constitutional officers whose last name was
5 Ryan, correct?

6 A. Yes.

7 Q. George Ryan and Jim Ryan.

8 A. Yes.

9 Q. And you explained to those present what
10 you had done reviewing the file, talking to Bill
11 Clutter and those types of things?

12 A. We talked about -- obviously the memo
13 being sent to the Attorney General had caused quite
14 a stir, so I was called to this meeting to give a
15 briefing. In the interim, I had received another
16 phone call from Jack Eckerty, which I relayed that
17 conversation to the people at the meeting on May
18 18th along with a briefing of basically my
19 assessment.

20 Q. And you made a comment about Bob Morgan
21 being a campaign contributor; is that right?

22 A. At the end of the meeting, Andre Parker
23 was walking out of the meeting after he had told us
24 that we were going to do the right thing and it

1 seemed like we were on go to reopen the case. When
2 he was walking out, he asked me why the Attorney
3 General or he said, "why did the Attorney General
4 recuse themselves?" And I said, "that's because
5 Morgan was a campaign contributor to Ryan." And he
6 did an abrupt about-face, turned and said, "not
7 George Ryan." And I said, "no, Jim Ryan, the
8 Attorney General."

9 Q. Okay. At that point, did you know who
10 else Bob Morgan had contributed to at that time?

11 A. I know Greg Dixon did the research on it.
12 I -- and then Clutter had sent me a bunch of
13 materials. I know he was a campaign contributor, I
14 believe from Matt Sullivan, to Jim Ryan and George
15 Ryan. I mean there was -- those were the names I
16 remember.

17 Q. Do you know he also contributed to
18 Democratic candidates?

19 A. That's -- you know, he could have, I don't
20 know. I mean those are the three I remember that
21 stand out in my mind.

22 Q. And when Andre Parker asked you about
23 George Ryan, did you think that was important to
24 check to see if Bob Morgan had contributed to George

1 Ryan?

2 A. Well, I noticed that he had a definite
3 concern about him, and I remember when I got back to
4 Springfield I was telling Greg that we had the
5 go-ahead and I was trying to figure out who we're
6 going to assign this case.

7 Q. Did you say get back -- got back to
8 Springfield?

9 A. No, I'm sorry, back to Champaign.

10 Q. Okay.

11 A. And I'm talking about it, and I do have a
12 conversation with Bill Clutter and he had said yeah.
13 He goes, "he was a campaign contributor to George
14 Ryan," which -- and that initiated Greg to do some
15 research on it.

16 Q. When did you have this conversation with
17 Bill Clutter about --

18 A. I think when I got --

19 Q. You've got to let me finish.

20 A. Okay.

21 Q. We're still working on our discussions
22 here. When did you have your conversation with Bill
23 Clutter about Bob Morgan being a campaign
24 contributor to George Ryan?

1 A. Well, a couple times. After the
2 memorandum got sent to the Attorney General on May
3 12th, Strohl and I had gotten in quite a bit of
4 trouble on the night of the 12th, and then we turned
5 around and were told we're not in trouble, but we're
6 going to have a meeting on May 15th, which that
7 didn't occur on May 15th. But Bill had called me
8 and said, "you know what, your memorandum caused a
9 small shock wave at the Attorney General's office.
10 It was a conflict of interest because Bob Morgan is
11 a campaign contributor to Jim Ryan and that's -- and
12 he's going to recuse himself," which he did the next
13 day, he recused himself.

14 Then when I got back after May 18th, I
15 called Bill to say, hey, we're going to go forward
16 with this, because he had always said he had more
17 documentation for me, and I said, "we're going to go
18 forward and we're going to investigate this case, I
19 just met with command in Springfield," and he had
20 said, "you know, you know that he's also a campaign
21 contributor to George Ryan, too," and stuff like
22 that, so we just started talking about it in
23 general.

24 Q. So the conversation you had with Bill

1 Clutter where Bill Clutter tells you that Bob Morgan
2 was a campaign contributor to George Ryan occurred
3 before the May 18th meeting?

4 A. It could have happened on the May 15th
5 because he said he was also, but I remember it
6 distinctly on the May 18th when I got back because
7 that's when I had Greg say, "boy, Andre Parker
8 showed a lot of concern about that, why don't you
9 research this and just see how about it," because,
10 you know, at one point we had memorandums coming out
11 in the state police that the governor doesn't want
12 any scandal. We're considered the eyes and ears of
13 the Illinois State Police and we're supposed to
14 report everything.

15 So I contacted Strohl after Greg looked up
16 the campaign information on George Ryan and I said,
17 "John, you were there, you saw Andre's reactions,"
18 and I said, "we just researched this and he's also
19 an even bigger campaign contributor to George Ryan,"
20 and John goes, "well, you know, we're going to need
21 to forward that up the chain of command."

22 Q. And if Bill Clutter told you that Bob
23 Morgan was a campaign contributor to George Ryan on
24 May 15th, why didn't you just tell Andre Parker that

1 on May 18th at the meeting?

2 A. Well, I don't know if Bill Clutter did on
3 the 15th. I'm saying I remember him specifically
4 going on on the 18th, but on the 15th, he was
5 telling me that my memorandum had caused the
6 Attorney General to recuse himself and it was going
7 to come out the next day on the 16th.

8 Q. Did you talk to Bill Clutter before or
9 after your meeting at the Armory?

10 A. After.

11 Q. And the information that Greg Dixon found
12 is publicly available information. He had it online
13 and --

14 A. Yes.

15 Q. -- it's on the Internet, correct?

16 A. Yes.

17 Q. So Andre Parker, if he so chose, could
18 have gotten online and found it.

19 A. Yes.

20 Q. Now, we've talked a little bit about the
21 May 22nd, 2000, meeting already, haven't we?

22 A. May 22nd?

23 Q. Yes. No, we talked about April 21st or
24 April 4th, 2001.

1 A. April 4th.

2 Q. I'm sorry. Was there a meeting during the
3 week of May 22nd, 2000, that you recall relating to
4 Bob Morgan or the Rhoads?

5 A. I think I testified earlier that it would
6 have been approximately a week, yes, after the May
7 18th meeting.

8 Q. Okay. Are you sure it's in May or could
9 it have been in June?

10 A. It could have been. I remember it was
11 sometime after the information was forwarded up the
12 chain of command about George Ryan, so I don't have
13 -- I never had a specific date of the day we met,
14 so...

15 Q. Is it most likely in June or most likely
16 in May?

17 A. My best recollection --

18 MS. SUSLER: Objection, asked and
19 answered.

20 A. My best recollection was it was a week,
21 about a week after.

22 Q. A week after what?

23 A. A week after the May 18th meeting.

24 Q. At this meeting we're discussing now, it's

1 what you think is approximately a week after the May
2 18th meeting, was -- did Diane Carper tell you
3 essentially what you've already related about the
4 April 4th, 2001, meeting?

5 A. Yes.

6 Q. Okay. Basically, again, you could not
7 look into the Rhoads homicide in any way because it
8 was too politically sensitive?

9 A. We could not touch the Rhoads case, yes.

10 Q. All right. And you did absolutely nothing
11 on the Rhoads case?

12 A. Yes.

13 Q. And if you learned anything about the
14 Rhoads case, it needed to be reported up to her?

15 A. Yes.

16 Q. And it needed to be reported up to her
17 immediately?

18 A. Again, what I testified before about how I
19 brought up the federal agencies and their
20 involvement and did we want to be embarrassed, and
21 then she said, "well, you can go along and gather
22 intelligence with them," and at that point she said
23 you could not be proactive, you could not be
24 operational. In fact, John and I went home, and I

1 have these notes that were given to us in discovery
2 from Colonel Carper which plainly I highlighted
3 Steidl case not to be reopened.

4 Q. Okay. And do you know what the dates of
5 these notes are?

6 A. Well, you'd have to ask Colonel Carper.
7 Those were given to us in discovery by the defense
8 at my trial.

9 Q. So the answer is, no, you don't know the
10 dates.

11 A. No, I don't know the dates.

12 Q. And --

13 A. So those could have been reference to any
14 one of the three times we were told no.

15 Q. And you don't know what she meant when she
16 wrote Steidl case not to be reopened, do you?

17 A. I guess that will have to be her, up to
18 her to answer those.

19 Q. So the answer is, no, you don't know.

20 A. Okay, but -- yes.

21 Q. What did Diane Carper tell you at this
22 meeting approximately a week after May 18th
23 regarding Bob Morgan? Did she say that you could
24 continue to do intelligence gathering on that

1 matter?

2 A. Again, I think I already testified to that
3 meeting, but I'll go over it again. She said, "you
4 cannot touch the Rhoads case. It's too politically
5 sensitive."

6 Q. I'm just asking you about Bob Morgan.

7 A. Yes, and that's when I -- when we got over
8 the shock, I said, "well, what about the Feds?" I
9 said, "you already know about ATF. They're looking
10 at Morgan. They're looking at an arson." There was
11 the possible involvement of the Boards in the Rhoads
12 murders due to Sergeant Britt's information in ATF,
13 and I said, "they have full intentions of looking
14 further at this," and I said, "and the FBI is now
15 interested." So I said, "do you really want them to
16 go out and find something come up on the Rhoads case
17 and it looks like we turned our back to it? That it
18 would cause us a lot of embarrassment like we were
19 trying to cover something up."

20 Q. Well, did --

21 A. And that's when she said, "you can go
22 along with them, you can gather intelligence on
23 this, and you -- but you cannot be operational, you
24 cannot be proactive. And if the federal government,

1 the Feds, FBI get operational, I want you to tell --
2 on Morgan, you have to tell us, we'll handle it up
3 at my level, or if anything comes up on the Rhoads
4 case, I want to be told."

5 Q. So in May of 2000 --

6 A. That's when that conversation, yes.

7 Q. Now, you've got to let me finish. So in
8 May of 2000, in your mind you had already thought
9 that an investigation of Morgan might link him to --
10 strike that.

11 In May of 2000, in your mind you already
12 thought that an investigation of Morgan and his
13 other criminal activities might link him back to the
14 Rhoads homicide?

15 A. Yeah, there was a possibility of that.

16 Q. Okay.

17 A. There's always a possibility of that.

18 Q. And then we kind of talked about that
19 earlier about, you know --

20 A. Yeah.

21 Q. -- you investigate and it leads to places
22 and you flip people and it goes up the food chain,
23 right?

24 A. Yes.

1 Q. Before, say, May of 2000, had you ever
2 been involved in a review, in an intelligence
3 gathering, in an investigation relating to anybody
4 who had already been tried, convicted and had their
5 convictions affirmed on appeal?

6 A. Quick recollection of my memory, no.

7 MR. JOHNSTON: 6.

8 (Callahan Exhibit No. 6 was marked by the
9 court reporter.)

10 MR. JOHNSTON: It's a June 12th, 2000,
11 email from Michale Callahan to John Strohl, subject
12 Bob Morgan, labeled ISP 17700 through 71. I'm
13 sorry, John.

14 MR. BAKER: Thank you.

15 MR. JOHNSTON: I get one to everybody but
16 you.

17 BY MR. JOHNSTON:

18 Q. Mr. Callahan, you've been handed what's
19 been marked as Callahan Exhibit No. 7 for
20 identification. It's a two page document. Why
21 don't you take a moment to look at that?

22 MR. BAKER: Did you say 6 or 7?

23 MR. JOHNSTON: It's on 6, Exhibit 6. Did
24 I say 7?

1 MS. EKL: Yes.

2 MR. JOHNSTON: Okay. Well, it's Exhibit
3 6.

4 Q. Mr. Callahan, do you recognize that
5 document?

6 A. Uh-huh.

7 Q. Is that a yes?

8 A. Yes. I'm still reading though, so --

9 Q. Okay. Just tell me when you're done.

10 A. Okay.

11 Q. Is that a document you authored?

12 A. Yes.

13 Q. And in this document, you inform your
14 captain about activities relating to Bob Morgan,
15 correct?

16 A. Yes.

17 Q. And that the FBI was going to investigate
18 Bob Morgan?

19 A. Yeah. Actually I think I was correcting
20 John here because he had sent an email on 6/1
21 stating that the FBI had opened an OC case and I
22 think I was correcting that it wasn't necessarily an
23 OC case, but I mean I didn't know, so they -- they
24 might have known, I mean the FBI doesn't always tell

1 you everything they're doing, so I think I was
2 correcting him in the top part of this.

3 Q. By OC, you mean organized crime?

4 A. Yes. And this probably pertains to both
5 information from the FBI and ATF, from both federal
6 agencies.

7 Q. And this was information that both federal
8 agencies were providing to you about Robert Morgan?

9 A. Yes.

10 Q. And the ATF called you regarding its
11 interest in Robert Morgan?

12 A. Well, when I had called to offer our
13 assistance, they had told me about their interest in
14 Mr. Morgan because of the numerous arsons and I
15 believe he was buying up insurance companies in the
16 area, so they were going to look at him in the arson
17 aspect, there was a lot of suspicious arsons.

18 Q. And who did you speak with from the ATF?

19 A. That would be Eric Jensen.

20 Q. Okay. And do you recall when you spoke
21 with Mr. Jensen? Obviously sometime before June
22 12th of 2000.

23 A. Yes.

24 Q. And did you speak with him on the phone?

1 A. Yes.

2 Q. And did you tell Mr. Jensen that you could
3 not do anything operational on Bob Morgan and could
4 only be involved in intelligence gathering?

5 A. Well, I spoke to Mr. Jensen earlier to
6 offer our assistance before this all happened. Now,
7 this is just a reiteration of what Jensen had told
8 me, because if you go to the second page, I think I
9 document what ATF's goals were because they already
10 had also information that Duke and Jerry might have
11 participated in the Rhoads homicide. If you'll see
12 down here, I say my feelings are we could get
13 embarrassed if we don't participate. So by this
14 time I had been told the case was obviously too
15 politically sensitive because I'm still talking
16 about us being embarrassed if we don't participate
17 somewhat.

18 Q. And in this email, you talk about the
19 Boards being possibly involved in the murders of the
20 Rhoads, correct?

21 A. Yes. Again, that came from Sergeant
22 Britt's letter, ATF's information in the interview
23 with a Donny Comstock.

24 Q. Okay. And when you spoke -- did you speak

1 with Eric Jensen within a week of this June 12th,
2 2000, email?

3 A. I could have. I mean I'm sure if I did
4 you'll have the emails. I don't remember every
5 little phone conversation I had with Mr. Jensen. I
6 had a few.

7 Q. Phone conversations aren't captured by
8 email as far as I know, but --

9 A. Well, phone conversation I could have had,
10 you know.

11 Q. And in May or June of 2000, did you tell
12 Eric Jensen that you could not be involved
13 operationally with Robert Morgan?

14 A. No, I didn't tell him that.

15 Q. Why not?

16 A. Well, that's just kind of it was an
17 embarrassment to my department, it was an
18 embarrassment to me to tell anybody that, so --

19 Q. Well, if he's calling you and asking you
20 about Robert Morgan --

21 A. He wasn't --

22 Q. You've got to let me finish the question.

23 A. Okay.

24 Q. If he's calling you and talking to you

1 about Robert Morgan and possibly going to ask you
2 about being involved with Robert Morgan and what the
3 ATF is doing, why wouldn't you tell him, hey, I
4 can't do anything operational?

5 A. Well, then we've had a miscommunication
6 here because let me be specific. ATF never asked
7 for our assistance on Robert Morgan or the arsons.
8 There's nobody in my office qualified for arson
9 investigation anyway. That was ATF's jurisdiction.
10 So they have never ever asked for our assistance
11 with Bob Morgan or the arsons. The only assistance
12 I offered was on the Boards, the arrest of Jerry and
13 Duke Board.

14 Q. And we'll get to that.

15 A. Yes.

16 Q. Did you ever tell anybody -- between April
17 of 2000 and your retirement with the Illinois State
18 Police, did you ever tell anybody at the ATF that
19 you were not allowed to go operational on Robert
20 Morgan?

21 A. No.

22 Q. Did you ever tell anybody at ATF between
23 April of 2000 and June 16th of 2003 that you could
24 not investigate the Rhoads homicide anymore?

1 A. I'm sorry, would you repeat that? I lost
2 track of it.

3 MR. JOHNSTON: Sure. We'll have the court
4 reporter read it back.

5 (Requested portion of the deposition was
6 read by the court reporter.)

7 A. No.

8 (Callahan Exhibit No. 7 was marked by the
9 court reporter.)

10 BY MR. JOHNSTON:

11 Q. Mr. Callahan, you've been handed what's
12 been marked as Exhibit No. 7 for identification.
13 Would you take a moment to look at that document?
14 It is a June 30th, 2000, email. ISP 17797.

15 A. I recognize it.

16 Q. And is this an email you wrote?

17 A. Yes.

18 Q. Okay. And could you read the subject
19 heading of this email?

20 A. Morgan investigation.

21 Q. Okay. And you wrote that, Morgan
22 investigation?

23 A. Yes.

24 Q. Okay. And in this email you reference

1 that we met with Andrea Trapp and Tony Rhoads on
2 June 27th, 2000. Is that right?

3 A. Yes.

4 Q. Who is we?

5 A. I believe I told you earlier it would be
6 the FBI, Nate Williams, and I don't recollect if
7 Greg Dixon was there or not, but I know Nate
8 Williams was there for sure.

9 Q. Okay. Well, this is talking about a June
10 27th meeting with the Rhoadses. I thought we had
11 talked about a meeting before your May 2nd, 2000.

12 A. I think I said I didn't recollect if it
13 was before or after.

14 Q. Okay. And as you read this now, do you
15 recollect that, in fact, it occurred after the May
16 2nd, 2000 --

17 A. Yes.

18 Q. -- date? And Andrea Trapp is the
19 sister-in-law of Karen, right?

20 A. Yes.

21 Q. Sister of Dyke, right?

22 A. She's the sister of Dyke, yes.

23 Q. And Tony Rhoads is the brother of Dyke,
24 correct?

1 A. Yes.

2 Q. And in this email, you reference an
3 individual named Protess, correct?

4 A. Yes.

5 Q. And who is Mr. Protess?

6 A. David Protess. I believe he's head of the
7 Northwestern journalism school.

8 Q. And in June and July of 2000, he was
9 coming down to meet with you; is that right?

10 A. Actually I believe Richard Kling and David
11 Protess and Bill Clutter came over.

12 Q. And why -- did Mr. Protess call you or did
13 you call Mr. Protess?

14 A. They called us.

15 Q. When you say they, who do you mean by
16 they?

17 A. I don't remember if -- I think it was
18 probably Bill Clutter that actually called me
19 because he was probably the point man. As you know,
20 I've already indicated to him that we are going to
21 go forward with investigating, reinvestigating the
22 Rhoads homicides, and that was Bill's assumption,
23 and he had called to tell me that they would like to
24 meet us to give us some additional information.

1 Q. Okay. Did you tell Bill Clutter at that
2 time that you had received what we've labeled the
3 Rhoads directive?

4 A. No, I didn't.

5 Q. Did you tell Bill Clutter at that time
6 that you were operating under the Morgan directive?

7 A. I think that I met with John Strohl and we
8 obviously weren't going to tell them that we was
9 told to cease and desist on the Rhoads
10 investigation, so John said -- well, Tish Carneghi
11 actually I believe came over with some charts of Bob
12 Morgan, his businesses, some of the intelligence
13 work we were doing on Morgan, and we displayed that
14 to Mr. Kling and them with the idea that we didn't
15 want to come out and tell them we were no longer
16 investigating the case.

17 Q. Why would you not tell Mr. Protes, Mr.
18 Kling and others --

19 A. Because we were --

20 Q. You've got to let me finish.

21 A. Okay.

22 Q. -- and others why you were not going to
23 investigate the Rhoads homicide?

24 A. Because we were both too ashamed.

1 Q. Okay. Did John Strohl ever tell you
2 that --

3 A. Yes.

4 Q. -- he was too ashamed? And when did that
5 conversation with Mr. Strohl take place?

6 A. Probably in my office right before we were
7 meeting with them or before when I indicated to him
8 that they wanted to come down and meet.

9 Q. Did -- I'm sorry, the night before when
10 they --

11 A. It was a time before they were coming to
12 meet with us we discussed it. I said, "we can't
13 very well tell them we're not doing anything when
14 they were coming there to give us information." The
15 information I recollect was on a Mary Eastham.

16 Q. Okay. And if they were -- and they
17 provided you with information?

18 A. Yes, they did.

19 Q. And how long did this meeting with Mr.
20 Kling, Mr. Protess and others last?

21 A. Not very long.

22 Q. Okay.

23 A. Probably less than an hour.

24 Q. Well, you were -- this meeting took place

1 in Champaign?

2 A. Yes.

3 Q. All right. And Tish Carneghi is from the
4 intel bureau at that point, right?

5 A. Yes.

6 Q. And she's located out of Springfield?

7 A. Yes. And I don't know that she was there.
8 I just know she provided just these -- they were big
9 charts of all of Morgan's businesses and just some
10 of the link analysis charts.

11 Q. Well, do you recall Tish being there?

12 A. You know what, she might have been. I
13 think she might have been. I just -- I don't -- you
14 know what, you're talking what, eight years ago,
15 so...

16 Q. Okay. Well, I mean I'm asking you
17 because --

18 A. My recollection -- my recollection is she
19 was there.

20 Q. Okay.

21 A. But --

22 Q. And Jennifer Overturf was there as well,
23 right?

24 A. You have a better memory than I do.

1 Q. Okay. Do you agree with me Jennifer
2 Overturf was there?

3 A. It's possible she was there. I don't
4 remember that, but she could have been there. Tish
5 is the one that sticks out in my mind.

6 Q. And Jennifer Overturf was from the
7 National Guard, worked out of intel?

8 A. I know she worked out of intel. I don't
9 know what her position was.

10 Q. Tish is a very qualified, very capable,
11 good intel person?

12 A. Appeared to be.

13 Q. How about Jennifer Overturf? Same?
14 Qualified, capable, eager?

15 A. She seemed to be very eager, yes.

16 Q. And Jennifer Overturf was also out of the
17 intel bureau of Springfield, correct?

18 A. Yes.

19 Q. And so they drove from Springfield to
20 Champaign for this meeting?

21 A. Yes.

22 Q. And you were going to provide a lot of
23 names to Tish so she could put them into the
24 intelligence database somehow?

1 A. No, I think their purpose was to bring
2 over the charts they had completed.

3 Q. And was that all they were going to do is
4 just hand over charts and do nothing else?

5 A. You know, again I don't know. I mean
6 there's a possibility that we were handing them
7 information too. I don't know.

8 Q. When you say we were handing them
9 information, who is we and who is them?

10 A. It would be myself. I know that Nate
11 Williams had some things he wanted ran. I think at
12 one time he asked for a phone analysis. I don't
13 know if it was from Tish or from Tim Harney.

14 Q. So you were going to give information to
15 intel as well?

16 A. Well, if -- I know that there was a point
17 when Nate wanted to do a phone analysis on like 13
18 phones, so he had requested our intel to do it.

19 Q. Okay. And Nate was -- when Nate asked for
20 intel on the phones and wanted ISP to do it, that
21 was relating to Bob Morgan?

22 A. It wasn't related to Bob Morgan
23 specifically because there was several phone numbers
24 that he gave them. Some of them involved Joe

1 Vitale's pizza place and various other people
2 that -- phone numbers.

3 Q. And that was -- when Nate Williams gave
4 you the numbers and asked you to give them to the
5 ISP intel, that was so that he could get information
6 regarding possible criminal activity by Bob Morgan;
7 is that right?

8 A. I think it was just the whole -- there was
9 several targets they had. And you know what? Nate
10 Williams didn't give me the numbers.

11 Q. Was Bob Morgan one of the targets?

12 A. Yes.

13 Q. Who did Nate Williams give the telephone
14 numbers to?

15 A. I believe it was to Tim Harney.

16 Q. Tim Harney is also another criminal
17 intelligence analyst?

18 A. Yes.

19 Q. Okay. Again, well-qualified, excellent
20 worker?

21 A. Seems to be.

22 Q. At that point he was kind of the go-to guy
23 at intel?

24 A. I believe probably -- I don't know if --

1 they have different, you know, positions. I would
2 say he was probably one of the bigger analysts. I
3 know at one point he was up for promotion, so I'm
4 assuming he was pretty good, but I don't know if
5 Tish was any better than him or not.

6 Q. Okay. How about John Roman?

7 A. Roman was a younger newer guy. He
8 appeared when we started with the federal task
9 force.

10 Q. Okay. And he's now with the FBI?

11 A. You probably know better than I do.

12 Q. Okay.

13 MR. JOHNSTON: 8, right?

14 (Callahan Exhibit No. 8 was marked by the
15 court reporter.)

16 BY MR. JOHNSTON:

17 Q. June 30th, 2000, email from Mr. Callahan
18 to John Strohl, ISP 17798. Mr. Callahan, you've
19 been handed what's been marked as Exhibit No. 8 for
20 identification, a one page document. Can you take a
21 look at that and then let me know when you've had a
22 chance to review it?

23 A. Yes.

24 Q. Okay. Is this an email that you wrote?

1 A. Yes.

2 Q. And what's the subject matter of this
3 email? What does it say?

4 A. Bob Morgan investigation.

5 Q. And in this email you identify who was
6 present at your interviews of Andrea Trapp and Tony
7 Rhoads?

8 A. Yes. It would be FBI Nate Williams, ATF
9 Eric Jensen and Dennis Fritchie.

10 Q. At this point of June 27th, 2000, did you
11 tell Nate Williams that you could only gather
12 intelligence on Bob Morgan and you could do nothing
13 operational?

14 A. There was a time when I told him I could
15 only go along in an intelligence gathering capacity,
16 but I don't know if it was at this time.

17 Q. Do you recall when you told Nate Williams
18 that you could only go along in an intelligence
19 gathering capacity?

20 A. No, I don't. I think my words were to him
21 that we were just -- we are in an intelligence
22 gathering mode. I'm not to be operational.

23 Q. What did Mr. Williams say in response to
24 that?

1 A. I don't know that he fully understood what
2 I was saying because I didn't try to say it with a
3 -- that it was something we were doing wrong. I
4 guess I was just trying to -- I said it and I think
5 it went right over his head.

6 Q. Did he question you in any way what you
7 meant by you were only in intelligence gathering
8 mode?

9 A. Well, at that point, we were both a little
10 bit when I said that because we had -- he had
11 actually ran into some problems with Frances Hulin
12 involving some overhears, and in fact he said, "I
13 don't understand what it is about this Paris area
14 that has so many people concerned," and he was very
15 upset. Actually Darrell Herrington was going to
16 come over and do some drywalling for Andrea Trapp
17 and she offered to wear a wire and I said, "I can't
18 be involved." I said, "I'm not supposed to be
19 operational." And Nate was going to go ahead and
20 wire Andrea on his own and Frances Hulin forbid it,
21 which he said that was the first time in his career
22 anything like that had ever happened. He got very
23 upset and even wrote a memo to his SAC who I think
24 was White at the time, but --

1 Q. Have you seen that memo?

2 A. He showed me the memo.

3 Q. Okay. And when did he show you that memo?

4 A. He showed me the memo that he wrote and he
5 showed me the response where the SAC was very upset
6 and basically said Frances Hulin didn't have a right
7 to tell them they couldn't do a wire.

8 Q. And why don't you put on the record who
9 Frances Hulin is?

10 A. She was a former U.S. Attorney in the
11 Central District before Jan Miller.

12 Q. And this June 30th, 2000, email from you
13 to Captain Strohl, subject Bob Morgan investigation,
14 in it you talk about essentially two witnesses who
15 provided information regarding potential criminal
16 activity by Bob Morgan?

17 A. Okay, where are you at now? I don't see
18 this.

19 Q. It's not numbered, but if you see up in
20 the --

21 A. If you'd point.

22 Q. Up in (indicating).

23 A. That would be information from Andrea.
24 She was written a letter by Justin and Amber.

1 Actually she wasn't written. She said I think it
2 was her nephew was written a letter by this Amber
3 saying that Justin worked there and he had opened up
4 a semi and seen a truck full of drugs.

5 Q. And -- sorry.

6 A. And I know I gave that information to the
7 FBI, and those -- they were interviewed and those
8 people denied that.

9 Q. Justin and Amber denied ever saying
10 that --

11 A. Yes.

12 Q. -- correct? So that would have been --

13 A. But they had wrote a letter, and Andrea
14 said that -- Andrea had her place burglarized, and
15 her box of that letter and along with a lot of
16 things of Dyke and Karen's were stolen out of her
17 garage.

18 Q. So that would have been information about
19 potential criminal activity by Bob Morgan that
20 turned out to not be true; is that right?

21 A. The people that wrote the letter denied
22 it.

23 Q. Okay.

24 A. I know that Tony Rhoads said he witnessed

1 it. Andrea said that her sister-in-law Cathy had
2 read the letter along with the nephew that got sent
3 the letter, so I guess you'll have to depose them.

4 Q. So when somebody -- when a witness,
5 potential witness denies saying something, you have
6 to figure out whether they're being truthful or not,
7 right?

8 A. Yes.

9 Q. All right. And so these two witnesses are
10 Justin and Amber; is that right?

11 A. That's the recollection of the first
12 names. That's my recollection. It could be
13 different.

14 Q. And did you go on the interviews with --
15 of Justin and Amber?

16 A. No.

17 Q. Do you know who did?

18 A. I believe it would be Pete Buckley and
19 whoever his partner was.

20 Q. A woman?

21 A. Possibly.

22 Q. Do you remember her name at all?

23 A. Catherine.

24 Q. And how would you know what Justin and

1 Amber told Pete Buckley?

2 A. He told me.

3 Q. Okay. Did you see a 302 from Pete Buckley
4 regarding that?

5 A. No. I never did see a 302 from him on
6 that one. I've seen 302s from him but not on that
7 particular case, because he asked me to have Andrea
8 try and find that letter.

9 Q. Exhibit No. 8 refers to CABINET. You see
10 that? Third line from the bottom.

11 A. Yes.

12 Q. And CABINET is an acronym that relates to
13 identifying border crossings; is that correct?

14 A. That's correct.

15 Q. And who -- it says here we're going to sit
16 down and plan some strategies next week. Who is we?

17 A. Probably the FBI and myself.

18 Q. Okay.

19 A. Nate Williams.

20 Q. So you and Nate Williams are going to plan
21 strategies looking into CABINET for some
22 intelligence. And CABINET is what federal agency?

23 A. I think it's a database that shows border
24 crossings from immigration.

1 Q. Could it be Treasury?

2 A. Could be. You know, I'm not -- I was
3 basically going on what the FBI was wanting to do.
4 Again, this was intelligence and I believe it was
5 his idea, so --

6 Q. And you were going to sit -- you and Nate
7 Williams were going to sit down and plan some
8 strategies about maybe putting up pole cameras in
9 the Paris area, right?

10 A. Uh-huh.

11 Q. Is that a yes?

12 A. Yes.

13 Q. And what's a pole camera?

14 A. Would have been a time lapse camera that
15 would have been able to show trucking going in and
16 out.

17 Q. Okay. And --

18 A. Get some license plates for them to look
19 at on a federal database.

20 Q. And after you and Nate Williams planned
21 strategy looking into Bob Morgan through CABINET,
22 were CABINET searches done regarding Bob Morgan?

23 A. Yes, I believe Jennifer Overturf did some
24 CABINET checks for us.

1 Q. And after you and Nate Williams sat down
2 and talked about planning some strategies, were pole
3 cameras eventually put up?

4 A. No pole cameras were. Eventually I
5 believe in --

6 Q. Mobile home? Trailer park?

7 A. A trailer park, but it was about when Edie
8 Casella was still commander but just leaving.

9 Q. Okay. So eventually there were
10 surveillance cameras put up, but they were not pole
11 cameras; is that correct?

12 A. No, they were inside a trailer.

13 Q. Okay, we'll talk about that. So you have
14 this meeting with Mr. Kling, Mr. Protes, the intel
15 people and others, correct?

16 A. Uh-huh.

17 Q. And --

18 A. Yes.

19 Q. And that was on [REDACTED], 2000, right?

20 A. Yes.

21 Q. And that was Bob Morgan's birthday, right?

22 A. If you say it is.

23 Q. You don't know Bob Morgan was born on [REDACTED]?

24 A. I know that he's infatuated with --

1 Q. The number 7.

2 A. -- the number 7, but --

3 Q. Right.

4 A. That would explain it, thank you.

5 Q. And did Mr. Protesse and Mr. Kling and the
6 other people from Chicago when they came down, did
7 they provide you with what you thought was useful
8 information?

9 A. They had specifically talked about Mary
10 Eastham, the woman that showed up in the May 15th
11 48 Hours telecast, the one that was -- she was never
12 identified, she was silhouetted in darkness, and
13 they said that she would be willing to talk to me,
14 and they gave me her information and her number.
15 The reason that stands out is they provided that she
16 had said she went to the police and identified Jerry
17 and Duke Board as the two men in trench coats
18 leaning up against the light post and that she had
19 also observed them as the ones driving several times
20 around the Rhoads house the night of the murders in
21 a cream-colored car with Florida plates.

22 Well, when I looked at the case file,
23 there was no reports on Mary Eastham, which caused
24 me to reach out to Charlie McGrew because he was

1 still on the task force, and I remember specifically
2 after him mother F-ing me several times and telling
3 me that what are you doing working for the defense
4 now, I just asked him why he -- they never
5 documented her information because it was talking
6 about two other suspects that we now had also
7 information from ATF about those same suspects and
8 he said --

9 Q. Can I interrupt you? I just want to know
10 when that telephone conversation took place.

11 A. It would have been shortly probably after
12 I get this information from Mr. Kling and Mr.
13 Protess.

14 Q. Sometime in July?

15 A. And I am told that they didn't because she
16 was 10-96, which in police terms means she's nuts,
17 but that was his word, 10-96. And I remember
18 looking back at a newspaper article the day after
19 the 48 hours show where Mike McFatridge had also
20 acknowledged that he knew all about the woman
21 silhouetted in darkness because she had come to them
22 with information in the original investigation. So
23 therefore now I'm knowing that, hey, here's more
24 information that was excluded from the case file.

1 So I stored that in my mind with the idea
2 that eventually we would try a second time to get
3 this case reinvestigated. And then we had the ATF
4 interview later which was on August 3rd I believe of
5 that same year.

6 Q. Before we get there --

7 A. Okay.

8 Q. -- there's many things between --

9 A. Okay.

10 Q. -- if you don't mind. The meeting you had
11 with Mr. Kling and Mr. Proless, they also provided
12 you information about a Forsythe murder, correct?

13 A. I don't know if they ever did that or if
14 it came from another source. I don't remember them
15 talking about Forsythe. I think I remember
16 something about Larry Marshall had some information,
17 but I don't -- I don't recollect what the
18 information was from Larry Marshall.

19 Q. You don't recall if Larry Marshall gave
20 you information about --

21 A. No, he didn't give --

22 Q. -- Forsythe?

23 A. -- us any information. They said he had
24 said something about he had some information about a

1 woman in Missouri or something, but I don't know if
2 that's the same time frame. The thing that stood
3 out in my mind about that meeting was the Mary
4 Eastham.

5 Q. Anything else that stands out in your mind
6 about information you received from Mr. Kling and
7 Mr. Protesse?

8 A. No.

9 Q. And you knew at that point Mr. Protesse was
10 involved in his own investigation into the Rhoads
11 homicide, correct?

12 A. I knew he had been involved in the 48
13 Hours. I don't know if he was still investigating
14 the Rhoads case or anything. I know that he was --
15 had been in the 48 Hours show.

16 Q. Okay. So you knew up until that point his
17 students were involved in looking at the Rhoads
18 homicide.

19 A. Yeah, I saw the 48 Hours telecast, so
20 obviously.

21 Q. Okay. And this conversation you had that
22 you just related regarding Charlie McGrew, that
23 would have taken place sometime after July 7th,
24 2000, correct?

1 A. Yes.

2 Q. And that would have been after Diane
3 Callahan -- I'm sorry, Diane Carper already gave you
4 the Rhoads directive, correct?

5 A. Yes.

6 Q. And after Diane Carper had already given
7 you the Morgan directive, correct?

8 A. Yes.

9 Q. And you still called up Charlie McGrew,
10 correct?

11 A. Yes.

12 Q. Okay. The information that Mr. Protes
13 and Mr. Kling provided to you on July 7th, 2000, did
14 that information make its way into any memoranda
15 that you would have read?

16 A. No.

17 Q. Okay.

18 MR. JOHNSTON: No. 9.

19 (Callahan Exhibit No. 9 was marked by the
20 court reporter.)

21 BY MR. JOHNSTON:

22 Q. Mr. Callahan, you've been handed what's
23 been marked as Callahan Exhibit No. 9 for
24 identification. I think you've seen it before, but

1 take a look at it and let me know. And you might
2 actually have two copies stapled together of the
3 same thing.

4 A. Yes, I do.

5 MR. JOHNSTON: And for those of you
6 playing at home, it's 000963. It's got several
7 numbers on it. It's also got Callahan 00663 and
8 then the case investigation number 86-L-3365. It's
9 July 12th, 2000.

10 MR. BALSON: What number is the exhibit?

11 MS. SUSLER: 9.

12 BY MR. JOHNSTON:

13 Q. Do you recognize that document, Mr.
14 Callahan?

15 A. Yes.

16 Q. And is that a document you wrote?

17 A. Yes.

18 Q. And it's dated July 12th, 2000, correct?

19 A. Yes.

20 Q. And what's the subject matter of this
21 memorandum?

22 A. Bob Morgan investigation.

23 Q. And you wrote that Bob Morgan
24 investigation right there?

1 A. Yes.

2 Q. Okay. And the -- I don't know what to
3 call it, but the line, middle of the first page,
4 says information received from witnesses thus far.

5 A. Uh-huh, yes.

6 Q. Is that right? And you wrote that as
7 well?

8 A. Yes.

9 Q. And in those bullet points, you identify
10 information you received from witnesses, correct?

11 A. Yes.

12 Q. And is it your testimony that there is
13 nothing in this July 12th, 2000, memorandum that you
14 obtained from your inter -- or from your meeting
15 with Mr. Kling and Mr. Protesse?

16 A. I'll have to read it. The Tom -- if
17 you're specifically asking about the Tom Forsythe,
18 that came from Mr. Lawton. In fact, if you'd like,
19 I could probably go down and tell you where this
20 came from. A lot of this is intelligence
21 information that we received like we talked about
22 before.

23 Q. Okay, sorry, you said a lot of this is
24 intelligence information you received before?

1 A. That I -- that I received. This is
2 intelligence information, yes, that we received
3 prior to this.

4 Q. Okay. And why were you writing this memo
5 to Captain Strohl on July 12th, 2000?

6 A. Because he said that we needed an update
7 of anything that we had been doing.

8 Q. Did he say -- I'm sorry, did he say why we
9 needed an update?

10 A. Well, there was a couple reasons. Like
11 me, he wanted to be able to one day revisit this
12 case and be proactive on Mr. Morgan and
13 reinvestigate the Rhoads case, so he said, "let's
14 continue to write any type of information you have
15 coming in and we'll send it to the region and with
16 the hopes that one day things will change." It's no
17 secret that for how many years I wanted to
18 reinvestigate this case and I wanted to fully
19 investigate Mr. Morgan, so...

20 Q. You said a couple of reasons. Any others?

21 A. That was it.

22 Q. Okay. Now, would this have been the last
23 memo you wrote in calendar year 2000 regarding
24 Morgan or the Rhoads?

1 A. I'd have to look at all the memos. I
2 think there was one in 2001 and then August 15th.

3 Q. All right. And there is one August 15th,
4 2001, correct?

5 A. Yes.

6 Q. And there's an addendum to the August
7 15th, 2001, memo, correct?

8 A. Yes.

9 Q. So the July 12th, 2000, memo would have
10 been the last memo of calendar year 2000.

11 A. I think there was another one, but I don't
12 know if it was 2000 or 2001.

13 Q. Okay. You don't know for sure?

14 A. No.

15 Q. Okay. And the only way for you to know
16 that is to go back and look at all your documents?

17 A. Yes.

18 Q. Approximately when would have that -- when
19 would that other 2000 memo have been written or
20 dated?

21 A. I don't know. I'm sure you'll --

22 MS. SUSLER: Objection, mischaracterizing
23 his testimony.

24 A. I'm sure you'll produce the memo, so I'll

1 see the date then.

2 Q. Well, the problem is I've never seen it,
3 so I'm asking you if you have one.

4 A. Oh, I don't have it with me, no. I mean
5 there might have been another one.

6 Q. And that's what I'm asking you. Do you
7 remember specifically if there's another memo after
8 July 12th, 2000, and if you do --

9 A. I would have to --

10 Q. -- you do. If you don't --

11 A. -- look through all my material. There
12 was one more, but I don't know the date. I think
13 you asked me specific to the date.

14 (Callahan Exhibit No. 10 was marked by the
15 court reporter.)

16 BY MR. JOHNSTON:

17 Q. And, Mr. Callahan, if there is another
18 memo dated after July 12th, 2000, but before the
19 August 15th, 2001, memo, that would be something
20 that you would have produced to us in discovery?

21 A. Yes, I -- for some reason I just -- and
22 again, it's probably from me scanning things. I
23 just remember something from June 8th, but I don't
24 remember what date specifically, if it was 2000,

1 2001, but you'll have it.

2 Q. All right. So if there is one, we'll have
3 it.

4 A. Yes, it would be --

5 Q. If there's not one -- if there's not one,
6 there's not one there.

7 A. It would be another intelligence memo,
8 yes.

9 Q. Mr. Callahan, you've been handed what's
10 been marked as Exhibit No. 10 for identification.
11 It's a two page document labeled ISP 17831 dated
12 7/18/2000. Mr. Callahan, did you write this email?

13 A. Yes, I did.

14 Q. And you sent it to John Strohl, correct?

15 A. Yes.

16 Q. And could you read what the subject matter
17 is?

18 A. Investigative update.

19 Q. And in this email you wrote to John Strohl
20 on July 18th, 2000, you discuss Robert Morgan,
21 correct?

22 A. Yes, I talk about the intelligence Tish
23 Carneghi has been doing, and then I go into
24 operation, what we were doing.

1 Q. Okay. And the email is captioned
2 investigative update, correct?

3 A. Yes.

4 Q. And in this you explain that the ATF
5 wanted the ISP to assist on the arrest of the Boards
6 and the execution of the search warrant, correct?

7 A. Yes.

8 Q. And the Boards were people who at that
9 point you knew had been identified as possible
10 culprits of the Rhoads homicides?

11 A. Yes.

12 Q. And at that point you knew that the Boards
13 had allegedly been involved in drug trafficking with
14 Bob Morgan?

15 A. Well, I believe there was a common link
16 between Ralph Cianfaglioni and the Boards and Bob
17 Morgan through his bank, but I don't know if I
18 specifically knew that there was narcotics
19 trafficking between the Boards and -- I know it
20 later came up. I guess I'm trying -- I'm a little
21 fuzzy on the exact time when the Boards were linked.
22 I guess it was always a suspicion of the narcotics
23 especially with the -- when Cianfaglioni's name came
24 up.

1 Q. Why don't you go down toward the bottom
2 where it starts, it says Bob Morgan and there's a
3 colon. It says Bob Morgan: Tish continues on,
4 operationally we are waiting for the Board arrests
5 to be concluded, the U.S. Attorney has offered a
6 decent profer for them if they want to talk to us
7 about Morgan. You wrote that, correct?

8 A. Yes.

9 Q. We have -- we have several people to
10 interview. You wrote that there, right?

11 A. Yes.

12 Q. And who's we?

13 A. Probably the FBI and myself.

14 Q. Okay. And you say that you and the FBI
15 had several people to interview but are currently
16 holding back. Correct?

17 A. Yes.

18 Q. All right. And so you and the FBI are
19 currently holding back at that point, right, on
20 these interviews?

21 A. Yes, and then there's some things wrong in
22 here, but go ahead, finish your --

23 Q. And then you go on to say the FBI and ATF
24 feel, based upon what Tish has found, the IRS could

1 make a good case on Morgan. Correct?

2 A. Yes.

3 Q. And so the information that Tish found
4 through her intelligence gathering was provided to
5 the FBI and the ATF relating to Bob Morgan's
6 activities, right?

7 A. I don't know if the ATF was, but I know
8 I'm probably talking about the FBI there specific.

9 Q. Okay. So let's back up a little bit. The
10 information that Tish who is doing intelligence
11 gathering provided to the FBI was going to be used
12 by the FBI or the IRS to make a case on Bob Morgan,
13 correct?

14 A. Well, I don't know. I mean I'm just
15 saying they were looking at Bob Morgan. This was
16 the FBI. ATF was looking at Morgan on arsons.

17 Q. And that's why I took the ATF out. So
18 what I'm getting at and maybe I'm not asking it
19 clearly is Tish was doing intelligence gathering for
20 you at the request of the FBI, correct?

21 A. Yes.

22 Q. And --

23 A. Well, I mean she was getting us
24 information and she was doing intelligence

1 gathering. She was forwarding it to me and I was
2 sharing it with the FBI.

3 Q. And so the information that Tish was
4 getting through her intelligence activity --

5 A. Yes.

6 Q. -- was forwarded through you to the FBI
7 regarding Bob Morgan, right?

8 A. Yes.

9 Q. And when the FBI got that information and
10 the IRS got that information, they thought the
11 information that Tish had provided would make a good
12 case on Bob Morgan.

13 A. Well, I'm not saying the IRS, we had
14 talked to the IRS. I'm saying that was the FBI's
15 opinion that they could probably give this
16 information to the IRS and they could make a case.

17 Q. Okay. So --

18 A. I mean if I were to put everything the FBI
19 said in there it would be a little bit different
20 because they said, "but the IRS takes too long to
21 make cases," so -- I mean this is a summarization of
22 things that are just -- I'm giving an update to John
23 Strohl what's going on in the office because he is
24 far removed. I mean he's down in Pesotum and we're

1 in Champaign.

2 Q. Okay. So I'm going to take the ATF and
3 the IRS out of this thing so I understand what's
4 going on. The information that Tish is giving to
5 you that you're forwarding to the FBI, Nate Williams
6 of the FBI tells you that he thinks with that
7 information the IRS can make a good case on Bob
8 Morgan.

9 A. Yes.

10 Q. Thank you.

11 MS. SUSLER: Objection. Asked and
12 answered.

13 Q. And the holding back on the interviews,
14 that's because you're waiting for the Boards to be
15 arrested, right, at that point?

16 A. Well, I don't know what I'm talking here
17 about the U.S. Attorney has offered to do some
18 proffer, because they weren't being arrested and --
19 under federal. They were being arrested and tried
20 in Edgar County. So I really don't know what I'm
21 talking about when I say here concluded the U.S.
22 Attorney has offered a profer.

23 Q. So the portion --

24 A. So because --

1 Q. Go ahead, I'm sorry.

2 A. Because the ATF's case was being tried on
3 a state level.

4 Q. So the inclusion in this email about the
5 U.S. Attorney offering a proffer, as you sit here
6 today, do you think that's inaccurate?

7 A. I think that was more about talking about
8 the interviews we were holding back on because at
9 one point the FBI had a huge case on the Sons of
10 Silence in the Paris and Vermilion County area, and
11 Scott Goins had reached out to ATF and he was
12 willing to talk to the FBI and he wanted a proffer
13 to help with the Sons of Silence, and actually on
14 the Diablo murders he had passed on information also
15 linking, which turned out to not be total truth,
16 but -- when he was interviewed about Dale Peterson
17 being possibly involved in the Rhoads murders. So I
18 think Nate Williams was wanting to get together a
19 proffer of immunity that anything Goins said, if the
20 FBI interviewed him, he wouldn't be charged further.

21 Q. Is there anything in this July 18th, 2000,
22 email from you to Captain Strohl that you think is
23 inaccurate or incorrect? And if so, what is it?

24 A. It's probably just not -- I didn't

1 communicate it as well as I should have, but other
2 -- I mean there's nothing inaccurate.

3 Q. And what is it that you did not
4 communicate well?

5 A. Probably I didn't explain the proffer
6 about the FBI accurately.

7 MR. JOHNSTON: 11.

8 (Callahan Exhibit No. 11 was marked by the
9 court reporter.)

10 BY MR. JOHNSTON:

11 Q. Mr. Callahan, you've been shown what's
12 been identified as Exhibit No. 11. It's marked ISP
13 17845. It's an email dated July 26, 2000, from you
14 to John Strohl. Would you take a look at that
15 document and let me know when you've had a chance to
16 review it.

17 A. Okay, I've read it.

18 Q. Okay. And is this an email you wrote?

19 A. Yes.

20 Q. And the subject is activity update, right?

21 A. Yes.

22 Q. And what are the first three words of this
23 email that you wrote?

24 A. Board Morgan investigation.

1 Q. Okay. So this was -- does that, those
2 three words together, show that the Boards were
3 somehow linked to the Morgan investigation?

4 A. Well, we knew that the Boards at one time
5 worked for Mr. Morgan and there was a belief that
6 there was ties between the Boards and Mr. Morgan.

7 Q. So by July 26 of 2000, was it your belief
8 that the Boards were involved in illegal activity
9 with Robert Morgan?

10 A. We suspected it.

11 Q. And then in this email you say you're
12 going to meet with two ATF agents, right? Jensen
13 and Fritchie, correct?

14 A. Yes.

15 Q. And you've already identified who they
16 are, right?

17 A. Yes.

18 Q. Why are you meeting with them in Terre
19 Haute, Indiana?

20 A. I believe at that time they were
21 expressing some concerns about some of the police
22 personnel in Paris if I remember right and they
23 wanted to meet outside of Paris.

24 Q. And you were going to meet with these ATF

1 agents about the Illinois State Police's involvement
2 in executing search and arrest warrants on the Board
3 brothers, correct?

4 A. Yes, we were going to assist them in the
5 arrest of the two Board brothers and then we were
6 going to go out to their farm and basically try and
7 dig it up for body parts.

8 Q. Okay. And the search warrants were to dig
9 up the body parts, correct?

10 A. To search on the farm, yes.

11 Q. Okay. And, in fact, there was a search on
12 the farm looking for body parts of the Diablo
13 bikers, correct?

14 A. That's correct.

15 Q. And the Illinois State Police was involved
16 in that process, right?

17 A. I dug a few holes myself.

18 Q. So you were out there with a shovel
19 digging out dirt looking for dead bikers.

20 A. I actually -- yeah.

21 Q. And it was your belief at that time that
22 the arrest of the Boards would make Mr. Morgan
23 nervous, right?

24 A. Yes.

1 Q. And what was the basis for your belief on
2 that? Was it that they would flip once they got
3 arrested for the murders and then give information
4 up on him?

5 A. That was ATF's strategy.

6 Q. Okay.

7 A. Yes.

8 Q. I'm sorry, did you concur in that
9 strategy?

10 A. Yes, I concurred that that could happen.

11 Q. Now, you make a reference to an Edgar
12 County attorney and his two clients, right?

13 A. Yes.

14 Q. And that's Mr. Piper.

15 A. John Piper.

16 Q. And the two clients are Stevens and
17 Lawton, correct?

18 A. George Stevens and Jim Lawton, yes.

19 Q. And were those interviews with George
20 Stevens and Jim Lawton ever reduced to a 4-3 report?

21 A. No. They were reduced in writing by the
22 FBI.

23 Q. To 302s, correct?

24 A. Yes.

1 Q. All right. Did you ever see those 302s?

2 A. Yes, I did.

3 Q. Did they -- were they accurate when you
4 saw them?

5 A. I'd have to reread them to see.

6 Q. Okay. But as you sit here today, you
7 don't recall anything jumping off the page at you
8 saying, holy cow, what was Nate doing, they didn't
9 say that?

10 A. I don't remember anything totally. Again,
11 I'd have to reread them.

12 MR. JOHNSTON: 12.

13 (Callahan Exhibit No. 12 was marked by the
14 court reporter.)

15 BY MR. JOHNSTON:

16 Q. Mr. Callahan, you've been marked -- shown
17 what's been marked as Exhibit No. 12 for
18 identification. It is an 8/8/2000 email from Mr.
19 Callahan to John Strohl, ISP 17855. It's a short
20 email.

21 A. I've read it.

22 Q. Okay, thank you. And this relates to the
23 search warrants on the Board property, right?

24 A. Yes.

1 Q. And do you remember which agents were
2 involved? The same ones we talked about?

3 A. On the search warrant?

4 Q. Yes.

5 A. Oh, there were several, but I do know Eric
6 Jensen was there and I believe Dennis Fritchie.

7 Q. Okay.

8 A. They had a small army.

9 Q. You write to Captain Strohl they advised,
10 meaning the ATF, right?

11 A. Yes.

12 Q. They advised that once he, meaning Duke
13 Board, is ready to talk, they, meaning the ATF, will
14 call me, Michale Callahan, to sit in on the
15 interview. Right?

16 A. Yes.

17 Q. Regarding any information on Morgan or the
18 Rhoads that he may offer up, period. Right?

19 A. Yes.

20 Q. You signed your name Mike there. And who
21 -- which agent of the ATF told you that they were
22 going to let you know about Duke Board potentially
23 offering up information on Morgan or the Rhoads?

24 A. Well, most of my conversations were with

1 Eric Jensen, so -- I mean I had a few with Dennis
2 Fritchie, but that was usually -- I mean my person I
3 always talked to was Eric Jensen, so...

4 Q. Okay. Now, part of the directive that
5 Diane Carper gave you was that if you ever got
6 information relating to the Rhoads homicide, you
7 were supposed to report it to her directly, correct?

8 A. Yes.

9 Q. And did you report to Diane Carper on or
10 about August 8th, 2000, that the ATF was going to
11 contact you about an interview with Duke Board that
12 may relate to the Rhoads homicide?

13 A. No, because I had not told the ATF that I
14 could not investigate the Rhoads case, so when they
15 offered to let me sit in on the interview, I wasn't
16 going to tell them, no, I can't sit in on the
17 interview because the Rhoads case is too politically
18 sensitive.

19 They did do an interview of Jerry Board,
20 and in fact John Strohl had said, "why don't you go
21 in there and do an interview?" And I said, "well,
22 if Diane Carper finds out, she'll fry us both." So
23 I refused to sit in on the interview and I was
24 offered to sit in on it with Jerry Board.

1 Q. When did you have the conversation with
2 John Strohl where you told him that Diane Carper
3 would, quote, fry you both if you sat in on an
4 interview?

5 A. That would be the day of the arrest.

6 Q. And what day is that?

7 A. That was August 3rd.

8 Q. Okay. And at that point you had already
9 sat in on several interviews, hadn't you?

10 A. I had sat in on interviews with the FBI.

11 Q. All right. And those related to Bob
12 Morgan, correct?

13 A. Yes. But this was specific to the Rhoads.

14 Q. And did you ever obtain the information
15 relating to the interview of Duke or Jerry Board?

16 A. I was there when ATF interviewed Jerry
17 Board.

18 Q. Okay. Were you present when the ATF
19 interviewed Duke Board?

20 A. No.

21 Q. Okay. Why would you be present at the
22 interview of Jerry Board but not the interview of
23 Duke Board?

24 A. I'm not too -- I think -- if I recollect,

1 he might have lawyered up.

2 Q. Okay.

3 A. I don't really -- I don't know if they
4 even interviewed him. I know they interviewed Jerry
5 Board.

6 Q. Okay. And did Jerry Board provide
7 information to you and the ATF during that interview
8 that related to the Rhoads homicide?

9 A. He didn't provide me any information. I
10 didn't sit in on the interview. I watched from --
11 through a window.

12 Q. Okay. So you observed the interview.

13 A. Yes.

14 Q. As you observed the interview of Jerry
15 Board conducted by the ATF, did Jerry Board provide
16 any information relating to the homicides of Dyke
17 and Karen Rhoads?

18 A. They asked him and he said that -- one of
19 his responses was that Dyke and Karen were best of
20 friends and he started crying, and the ATF agent
21 asked him why he was crying. He goes, "you guys
22 probably think it's me because of that lady on 48
23 Hours, and I always used to wear trench coats, that
24 was always my MO to wear trench coats even in the

1 summer." So I thought he's either being very glib
2 and playing with us or -- I took it that he was kind
3 of playing with the investigators, and it was
4 actually the Indiana State Police and ATF in there
5 talking to him.

6 Q. Okay. So in your mind, during this
7 interview that you sat on the other side of the
8 window and observed, you thought that that would not
9 violate the Rhoads or Morgan directive, but if you
10 actually sat in the room, it would?

11 A. I can't control what ATF or the FBI does.
12 I was told I could go along with the federal
13 agencies while they were doing their thing and then
14 I -- as long as I didn't actively participate in the
15 Rhoads, I felt I was okay to sit there and listen.
16 That's why when John said, "go ahead and ask them if
17 they'll let you interview," I said no.

18 MR. JOHNSTON: 13.

19 (Callahan Exhibit No. 13 was marked by the
20 court reporter.)

21 BY MR. JOHNSTON:

22 Q. Mr. Callahan, you've been shown what's
23 been marked as Exhibit No. 13. It's a two page
24 document that's labeled ISP 17858 and 59 dated

1 August 11th, 2000, from Rory Steidl to Michale
2 Callahan and Greg Dixon.

3 Mr. Callahan, let me know when you've had
4 a chance to read that.

5 A. Okay.

6 Q. Do you recognize this email, Mr. Callahan?

7 A. I don't remember this email, but obviously
8 it's from Rory Steidl to me.

9 Q. Any reason to dispute the accuracy or
10 veracity of this document?

11 A. No.

12 Q. Okay. You had several email
13 communications with Rory Steidl throughout the years
14 about the Rhoads homicide, correct?

15 A. Yes.

16 Q. This one's in August of 2000 which would
17 definitely be after May of 2000, right?

18 A. Yes.

19 Q. And in this email, Rory is providing you
20 information about the Rhoads homicide, correct?

21 A. I don't see where it's about the Rhoads
22 homicide.

23 Q. Well, it talks about the Board family,
24 right?

1 A. Yes.

2 Q. And at this point in August of 2000 --

3 A. He specifically is talking about the ATF
4 case here.

5 Q. And in August of 2000, you had suspicions
6 that the Boards were involved in the murders of Dyke
7 and Karen Rhoads, correct?

8 A. Yes.

9 Q. Did you call -- did you email a response
10 to Rory saying I can't talk to you about this, Diane
11 Carper has told me that I cannot touch the Rhoads
12 homicide or look at it in any way? Did you respond
13 in any way like that to Rory?

14 A. No.

15 Q. Okay. Did you tell Rory in August of 2000
16 that you could not look at or investigate the Rhoads
17 homicide?

18 A. No. But, again, I'm going to reiterate
19 this email is specific about the ATF case.

20 Q. Did --

21 A. And the Diablo murders.

22 Q. Did you tell at that point Sergeant Steidl
23 that you could only be involved in intelligence
24 gathering regarding Morgan?

1 A. No, I didn't.

2 Q. Okay. When if ever did you tell Rory
3 Steidl that you were limited to intelligence
4 gathering relating to Bob Morgan?

5 A. Probably after my lawsuit. Possibly,
6 yeah, after my lawsuit.

7 Q. Okay. And before your lawsuit was filed,
8 you had numerous verbal conversations and email
9 communications with Rory Steidl regarding Morgan and
10 the Rhoads, right?

11 A. Yes, he would give me information. Again,
12 because he thought I was investigating.

13 Q. And you never disabused him of that idea,
14 did you?

15 A. No.

16 MR. JOHNSTON: Would you mark this as 14?

17 (Callahan Exhibit No. 14 was marked by the
18 court reporter.)

19 BY MR. JOHNSTON:

20 Q. Mr. Callahan, you've been handed what's
21 been marked as Exhibit No. 14. It's labeled ISP
22 17874 dated August 25th, 2000, from Michale Callahan
23 to John Strohl.

24 A. Yes.

1 Q. All right. Did you write this email?

2 A. Yes.

3 Q. And what's the subject matter of this
4 email?

5 A. Morgan investigation.

6 Q. And in this email did you state that the
7 biker had agreed to talk to the ISP about the
8 Boards?

9 A. Well, this information came from ATF and
10 that he was willing to talk to the FBI and the FBI
11 said I could go along, so...

12 Q. And you would go along with the FBI to
13 speak with a witness about the Boards' criminal
14 activity, right?

15 A. Yes.

16 Q. And part of the Boards' criminal activity
17 related to Bob Morgan, right?

18 A. Possibly, yes.

19 Q. And possibly the Boards' criminal activity
20 at that point you had suspicions related to the
21 Rhoads homicides, right?

22 A. Yes.

23 Q. And there's a reference to an inmate named
24 Dale Peterson, correct?

1 A. Yes.

2 Q. And Dale Peterson eventually became --
3 well, strike that. Did Dale Peterson eventually
4 become a suspect in your mind as to the Rhoads
5 homicides?

6 A. Yes, when I got this information from ATF
7 he did, and then it lessened a little bit after the
8 interview of Goins, but --

9 Q. Did you ever eliminate Dale Peterson --

10 A. No.

11 Q. -- as a suspect in the Rhoads --

12 A. No.

13 Q. -- homicide? And in this email you write,
14 it starts with we have Clark identified. Go to the
15 end of that sentence. The sentence starts with ATF
16 did not get into detail about the Rhoads case.
17 Right? You wrote that?

18 A. Yes.

19 Q. Since they, meaning the ATF, wanted to
20 make sure we, meaning the state police, and the FBI
21 could get involved in a second interview. Right?

22 A. Yes.

23 Q. And so the ATF was holding back because
24 they wanted to make sure you would be involved in

1 this interview, right?

2 A. Probably more so the FBI, but yeah, I was
3 going to go along.

4 Q. Okay. And you were going to go along on
5 this interview that potentially related to the
6 Rhoads case.

7 A. Yes.

8 Q. All right. And did you eventually go on
9 that interview?

10 A. Yes, I did.

11 Q. Okay. And did you participate in that
12 interview?

13 A. Yes, I did.

14 Q. Okay. Why did you participate in that
15 interview and not in the interview of Duke Board or
16 Jerry Board?

17 A. I was told that I could go along with the
18 FBI and gather intelligence, and again, like I said
19 before, it is no secret that I always sought to
20 reopen this case, reinvestigate the Rhoads
21 homicides, and I wasn't about to stop. And I was
22 trying to stay below the radar and not get in
23 trouble but still try to make some headway so we
24 could revisit this case, revisit and reinvestigate

1 the Rhoads case and get more proactive with Mr.
2 Morgan.

3 Q. All right.

4 A. So I think I made that apparent for three
5 years I tried to reopen this case.

6 Q. I thought what we talked about earlier
7 today was that you were allowed to gather
8 intelligence regarding Morgan, but you couldn't
9 touch or even gather intelligence regarding the
10 Rhoads --

11 A. Right.

12 Q. -- right? Now in the interview that
13 you've just described, that would be getting
14 information and gathering intelligence regarding the
15 Rhoads, right?

16 A. Yes.

17 Q. So you would have been disregarding the
18 Rhoads directive, correct?

19 A. Well, I guess it would have been on --
20 depended on how Colonel Carper. I figured it was
21 worth the chance because I was going along with the
22 FBI, and what was my command going to say if I went
23 along with the Federal Bureau of Investigations and
24 got information on the Rhoads case?

1 Now, if I went out and got information on
2 the Rhoads case on my own or by myself trying to do
3 it, then I wouldn't have any support, but I did feel
4 the fact -- in fact, I think I made it, as I used to
5 say, "boy, I wish a big break would happen because
6 what's the Illinois State Police going to do when it
7 comes to the FBI? Are they going to tell them it's
8 too politically sensitive?" So I always felt by
9 having the umbrella of the Federal Bureau of
10 Investigations, I was somewhat protected.

11 Q. Okay. So if you went on an interview with
12 the FBI, you were less concerned about Diane
13 Carper's directive regarding the Rhoads and Bob
14 Morgan. Is that fair to say?

15 A. The FBI was writing the reports. I wasn't
16 writing any reports. If I would have participated
17 in an actual interview and questioning and it would
18 have been a matter of court documents I would have
19 been in the interview, I could have been called as a
20 witness.

21 Q. So -- but my question is were you less
22 concerned about violating Diane Carper's Rhoads or
23 Morgan directive because the FBI would go along on
24 any interview?

1 A. Was I less concerned?

2 Q. Yes.

3 A. Oh, I knew that I could probably still get
4 in trouble, but I felt like I had the support of the
5 FBI.

6 Q. And so on those occasions you would go on
7 interviews and participate in interviews, right?

8 A. I went along -- I was told I could gather
9 intelligence with the FBI. I didn't feel like I was
10 breaking any parameters there by going and getting
11 information from a person.

12 Q. Regarding the Rhoads homicide.

13 A. Correct.

14 MR. JOHNSTON: 15.

15 (Callahan Exhibit No. 15 was marked by the
16 court reporter.)

17 BY MR. JOHNSTON:

18 Q. Mr. Callahan, you've been handed what's
19 been marked as Exhibit No. 15 for identification.
20 It's dated September 5th, 2000. It's an email and
21 it's ISP 17880. Do you recognize that document?

22 A. Yes.

23 Q. Did you write that email?

24 A. Yes.

1 Q. And that's an email from you to John
2 Strohl, correct?

3 A. Yes.

4 Q. What's the subject matter of that email?

5 A. Rhoads case.

6 Q. All right. And that's an email that
7 follows up upon the email we just talked about,
8 right?

9 A. Yes.

10 Q. And the email we just talked about was
11 labeled what, do you recall?

12 A. The one before this?

13 Q. Yes.

14 A. 14?

15 Q. Yes, correct. Sorry.

16 A. So this is -- oh, this is 15.

17 Q. You have 15 in front of you, right?

18 A. Yes.

19 Q. And what's 14?

20 A. Morgan investigation.

21 Q. All right. And the email or the Exhibit
22 No. 15 is labeled Rhoads case, correct?

23 A. Yes.

24 Q. And Exhibit No. 15 follows up Exhibit 14,

1 correct?

2 A. This is -- this is before. This is 8/25.

3 This is 9/5.

4 Q. Correct. So Exhibit No. 14, the 8/25

5 email, is subsequently followed up with the 9/5

6 email, correct?

7 A. Yes.

8 Q. And the -- you've changed -- and it

9 involved the same subject matter, right?

10 A. Yes.

11 Q. And the subject matter of your email

12 changes from Morgan investigation to Rhoads case,

13 correct?

14 A. Yes.

15 Q. Refers to the ATF having a second source

16 come forward. Who was that one?

17 A. That would be on Donny Comstock.

18 Q. You write, second to last line, I

19 anticipate talking to both of these sources sometime

20 next week. Correct?

21 A. Yes.

22 Q. And those sources are people who had

23 information regarding the Rhoads homicides, correct?

24 A. Yes. Well, that would be -- I think I'm

1 referring to Goins and Comstock, but I never talked
2 to Comstock.

3 Q. Okay. You talked to Goins though, right?

4 A. Yes.

5 Q. And that was to talk to him about
6 information relating to the Rhoads homicides, right?

7 A. I think we just went over that, yes.

8 MR. JOHNSTON: 16.

9 (Callahan Exhibit No. 16 was marked by the
10 court reporter.)

11 BY MR. JOHNSTON:

12 Q. Mr. Callahan, you've been handed what's
13 been marked as Exhibit 16 for identification. It's
14 labeled ISP 17881. It's an email dated 9/12/2000
15 from you to John Strohl. Would you take a moment to
16 review that document?

17 MR. TAYLOR: Do we have these?

18 A. Yeah, I think it follows up what we just
19 got done talking about.

20 Q. Exactly. It's a follow-up to your 9/5
21 email, correct?

22 A. Right.

23 Q. And what's the subject matter of this one?

24 A. Morgan investigation.

1 Q. All right. So you've gone from an email
2 saying Morgan investigation to an email called
3 Rhoads case back to an email called Morgan
4 investigation, all relating to the same subject
5 matter, right?

6 A. Yes.

7 Q. And did you, in fact, set up this
8 interview for September 14th, 2000?

9 A. Nate Williams did.

10 Q. Okay. Did you go along?

11 A. Yes.

12 Q. You said you already went along --

13 A. Yes.

14 Q. -- didn't you, right? And did you
15 participate in that interview with Mr. Goins?

16 A. Yes, I did.

17 Q. Okay. And did Mr. Goins provide you with
18 information relating to the Rhoads homicides?

19 A. He denied -- well, ATF's information had
20 been about this David Clark and Dale Peterson, and I
21 believe Mr. Goins said that Dale Peterson never said
22 specifically it was the Rhoads case. He had
23 speculated that to ATF based on Peterson telling him
24 that it was. Peterson had only told him he had been

1 involved in another double -- he had been hired to
2 participate in another double homicide. And he felt
3 ATF had felt that he meant the Rhoads case based on
4 the other -- being another double homicide, but he
5 reiterated to us that he never said it was -- Dale
6 Peterson never said it was the Rhoads homicide.

7 Q. So before going into this interview, you
8 thought the interview would relate to the Rhoads
9 homicide. You interview Goins and he rejects the
10 allegation that Dale Peterson was involved in the
11 Rhoads homicide, correct?

12 A. Well, he said that basically that Peterson
13 had talked about this other double homicide and it
14 had blackened his heart and he wanted to get a black
15 heart tattoo and that David Clark who was a
16 hanger-on with the Sons of Silence had supposedly
17 been involved in this other double homicide.

18 Q. And their interview with Goins, that was
19 at Marion, right?

20 A. Yes.

21 Q. And did you go with Greg Dixon as well as
22 Nate Williams?

23 A. Probably Greg went.

24 Q. Okay. With you and Nate Williams?

1 A. Yes.

2 Q. Okay. You didn't go alone, right?

3 A. No.

4 Q. And after you interviewed Goins, did you
5 go to interview Tom Boren?

6 A. I know we went to interview Tom Boren at
7 one time. I don't know if we made it that specific
8 date. I guess you'd have to refer to Nate Williams'
9 investigative report for the actual date.

10 Q. Okay. Did you, in fact, interview Tom
11 Boren?

12 A. There was a date we did.

13 Q. Yeah, and do you --

14 A. But I don't know if it's that specific
15 date. I don't know if we had enough time. It was a
16 long drive to Marion. But there is a 302 from the
17 FBI about the interview of Tom Boren.

18 Q. Okay. So there was an interview that you
19 participated in with Nate Williams of Tom Boren,
20 correct?

21 A. Yes.

22 Q. And that interview of Tom Boren related to
23 Bob Morgan, correct?

24 A. Yes.

1 Q. And it also related to the Rhoads
2 homicides, correct?

3 A. I'd have to look at Nate Williams'
4 interview.

5 Q. And Tom Boren was the former chief of
6 police at Paris --

7 A. Yes.

8 Q. -- correct? Do you remember who all went
9 on the interview of Tom Boren?

10 A. Greg Dixon, myself and Nate Williams.

11 Q. Do you know how long that interview
12 lasted?

13 A. It was during lunch. I mean I think it
14 was an entire lunch period.

15 Q. Okay. Do you remember going to
16 Pickneyville to do an interview?

17 A. No, that was a different matter.

18 MR. JOHNSTON: 17.

19 (Callahan Exhibit No. 17 was marked by the
20 court reporter.)

21 MR. JOHNSTON: John, did I give you one?

22 MR. BAKER: Yes.

23 BY MR. JOHNSTON:

24 Q. Mr. Callahan, you've been handed what's

1 been marked as Exhibit No. 17. It's an email dated
2 11/28/2000 from you to John Strohl, ISP 17947. Let
3 me know when you've had a chance to --

4 A. I've read it.

5 Q. Okay. Now, did you, in fact, write this
6 email?

7 A. Yes.

8 Q. And this relates to a meeting with what,
9 reorganization?

10 A. Yes.

11 Q. Okay. And you had already told Captain
12 Strohl kind of where you wanted to land in the
13 reorg, right?

14 A. Yes.

15 Q. And where did you tell Captain Strohl you
16 wanted to land?

17 A. I wanted to stay in investigations.

18 Q. Okay. And you had already given that
19 input and that's what this email says, right?

20 A. Yes.

21 Q. All right.

22 A. I can explain the whole email if you want,
23 but I'm sure you'll ask me questions.

24 Q. And you say here, I may actually have time

1 to work this Morgan case somewhat which would be
2 nice. Right?

3 A. Yes.

4 Q. You wrote that there? And was that
5 because you did not have sufficient time to be
6 involved in the Morgan case?

7 A. No. What had happened is throughout this
8 time we kept getting more and more information
9 through the FBI interviews, from Mr. Kling, Mr.
10 Protess, that just kept bringing up more and more
11 concerns about the Rhoads case and about Mr. Morgan.
12 And I kept talking to John that we have to keep
13 trying to go back to the table and get command to
14 change their minds.

15 He was -- in this he's referring to,
16 "Mike, we're going to reorganize, wait for the
17 reorganization, wait until investigation splits from
18 patrol, we'll have a whole new command structure,
19 maybe you can get something done." So what I'm
20 referring to here is that I am simply going to put
21 together some stuff so that we can revisit getting
22 the Rhoads case reinvestigated and be proactive on
23 Mr. Morgan. That's exactly what I meant from this
24 email.

1 Q. But I see --

2 A. And unfortunately the command structure
3 didn't change as much as we had hoped it to.

4 Q. That's what you meant by this email --

5 A. Yes.

6 Q. -- but that's not what you said.

7 A. Because I remember having -- well, I
8 didn't know that I --

9 Q. You've got to let me finish, you've got to
10 let me finish my question so I don't have --

11 A. Okay.

12 Q. But that's not -- that's not what you said
13 in this email. It says I may actually have time to
14 work this Morgan case somewhat which would be nice.

15 A. Yes, which is meaning to put together
16 stuff so we could go back to the table and revisit,
17 so I know what I meant when I wrote it.

18 Q. Okay. Well, could you see how somebody
19 might read that and think the problem is that you
20 just don't have enough time to devote to the Morgan
21 case? Is that a reasonable interpretation?

22 A. Well, that's your --

23 MS. SUSLER: Objection to what someone
24 else might think.

1 Q. Is that a reasonable interpretation?

2 A. I don't think so, but that's your
3 assessment because you're obviously...

4 MS. SUSLER: Iain, after this exhibit,
5 maybe we'll just take a break.

6 MR. JOHNSTON: Okay, we'll see where it
7 goes.

8 MS. SUSLER: No, we'll take a break when
9 you're done with this exhibit.

10 MR. JOHNSTON: No, we'll see where it
11 goes, Jan.

12 MR. BALSON: Iain, you have to be
13 courteous to the other people --

14 MR. JOHNSTON: I am being very courteous.

15 MR. BALSON: -- and the court reporter.

16 MR. JOHNSTON: I am being very courteous
17 to --

18 MR. BALSON: The woman says --

19 MR. JOHNSTON: -- the court reporter.

20 MR. BALSON: -- she needs a break, Iain.
21 She said she needs a break.

22 (Callahan Exhibit No. 18 was marked by the
23 court reporter.)

24 BY MR. JOHNSTON:

1 Q. ISP 18044, an email dated 2/13/2001. I
2 just want to focus on the first page. This is your
3 email.

4 A. You want to focus on the --

5 Q. Yeah, the first page which is your email.

6 A. Oh, okay.

7 Q. You know what? I want to give them a
8 break, so -- because I want to be courteous, but I'm
9 going to focus on the first page.

10 A. Now or --

11 Q. Right now.

12 A. Oh, okay.

13 Q. The email -- do you recognize that email?

14 A. Yes, I do.

15 Q. Okay. And that's an email you wrote?

16 A. Yes.

17 Q. To Edie Casella, correct?

18 A. Yes.

19 Q. And who was Edie Casella at that time?

20 A. She became -- when we reorganized and
21 split investigations from patrol, she became the new
22 commander of Zone 5.

23 Q. So back -- so she took essentially John
24 Strohl's position in your chain of command?

1 A. She became the investigations commander
2 for -- actually we increased the size of the
3 geographic area, so she became the investigations
4 commander over the zone, I became the narcotics
5 lieutenant, and the master sergeant was over general
6 criminal, so --

7 Q. And your direct report previously was John
8 Strohl. Now, your direct report is Edie Casella,
9 correct?

10 A. Correct.

11 Q. What's the subject matter of this
12 investigation or --

13 A. Morgan investigation.

14 Q. Okay. And in this email, you're
15 responding to Edie Casella, correct?

16 A. Yes.

17 Q. And you're telling her why there was no
18 case number opened up, right?

19 A. Yes.

20 Q. And in it, you tell her that one of the
21 reasons was with the reorganization coming up, you
22 were uncertain what you wanted to do with, quote,
23 this investigation, right?

24 A. Yes.

1 Q. And you also told her to date you had been
2 obtaining intelligence information from Tish --

3 A. Yes.

4 Q. -- and Jennifer, right?

5 A. Yes.

6 Q. That would be Jennifer Overturf and Tish
7 Carneghi, right?

8 A. Yes.

9 Q. And the information was being correlated
10 with interviews of several different subjects,
11 right?

12 A. Yes.

13 Q. It says none of these people would be
14 willing to testify. Is that every witness that you
15 had talked to would not be willing to testify?

16 A. Pretty much. Everybody was -- in fact,
17 there was a lot of people, when we would meet with
18 them, when they found out I was with the Illinois
19 State Police, they didn't even want to talk because
20 Bob Morgan had -- our captain before John Strohl was
21 Dave Morgan, and people -- Bob Morgan was telling
22 everybody that his brother was Dave Morgan, so...

23 Q. But, in fact, Dave Morgan and Bob Morgan
24 are not related --

1 A. They're not related --

2 Q. -- in any way.

3 A. -- but there was concern when Nate
4 Williams would say this is Mike Callahan from the
5 state police, so that...

6 Q. Did you disabuse people of that notion
7 when they would say that Dave --

8 A. Yes.

9 Q. And then you say that these are hearsay
10 informational interviews, right?

11 A. Yes.

12 Q. All right. Aren't most interviews
13 informational or hearsay to some extent?

14 A. Not always.

15 MS. SUSLER: Objection.

16 A. I guess you'd have to be specific. I mean
17 you're being pretty broad there, so...

18 Q. Well, most interviews are obtaining some
19 form of information; is that right?

20 A. Well, most interviews are getting
21 information from an individual, yes.

22 Q. And then you say that the FBI, that would
23 be Nate Williams and yourself, are documenting some
24 of the information that has been corroborated to the

1 302s, the FBI reports, right?

2 A. Corroborated on the FBI reports.

3 Q. All right. Why was some of the
4 information being corroborated on the FBI reports
5 and not others?

6 A. It's probably the stuff that he was
7 corroborating, so --

8 Q. I'm lost.

9 A. Is what I'm talking about.

10 Q. You lost me there.

11 A. I guess we'd have to go over the FBI
12 reports to see what I meant by that because I know
13 he was corroborating some of the stuff --

14 Q. Okay.

15 A. -- through intel through their own
16 databases and stuff.

17 Q. And as he was -- as Nate Williams was
18 corroborating that information, was he telling
19 you --

20 A. I think --

21 Q. -- what was being corroborated?

22 A. Yeah, I think he was specifically talking
23 about Ralph Cianfaglioni there is what I'm referring
24 to because Ralph Cianfaglioni was, for better or --

1 I guess a Mob wannabe, a Mob associate type thing up
2 in the -- is the way Nate referred to him as, which
3 was connected down to the Board brothers and Bob
4 Morgan, but he was a narcotics trafficker from the
5 Chicago area.

6 Q. When you say I am preparing an
7 informational flow chart on the intelligence we had
8 received, is that actually you preparing the
9 informational flow chart --

10 A. That would be --

11 Q. -- or were you having somebody else
12 prepare it?

13 A. -- the intelligence people would do that.

14 Q. Okay. So you would give a directive to
15 the intelligence people and they would prepare the
16 information to put on a flow chart, right?

17 A. Yes.

18 Q. And then you say we have not taken an
19 operational approach yet and there's -- and are
20 still in the planning stages on how we want to
21 approach this investigation. Right?

22 A. Yes.

23 Q. Who is Kent Hill? You've talked to Kent
24 Hill.

1 A. Kent Hill was in our financial crimes unit
2 I believe in intelligence, the intelligence
3 division, and I think they had talked to him about
4 -- because I had no expertise in money laundering or
5 any type of financial investigation, so I was
6 talking to him about what it takes, could they be
7 involved or, you know, if it ever got to that, so --

8 Q. And where was Kent Hill, I'm sorry?

9 A. He's in Springfield.

10 Q. And with what -- what command was he in?

11 A. I believe he was like -- I think he was in
12 OSC at that time. Obviously he was under financial
13 crimes.

14 Q. And OSC is operational services?

15 A. Operational services. It's like our
16 intelligence division. They did the intelligence
17 work.

18 Q. Okay. And you were reaching out to Kent
19 Hill to see if he could help you on the money
20 laundering aspect of --

21 A. Just about --

22 Q. You've got to let me finish. You were
23 contacting Kent Hill to see if he could help you
24 about the money laundering aspects of Bob Morgan,

1 correct?

2 A. Yes.

3 Q. Then you go on to say I have not been able
4 to expend the time this case needs but will get more
5 involved. I want -- I wanted to discuss additional
6 manpower for this case. Right?

7 A. Yes.

8 Q. And again, you're saying that you've not
9 been able to spend the time on the case that you
10 thought it needed at that point, correct?

11 A. Yeah. You want me to explain?

12 Q. Well, is it the same explanation you gave
13 before?

14 A. No. Well, it's similar, but when I wrote
15 this Edie Casella had just came from Springfield.
16 Edie Casella was the lieutenant colonel at the time
17 that sat over OSC when I met with Andre Parker and
18 Colonel Carper. So when I wrote this, I didn't know
19 if Casella had been sent over here to spy on us or
20 to see if we were being operational and going beyond
21 the guidelines and restrictions set by Springfield,
22 so -- and another thing had happened.

23 When I had reached out to Tish Carneghi
24 about the Rapid Start on the Rhoads homicide, before

1 I could even -- I said, "Tish." I was going to tell
2 her she needed to stop it. She said, "I've already
3 heard. I guess there are people above the law."
4 And when Tish Carneghi said that to me, I said,
5 "well, it was my lieutenant colonel that told me the
6 Rhoads case was too politically sensitive." So in
7 my mind I'm saying, was Tish Carneghi told by her
8 lieutenant colonel Edie Casella that the Rhoads case
9 was too politically sensitive?

10 Q. When did you --

11 A. So I was very careful in how to answer
12 this. In fact, I remember calling her saying we
13 need to meet for coffee. And if you remember my
14 testimony from the civil trial, that's when we sat
15 down and talked and I told her about the case being
16 deemed too politically sensitive.

17 Q. When did you have this conversation with
18 Tish Carneghi about people being above the law?

19 A. It was shortly after I got the order that
20 the Rhoads case was too politically sensitive in May
21 2000 the first time.

22 Q. Okay. And who was present during that
23 conversation with Tish?

24 A. That was a phone conversation because she

1 said -- in fact, her words were, "I guess Bob
2 Morgan's above the law. There are people above the
3 law, aren't there, Mike?" And, you know, Tish
4 can -- that's what she told me. And I said -- and
5 then I just assumed from that point she's already
6 been told, like I was told, this case is too
7 politically sensitive. She didn't say those words,
8 but I'm just assuming that's what Tish was told.

9 And I assumed like it was my lieutenant
10 colonel that gave those orders, it was her
11 lieutenant colonel. So when I expressed that with
12 Edie, she's like -- when I realized she was just
13 asking a genuine question here about where was the
14 case going, then I'm -- I said, "well, you know,
15 here's what really happened."

16 Q. You're assuming that Tish was told all
17 these things? You have no personal knowledge?

18 A. I have no personal knowledge, no.

19 Q. Well, did you ask Tish when she told you
20 that Bob Morgan was above the law what she meant by
21 that?

22 A. No.

23 Q. You didn't follow -- did you follow up in
24 any way?

1 A. No.

2 Q. Did you document that conversation --

3 A. No.

4 Q. -- with Tish Carn -- you've got to let me
5 finish.

6 A. I'm just --

7 Q. Did you document that conversation with
8 Tish Carneghi in any way?

9 A. No.

10 Q. Did you -- when Tish Carneghi tells you
11 that Bob Morgan is above the law sometime in or
12 after May of 2000, were you surprised by that
13 comment by Tish?

14 A. I think she was referring to it in the
15 aspect of the Rhoads case and -- because she had sat
16 in on my briefing to command on May 18th. I told
17 her that certainly we can still gather intelligence,
18 so we'll go forward in that way since she certainly
19 did that.

20 Q. And, in fact, Tish Carneghi gathered
21 intelligence, and her unit, intelligence unit,
22 gathered information and intelligence on Bob Morgan
23 from May of 2000 at least until February of 2001,
24 right?

1 A. Yes.

2 MR. JOHNSTON: Why don't we take a break?

3 A. Good.

4 MS. SUSLER: Thank you.

5 MR. BAKER: Iain, you're exactly at four

6 hours and 30 minutes. Exactly. It's very

7 impressive I've got to tell you.

8 (Recess at 3:56 p.m. to 4:09 p.m.)

9 (Callahan Exhibit No. 19 was marked by the
10 court reporter.)

11 BY MR. JOHNSTON:

12 Q. Mr. Callahan, you've been handed what's
13 been marked Exhibit 19, and I think you've already
14 had a chance to take a look at it. It's Bates stamp
15 ISP 18176.

16 A. Yes.

17 Q. Dated 4/2/2001, correct?

18 A. Yes.

19 Q. And this is an email you wrote?

20 A. Yes.

21 Q. And what's the subject matter of this
22 email?

23 A. Morgan investigation.

24 Q. Okay. Apparently Mr. Kling called you?

1 A. Yes.

2 Q. Before this call in April of 2001, how
3 many times had Mr. Kling called you about Whitlock,
4 if you know?

5 A. I don't know how many times.

6 Q. And he asked if you guys were -- if the
7 ISP was doing any kind of investigation on the
8 Rhoads homicide or Bob Morgan, right?

9 A. Right.

10 Q. And did you tell Mr. Kling that you, in
11 fact, were not doing an investigation on the Rhoads
12 homicide or Bob Morgan?

13 A. I did -- well, here I say I did not want
14 to divulge anything, so I know I didn't tell him
15 that we were prohibited from reopening the case, no.

16 Q. Did you neither confirm nor deny an
17 investigation?

18 A. I neither confirmed nor denied.

19 Q. About midway through this email, there's a
20 sentence, there's a line that starts with the letter
21 S and a period. Then it says he stated their new
22 plan of action is to show Bob Morgan's guilt in the
23 Rhoads murders, therefore exonerating their clients.
24 Right?

1 A. Yes.

2 Q. Did Mr. Kling, in fact, tell you that?

3 A. I know that he -- he said that they felt
4 that Bob Morgan was behind it. They had been
5 suspecting that themselves for quite a while. There
6 was no -- I mean Bill Clutter had said it in his
7 early memorandums to me. So they said their
8 intentions were to send more students down there.

9 Q. But my question to you is did Mr. Kling
10 tell you that the new plan of action was to show Bob
11 Morgan's --

12 A. To have them --

13 Q. -- guilt?

14 A. Yes, to have the students go down there
15 and dig on Mr. Morgan.

16 Q. And did you tell -- what did you tell Mr.
17 Kling about that activity by Mr. Protesse and his
18 students?

19 A. I remember I told him I thought it would
20 be very dangerous for his students.

21 Q. And don't -- and then you told Major
22 Casella, quote, this could certainly hurt our
23 investigation, right?

24 A. Yes.

1 Q. All right. And you didn't say this could
2 certainly hurt our intelligence gathering, right?

3 A. Well, at this point, this is April what,
4 1st? So --

5 Q. 2nd.

6 A. 2nd. So in two days we were going to meet
7 with Colonel Carper, and we felt that we had more
8 than enough ammunition now that they could not turn
9 a blind eye to us reinvestigating the case, so I
10 guess I'm speaking out of a feeling that there's no
11 way they could turn us down a second time.

12 Q. So when you said our investigation, is
13 that an error? It should have said our intelligence
14 gathering?

15 A. No, I'm telling you that --

16 MR. BALSON: Objection, asked and
17 answered.

18 A. We had put together quite a bit of
19 information, things that we wanted to do, things
20 that -- new concerns that we had developed with the
21 Rhoads investigation, for instance, the Mary Eastham
22 thing, the information about Comstock, Dale
23 Peterson, and that we felt that we had a very strong
24 case, and we anticipated going before Colonel Carper

1 a second time two days from now, that there was no
2 way she'd be able to say no to us reinvestigating
3 the case. We figured it was hopefully a new
4 political climate. I don't -- I think that Andre
5 Parker was even gone by then, so --

6 Q. And Andre Parker was, in fact, gone --

7 A. Right.

8 Q. -- wasn't he?

9 A. So I think that was the basis for a lot of
10 our belief was that with him gone, command would
11 probably change their status.

12 Q. By April of 2001, Andre Parker was in
13 Richmond, Virginia, right?

14 A. Yes.

15 Q. Okay. According to your email, it says
16 that Mr. Kling stated they would back off if they
17 would be hindering any type of investigation?

18 A. Yes, he was probably I think trying to get
19 out of me to see if we were investigating or not
20 and -- by saying that if you are we'll back off, and
21 I wouldn't answer. Again, I didn't confirm or deny.

22 Q. We've already talked about the April 4th,
23 2001 --

24 A. Yes, we did.

1 Q. -- meeting, so let's just move on, okay?

2 I don't need to repeat it. Fair with you?

3 A. That's fair with me. I'm losing my voice.

4 (Callahan Exhibit No. 20 was marked by the
5 court reporter.)

6 BY MR. JOHNSTON:

7 Q. Mr. Callahan, you've been handed what's
8 been marked Exhibit No. 20. It's a May 31, 2001,
9 email from you to Edie Casella.

10 A. Uh-huh.

11 Q. ISP 18266 through 69.

12 A. Yes.

13 Q. All right. Is this, in fact, your email?

14 A. Yes.

15 Q. All right. And what's the subject matter
16 of this email? What's the title?

17 A. Robert Morgan investigation.

18 Q. The information that's in this May 31,
19 2001, email, if you recall, is very similar to the
20 information you had in your July 12th, 2000,
21 memorandum. Do you know that?

22 A. Yes. As I'm reading through, just a lot
23 of the same intelligence information we'd gathered
24 over the course of the years.

1 Q. As well as information you obtained during
2 witness interviews, correct?

3 A. Yes.

4 Q. All right. And in this email, you refer
5 to the Wisconsin Air National Guard, right?

6 A. I haven't got that far yet.

7 Q. Okay.

8 A. Yes.

9 Q. Okay. And the Wisconsin Air National
10 Guard was going to do a flyover of Bob Morgan's
11 property, right?

12 A. Yes.

13 Q. And that's where the air -- the National
14 Guard gets a big old C130, flies over property and
15 takes aerial photographs, correct?

16 A. Yes.

17 Q. And you needed to obtain approval to have
18 that happen, right?

19 A. We used to be able to make the call
20 ourselves, and then Colonel Kent came out with a new
21 directive that it had to be through him, so yes, we
22 had to go through the chain of command at that
23 point.

24 Q. All right. And in May of 2001, you went

1 through the chain of command and were able to obtain
2 the Wisconsin Air National Guard to do a flyover of
3 Robert Morgan's property, correct?

4 A. I didn't. I believe Mike Bernadini did if
5 I remember right.

6 Q. Okay. And Mike Bernadini went through the
7 chain of command, right?

8 A. Yes.

9 Q. And that would have gone through
10 Lieutenant Colonel Carper, correct?

11 A. Yes.

12 Q. And Lieutenant Colonel Carper never called
13 you about the Wisconsin Air National Guard flyover
14 and told you that you could not do that, right?

15 A. No, I think we had stipulated that it was
16 intelligence gathering, taking pictures, that's all.

17 Q. Who did you stipulate with then?

18 A. I know I did -- I was talking to Major
19 Casella about it, and I said this doesn't break the
20 parameters of just intelligence gathering because
21 all we're doing is taking pictures. There's nothing
22 proactive here.

23 Q. Having a C130 fly 20,000 feet over
24 somebody's property and take aerial photographs of

1 it to see if you can identify criminal activity is
2 not intelligence -- is not investigation?

3 A. I don't think we were trying to identify
4 criminal activity. We were just taking pictures of
5 his buildings and his properties.

6 Q. And the idea of taking pictures of his
7 buildings and properties is to get information to
8 see what his activities are, right?

9 A. I think the locations of his place. I
10 mean I don't think you're going to see any criminal
11 activity from that high up.

12 Q. Okay. And you want to find out the
13 locations of his properties --

14 A. Yes.

15 Q. -- to figure out if he's involved in
16 criminal activity. That's information that's
17 helpful in that process, correct?

18 A. We wanted to take photos of his
19 businesses.

20 Q. All right. As part of the Robert Morgan
21 investigation, correct?

22 A. Yes.

23 Q. Now, there's information on Rick James,
24 correct?

1 A. Yes.

2 Q. And it's referencing an intern; is that
3 right?

4 A. Yes.

5 Q. And the intern was Andrea Trapp, correct?

6 A. Yes.

7 Q. And you also refer to sources, correct?

8 A. Okay, where are you at?

9 Q. It would be on the third page, I'm sorry.

10 A. You jumped. Which dot point please?

11 Q. Go up to the very top. Morgan bought and
12 paid cash for the Edgar County Bank and Trust.
13 According to sources, he paid cash to forego an FBI
14 background which was never done.

15 A. Yes. That information came from Mr.
16 Piper.

17 Q. Okay. Do you know if the FBI actually did
18 a background investigation?

19 A. No, I don't.

20 Q. Okay.

21 A. That was information he provided and Nate
22 Williams was going to check.

23 Q. All right. And as far as you know, you
24 never -- well, you never followed up on that

1 information --

2 A. No.

3 Q. -- did you? Okay. Do you know if the
4 FDIC did any investigation of Bob Morgan before he
5 purchased the Edgar County Bank and Trust?

6 A. I know that Nate Williams had told me the
7 FDIC was doing audits of the bank, but I don't -- he
8 gave me some of the audits, but I don't -- I
9 didn't -- I mean that was what the FBI was doing,
10 so --

11 Q. Did the audits relate in any way to the
12 purchase of the bank by --

13 A. They could have.

14 Q. -- Bob Morgan?

15 A. I don't remember. I don't recollect
16 reading any of them. It's been quite a while.

17 (Callahan Exhibit No. 21 was marked by the
18 court reporter.)

19 BY MR. JOHNSTON:

20 Q. Mr. Callahan, you've been handed what's
21 been marked as Exhibit No. 21 for identification.
22 Why don't you take a look at the document. You
23 don't have to read through the whole thing. I think
24 you've seen it a few times.

1 A. It was the August -- are you asking me to
2 identify it?

3 Q. Yes. It's the August 15th, 2001, memo,
4 correct?

5 A. Correct.

6 Q. And this is a document you wrote?

7 A. Yes.

8 Q. And what's the subject matter of this
9 memo?

10 A. Rhoads homicide and Bob Morgan
11 investigation.

12 Q. Okay. And this document was written after
13 the May 2000 meeting where Diane Carper gave you the
14 Rhoads directive and the Morgan directive, correct?

15 A. Yes.

16 Q. And it would have been after the April
17 4th, 2001, meeting where Diane Carper gave you the
18 Rhoads directive and the Morgan directive, correct?

19 A. Yes.

20 Q. If you go to Bates number ISP 18331. It's
21 right in the middle.

22 MR. BALSON: How many pages is that, Iain?
23 At the top it says page --

24 MR. JOHNSTON: 16 pages.

1 MR. BALSON: We don't have the same --

2 MR. JOHNSTON: 16 pages. It says that --

3 MR. BALSON: No, no. Which page are you
4 looking at?

5 MR. JOHNSTON: Oh, page 5.

6 MR. BALSON: Thank you.

7 MR. JOHNSTON: You're welcome.

8 BY MR. JOHNSTON:

9 Q. It says the second part of this memorandum
10 will discuss the connection of Bob Morgan and the
11 murders of the Rhoads. Correct?

12 A. Yes.

13 Q. And if Diane Carper has already given you
14 the Morgan directive and the Rhoads directive twice
15 at this point, why are you writing a memo to Edie
16 Casella in which you say you're going to have a
17 discussion about the connection of Bob Morgan and
18 the murders of the Rhoads?

19 A. It's easily answered. Because Edie was
20 incensed after the April 4th meeting, and I know she
21 had reached out to her boyfriend who was a former
22 colonel in the ISP, and we were just kind of
23 consternated on what to do. She decided that she
24 was going to go to the ISP lab, look at the

1 possibilities of what DNA could do us, and that we
2 were [sic] going to take no for an answer. She said
3 I want you to write another memo, a memo that they
4 just can't possibly ignore with all this stuff, and
5 we're going to try a third time.

6 Q. And -- I'm sorry.

7 A. And at that time she ordered to have a
8 Rhoads homicide assessment done, and that probably
9 ended up being her downfall.

10 Q. In fact, Edie did order that the Illinois
11 State Police intelligence bureau conduct a Rhoads
12 homicide assessment, correct?

13 A. She did ask them to do that, yes.

14 Q. And Tim Harney conducted that assessment,
15 right?

16 A. Yes, he did.

17 Q. And they did -- Tim Harney did that
18 assessment not just based upon Edie's input, but you
19 were also involved in having -- asking or making
20 sure that Tim Harney did that Rhoads homicide
21 assessment, right?

22 A. I didn't talk to Tim Harney. I mean he --
23 I think he did it off the Rapid Start database. I'm
24 assuming. I never talked to him. I didn't know she

1 had asked Tim until after it was done.

2 Q. Okay. Did you have a meeting after you
3 authored that August 15th, 2001, memorandum with
4 Diane Carper about the Rhoads homicides or Bob
5 Morgan?

6 A. I believe we had a meeting set for August
7 20th. I wasn't there. Edie Casella was.

8 Q. You did not attend the August 20th,
9 2000 --

10 A. I don't remember it.

11 Q. You don't remember a meeting with
12 Lieutenant Todd Kern -- I'm sorry, Ted Kern?

13 A. Ted Kern. You know, Edie said she thinks
14 I was there, I don't remember being there, and I
15 just -- I know that we were shut down a third time.

16 Q. And when did you talk to Edie about being
17 present at the August 20th, 2001, meeting with Ted
18 Kern?

19 A. She wanted me to be there and I think
20 something happened where I couldn't go, but she
21 went.

22 Q. But what I'm asking you is you obviously
23 had a conversation with Edie about that meeting,
24 right?

1 A. Yes. It was emails.

2 Q. And did you have a verbal conversation
3 with her about that email -- about that August 20th,
4 2001, meeting?

5 A. Yes.

6 Q. When was that?

7 A. After the meeting.

8 Q. Okay. When was the last time you talked
9 to Edie about her recollection of you being at this
10 August 20th, 2001, meeting?

11 A. It would have been -- I mean we talked
12 about it after the August 20th meeting, but we
13 probably talked about it sometime during my trial.

14 Q. And your trial would have been April 2005,
15 correct?

16 A. Yes.

17 Q. And so that would have been four years
18 later?

19 A. Four years?

20 Q. Three and a half?

21 A. Three.

22 Q. August to April?

23 A. Yeah, whenever.

24 Q. About three and a half years later, right?

1 A. Yeah.

2 Q. We can agree on that?

3 A. Yeah.

4 Q. And you have no independent rec --

5 A. But we would have talked about it prior to
6 my trial date.

7 Q. You -- well, how much --

8 A. I mean we discussed it, we discussed it
9 about -- I mean this was an ongoing discussion
10 between her and I after it happened, so I mean we
11 often discussed about how many times we had been
12 shut down, and, you know, she felt she had been
13 retaliated against for just trying to do the right
14 thing and not taking no for an answer.

15 Q. Okay. Edie Casella retired, correct?

16 A. Yes, she did.

17 Q. And then she was subsequently hired back
18 as a contract employee, correct?

19 A. Yes.

20 Q. All right. And so she --

21 A. I mean I don't know that she works for the
22 state police, but I know she goes around the
23 country.

24 Q. All right. And she works in the Illinois

1 State Police office, correct?

2 A. I don't know where she works. I know she
3 said she works for Homeland Security and she does
4 special contracts, so...

5 Q. Okay. And do you know --

6 A. She's never been very specific with me
7 about what she does.

8 Q. Do you know if part of that work involves
9 her work relating to Homeland Security with the
10 Illinois State Police?

11 A. She has told me that she's been at the
12 STIC center, but she didn't ever tell me that -- she
13 never told me, divulged to me what she's
14 specifically doing.

15 Q. Do you know that Charles Brueggemann was
16 involved in hiring -- making sure that Edie Casella
17 was hired back as a contract employee?

18 A. No, I didn't know that.

19 Q. Okay. Now, there was some video
20 surveillance of Bob Morgan properties; isn't that
21 right?

22 A. Yes. I don't know if we ever got any
23 surveillance tape. I don't think we ever got any
24 either way.

1 Q. Well, did you ever have a meeting with
2 Master Sergeant D. C. Hill to go on a preliminary
3 review of Paris to find the best location to do
4 video surveillance of Bob Morgan?

5 A. The only time I was with Duane Hill was
6 when we were taking -- I had him going with Nate
7 Williams and I, and he went and took pictures of
8 some of Bob Morgan's work establishments.

9 Q. And when was that?

10 A. Oh, gosh. It was the summertime I know,
11 but I can't tell --

12 Q. Summer of 2001?

13 A. Possibility. I don't know.

14 Q. Do you have any idea what year it was?

15 A. No. I just remember Duane was in the back
16 seat snapping pictures and Nate and I were in the
17 front, and I was a little bit upset with Duane
18 sticking his head out the window and snapping
19 pictures because it kind of fronted us off right
20 away.

21 Q. And did you reach out to Duane Hill or his
22 office to get videocameras installed to have
23 surveillance of Bob Morgan properties?

24 A. That would have been Greg Dixon handled

1 that.

2 Q. Did Greg do it at your direction?

3 A. Edie and I and Greg discussed that that
4 would be considered operational or if it would be
5 intelligence and could we sell this as intelligence
6 gathering, and we felt we could. And I don't know
7 that he reached out to Duane Hill, I thought he
8 reached out to Steve Hankel, but again you'll have
9 to ask Dixon who he specifically reached out to.

10 Q. Do you recall any specific conversations
11 with Duane Hill? Do you recall any specific
12 conversation you had with him?

13 A. Other than the day he was in the car with
14 us, but I don't remember our specific -- I know that
15 he was the one that had done the wires on Herrington
16 and Reinbolt, but we didn't discuss it.

17 Q. Okay. And my question is -- really I'm
18 trying not to be complicated. I'm just asking if
19 you recall anything that was specifically said
20 between Duane Hill and you --

21 A. No.

22 Q. -- on that day?

23 A. No.

24 Q. Duane Hill would have assigned Steve

1 Hankel to install the cameras?

2 A. If he was his boss. I don't know. I mean
3 I know that Duane Hill was from Springfield and was
4 in tech services, and Steve Hankel, probably he
5 answered to a master sergeant. I don't know if it
6 was Duane Hill or not.

7 Q. And do you know if Steve Hankel did, in
8 fact, install those videocameras?

9 A. Again, you're going to have to ask Greg
10 Dixon who did the actual installations. My
11 understanding was it was Steve Hankel.

12 Q. And is it your understanding the purpose
13 was to capture photographic images of Bob Morgan's
14 property?

15 A. To do some time lapse videos of the
16 tobacco barns.

17 Q. To see what --

18 A. The trucking that goes --

19 Q. -- truck traffic was in and out, right?

20 A. -- in and out, yes.

21 Q. And that was because you believed Bob
22 Morgan was trafficking drugs in and out of his
23 tobacco barns, right?

24 A. Yes. We had information of late night

1 truck traffic in and out of the place.

2 Q. Do you know anything about the
3 videocameras that were installed?

4 A. I didn't see the operation inside, no. I
5 didn't see the cameras, no.

6 Q. Okay. You know that the cameras were
7 installed in a mobile home, correct?

8 A. Trailer.

9 Q. Okay, trailer in a trailer park.

10 A. Yes.

11 Q. Do you know who Harold Sonny Lowery is?

12 A. No.

13 Q. Okay. Did you ever speak with the owner
14 of the trailer park?

15 A. No.

16 Q. Do you know if Greg Dixon ever spoke to
17 the owner of the trailer park?

18 A. I'm sure he did. He told me he did.

19 Q. Isn't it a fact that Greg Dixon used an
20 alias to rent the trailer in the trailer park?

21 A. Yes, I believe he did.

22 Q. To install these videocameras in a
23 trailer.

24 A. Yes.

1 Q. Eventually these cameras were discovered,
2 correct?

3 A. Yes.

4 Q. Okay. Did you ever speak with Greg Dixon
5 about how, in fact, these cameras were discovered?

6 A. He basically said that I think -- I don't
7 know if it was the door or the window, something had
8 been broken into, but our equipment was never
9 touched, but the trailer had been compromised.

10 Q. Okay. Besides having a door or window
11 broken, do you recall anything else about how these
12 videocameras were discovered?

13 A. No.

14 Q. Approximately February of 2002, you had a
15 meeting with Steve Fermon, correct, regarding the
16 Rhoads homicide and Bob Morgan investigation?

17 A. Yes. I believe there's an email about
18 that at that time frame, yes. Is that the email
19 with -- the meeting with Sergeant Dixon and myself
20 and Captain Fermon you're referring to?

21 Q. Well, let's see if we're talking about the
22 same thing. Did you have a meeting with Steve
23 Fermon, Greg Dixon and Danny Reed who was in and out
24 probably during the beginning part of the meeting in

1 about mid February 2002?

2 A. We had a meeting with Captain Fermon, but
3 Danny Reed wasn't there. He had to leave. He had
4 something else to do. It was Greg Dixon, myself and
5 Steve Fermon.

6 Q. Was Danny Reed present --

7 A. No.

8 Q. -- during any time in that meeting?

9 A. No. He was -- the meeting was in the
10 evening time after work hours, and Danny was there
11 as we were leaving, but he left and we were leaving
12 to go to a room down the hall.

13 Q. Okay. So --

14 A. If this is the meeting I think we're
15 talking about.

16 Q. Did Danny Reed ever chew on Steve Fermon
17 to support the investigation of Rhoads or Bob
18 Morgan?

19 A. Yes, he did.

20 Q. Okay. Danny Reed was at least interested
21 in being involved in investigation of the Rhoads
22 homicide and Bob Morgan, right?

23 A. Danny Reed made a visit to Tim Bass, the
24 U.S. Attorney's office, and was the one that

1 actually got Tim, Mr. Bass, interested.

2 Q. And that was Danny Reed?

3 A. Danny Reed. And then Danny Reed had made
4 the statement to Steve, "you've got to listen to
5 these two guys, Steve, because those boys are
6 innocent," meaning Steidl and Whitlock.

7 Q. This meeting that you're recalling with
8 Steve, Dixon and yourself lasted into the evening,
9 late into the evening?

10 A. It was a pretty long meeting. I don't
11 know how late it would be, if you would say late
12 into the evening. I think it was from like 5:00 to
13 7:00, 7:30.

14 Q. 7:30 approximately?

15 A. Yes.

16 Q. And Steve listened to you the whole time,
17 right?

18 A. Yes.

19 Q. And he was attentive, right?

20 A. Yes.

21 Q. And he doesn't reject out of hand your and
22 Greg Dixon's pitch, does he?

23 A. I don't think so because he goes he will
24 reserve his decision until later.

1 Q. He needs to think about it is what he told
2 you?

3 A. Yeah.

4 Q. And at that meeting, did Steve Fermon also
5 tell you that you could continue to participate in
6 meeting with the FBI or the IRS?

7 A. Yes.

8 Q. At home one night January 2003 you get a
9 call from Matt Bettenhausen, right?

10 A. Yes.

11 Q. All right. Matt Bettenhausen at that time
12 was the deputy governor in charge of public safety,
13 correct?

14 A. I know he was a deputy governor.

15 Q. Okay. And I apologize. Do you mind at
16 all --

17 A. No.

18 Q. I slipped on the ice and wrenched my back
19 and it's flaring up.

20 MR. RAUB: My card?

21 Q. And does Matt Bettenhausen tell you that
22 he got First Deputy Director Doug Brown on the line?

23 A. Yes, he does.

24 Q. Okay. You tell him you can't talk to him,

1 you need to go through your chain of command, and he
2 eventually agrees. You immediately call Steve
3 Fermon, right?

4 A. Well, it's a little bit more detailed than
5 that. Matt Bettenhausen calls me and tells me that
6 Richard Kling has told him to reach out to me, that
7 I'm the man to talk to on the Rhoads case. Matt
8 Bettenhausen's words to me are, "so tell me, are
9 they guilty or innocent?" And I said, "well, it's
10 just not that easy." First of all, I didn't know.
11 I mean he said that he's the deputy governor. I
12 mean this is a guy on the phone. And I said --
13 basically I tell him that I've gotten into trouble
14 before for speaking outside the department, so I
15 said, "I could definitely brief you and give you my
16 opinion." He said, well, I -- he goes, "do you
17 want -- I have Deputy Director Doug Brown on the
18 other line and do you understand who I am," and
19 basically how important he was, and I said, "I
20 understand you are who you say you are, but if you
21 have Deputy Director Doug Brown on the other line,
22 then get permission for me to talk to you." He's
23 off the phone for quite a while, he gets back on and
24 then he says "I'll talk to you later," and he hangs

1 up on me. And at that point I call Steve Fermon.

2 Steve Fermon says get ahold of Colonel Carper.

3 Q. Okay, but I think my question was you
4 called Steve Fermon, and in fact you did call Steve
5 Fermon, right?

6 A. Yes.

7 Q. And Steve tells you to call Colonel
8 Carper, Lieutenant Colonel Carper --

9 A. Yes.

10 Q. -- and you call Lieutenant Colonel Carper,
11 right?

12 A. Yes.

13 Q. And the very next day you have a meeting
14 at the Illinois State Police academy in
15 Springfield --

16 A. Yes.

17 Q. -- correct? And at this meeting are Joe
18 Gryz.

19 A. Yes.

20 Q. Rick Rokusek, right?

21 A. Yes.

22 Q. And you knew Joe Gryz and Rick Rokusek at
23 that point, right?

24 A. Yeah, they were former commanders.

1 Q. And they were friends of yours?

2 A. Yes.

3 Q. You trusted Joe Gryz and you trusted Rick
4 Rokusek?

5 A. Yes.

6 Q. You still trust Rick Rokusek?

7 A. Yes.

8 Q. Happen to know where Rick is?

9 A. I know he does some type of security job
10 for some big international company.

11 Q. Okay. Also at this meeting was Kuba,
12 K-U-B-A, Khaylor, Steve Fermon, right?

13 A. Yes.

14 Q. All the people I've identified, they're
15 all good investigators, right?

16 A. I don't know Kuba or I don't know Khaylor.

17 Q. Okay.

18 A. So -- I mean this was my first time to
19 meet them.

20 Q. Okay. You had no background with Khaylor,
21 right?

22 A. No.

23 Q. You knew they were from all parts of the
24 state though, right?

1 A. Yes.

2 Q. And you've got people from the Rockford
3 area all the way down to the East St. Louis area.

4 A. Yeah.

5 Q. At the meeting, Diane Carper is in and out
6 of the meeting, right?

7 A. Colonel Carper was there in the beginning
8 and then she left for the day. I think she had some
9 type of meeting, another meeting to go to, but she
10 was there for the beginning.

11 Q. For just -- for sort of the intro of what
12 you guys were going to do that day?

13 A. I don't remember her ever coming back.

14 Q. Okay. And how about at that point Acting
15 Deputy Director Charles Brueggemann?

16 A. Yes.

17 Q. And again, was he there at the beginning
18 and then came back at the end and out most of the
19 day?

20 A. No, he was throughout there most of the
21 day.

22 Q. He was more an in-and-out kind of person?

23 A. No, he was there almost throughout the
24 whole day.

1 Q. Okay. But Diane's gone.

2 A. Yeah, she's gone.

3 Q. Okay. Now, Andre Parker was not present
4 at that meeting, was he?

5 A. I don't believe he -- I don't know if he's
6 back, came back yet, but no, no, he wasn't there.

7 Q. So he wasn't there.

8 A. No.

9 Q. Okay. Did you ever tell anybody that
10 Andre Parker was there?

11 A. No.

12 Q. Okay. All day meeting, right?

13 A. Uh-huh.

14 Q. Is that a yes?

15 A. Yes.

16 Q. Does Diane Carper tell you that she wants
17 to have a lot of good neutral people present there
18 at the meeting to listen to what you have to say?

19 A. She said that she wanted to have a lot of
20 investigative minds there.

21 Q. Okay.

22 A. And Steve Fermon and I had conflicting
23 opinions on this case, and she wanted to have
24 people -- good investigative minds there to listen

1 to both sides.

2 Q. Do you recall her saying that she also
3 wanted to have these good investigative minds who
4 were neutral to listen to your view and Steve's
5 view?

6 A. Neutral is your word, I don't remember the
7 word neutral, but I mean I think that's what she was
8 inferring. She just wanted to basically have people
9 around.

10 Q. Do you ever recall her using the word
11 neutral?

12 A. Could have.

13 Q. Okay.

14 A. You're asking me if she did. I'm saying I
15 don't remember that she did.

16 Q. And within less than 12 hours, you have a
17 meeting with all these people together to listen to
18 what you have to say, right?

19 A. Yes.

20 Q. Do you remember if anybody served a brief
21 introduction about what the scope was and what the
22 purpose of that meeting was?

23 A. I don't know. I think Colonel Brueggemann
24 did or maybe Colonel Carper did, started off with

1 it. It was one of the two of them, probably more
2 Colonel Carper, and then it was pretty much turned
3 over to me.

4 Q. Okay. And during the course of the day,
5 you presented the evidence that you had learned
6 throughout the years between --

7 A. I --

8 Q. -- May --

9 A. -- provided a lot of the documents.
10 Colonel Rokusek had a laptop and he actually took
11 notes of the meeting which I provided to you in
12 discovery --

13 Q. Okay.

14 A. -- back in my civil trial --

15 Q. Okay.

16 A. -- of the concerns that I presented at the
17 clemency meeting.

18 Q. Did you -- did you provide those to Karen
19 McNaught and Terry Corrigan during that --

20 A. Yes.

21 Q. Okay. You know I was involved in that --

22 A. They were in that big pile, so they -- but
23 these were the notes where I expressed all the
24 concerns, the negative polygraph and everything, and

1 those are Colonel Rokusek's notes from the autopsy
2 because he did everything in all caps.

3 Q. Okay. And everybody listened to what you
4 had to say at that meeting?

5 A. Yes.

6 Q. They were all very attentive?

7 A. Yes.

8 Q. Now, at that meeting did you tell the
9 people that were actually present that you thought
10 that Steidl and Whitlock were not proven guilty
11 beyond a reasonable doubt?

12 A. Yes.

13 Q. Okay. And you've been -- well, I'm going
14 to assume something here. Have you been to criminal
15 trials where a verdict is read?

16 A. Criminal trials I participated in?

17 Q. Where you may have been a witness or saw
18 something.

19 A. Yeah.

20 Q. All right. And you know the verdict says
21 you're either guilty or not guilty, right?

22 A. Uh-huh.

23 Q. Right?

24 A. Yes.

1 Q. And it doesn't say you're guilty or
2 innocent, right?

3 A. Yes.

4 Q. Okay. At the meeting on January 9th,
5 2003, did you tell the people present that Steidl
6 and Whitlock had not been proven guilty beyond a
7 reasonable doubt which is the standard?

8 A. I said I felt that they hadn't been guilty
9 beyond a reasonable doubt. In this country, if
10 you're not proven guilty beyond a reasonable doubt,
11 then you're innocent until proven guilty.

12 Q. Are you -- and I don't want to be a lawyer
13 here on you. Can't help myself. Talk to my wife
14 about it. In your mind -- well, strike that.

15 There's a difference between being
16 actually innocent and being not proven guilty beyond
17 a reasonable doubt. Is that fair to say?

18 A. Yes.

19 Q. Okay.

20 MS. SUSLER: Objection. Iain, you're
21 asking him what the law is. If he knows the law,
22 that's fine, but you are also asking him what he
23 said not what the law is, and he's telling you what
24 he said.

1 MR. JOHNSTON: Okay.

2 A. And I can -- if you -- just to clear up
3 your question, I can tell you I told the group I
4 thought they were innocent, and Doug Brown actually
5 said, "you are entitled to your opinion, but it
6 cannot be the opinion of the Illinois State Police."

7 Q. Okay.

8 A. So just for clarification.

9 Q. That's where we were going with this.

10 A. Yes.

11 Q. So you tell the group, "look, I don't
12 think they're -- they were proven guilty beyond a
13 reasonable doubt and in fact I think they're
14 actually innocent."

15 A. Yes.

16 Q. Is that what you're telling us? Okay.
17 And Doug Brown is present at that point?

18 A. Yes.

19 Q. And first -- and he was First Deputy
20 Director at that time, right?

21 A. Yes.

22 Q. And Doug Brown tells you, "hey, Lieutenant
23 Callahan, you're entitled to your opinion, but don't
24 voice it as the opinion of the Illinois State

1 Police." Is that right?

2 A. Yes.

3 Q. Okay. But he tells you you can tell other
4 people, that you can voice your personal opinion?

5 A. He told me I could voice my personal
6 opinion. He said you're entitled -- his words were,
7 "you're entitled to your personal opinion, but you
8 can never voice your opinion as the opinion of that
9 of the Illinois State Police."

10 Q. So essentially don't couch your opinion as
11 this is the opinion of the Illinois State Police,
12 right?

13 A. Don't -- probably, you know, don't go to
14 the media, don't you -- I mean, you know, very --
15 you know, you'll have to ask Doug Brown what he
16 meant by that, but I'm assuming the state police
17 never liked anything to get out of school, so I'm
18 assuming he was saying I didn't have a right to go
19 up there and say, "Mike Callahan, I'm a lieutenant
20 with the Illinois State Police and I'm saying this."
21 So I couldn't represent myself as an Illinois State
22 Police officer and say those things.

23 Q. And, in fact, there's an ISP policy that
24 says you can't go to the media and make

1 representation as an Illinois State Police personnel
2 unless you get approval, correct?

3 A. Very restrictive, yes.

4 Q. Okay. Did Doug Brown tell you you can't
5 go to the media?

6 A. It never came up, no.

7 Q. Okay. Did Doug Brown tell you you could
8 not talk to the governor's office?

9 A. I was told that I wouldn't talk to the
10 governor's office, that either Doug Brown or
11 Brueggemann was going to go talk to the governor's
12 office.

13 Q. Okay, but --

14 A. And there were emails I believe from
15 Lieutenant Colonel Carper where when Parkinson asked
16 for my input, I said -- I told Parkinson that any
17 input given from the Illinois State Police will have
18 to come from the director, and I was told by Captain
19 Fermon that I wasn't supposed to talk to Mr.
20 Parkinson or I wasn't going to be meeting with Mr.
21 Parkinson.

22 Q. And Mr. Parkinson is not with the
23 governor's office, right?

24 A. He's with the appellate prosecutor's

1 office.

2 Q. Were you told at the January 9, 2003,
3 meeting by Doug Brown or anybody else present that
4 you could not voice your personal opinion to the
5 governor's office?

6 A. No, I just -- I mean they told me they
7 were going to be the one to go over and talk to the
8 governor's office, so that's their way. I mean,
9 first of all, I'm a lieutenant in the Illinois State
10 Police and they're not -- I mean they're basically
11 saying you are not -- in fact, Colonel Carper the
12 night when Mr. Bettenhausen called, she said "it's
13 good that you didn't answer Mr. Bettenhausen, he's
14 somewhat of a bully and he often tries to get people
15 to go around the chain of command," so -- those were
16 her words to me. So when you're told that it's a
17 good thing you didn't talk to a deputy governor, I'm
18 assuming I'm not going to be allowed to talk to a
19 governor.

20 Q. But, Mr. Callahan, it's a real simple
21 question. Did anybody, Doug Brown or anybody else
22 at this meeting, tell you you could not voice your
23 opinion to Deputy Governor Bettenhausen or anybody
24 else in the governor's office?

1 MS. SUSLER: Objection. Asked and
2 answered about three times now.

3 A. It didn't come up that I was even going to
4 be allowed --

5 Q. So nobody told you --

6 A. No, nobody told me no or yes.

7 Q. -- no or yes.

8 A. Yes.

9 Q. It just never came up that no one told you
10 that.

11 A. Right.

12 Q. That's all I'm looking for.

13 A. Right.

14 Q. Thank you, Mr. Callahan. Now, Doug Brown
15 is not there for the whole meeting, right?

16 A. No.

17 Q. He comes -- he shows up later with Ken
18 Bouche, right?

19 A. Yes, and Bill Davis. Lieutenant Colonel
20 Bill Davis sat in for a real brief time.

21 Q. And Bouche was deputy director at that
22 point?

23 A. Yes.

24 Q. Of something.

1 A. Deputy director of technology I believe.

2 Q. Okay. Does -- do you give sort of a
3 synopsis of what you've been discussing all day to
4 Doug Brown?

5 A. We were actually -- the synopsis was given
6 by I think the investigators that had been in the
7 room, and then I came in and I think I just gave a
8 very brief synopsis of it, it was very brief,
9 because Doug Brown had already been briefed on the
10 basis of everything. I gave another brief because I
11 remember I went around the room and I said, "would
12 anybody in this room want to be convicted and put in
13 prison for life based on the testimony of Debbie
14 Reinbolt and Darrell Herrington?" And nobody
15 answered me.

16 Q. Did Doug Brown ask three questions in your
17 presence? Do you remember his questions?

18 A. Yes.

19 Q. Okay. And --

20 A. I remember that.

21 Q. Okay. And the questions were: Do you
22 have any evidence of wrongdoing by the prosecutor,
23 right? You know what --

24 A. Can I put it in my words?

1 Q. I was just going to say why don't we do
2 this. You tell me what you recall Doug Brown --

3 A. Okay.

4 Q. -- saying or asking.

5 A. After we finished and there had been a
6 little bit of a back and forth between Steve Fermon
7 and I because Fermon's attitude was that, hey, these
8 guys were tried by two separate juries, this case
9 has been through appeals, we have to go by what a
10 jury's decision is. And my response back was, "look
11 at the Janine Nicarico case." I mean very often if
12 juries hear lies, then they can't come to a truthful
13 decision, and, you know, the State of Illinois is
14 riddled with wrongful convictions where people -- if
15 a jury doesn't hear the truth, for instance, you
16 know, and then DNA later exonerated them. And so we
17 were bringing up -- I was bringing up points. So it
18 was a little bit of a thing between Fermon and I
19 with that, and then after that we were told to
20 leave. Rick Rokusek --

21 Q. Who is we? I'm sorry for interrupting.

22 A. Steve Fermon and I.

23 Q. Okay.

24 A. Rick Rokusek and Joe Gryz came out in the

1 hall and said, "you're going to be allowed to
2 reinvestigate the Rhoads case and you're going to be
3 allowed to go after Morgan, go full blown." And I
4 remember telling them I don't think Steve Fermon
5 will ever allow it and they go, "he's not going to
6 have a choice in it, but you're going to be asked a
7 series of questions by Doug Brown, be very careful
8 how you answer those," and you probably need to ask
9 him to know, and I'm like, "what?" And --

10 Q. Wait, I'm sorry. Who said this?

11 A. This is Joe Gryz and Rick Rokusek.

12 MR. BALSON: Let him finish.

13 Q. Joe Gryz and Rick Rokusek. Okay.

14 Continue if you could.

15 A. I walk back in and then Doug Brown
16 proceeds to ask me these questions. Can you prove
17 that there was -- so obviously the big concern of
18 the day from the ISP was the misconduct in the
19 Rhoads case that I had talked about, because
20 earlier, which we didn't get to, was when I had
21 talked about the phone calls from Jack Eckerty about
22 him talking about the negative polygraph not being
23 disclosed and stuff, Dennis Kuba had stood up and
24 said, "I will not have you badmouth Jack Eckerty and

1 Charlie McGrew, they're friends of mine," and I'm
2 like, whoa, I'd better step back here because -- and
3 Chuck Brueggemann said, "we don't need to go there,
4 Mike," because I had spent a lot of time talking
5 about my concerns with the -- you know, the
6 eyewitnesses, everything not disclosed, so --

7 Q. Mr. Callahan, I apologize, but --

8 A. Well, I'm trying to tell you --

9 Q. I know and let me just please tell you
10 this. I'm running out of time. Mr. Baker and I are
11 working through that issue.

12 A. I'll give you an extra 15 minutes.

13 Q. Well, for each one of these?

14 MR. BAKER: No, you won't.

15 Q. What I'm getting at is, and I think my
16 question just simply was, what do you recall the
17 three questions that Doug Brown asked you? If you
18 can get to there, that would be --

19 MS. SUSLER: Objection, Iain. Objection,
20 Iain. The witness was in the middle of an answer.
21 You cut him off. He needs to be able to answer the
22 question no matter how much of your time it takes.

23 MR. JOHNSTON: Thank you, Jan.

24 Q. Can you --

1 MR. TAYLOR: And you've been doing it all
2 day and we request that you not do it any more
3 because this record will not be correct if you keep
4 interrupting him in the middle of answers you don't
5 like.

6 MR. JOHNSTON: Thank you, Flint.

7 BY MR. JOHNSTON:

8 Q. Is it okay if you could answer that? If
9 you can. And I just want to --

10 A. Doug Brown basically asked me, "can you
11 prove there was any misconduct," and I think he went
12 down, "by Jack Eckerty, State's Attorney or probably
13 the local --" or I think the third question was do
14 you have -- can you prove any misconduct by the
15 investigators, can you prove misconduct by the
16 State's Attorney, and the third one was do you know
17 if the defense has anything that you don't have?
18 And I said, "well, I have no idea what the defense
19 has or doesn't have, but let me -- I haven't been in
20 contact with them since the early times with
21 Clutter, so I can't definitively answer that."

22 Now, as far as the proof, I told them, "I
23 can't prove anything because I didn't get to
24 investigate anything I mean, but I have definite

1 suspicions of misconduct," were the words I used, so
2 I said, "no, I can't prove it, but I have definite
3 suspicions of misconduct and I'll elaborate on
4 that," because I was specific to them. I said, "you
5 know, I don't know if Jack Eckerty gave the negative
6 polygraph with Darrell Herrington, for instance, to
7 Mike McFatridge and it was Mike McFatridge that
8 didn't disclose the negative polygraph. I can't
9 prove who withheld that."

10 As far as the notes that Bill Clutter had
11 found about where Darrell Herrington says he
12 perjured himself and he lied during his testimony
13 and that he was paid money by Bob Morgan to keep his
14 mouth shut because he was there, I don't know if
15 Jack Eckerty knew that Jim Parrish had been given
16 those notes and knew about that interview. So I
17 couldn't prove specifics, I said, to anybody, who
18 did what wrongdoing, but I'm very sure that there
19 was some misconduct.

20 Q. The negative polygraph you mentioned of
21 Herrington?

22 A. Uh-huh.

23 Q. Bill Clutter already had that information;
24 is that right?

1 A. I don't know if -- no, he said he didn't
2 later on since we've talked since. What happened is
3 on May -- right after the May 15th when I get in
4 trouble and I get a phone call from Denny Kent
5 chewing me out and Colonel Carper and all that,
6 somehow I get a call shortly after that from Jack
7 Eckerty who hears -- his words were, "I hear you've
8 been weathering some rough waters," and I'm like,
9 "yeah, I have," and how he knew I don't know. And
10 his words were, "you know about the politics in
11 this." I go, "yeah." And I'm thinking, hmm, Jack
12 must have had some similar things happen to him
13 that's happened to me in the case about being
14 stifled and stopped.

15 And I -- so I asked him, I said, "Bob
16 Morgan, it was obvious to me reading the case files
17 he was always a suspect." And he goes, "Mike, he
18 was always a suspect in my mind and still is to this
19 day." And he said, "but when Darrell Herrington
20 came forward, Mike McFatrige steered us away from
21 all the other suspects and centered our attention on
22 Steidl and Whitlock." And I said, "well, why didn't
23 you disclose the polygraph?"

24 Now, you've got to understand I talked to

1 Mark Murphy about this. Mark Murphy actually pulled
2 me aside and told me all about Jim and Ed by now.
3 He's told me about the deceitful polygraph and how
4 he went to Eckerty and said, "hey, you can't use
5 this guy, he was purposefully deceitful. If
6 anything, you've got to polygraph him a second
7 time." He said, "they totally ignored me."

8 So I asked Jack based on Mark Murphy
9 saying -- I said, "why didn't you disclose the
10 polygraph?" And I was kind of just throwing out a
11 fishing line there. And he said, "that's because
12 Mike McFatridge wanted nothing negative in the case
13 file to show those guys were innocent." And that
14 was the phone call May 15th, May 16th-ish.

15 Q. Okay. I think my question was --

16 A. Okay, I'm sorry, I thought you -- I was
17 answering your question.

18 Q. My question was Bill Clutter by May --
19 let's say by June of 2000 knew of the, what you
20 described as the negative overhear or, I'm sorry,
21 the negative polygraph of Darrell Herrington.

22 A. I don't know that Bill Clutter knew that.

23 Q. Okay.

24 A. I never discussed that with him.

1 Q. Do you know --

2 A. I know he told me then --

3 Q. Now, you're cutting off me.

4 A. Okay, I'm sorry.

5 Q. Do you know -- have you had any

6 discussions with Bill Clutter about the negative

7 polygraph of Darrell Herrington?

8 A. Yes.

9 Q. And when did those discussions take place?

10 A. Well, actually I think we discussed it not

11 too long ago because I said, "you never knew that

12 the poly -- I mean about the negative polygraph?"

13 And he said, "no, not until 2005 when we unsealed

14 the envelope in the court that -- the court sealed

15 envelope that had Herrington's negative polygraph in

16 it." And he sent me the memorandum where Mike

17 Helmsley had unsealed that.

18 Q. Okay. And --

19 A. He said, "now I knew about Mark Murphy,"

20 because he had interviewed Mark Murphy.

21 Q. Right.

22 A. And he had said he knew about Murphy and

23 Jim and Ed and the purposeful thing and that, but he

24 didn't know about the nondisclosure.

1 Q. Okay. The --

2 A. Again, Bill can answer that. I mean I'm
3 just saying he said he didn't know about the
4 nondisclosure.

5 Q. Okay. Were you specifically asked whether
6 you had any information that the attorneys for
7 Steidl and Whitlock did not have?

8 A. I think that was my third thing I said.
9 They asked me if the defense attorneys had some --
10 we had something the defense attorneys didn't have,
11 and I said, "I don't know. I don't know what the
12 defense attorneys have or don't have."

13 Q. Well, did you tell those in the room that
14 were present during the January 9, 2003, academy
15 meeting that they had all the information as far as
16 you knew?

17 A. No, I told them I didn't know.

18 Q. Okay.

19 MR. JOHNSTON: John, do you want me to
20 mark this?

21 MR. BAKER: What is it?

22 MR. JOHNSTON: This is a deposition from
23 the --

24 MR. BAKER: Whose deposition is it?

1 MR. JOHNSTON: Mr. Callahan's.

2 MR. BAKER: You can do what you want.

3 MR. JOHNSTON: Okay.

4 MR. BAKER: Talk to everybody else. I
5 don't care.

6 MR. JOHNSTON: Well, you know, doesn't
7 matter. We'll talk about it.

8 MR. BAKER: Just reference the page
9 numbers --

10 MR. JOHNSTON: Absolutely.

11 MR. BAKER: -- so it's clear on the
12 record.

13 MR. JOHNSTON: Absolutely.

14 BY MR. JOHNSTON:

15 Q. Here you go, Mr. Callahan. Mr. Callahan,
16 I'm going to show you your deposition transcript.
17 It's from January 14th, 2005. I'm going to focus on
18 page 112. Let me get it for you. And I apologize,
19 it's a miniscript, I'm trying to save trees.

20 MS. EKL: Sorry, Iain, what page?

21 MR. JOHNSTON: Page 112.

22 Q. I'm looking around line 13.

23 A. Okay.

24 Q. Now, you remember being deposed by Terry

1 Corrigan, right, in your civil case?

2 A. Yes.

3 Q. Okay. And were you, in fact, asked this
4 question and gave this answer: Were you asked
5 whether or not you had anything that the attorneys
6 for Whitlock and Steidl didn't have? Answer: Yes.
7 Question: And did you inform them that you did not?
8 Answer: I wasn't aware of anything that they would
9 have other than that there was -- and again, I
10 hadn't had the opportunity to review transcripts or
11 anything to determine whether -- but there were some
12 issues of discovery I felt that I didn't know
13 whether the defense had or not. I knew they had it
14 now, but I didn't know if they had it at the time of
15 the trial -- continuing on to the next page -- which
16 would have been the recantation of Mr. Herrington.

17 And then the next question is: When you
18 say they had it now, you're talking about January of
19 2003? Answer: Yes. And they weren't privy to some
20 of the polygraph examinations that had been done on
21 Herrington, things that weren't disclosed.

22 Question: They hadn't been aware at the time of
23 trial? Answer: At the time of trial, yes.

24 So what I'm getting -- and do you recall

1 getting those questions and giving those answers?

2 A. Yeah, I'd get arguing and so forth, but I
3 mean they're there, so...

4 Q. Okay. And so what I'm trying to get at,
5 Mr. Callahan, is do you specifically recall telling
6 those people present that the attorneys for Steidl
7 and Whitlock had all the information that you had?
8 That's all.

9 A. I just -- I just testified I told them I
10 didn't know what they had and what they didn't have.
11 This is pretty much what this says, so -- I mean
12 that's my recollection now. I mean obviously, you
13 know, that's probably pretty much the same as far as
14 what I'm trying to say.

15 Q. Well, in your answer you're talking about
16 what they had in 2003, January 2003, right?

17 A. Where are we at again?

18 Q. Pages 112 through 113.

19 A. Oh, had the wrong page. I'm referring to
20 the question above that where we're not asking about
21 2003. I said -- my question was I didn't know
22 whether the defense had or not, I mean what they had
23 or not. Now, you're going down to the bottom
24 question which is a whole different question from

1 what we just talked about. When you say they had it
2 now, you're talking about in January of 2003. I
3 probably meant January 2005, but that's fine. He
4 slipped in the date and I didn't -- wasn't listening
5 to the date.

6 Q. Okay.

7 A. Yes, and they were privy to some polygraph
8 examination -- again, I don't know that Mr. Clutter
9 knew if it was disclosed or not, so -- until just
10 recently he said --

11 Q. And I don't --

12 A. -- I know for sure they found it in 2005.

13 Q. And I'm not asking you to delve into
14 what's in Mr. Clutter's mind at that point.

15 A. Right.

16 Q. All I'm trying to get at is what you told
17 the people --

18 A. Right.

19 Q. -- at the meeting, okay?

20 A. Yes.

21 Q. And you recall sitting at your trial
22 hearing testimony, right?

23 A. Uh-huh.

24 Q. And is that a yes?

1 A. Yes.

2 Q. And you recall numerous witnesses saying
3 at that trial that you told the people present at
4 the January 9th, 2003, academy meeting that the
5 defense attorneys for Steidl and Whitlock had all
6 the information you had. Do you recall that?

7 A. No.

8 Q. Okay. And --

9 A. The defendants you called them?

10 Q. They were at that point the criminal
11 defense attorneys.

12 A. Yeah. No, I don't remember that.

13 Q. All right. And that would be inaccurate
14 if somebody said that you said that?

15 A. That I said that the defense attorneys had
16 everything we had?

17 Q. Yes.

18 A. I guess, but I mean as far as I'm
19 concerned, yes, they were -- they were not telling
20 the truth on the stand.

21 Q. But you don't know what the criminal
22 defense attorneys had.

23 A. No, that's what I said. I don't know what
24 they had or didn't have.

1 MR. JOHNSTON: Hear something funny, Ms.
2 Susler?

3 MR. TAYLOR: We're just clowning around
4 here --

5 MR. JOHNSTON: Good.

6 MR. TAYLOR: -- because it's getting late
7 and we're getting a little tired.

8 MR. JOHNSTON: Getting a little loopy,
9 slaphappy?

10 MR. TAYLOR: We'll make no comment about
11 why.

12 MR. JOHNSTON: Flint, you've had me in
13 stitches for months.

14 MS. SUSLER: Ask a question please.

15 MR. JOHNSTON: I'll try.

16 BY MR. JOHNSTON:

17 Q. At the end of this January academy
18 meeting --

19 A. Uh-huh.

20 Q. -- Charles Brueggemann approached you; is
21 that right?

22 A. Me personally?

23 Q. Yeah.

24 A. No. I mean he spoke before the group.

1 Q. Well, did Charles Brueggemann at this
2 January 9, 2003, academy meeting say that there
3 needs to be a full court press on Bob Morgan?

4 A. Those were his words, "we're going to do a
5 full court press. I want some proposals from you
6 and Fermon on the resources you'll need."

7 Q. Well, did Charles Brueggemann ask you if
8 there was any federal interest in investigating Bob
9 Morgan?

10 A. Yes, he did.

11 Q. Okay. And Charles Brueggemann directed
12 you to create a proposal outlining what resources
13 you needed, right?

14 A. Yes, he asked me if there was still
15 federal interest because, you know, I mean he had
16 been away from it since -- for most of 2002, so he
17 said, "do you think that you can meet with Bass and
18 get federal interest back again?" And I said yes.

19 Q. And Charles Brueggemann said he was
20 hopeful that you could make this an OCDETF case,
21 right?

22 A. Yes.

23 Q. And after this conversation with Charles
24 Brueggemann on January 9, 2003, you had a

1 conversation with Tim Bass within a month, right?

2 A. Yes.

3 Q. And he initiated a federal task force at
4 that point, right?

5 A. Yeah, I mean we got together and generated
6 quite a bit of interest from federal and state
7 entities.

8 Q. Within a month.

9 A. Within a month, yes.

10 Q. Okay. And that was to investigate Bob
11 Morgan, correct?

12 A. I felt that I had no -- I mean I could
13 investigate anything I wanted. I mean Rokusek and
14 Gryz said I could even reinvestigate Rhoads, so I
15 didn't feel like I had any restrictions anymore.

16 Q. Including Bob Morgan.

17 A. Correct.

18 Q. Okay. And the task force that was put
19 together, that included people from the U.S.
20 Attorney's office, right?

21 A. Yes.

22 Q. I'm just kind of seeing if I can get
23 through them. U.S. Attorney's office, the DEA?

24 A. Yes.

1 Q. IRS?

2 A. Yes.

3 Q. Division of Insurance, Scott Richardson?

4 A. Yes.

5 Q. Department of Revenue?

6 A. Yes.

7 Q. Illinois Department of Revenue. Illinois
8 Securities Commission?

9 A. Commission.

10 Q. Correct? So that would have been Dick
11 McDaniels?

12 A. Yes.

13 Q. Sue Roderick from IRS?

14 A. Yes. And Donna Mitchell.

15 Q. Glenn Haas from DEA?

16 A. Yes.

17 Q. And David Lenartowicz from DEA?

18 A. Lenartowicz was very rarely there. I
19 think he showed up at one meeting, maybe two at the
20 most, but --

21 Q. Okay.

22 A. Mostly Ron Swigman from DEA was there and
23 Glenn Haas. I think Swigman was there more than
24 anybody. And then ATF came in later just to help

1 you out.

2 Q. And Nate Williams?

3 A. Yeah, Nate Williams.

4 Q. Until he had to go focus on --

5 A. Nate Williams tried to make almost every
6 meeting, but I mean his -- again, we discussed what
7 his priorities were, but he was still interested
8 enough that he came to all the meetings.

9 Q. And from the state police, it was you,
10 Dixon, Tim Harney and John Roman, right?

11 A. Yes.

12 Q. And at that point, the task force --

13 A. Oh, excuse me, and Captain Fermon.

14 Q. And Captain Fermon, okay. And at that
15 point the task force was still using the Illinois
16 State Police intelligence bureau to collect
17 intelligence on Bob Morgan.

18 A. Yes.

19 Q. Talk a little bit about Joe's Pizza. Who
20 owns Joe's Pizza -- or strike that. Who owned Joe's
21 Pizza in 2001?

22 A. Well, I recently had that discussion with
23 Gary Henry and he said that after my testimony he
24 went and checked them and he saw that the license on

1 the wall was still in the name of Joe Vitale, so --
2 I never checked, I gave that information to DII, but
3 I would assume Joe Vitale. I mean I believe he owns
4 the building, so -- and I know that he delivers
5 pizzas or still works at the pizza place, so -- and
6 did then, so...

7 Q. Back in 2001, Tim Harney and the
8 intelligence bureau was pulling together business
9 profiles and personal profiles for you, right? We
10 talked about that.

11 A. Yes.

12 Q. And that was part of the intelligence
13 gathering process?

14 A. Yes.

15 MR. JOHNSTON: Mark that.

16 Q. And when the intelligence bureau gave you
17 intelligence information regarding Bob Morgan you
18 looked at it, right?

19 A. Either I did or Dixon.

20 (Callahan Exhibit No. 22 was marked by the
21 court reporter.)

22 MS. EKL: What's the number?

23 MR. JOHNSTON: ISP 19961.

24 MR. RAUB: This is 22?

1 MR. JOHNSTON: Correct.

2 BY MR. JOHNSTON:

3 Q. Mr. Callahan, you've been shown what's
4 been marked Exhibit No. 22. This would have been a
5 business profile provided to you, right?

6 A. Yes.

7 Q. And it would have been printed out on July
8 14th, 2000?

9 A. Yes.

10 Q. And this would have been information
11 provided to you by the ISP intelligence bureau,
12 right?

13 A. Yes.

14 Q. Do you have any reason to dispute the
15 information provided --

16 A. No.

17 Q. -- on this report? And doesn't it show
18 that Joe's Pizza is owned by Eno Vitale?

19 A. Yes.

20 Q. Okay. Why is it if this intelligence
21 report shows the owner is Eno Vitale that you would
22 say that Joe's Pizza is owned by Joe Gilseppe
23 Vitale?

24 A. Well, I knew at one time Joe Vitale owned

1 Joe's Pizza and I know that he still worked there.

2 Q. Isn't the purpose of getting profiles to
3 get accurate information as part of the intelligence
4 gathering process?

5 A. This was done in July 2000. I don't even
6 know that I reviewed this one.

7 Q. All right. Are there other --

8 A. So I mean there was -- there was several
9 intelligence files that crossed my path, so for me
10 to remember from four -- you're asking me to
11 remember from what, spring of 2003 back to July 14th
12 of 2000. You know, there's hundreds of profiles we
13 had done. I guess I have a pretty good memory, but
14 I don't have that much of a photographic memory.

15 Q. Well, the ownership of Joe's Pizza was
16 important, wasn't it, because it linked ownership
17 back to the Pizza Connection case, correct?

18 MR. JOHNSTON: Can you mark this as 23
19 when you get a chance? I'm sorry, that's not fair
20 for you.

21 (Callahan Exhibit No. 23 was marked by the
22 court reporter.)

23 BY MR. JOHNSTON:

24 Q. You've been shown what's been marked as

1 23, Mr. Callahan?

2 A. Yes.

3 Q. This is an individual profile of Eno
4 Vitale, correct?

5 A. Yes.

6 Q. And this would have been provided to you
7 by the intel bureau July 14th, 2000, right?

8 A. Yes.

9 Q. And it shows that the owner of Joe's Pizza
10 is, in fact, Eno Vitale, correct?

11 A. Yes.

12 Q. Okay. Do you know if other law
13 enforcement officers patronized Joe's Pizza between
14 2000 and 2003?

15 A. I know that I had asked Rory Steidl to go
16 there and grab some plates for me once, but other
17 than that, he would be the only other person, but
18 that would have been prior to January 2003.

19 Q. Okay. What do you mean grab plates?

20 A. I wanted him to get vehicle plates.

21 Q. Oh, license plates.

22 A. License plates, I'm sorry.

23 MR. RAUB: We thought you meant --

24 Q. That was one definition we didn't go over.

1 MS. EKL: Thought you wanted to try pizza.

2 A. I'm sorry, I'm going back to my old
3 investigative days.

4 Q. And we talked about this. Early on you
5 had focussed on the possibility of Joe's Pizza being
6 involved in the criminal activity of Bob Morgan,
7 right? It's in your May 2nd, 2000, memo.

8 A. Yes.

9 Q. All right.

10 A. I guess if you have a person that was as
11 important in the Pizza Connection case as Joe
12 Vitale, you would figure that he -- being an
13 investigator, you would think somehow if anything
14 went on criminally in Paris he might -- he could
15 possibly be behind it.

16 Q. Do you know if Joe Gilseppe Vitale was an
17 important person in the Pizza Connection case?

18 A. Well, U.S. Attorney Rudy Giuliani said
19 that he was in newspaper articles that I had
20 researched, that he was one of the main players in
21 the Pizza Connection case.

22 Q. Did you know that Louie Freeh, in fact,
23 prosecuted Gilseppe Vitale?

24 A. Could be. I --

1 Q. That's the same Louie Freeh who became the
2 FBI director?

3 A. Yes.

4 Q. And do you know that Louie Freeh said that
5 Joe Gilseppe Vitale was not a main player?

6 A. Well, I can only reference what I told you
7 I just read in a newspaper article. I didn't read
8 any articles by Louie Freeh.

9 Q. Okay. So the answer is no?

10 A. No. Not from Louie Freeh, no.

11 Q. Did -- did Rory Steidl ever tell you that
12 he ate at Joe's Pizza?

13 A. Yes.

14 Q. Okay. And did you tell Rory Steidl, "what
15 are you doing eating at Joe's Pizza, it's owned by
16 Joe Gilseppe Vitale who is a big player in the pizza
17 connection case?"

18 A. I think at one point, especially after the
19 overhear thing came up, I said, "you know what, you
20 need to probably stop going to Joe's Pizza, you
21 shouldn't be there."

22 Q. And before that, you didn't tell him that?

23 A. I might have. I mean I know I asked him
24 to go there once to grab license plates for me,

1 so --

2 Q. Okay.

3 A. I don't know if -- hopefully he didn't
4 construe that I was okaying him to go there on a
5 regular basis, but he should have known, so -- after
6 all, Joe Vitale was an aggravated convicted felon.

7 Q. Was Eno Vitale a convicted felon of any
8 kind?

9 A. No, not to my knowledge.

10 Q. Do you know that Rory Steidl sponsored or,
11 I'm sorry, wrote a letter in support of Joe Gilseppe
12 Vitale's citizenship to the United States?

13 A. I don't know that, but if he did, he did.

14 Q. Pardon me?

15 A. I -- if he did, he did. I don't recollect
16 it.

17 Q. Okay. Besides Rory Steidl, do you know of
18 other law enforcement officers who ate at Joe's
19 Pizza between 2001 and 2003?

20 A. Captain Fermon.

21 Q. Okay. And Captain -- Captain Fermon told
22 you that he went there with his daughter after
23 softball games?

24 A. He never mentioned his daughter. It came

1 up later I believe in trial or depositions.

2 Q. Was there, in fact, an overhear at Joe's
3 Pizza in 2003?

4 A. Not at Joe's Pizza. We were told that
5 there was an overhear being conducted by Italian
6 authorities at a pay phone in Italy.

7 Q. And who told you that? David Lenartowicz
8 or Glenn Haas?

9 A. Neither. Ron Swigman and -- first Nate
10 Williams did and then Ron Swigman confirmed it in
11 the briefing before the whole group.

12 Q. Did Glenn Haas ever talk -- was the source
13 of that information that Ron Swigman and Nate
14 Williams said Glenn Haas or David Lenartowicz?

15 A. No. Actually Nate Williams called me on
16 the phone to tell me about it, and then later on
17 U.S. Attorney Tim Bass asked for Ron Swigman to give
18 a briefing on the phone calls and developments at
19 Joe's Pizza to the entire task force group.

20 Q. And Ron Swigman was with what agency?

21 A. He was a DEA intelligence analyst.

22 Q. Okay.

23 A. He was also working on the...

24 Q. So there was actually a tap on a pay phone

1 in Italy, correct?

2 A. Yes.

3 Q. And there was a call or two calls from
4 that pay phone to Joe's Pizza in Paris, Illinois.
5 Is that right?

6 A. They didn't say one or two. They said
7 there were calls. They didn't reference --

8 Q. So you had no idea how many telephone
9 calls were made.

10 A. Just that there was calls and we were told
11 that the calls were ongoing until a week after Mr.
12 Fermon went to the -- he told us he went to the
13 pizza place and then Ron Swigman advised us they had
14 mysteriously stopped.

15 Q. As far as you know, these calls from Italy
16 to Joe's Pizza, were you informed of any of the
17 contents of those calls?

18 A. Yes.

19 Q. Who informed you of --

20 A. And there was also some SOD intercepts, so
21 I'll get into that in a minute.

22 Q. And who informed you of the contents of
23 those calls?

24 A. Nate Williams.

1 Q. Did he -- did Nate Williams inform the
2 task force of the contents of --

3 A. Ron Swigman gave the briefing at the task
4 force. Nate Williams told me first. The first time
5 I heard it was from Nate Williams on the phone.
6 From Nate Williams, a phone conversation.

7 Q. What did Ron Swigman tell the task force
8 at that meeting and if you could tell me the time
9 frame of that meeting?

10 A. Well, I would believe it was sometime
11 around March because there's emails referencing, and
12 again I'm just guessing about the meetings from my
13 emails about the meetings when I think I say we
14 talked about the SOD intercepts. There was a March
15 25th email.

16 Q. Of what year?

17 A. 2003.

18 Q. Okay.

19 A. It was during the task force. So Nate had
20 called me, told me about the SOD intercepts and the
21 phone calls submitted for analysis and he told me
22 about the phone conversation, and Ron Swigman
23 basically repeated it. That it was vague. It was
24 about the murder of a South American ambassador

1 involving narcotics trafficking, and the Italian
2 authorities were wiring a pay phone in Italy and
3 receiving the calls, but the calls were coming out
4 of Joe's Pizza in Paris.

5 Q. The calls were coming from Joe's Pizza to
6 the -- to the pay phone?

7 A. To the pay phone.

8 Q. Not the other way around?

9 A. No.

10 Q. And they -- Swigman related the content of
11 those telephone calls from Joe's Pizza to Italy?

12 A. They had been talking to the Italian
13 authorities. The Italian authorities were
14 intercepting the phone calls at a pay phone in Italy
15 about the murder of a South American ambassador and
16 narcotics trafficking, said that it was the Italian
17 authorities that were getting those wires. Ron
18 Swigman said, "we want to start trying to figure out
19 a way to do overhears on this end, tap the phone
20 from this end, but there's T-1 lines going out of
21 Joe's Pizza and we don't have the technology," so we
22 were reaching out to the FBI.

23 Q. So the law enforcement people in Italy
24 knew what was being said on these telephone calls,

1 but you guys in the task force did not know the
2 content of what was being said on the telephone
3 calls from Joe's Pizza to --

4 A. I can only tell you what Nate Williams and
5 what Ron Swigman related to me what the Italian
6 authorities related to them.

7 Q. Okay.

8 A. And then they briefed us on what the
9 Italian authorities told them.

10 Q. And that's what you've already --

11 A. Yes.

12 Q. Were you -- were you ever told that the
13 calls or the -- strike that.

14 Were you ever told that the wire tap on
15 the pay phone or on the phone in Italy was
16 terminated by an Italian judge or magistrate?

17 A. No.

18 Q. Okay. And it's your testimony that Ron
19 Swigman told the task force that the calls
20 mysteriously stopped? Is that the word that you
21 used?

22 A. He said they stopped, they have stopped.

23 Q. Okay.

24 A. Because we had a meeting as Fermon -- we

1 started meeting kind of on a weekly basis after
2 that. The next meeting, as Steve's leaving, he
3 makes a statement, "I was just at Joe's this last
4 weekend having pizza," and Nate Williams looks at me
5 like I can't believe I just heard that. Greg and I
6 are like looking at each other, don't say a word.
7 Nate walks out. Greg and I go back and I said, "can
8 you believe Steve Fermon just said what he said?"
9 And Greg's like wow. And I said, "I saw Nate's
10 look, I better call Nate," because I saw he wasn't
11 happy. And I called Nate and he says, "I'm glad you
12 called me because if you hadn't, I'd be suspicious
13 of you." He goes, "an FBI agent would be fired for
14 doing something like that."

15 A week later -- and that's actually at the
16 point when Nate started saying you need to go to
17 your Division of Internal Investigations. Then Nate
18 started talking about, he brought up, "you know
19 what, there's a lot of things that smell here," he
20 goes, and he's the one that brought up about our
21 covert camera, that he always thought it was
22 suspicious that shortly after --

23 Q. Who brought that up?

24 A. Nate Williams. Shortly after Fermon

1 became commander, our covert camera location in the
2 trailer park got mysteriously broken into and
3 discovered.

4 Q. Did he have any information on that?

5 A. And then I -- I started -- huh?

6 Q. I'm sorry, go ahead.

7 A. And then I started thinking about -- we
8 just started discussing some of the strange things
9 that had happened since Captain Fermon became
10 captain, like Andrea Trapp started getting visits
11 from Jenny Mennick and from Chief Humphrey and
12 saying Bob Morgan knows you're talking to the
13 Illinois State Police, which, you know, obviously
14 I'm thinking, hmm, why would they specifically know
15 she's talking to the Illinois State Police? Why
16 would they know the state police is even down here
17 doing it? We haven't been doing anything down here
18 operational and we've been -- if anybody, they might
19 be suspicious of the FBI because they're the ones
20 that have been more, more going out doing interviews
21 and doing FDIC audits and stuff.

22 So we started putting a lot of things
23 together, and Nate's like you need to go to your
24 Division of Internal Investigations, and I'm like,

1 puh, like I'll get hammered, I don't trust -- we can
2 go into that whole subject later if you want.

3 Q. I just want you to answer the question I
4 asked about who said it was --

5 A. Okay.

6 Q. Who, if anybody, said that the calls
7 mysteriously stopped?

8 A. Oh, Ron Swigman. And we met a week after
9 that and then Ron Swigman said the calls have
10 stopped.

11 Q. Okay. Did Ron Swigman say the calls
12 mysteriously stopped?

13 A. He said they stopped.

14 Q. Okay.

15 A. But we thought that's mysterious and --

16 Q. So the mysterious aspect is a component
17 you're putting on in your interpretation of --

18 A. Right, that's my --

19 Q. Swigman never said -- wait. The
20 mysterious aspect is something that you interpreted
21 based upon what Ron Swigman said, right?

22 A. Yes.

23 Q. Ron Swigman did not say it was suspicious
24 that the phone calls stopped, did he?

1 A. No.

2 Q. All right. Did Ron Swigman express in any
3 way that there was anything sinister about the phone
4 calls stopping between Italy and Joe's Pizza?

5 A. I believe his words were the phone calls
6 had just suddenly stopped, because later I get a
7 call from Kaupus. He goes, "Guess what? The calls
8 are back up."

9 MR. JOHNSTON: John, what's your running
10 clock going at here? Do you think it's like an hour
11 and a half or hour or something? You tell me. I
12 can do the math.

13 MR. BAKER: You've got about a hour and 15
14 minutes left.

15 MR. JOHNSTON: Okay.

16 BY MR. JOHNSTON:

17 Q. Speaking of Ken Kaupus, did you have a
18 conversation with Ken Kaupus July of 2003?

19 A. Yes.

20 Q. At your house, right?

21 A. Several. He used to come over and have
22 beer and pizza.

23 Q. Okay. Have a conversation with him during
24 the All-Star Game of 2003, Comiskey Park 20th

1 anniversary?

2 A. Me at Comiskey Park?

3 Q. No, the All-Star Game was at Comiskey
4 Park.

5 A. I was going to say I'm not a White Sox
6 fan, sorry. I don't -- could have been.

7 Q. Okay. Was Ken Kaupus ever in your chain
8 of command?

9 A. In my chain of command?

10 Q. Right.

11 A. He's a captain. I was a lieutenant. No.

12 Q. Did you consider Ken Kaupus to be a friend
13 of yours?

14 A. Yes.

15 Q. Do you still consider him to be a friend
16 of yours?

17 A. I haven't talked to Ken Kaupus since my
18 trial, but I would probably say based on his
19 testimony and his actions after I filed my lawsuit,
20 no.

21 Q. Okay. What -- did Ken Kaupus take any
22 actions against you after you filed your lawsuit?

23 A. Distanced me. Told -- I know he told Greg
24 Dixon to basically, "that when it comes time," and I

1 know Greg testified to this, that's why, "that I'm
2 not telling you not to tell the truth when you
3 testify. Just remember you have six more years left
4 in this department, so you need to stay out of the
5 eye of the storm." So that was letting me know
6 right there where -- and then I know Jeff and Greg
7 were allowed to consult with me still in 2004, and
8 they had told me about certain meetings with Mr.
9 Rands and how Kaupus started badmouthing me for, "I
10 don't understand why Callahan wasn't writing reports
11 and et cetera, et cetera, in this case," and of
12 course that was I think in his deposition testimony,
13 too, so -- so I could see that Kenny Kaupus had a
14 history in the state police of kind of riding the
15 fence, and I could see that he was now -- which side
16 of the fence he was on, so...

17 Q. Do you have any personal knowledge or
18 evidence that Ken Kaupus failed to disclose
19 exculpatory information to prosecutors relating to
20 the Rhoads homicides?

21 A. I know that in 2004 I was given the
22 reports to review and I was shocked that Kaupus had
23 the agents write the reports to a closed case file
24 and that they didn't assign a new case agent. I

1 thought this was very deceptive. And Jeff had told
2 me the reason and I believe -- I think he attributed
3 it more to David Rands than he did to Ken Kaupus;
4 that they felt that by writing the reports to a
5 closed case file, then they wouldn't have to turn
6 over any new information that came up on the case.
7 And that's very evident when you look at the 2004
8 reports because Jack Eckerty is still the case agent
9 even though he's long retired.

10 Q. The reports that Ken Kaupus was writing,
11 do you know if he was giving those to David Rands?

12 A. I -- I don't know.

13 Q. You don't know one way or the other?

14 A. No.

15 Q. Okay. So if he said he was giving them to
16 David Rands, you could not disprove that, right?

17 A. No.

18 Q. And when in 2004 was this? Was this
19 before or after Memorial Day?

20 A. I don't know. It was -- I'd have to look
21 at the reports I was given. I mean --

22 Q. And who gave you those reports?

23 A. It would be Jeff and Greg. They asked me
24 to review the reports they had done because I was

1 kind of shocked at a lot of the information in some
2 of those reports.

3 Q. Were you present when Ken Kaupus
4 interviewed Andrea Trapp?

5 A. No, I wasn't present.

6 Q. Were you present when Ken Kaupus
7 interviewed Tony Rhoads?

8 A. No.

9 Q. Okay. Do you have any evidence that Ken
10 Kaupus suppressed or thwarted evidence exculpatory
11 to Steidl or Whitlock?

12 A. Well, again, I guess I don't know who's
13 responsible for it, but I did an interview of a man
14 named -- I didn't do the interview. Actually Hal
15 Dardick did. I was talking to Hal and I said, "why
16 don't you call Stan Acklen?" And Stan Acklen had
17 said that he was interviewed by Greg Dixon and Jeff
18 Marlow, and yet when I saw the appellate
19 prosecutor's discovery in Whitlock's case, there was
20 no interview of Stan Acklen.

21 And Acklen had basically told Hal Dardick
22 who related to me that -- I believe he was the
23 Narcotics Anonymous sponsor. And two days after
24 Debbie Reinbolt had come forward as an eyewitness,

1 they put a wire on her on the 19th of February, and
2 later on everybody, when they learned that Debbie
3 Reinbolt said she is a witness to the murders,
4 Acklen puts it in his mind that, he says, "you know,
5 Debbie Reinbolt walked in this Narcotics Anonymous
6 meeting on February 19th and had to ask two
7 different people who Herbie Whitlock was." Now, how
8 could it be that she says she knew them and
9 participated in a murder with them, but seven months
10 later she doesn't know?

11 Acklen said he was afraid to go to the
12 Paris Police Department, so he went to the Illinois
13 State Police and he was ignored. There was no
14 original reports in the Rhoads case file from Acklen
15 nor was there any when he said that he was up on a
16 ladder when Greg and Jeff walked up and started
17 questioning him about the same thing.

18 So I don't know implications or again I
19 guess you would look at Mr. Marlow's email that they
20 were stopped from writing, but I guess again you'll
21 have to ask Mr. Marlow if it was David Rands or if
22 it was Ken Kaupus responsible for that.

23 Q. And you have no evidence that Ken Kaupus
24 actually --

1 A. I have no personal evidence, no.

2 Q. That's what I asked. Besides this January
3 9, 2003, meeting at the Illinois State Police
4 academy, your only other interaction with Charles
5 Brueggemann was to sit next to him at a command
6 school, correct?

7 A. When we made master sergeant, both us.

8 Q. Is that correct?

9 A. That's correct.

10 Q. Do you have any knowledge, personal
11 knowledge or evidence that Charles Brueggemann
12 failed to disclose exculpatory evidence regarding
13 Steidl and Whitlock?

14 A. No.

15 Q. Do you have any personal knowledge or
16 evidence that Andre Parker failed to disclose
17 exculpatory evidence regarding Steidl and Whitlock?

18 A. No. The only thing is I have an email
19 that John Strohl gave me from Lieutenant Colonel
20 Carper shortly after a meeting involving Russ
21 Perkins, and Diane had emailed John Strohl and said
22 I guess Andre Parker gets the last -- or I guess
23 Parker gets the last laugh, but I've given you that
24 in discovery because John gave me that after he

1 retired.

2 Q. Does that email show that Andre Parker
3 failed to disclose exculpatory evidence to --

4 A. No, but I mean I --

5 Q. You've got to let me finish.

6 A. Okay.

7 Q. Does that email show that Andre Parker
8 failed to disclose exculpatory evidence --

9 A. No.

10 Q. -- regarding Steidl and Whitlock?

11 A. No.

12 Q. Thank you. Do you have any evidence that
13 Diane Carper failed to disclose exculpatory or Brady
14 material to any prosecutor?

15 A. I guess the only thing I would have is the
16 email where she says that I'm not -- you know,
17 basically I'm not going to talk to Ed Parkinson, but
18 I mean I don't -- I mean that was just her saying
19 that the director was going to be the one that could
20 talk to -- if any opinion came, it wouldn't come
21 from me, it would come from the director of the
22 state police basically. So I don't know how you
23 would construe that.

24 Q. Do you know if Ed Parkinson and the

1 Illinois State Appellate Prosecutor possesses all
2 your emails or, I'm sorry, all your memos that
3 you've written?

4 A. I'm assuming they do. I turned them over
5 in the Grand Jury.

6 Q. Any evidence or personal knowledge that
7 Steve Fermon failed to disclose exculpatory evidence
8 to a prosecutor regarding Steidl or Whitlock?

9 A. Other than my statements at the clemency
10 meeting and was talking to them both about the case
11 throughout, you know, the exculpatory evidence I
12 disclosed in the meetings with Colonel Carper and
13 Fermon, but I guess -- do I have any knowledge that
14 they didn't turn it over to a prosecutor? I don't
15 know what they did on their end. I just know what I
16 did with them.

17 Q. So the answer is no, you don't know --

18 A. No, I don't know --

19 Q. -- if they turned it over.

20 A. -- what they did. No, I don't.

21 Q. Do you have any evidence that Jeff Marlow
22 failed to disclose exculpatory evidence to a
23 prosecutor regarding Steidl and Whitlock?

24 A. No.

1 Q. Okay. Did you ever see an interview Jeff
2 Marlow did of Ovid Chambers?

3 A. Yes, I did.

4 Q. Where did you see that?

5 A. Again, the appellate prosecutor's office
6 had given Bill Clutter the materials and he asked me
7 to -- if they were going to retry Whitlock, he asked
8 me to be -- analyze all the paperwork and look at
9 it. So I believe -- I don't remember the report, I
10 mean it's been a long time since I read it, but I do
11 remember seeing it.

12 Q. And Jeff Marlow was with Matt McCormick,
13 right?

14 A. Could be. You know what, I would have to
15 see the report.

16 Q. Well, are you talking report or the actual
17 video?

18 A. I think there was about 3,000 documents
19 turned over by the appellate prosecutor to Bill
20 Clutter, and I went over on a couple days and I
21 looked through those documents.

22 Q. And my question is specific to the video.
23 Did you ever see the video of Jeff Marlow's
24 interview of Ovid Chambers?

1 A. No.

2 Q. Okay. Do you see anything improper in any
3 of Jeff Marlow's reports regarding Ovid Chambers?

4 A. I noticed that there -- not any with Ovid
5 Chambers, no.

6 Q. Okay. And any other witness, did you see
7 anything improper in Jeff Marlow's reports?

8 A. I picked up some things in the Mazely
9 reports that it seems funny that it went from I
10 think dried blood on a T-shirt to a lot of blood on
11 a T-shirt, and I believe that in an interview with
12 Clutter and her, she admitted she had told Ted Todd
13 about this information back in the original
14 investigation, and I believe Jeff excluded that
15 information from his report. And when Clutter
16 specifically asked, she told him, "oh, I told Jeff
17 Marlow about this."

18 Q. Do you know if -- have you ever seen the
19 video interview of Jeff Marlow and Kristen Mazely?

20 A. Richard Kling actually told me about it a
21 couple days ago when he called. That was one of our
22 conversation. He made a humorous remark about one
23 of the things that she said.

24 Q. Did you see --

1 A. No, I didn't see it, no.

2 Q. Okay. So you don't -- you have no
3 personal firsthand knowledge about what Kristen
4 Mazely told Jeff Marlow.

5 A. Other than what he wrote in his reports,
6 no.

7 Q. Okay. So you don't know if what he wrote
8 in the report -- if what Kristen Mazely is saying
9 now is different than what Jeff Marlow wrote in his
10 report?

11 A. No, I don't. I don't know.

12 Q. Okay. Anything else about Jeff Marlow's
13 reports that you --

14 A. No. Oh, I guess they saw the transcripts
15 of -- the report of him listening in on the
16 attorney/client privileged conversations with Steidl
17 and Whitlock when they were in prison.

18 Q. Do you know that those recorded
19 conversations, at the beginning of every recorded
20 conversation, there is a warning to the people on
21 the telephone call or the communication that
22 everything is being taped?

23 A. I'm not saying what he did was wrong. I'm
24 saying that I know he was told to do that and he did

1 it, so I guess that's for somebody else, but I mean
2 I'm personally saying me, I would not have listened
3 to I think -- I don't know the law, I'm not an
4 attorney, so I don't know what the privileges are in
5 an attorney/client privileged conversation, so I
6 don't know if you're in prison if you lose that
7 attorney/client privilege or not. I'm saying those
8 were things that kind of struck me as odd and -- to
9 be done.

10 Q. Did you --

11 A. But, again, I don't think Jeff purposely
12 did it. I think he was probably ordered.

13 Q. Okay. Do you know if those conversations
14 with Mr. Steidl and Mr. Whitlock while they were
15 incarcerated, before they were listened to or
16 recorded, there was a notice saying your
17 conversations are being recorded? Do you know that?

18 A. No, I don't know that.

19 Q. Is there a reason why you have Jeff
20 Marlow's -- a DII report relating to Jeff Marlow?

21 A. I was the one that did the investigation.

22 Q. Sure. Why would you --

23 A. You mean the Angela Grabow?

24 Q. Sure. Why would you keep that

1 investigation personally?

2 A. I guess I wanted to keep it because
3 Jeff -- Brian Henn and I had actually been -- DII
4 referred it back to us to do the investigation,
5 which sometimes they will, and Brian Henn and I
6 exonerated Jeff Marlow in that investigation, and I
7 believe Edie Casella concurred, and then she was
8 shortly removed, and I believe Captain Fermon wanted
9 to be a little bit more punitive. And I remember
10 keeping those reports probably for the safety of
11 Jeff.

12 Q. Okay.

13 MR. JOHNSTON: I'm sorry, John. Did you
14 say something?

15 MR. BAKER: No.

16 MR. JOHNSTON: Okay. Just checking.

17 MR. BAKER: 59 minutes.

18 MR. JOHNSTON: I heard a noise, but I
19 didn't know what it was.

20 BY MR. JOHNSTON:

21 Q. I'm not going to mark this unless we
22 really need to. I asked you about an overview
23 document. Take a look at it.

24 A. Oh, yeah, I'm familiar with it.

1 Q. That's the one you referenced earlier
2 today?

3 A. Yeah.

4 Q. And this overview document that starts
5 with ISP 07288, that was a document you put together
6 for the task force, correct?

7 A. Tim Bass had actually asked me to do that
8 overview, and Colonel Carper had ordered me not to
9 divulge any of my memos on either Morgan or the
10 Rhoads investigation to that task force, and Tim
11 Bass in a group meeting had said, "we would like to
12 have you give us some type of an overview in writing
13 so we could all better understand."

14 I remember looking over at Captain Fermon,
15 because I believe he had gotten the same orders as I
16 did, and I said, "can I, captain?" And of course he
17 was put on the spot in front of the group and said,
18 "yeah, go ahead." So if you'll notice, I wrote that
19 overview on plain paper with no ISP letterhead so
20 that I wouldn't be disobeying her direct order not
21 to divulge any of the Rhoads information.

22 Q. When did Diane Carper instruct you or
23 order you not to divulge any Rhoads information to
24 the task force?

1 A. That's after we had started the actual
2 task force.

3 Q. What date?

4 A. It would have been probably before we
5 actually started meeting in January when I got the
6 interest, or I think probably once I made notice
7 that there is federal interest, I was told not to
8 divulge any of those memos.

9 Q. And who was present when you had this
10 conversation with Diane Carper?

11 A. That was Colonel Carper and I.

12 Q. And where did that --

13 A. It might have been in Captain --

14 Q. Where did that conversation take place?

15 A. I believe it was probably a phone
16 conversation.

17 Q. Okay. And who placed the call? You or
18 her?

19 A. I don't know which way it went. Probably
20 she called me. I don't ever remember calling
21 Colonel Carper except for the night of the clemency.

22 Q. Okay. Do you know that Rick Cox has
23 testified that he had all your memos, they were
24 provided to him?

1 A. (Shakes head).

2 Q. No one told you that?

3 A. No. I didn't give them to him.

4 Q. Okay. When did you speak with Ellen
5 Mandeltort?

6 A. Ellen Mandeltort -- there's an email that
7 gives the exact date. I believe it was June 27th if
8 I -- but again, I might not be right on that. You'd
9 have to look --

10 Q. What year?

11 A. -- at the actual memo. 2003, shortly
12 after my transfer.

13 Q. Okay. And who was present during your
14 meeting with Ellen Mandeltort?

15 A. Actually Ellen Mandeltort called me on the
16 phone first, and then at the meeting which was a few
17 days later, it was Lieutenant Colonel Rick Rokusek.
18 Boy, I always mess up this girl's name. I think it
19 was Marie Kuriacos or --

20 Q. Very good, Kuriacos.

21 A. Really? Okay, good.

22 Q. Welcome to the Greek family.

23 A. Thank you. And of course Ellen
24 Mandeltort.

1 Q. And Rick Rokusek was still somebody you
2 trusted and respected at that point?

3 A. Yes.

4 Q. And you --

5 A. In fact, we met for coffee before.

6 Q. And you still trust and respect Rick
7 Rokusek?

8 A. Yes.

9 Q. And he's got no reason to lie as far as
10 you know especially being retired.

11 A. I would hope not.

12 Q. Okay. And the meeting with Ellen
13 Mandeltort, Rick and Ms. Kuriacos occurred at the
14 Thompson Center?

15 A. Yes.

16 Q. Okay. 12th floor?

17 A. Your -- obviously you've researched it
18 more than I. I don't remember which floor.

19 Q. And did you bring -- strike that. Let me
20 ask you this very simple question. What documents
21 did you bring to Ellen Mandeltort?

22 A. I probably brought the memos. I brought
23 Clutter's information. I probably brought
24 everything I had. I mean copies. I think the only

1 thing I didn't take was the original Rhoads case
2 file because I know later I got an email from
3 Colonel Carper saying to get it together and send
4 it, and I'm like easier for her to do than me, I'm
5 not in investigations anymore, but --

6 Q. Did you get the case file together and
7 sent to Ellen Mandeltort?

8 A. The original case file? No, I didn't.
9 Somebody else did in investigations. I know she got
10 it.

11 Q. Okay. You know Ellen Mandeltort got it.

12 A. Yes, because she confirmed she got it.

13 Q. So basically Ellen Mandeltort got all the
14 information you had.

15 A. Yes.

16 Q. And you shared with her everything you
17 knew, right?

18 A. Yes.

19 Q. Did you receive any communications or
20 directives from anybody before your meeting with
21 Ellen Mandeltort telling you to make sure you
22 provide all the information and documents to her?

23 A. No.

24 Q. How did you know what to bring to Ellen

1 Mandeltort?

2 A. Well, if I'm having a meeting with the
3 Attorney General on that issue, why wouldn't I?

4 Q. I'm just asking. Did you --

5 A. I mean I didn't -- I mean I just took the
6 information. I didn't have -- feel like I had to
7 ask anybody for permission to take it or not. I
8 just took it.

9 Q. Well, I'm not asking if you needed
10 permission. I'm asking, you know, why did you bring
11 all this information to her? You just assumed that
12 she wanted to see it?

13 A. Well, I was going to be sitting in
14 probably a day long meeting and going over a very
15 intricate complex case, so I mean obviously there's
16 information that I would want to share with her.

17 Q. Wouldn't you also want to have the case
18 file to share with her at that point?

19 A. I don't know if I had it. I think it was
20 still at the zone.

21 Q. Could you have gotten a copy of the case
22 file from --

23 A. I believe -- I thought she still had it.
24 I thought she had a copy.

1 Q. And when you say she, you mean Ellen
2 Mandeltort.

3 A. Ellen Mandeltort.

4 Q. So as -- your understanding was before you
5 even met with her, you thought she had these --

6 A. I would have -- I thought she did, but she
7 didn't because later I get an email from Colonel
8 Carper to please do it, but somebody from
9 investigations did it.

10 Q. And based on your discussions with Bill
11 Kling, do you know when he started obtaining copies
12 of the case file?

13 MR. BAKER: Bill Kling?

14 A. Bill Kling?

15 MR. JOHNSTON: I'm sorry.

16 MR. BAKER: Bill Clutter or Richard Kling?

17 MR. JOHNSTON: I'm just going to mix them
18 all at the end and have one big consortium of people
19 or is it an amalgam?

20 MS. SUSLER: Richard Kling.

21 MR. JOHNSTON: Thank you.

22 BY MR. JOHNSTON:

23 Q. When you had your discussions with
24 Professor Kling, did he ever tell you when he

1 received copies of the case file?

2 A. The original case file?

3 Q. Yeah.

4 A. No.

5 Q. Okay. Do you know if you received a copy
6 of -- I think you said he had about 3,005 pages of
7 documents?

8 A. Well, again, the appellate prosecutor
9 turned over discovery. I thought Bill Clutter got
10 it, but I mean I'm sure it went to Richard Kling, so
11 I mean -- but I think he had given it to Bill
12 Clutter, so...

13 Q. And when was that?

14 A. Well, when was -- it was right around when
15 all these hearings with Whitlock right before he was
16 released and before the appellate prosecutor made
17 the decision not to retry him, so it would have
18 been --

19 Q. December or --

20 A. -- shortly before that.

21 Q. -- January 2000 --

22 A. Yeah, I don't remember the exact date, no.

23 Q. Okay, I'm sorry for interrupting.

24 COURT REPORTER: January 2000?

1 A. No.

2 Q. January 2008.

3 A. Yeah, 2008.

4 Q. Okay. Did anybody prevent you or impede
5 you in any way from providing information to Ellen
6 Mandeltort?

7 A. I want to say yes.

8 Q. Tell me who and why you want to say that.

9 A. Well -- you knew I was going to say that?

10 MR. BAKER: He said tell why you want to
11 say that.

12 Q. Tell me who and why you want to say that.

13 A. Okay. And it's a little bit of a
14 drawn-out story, but Ellen Mandeltort had called me
15 because she said she got a call from Richard Kling
16 and he felt that I had been punished and moved to
17 patrol because of what I was trying to do in the
18 Rhoads case.

19 And I told her, and this is a phone
20 conversation, this is the very first interaction
21 with Ellen Mandeltort, and I said, "yes, I am being
22 punished," and I said, "I have been -- I was impeded
23 from this case for several years and I was told by
24 my lieutenant colonel, Diane Carper, this case was

1 too politically sensitive to reinvestigate." And
2 she gasped and she goes, "that could be official
3 misconduct or even tantamount to obstruction of
4 justice," and I said, "yeah, I look at it that way
5 too."

6 And she proceeded to say, "I am going to
7 be talking to you," and I said, "good luck if my
8 chain of command will ever let you talk to me," and
9 she goes, "I will go directly to Larry Trent," and I
10 said, "well, you're going to have to." So she
11 called me back and said shortly after that, "I have
12 permission to talk to you from Larry Trent," and I
13 said, "well, I would like to have that in an email,"
14 which I did get. And then the meeting was set for I
15 think it's the next Friday or whatever the date was
16 on the email, and then I met with her.

17 And we met for that -- most of that day.
18 We went over all the concerns I had with the case,
19 all the evidence not disclosed, just everything that
20 had happened, and never once did she ever bring up
21 my allegations about the case being impeded, it's
22 too politically sensitive and that.

23 At the end of the day after we were all
24 leaving, I pulled her aside. I said, "why didn't

1 you ever bring this up? Why aren't we discussing
2 what we discussed on the phone?" And she said, "I
3 promised Lieutenant Colonel Mike Snyders that I
4 would not talk to you about that. And, Mike, when I
5 make a promise, I don't want to break a promise, and
6 I'm afraid if I break a promise like that, they will
7 never ever let me talk to you again," and she said,
8 "but I promise you I will address it later."

9 Q. Did Ellen Mandeltort's failure to address
10 with you your concerns about official misconduct and
11 obstruction of justice prevent you in any way from
12 disclosing all information to Ellen Mandeltort?

13 A. No, I told her everything.

14 Q. Okay. As far as you -- and Ellen
15 Mandeltort at that time was Deputy Attorney General
16 in charge of criminal justice, right?

17 A. Yes.

18 Q. And if you know, did the Illinois Attorney
19 General's office ever investigate Diane Carper for
20 official misconduct or obstruction of justice?

21 A. I know they called publicly in the
22 newspapers for investigation by the Inspector
23 General, but to this date I've never been contacted
24 by any Inspector General, so...

1 Q. And the answer is no?

2 A. The answer is no.

3 Q. And do you know of anybody who's charged
4 Diane Carper with official misconduct or obstruction
5 of justice?

6 A. No.

7 Q. Now, when you would go on these --

8 MR. JOHNSTON: What am I down to? What's
9 my clock running at?

10 MR. BAKER: You've got about --

11 MR. TAYLOR: 47 minutes.

12 MR. JOHNSTON: 47 minutes, okay.

13 MR. BAKER: That's about right.

14 MR. TAYLOR: Hey, I got that one right.

15 MR. RAUB: June's probably counting down.

16 BY MR. JOHNSTON:

17 Q. When you would go on the interviews with
18 Nate Williams and he would write a 302, would you
19 use the 302 and incorporate the information that he
20 had in there into your memoranda?

21 A. I'm sure there were points that he talked
22 about that I -- yes, I put some of that information
23 in the memos.

24 Q. And would you put what you thought was all

1 the relevant information that you had learned during
2 these interviews into your memoranda?

3 A. Again, I didn't feel like I was writing
4 dissertations, but I put as much information as I
5 could into them. I mean you're talking about
6 somebody that wasn't investigating the case, so it's
7 not like this thing was fresh in my mind constantly.
8 This was -- and I had all these narcotics task
9 forces, so if I missed a point or something in a
10 memorandum, then, you know, I missed a point. I'm
11 not saying everything is all inclusive. Nothing is
12 a dissertation.

13 Q. But you would try to put all --

14 A. But I would -- I'd make --

15 Q. You've got to let me finish.

16 A. Okay, I'm sorry. I was still trying to
17 talk about --

18 Q. Well, I apologize if I interrupted you,
19 but you tried to put all relevant information into
20 your memoranda, right?

21 A. Yes.

22 Q. No matter if it was good or bad, it's
23 information. If you thought it was relevant, you
24 put it in.

1 A. Yes.

2 Q. Okay. Do you recall the interview with
3 George Stevens?

4 A. I could reread it. I remember he was
5 talking about -- the thing that brings me up with
6 him was EPA dumping or something, and the Boards
7 were hired to take a bulldozer and dig a big hole.
8 And I know I went to the EPA, one of the EPA people
9 there in our building in investigations and I asked
10 them if they had ever conducted any search warrants
11 on Bob Morgan's place and they said yes.

12 And he actually pointed to one where they
13 went out and they said they couldn't really conduct
14 anything because it was so muddy, it had been
15 raining, and they were sinking in the mud, and
16 everything was freshly bulldozed. So I remember
17 relating that to George Stevens as information that
18 they had -- they were doing some illegal dumping
19 because Bob Morgan had been leaked the information
20 there was going to be a search warrant on his
21 property, so he had the Boards dig a big hole and
22 dump these barrels in it and cover it up with a
23 bulldozer.

24 Q. Did you speak with the IEPA or the USEPA?

1 A. No, Illinois.

2 Q. Okay. And when did you speak with the
3 Illinois EPA?

4 A. You know what, they were in our same
5 building, so I just walked down and just out of
6 curiosity said just, "hey, did you ever -- have you
7 ever done any investigations on Bob Morgan?" And he
8 said, yeah, he knew the name, it's -- I can't even
9 remember his name, it's a guy with glasses, he's a
10 nice guy, but I mean I didn't even take the
11 information, the file from him or anything.

12 Q. Okay. Do you remember George Stevens
13 telling you that -- giving you information that you
14 incorporated into your August 15th, 2001, memoranda?

15 A. You'd have to show me. I mean you're
16 asking me to remember a lot of information.

17 Q. Well, let me ask you this specific
18 question. Do you recall George Stevens telling you
19 that Bob Morgan did not associate with Joe Vitale?

20 A. If it's in that report, then he probably
21 told us that, but do I remember that specific?

22 Q. Okay. And do you know that your August
23 15, 2001, memoranda or any memoranda fails to have
24 that information in it that Stevens told you that

1 Morgan did not associate with Joe Vitale?

2 A. Well, I guess forgive me for missing a
3 needle in a haystack.

4 Q. So the answer is --

5 A. No. I didn't put it in obviously.

6 Q. Well, that needle that you've just
7 described regarding Morgan not associating with Joe
8 Vitale is contrary to what you had been learning and
9 developing; isn't that true?

10 A. If I remember right, George Stevens was
11 depicted by some as probably, oh, gosh, I don't want
12 to say -- probably the seedier side of the Paris
13 citizenry. So I don't know that Nate and I put a
14 lot of stock into his -- anything he said. He was
15 more -- he had a lot of issues.

16 Q. But he had -- you gave him enough stock
17 that you took some of his information and you put it
18 in your August 2001 memo, right?

19 A. Yes.

20 MR. JOHNSTON: Take a quick break, Jim?

21 MR. BAKER: Yeah.

22 (Recess at 5:59 p.m. to 6:12 p.m.)

23 BY MR. JOHNSTON:

24 Q. Mr. Callahan, in approximately January

1 2004, did you have a meeting with Tom Londrigan?

2 A. No. I think it was in December of 2003.

3 Q. Okay.

4 A. Because it was just before Christmas and I
5 was going on vacation.

6 Q. And you were still employed by the
7 Illinois State Police at that point?

8 A. Yes.

9 Q. And where did this meeting with Tom
10 Londrigan take place?

11 A. It took place at the capitol building in a
12 side office off of Governor Blagojevich's rather
13 palatial office.

14 Q. And Tom Londrigan was the general counsel
15 for the governor at that time, right?

16 A. I believe that's what he told John Baker
17 who relayed that to me.

18 Q. Okay. Who was present at this
19 interview -- I'm sorry, we'll call it a meeting.
20 Who was present at this meeting with you and Tom
21 Londrigan?

22 A. Tom Londrigan and I.

23 Q. Nobody else?

24 A. No. He said that I think the Inspector

1 General Zeda --

2 Q. Zeda Scott?

3 A. Zeda Scott, yeah, I didn't know if she had
4 a -- wanted to be there, but he wanted to meet with
5 me just one-on-one first.

6 Q. Did you ever meet with Z. Scott?

7 A. No, I didn't.

8 Q. Do you know who Z. Scott is other than the
9 former Inspector General?

10 A. That's all I know.

11 Q. Okay. And when were you first notified
12 about this meeting that you were going to have with
13 Tom Londrigan?

14 A. From John Baker.

15 Q. Your lawyer John Baker.

16 A. Yes.

17 Q. Okay. And were you told to bring any
18 documents, and I'm -- and I want to be careful here.
19 I don't want, you know, to get into what John told
20 you about the meeting and what to do, so I'm going
21 to try to tread carefully.

22 What -- besides your conversation with
23 John Baker, did you talk to anybody else about the
24 meeting with Tom Londrigan?

1 A. I believe Kim Rhodes was the acting
2 captain of the district then and she poked her head
3 in and told me that I was to be -- which I already
4 knew because of John obviously, but she told me I
5 was to be at Tom Londrigan's office that afternoon,
6 I think I had like an hour or so to get there, it
7 was short, and that I did not need to take any
8 documents with me. So that came from Kim, and I
9 think there was a follow-up email if I remember
10 right, but I don't remember.

11 Q. And when you met with -- did this
12 conversation with Acting Captain Kim Rhodes occur
13 before or after your conversation with Mr. Baker?

14 A. After.

15 Q. And when you went to the meeting with Tom
16 Londrigan, did he ask you for any documents?

17 A. No.

18 Q. Okay. How long --

19 A. Oh, I'm sorry. Did -- when I walked in, I
20 had documents and he said, "what are these?" I mean
21 I had documents with me. I don't want you to
22 misinterpret. He didn't ask. I never talked to him
23 for him to ask me about documents or not, but I did
24 have documents.

1 Q. Even though Kim Rhodes said there was no
2 need to take documents with you, you still brought
3 documents?

4 A. She said, "Colonel Carper said there's no
5 need for you to take any documents, they're going to
6 be provided by Springfield," but I took documents
7 with me just so that I could refresh my memory.

8 Q. And did -- you said something about
9 Londrigan said what are these?

10 A. Yes.

11 Q. Referring to the documents you brought?

12 A. Yes.

13 Q. And did he ever look at the documents that
14 you brought?

15 A. He grabbed these and he said, "what are
16 all these?" I said, "this is the -- a lot of the
17 paperwork I got from the private investigator Bill
18 Clutter, the memos I wrote over the years," because
19 John had told me that the meeting was supposed to be
20 about the clemency issue for Steidl and Whitlock.

21 So I took those documents thinking that I could talk
22 about the case to refresh my memory if I needed to
23 or refer to any reports.

24 And he said, "what are all these?" And I

1 just told him what they were. And he said -- he
2 started getting mad about Doug Brown because he said
3 "all I was provided was the old case file," and he
4 said, "why didn't I get any of these?" Doug
5 Brown -- he goes, "I told him I wanted everything,"
6 and I said, "you're going to have to ask Doug Brown
7 that, not me."

8 Q. And when you said old case file, you mean
9 like the ISP case file or --

10 A. That's what --

11 Q. -- the investigative file?

12 A. That's what his words were.

13 Q. Okay.

14 A. He said, "all I got was this old case
15 file." And I said -- he said, "why didn't I get any
16 of these?" And I said, you're going to have to talk
17 to Doug Brown about that, not me."

18 Q. Did he keep it and make copies of any
19 documents that --

20 A. He kept them.

21 Q. He kept them?

22 A. He asked me if he could keep them and I
23 said sure.

24 Q. Okay. And how long did the meeting with

1 Tom Londrigan last?

2 A. I would say about an hour I guess. You
3 know, I mean I'm not giving minutes, but I mean if
4 you want -- but I'd say an hour.

5 Q. I'm not asking for minutes. I just --

6 A. I mean -- pardon?

7 Q. I'm not asking for minutes.

8 A. Estimation --

9 Q. About an hour?

10 A. Estimation, about an hour, close to an
11 hour.

12 Q. And did he tell you what the subject
13 matter of the meeting was?

14 A. When I walked -- well, it was supposed to
15 be about the clemency issue was my understanding.

16 Q. Who told you it was supposed to be about
17 clemency?

18 A. John Baker.

19 Q. Okay.

20 A. And that's what was relayed to him from
21 Tom Londrigan.

22 Q. And did --

23 A. Because Governor Blagojevich was
24 considering clemency for Steidl and Whitlock.

1 Q. Did Kim Rhodes say anything about
2 clemency?

3 A. No.

4 Q. Other than Kim Rhodes sticks her head in
5 and says be at Londrigan's office that afternoon,
6 nothing else said with her.

7 A. Well, she asked me who -- what this was.
8 I mean she kind of knew what it was, so -- and she
9 was kind of chuckling I guess, but you know.

10 Q. Okay. And so you go into this meeting
11 with Tom Londrigan.

12 A. Uh-huh.

13 Q. You believe the subject matter is
14 clemency. And tell me what he says to you what you
15 say to him.

16 A. He said --

17 Q. The best you can remember.

18 A. He sits down across from me and looks and
19 he goes, "I want to know one thing." I said what?
20 And he goes, "why did it take you so long to come
21 forward?" And I said, "well, the Illinois State
22 Police, it was very well-known they covered up on
23 the licenses-for-bribe scandal for George Ryan.
24 They were covering up for in my case. Who did I

1 have to go to? Who was I going to go to about
2 this?" And I said, "obviously my fears were
3 warranted because George Ryan just got indicted,"
4 because this was just a few days after he was
5 indicted, and I said, "it would have been fruitless
6 for me to go to DII or anybody." And they said,
7 "that's very obvious." I said, "and I waited this
8 long to go to the Division of Internal
9 Investigations because," this is where he didn't
10 like what I said, I said "because now we have a new
11 governor that touts reform and ethics and getting
12 rid of corruption in government, so I felt that by
13 me going to DII now, they'd have to do the right
14 thing," but I said, "I guess, Mr. Londrigan, I was
15 wrong, wasn't I?" And he winced a little bit and
16 his words to me were, "just so you know, we don't
17 trust your DII either and we're very well aware of
18 some ethical problems at the top of the state
19 police."

20 Q. Did you --

21 A. And then he proceeded -- huh?

22 Q. Did he mention any names that had
23 ethical problems at the top of the Illinois State
24 Police?

1 A. No, those were his --

2 Q. Did he give you any names?

3 A. That's what he said. And that's when he
4 goes into, "Zeda Scott wanted to be here, but I
5 wanted to meet with you one-on-one first." He goes
6 into, "can you meet later this week?" I said, "I'm
7 going on vacation," and he said, "would you cancel
8 your vacation?" And I said, "I'm going to Maui and
9 I have -- if you want to pay for my condo and my
10 flight" -- I fly free but I still have to pay tax,
11 but I said if you want -- I said, "I'm not going to
12 cancel." I said, "I can meet you in a week when I
13 get back."

14 Q. So -- so Tom Londrigan was the one who
15 prevented Zeda Scott from attending the --

16 A. That's what he said. He said, "she wanted
17 to be here, but I told her I wanted to meet with you
18 one-on-one first, but I still want to meet, I want
19 you to meet -- you and I and her to meet."

20 Q. Okay.

21 A. And his big thing was about the clemency
22 meeting. He wanted me to talk about the clemency
23 meeting. So I had told him that how I got the call
24 from Deputy Governor Bettenhausen, that I had the

1 long meeting the next day with the ISP command, they
2 said they were going to meet with the governor's
3 office that next afternoon. I said, "I don't know
4 if they ever met with them."

5 I said, "I remember Edie Casella telling
6 me she overheard Brueggemann say he was going to
7 meet with the governor's office that afternoon to
8 her secretary, but she doesn't know for a fact if he
9 ever went there or not."

10 So I said, "the only thing I can tell you
11 is I got a call Friday morning the day after the
12 clemency meeting from Andrea Trapp. Andrea Trapp
13 told me that it had been going all over Paris that
14 Randy Steidl and Herb Whitlock were getting
15 clemency." So she started calling the governor's
16 office.

17 She finally got ahold of a girl and she
18 explained to the girl she wanted to talk to the
19 governor who -- of course she blocked the call
20 saying, "no, you can't talk to the governor," and
21 she said, "look, I am one of the Dyke and Karen
22 Rhoads -- I'm the sister, sister-in-law, we're
23 victims here, and I think we deserve to have the
24 governor tell us why he's giving clemency. We've

1 heard that he's giving clemency to Randy Steidl and
2 Herb Whitlock."

3 And she said, "I don't think it's fair
4 that my nephews find out about it from a press
5 release because they've never been told Dyke and
6 Karen were murdered." And she said the girl very
7 coldly and callously made the statement, "well, then
8 you better tell your nephews because clemency has
9 been granted." Well -- I'm not done.

10 Q. I know. I want to -- she told you that
11 this woman -- Andrea Trapp told you that this woman
12 from the governor's office --

13 A. Governor's office.

14 Q. -- told Andrea Trapp that clemency had
15 been granted by --

16 A. Yes.

17 Q. -- the judge or by Rod Blagojevich?

18 A. No, by George Ryan.

19 Q. Okay, I'm sorry. That's why I got -- I
20 got it all haywire on me.

21 A. Okay.

22 Q. And she didn't say who this person was?

23 A. No, this was in the morning.

24 Q. Okay.

1 A. This is Friday morning. This is the day
2 after the clemency meeting.

3 Q. Okay.

4 A. Okay. So then she -- Andrea just got
5 persistent and kept calling and calling and calling,
6 and finally she gets ahold of Matt Bettenhausen who
7 tells her, "yes, clemency has been granted, it's
8 been signed off, and you are going to get a Fed Ex
9 delivery tonight and it will explain the governor's
10 reasoning behind it," because Andrea was upset. She
11 said, "I want to know. Does the governor feel these
12 guys are guilty and they've just served enough time
13 or does the governor think they're innocent and
14 what's he going to do about my brother and
15 sister-in-law's murder? Is it going to be
16 reinvestigated?" She was upset.

17 And Matt Bettenhausen told her they would
18 be getting a Fed Ex package that night. It was
19 being actually delivered to her father. So Andrea
20 said the family was there that night at her father's
21 and along comes a Fed Ex truck down the lane. This
22 is in the evening time or around dusk. And she said
23 halfway down the lane, the stop -- the truck stops
24 and sits there for a few minutes, turns around and

1 leaves.

2 Andrea doesn't know what's going on, so
3 she starts calling furiously to the governor's
4 office. At 10:50 p.m. that night she gets a call
5 back from Matt Bettenhausen who says don't worry
6 about it anymore, clemency is off the table. And
7 then I'm told that -- by Bill Clutter and Hal
8 Dardick that Eric Zorn and I think Sam Mills had
9 also been told by Matt Bettenhausen clemency had
10 been granted that Friday morning.

11 So somewhere on Friday afternoon clemency
12 must have got pulled because Zorn and Mills go to
13 Ryan the next day on Saturday before his big press
14 release and said, "hey, you know, you're doing the
15 right thing," and he said, "I don't know what you're
16 talking about. Clemency for Steidl and Whitlock
17 wasn't even close." And they got very upset and
18 questioned him about what Matt Bettenhausen had told
19 them the day before, and he said, "well, then go
20 talk to Matt Bettenhausen."

21 So it was acknowledged clemency was given
22 Friday morning the day after my clemency meeting,
23 and then somewhere between Friday afternoon clemency
24 got pulled.

1 Q. Okay. So --

2 A. But I don't know why or who. I mean I'm
3 just telling you the time frame.

4 Q. Okay. So you have no evidence that Jeff
5 Marlow, Diane Carper, Charles Brueggemann, Andre
6 Parker, Steve Fermon or Ken Kaupus were any way
7 involved in having clemency pulled. You have no
8 personal knowledge as to that.

9 A. I have no knowledge if any of them met
10 with -- in fact, I think we asked them in my trial
11 and they -- Doug Brown and Brueggemann did, and they
12 denied it.

13 Q. Okay. And it was your understanding based
14 upon this series of what you've been told by several
15 levels of what we would call hearsay, right?

16 A. Uh-huh.

17 Q. You've got people telling people telling
18 people, right?

19 A. Can I -- we're talking about the meeting
20 with Londrigan. This is my conversation what I'm
21 telling Tom Londrigan --

22 Q. Tom Londrigan.

23 A. -- just so we're clear.

24 Q. I understand. I'm with you so far.

1 A. Okay.

2 Q. But it was an unnamed woman at the
3 governor's office telling Andrea Trapp who then
4 tells you about what happened, right?

5 A. Andrea didn't even call me until she had
6 already talked to Bettenhausen. She was telling me
7 the whole story about first talking to this unknown
8 girl on the phone and then she met Bettenhausen.

9 Q. And were you --

10 A. Because she was upset.

11 Q. Were you told that the governor had, in
12 fact, physically signed off on the clemency?

13 A. That's what Andrea Trapp was told by Matt
14 Bettenhausen, the governor had signed off on
15 clemency.

16 Q. Physically signed off?

17 A. Yes, physically signed off.

18 Q. Okay. Any idea what was in that Fed Ex
19 vehicle?

20 A. No.

21 Q. Where did the -- Andrea Trapp's father
22 live? Do you know what the road was, what the city
23 was?

24 A. She said it was a lane, I mean a long

1 lane. I -- I don't know. I never -- I mean I don't
2 know her -- or what his address is or any --

3 Q. Was it --

4 A. And that was my point. Londrigan wanted
5 me to see if I could reach out and get that Fed Ex
6 package and I said I don't even know if they ever
7 got it.

8 Q. Was it in Paris where the father lived?

9 A. You know what, I don't know if it's Paris
10 or around the area. I'm assuming he lives around
11 Paris, but, you know, I don't know. I don't know
12 his address, so...

13 Q. Okay. So you've just explained to me what
14 you told Tom Londrigan at this meeting in December
15 of 2003, and Londrigan asked you if you could get
16 this Fed Ex package?

17 A. Yes, got very excited. That's when he
18 actually, he wanted me to really -- he started
19 really pushing me to forget my vacation.

20 Q. Okay.

21 A. "Can you reach out to Andrea Trapp? I
22 want you to get this Fed Ex package. I want you to
23 get back to me." And I'm like -- I think he even
24 gave me his card, I still have it, and I -- I'm not

1 done.

2 Q. No, I'm just keeping track of my own
3 notes.

4 A. And then what he does is he said, he
5 goes -- starts asking me if I've talked to the U.S.
6 Attorney in the Northern District. He goes, "have
7 you been talking to the U.S. Attorney in the
8 Northern District or have you been talking to the
9 FBI in the Northern District?" And I said,
10 "nobody's reached out to me, and since my lawsuit I
11 haven't talked to anybody," so -- I said, "but I'm
12 more than willing to talk to them if you want me
13 to."

14 And he said, "well, just so you're aware,
15 there's a criminal case on Diane Carper and Steve
16 Fermon." And the meeting pretty much ended with him
17 saying, "would you make sure you get ahold of Andrea
18 Trapp, see if you can get that -- that Fed Ex
19 package and get back to me immediately with it."

20 And I went and met with John in Springfield after
21 that, and then after that I -- finally I got ahold
22 of Andrea Trapp and that's when she said, "well, no,
23 we never got the Fed Ex package," and I called Mr.
24 Londrigan and told him that.

1 Q. Okay.

2 A. And he had told me, "I'm going to
3 definitely be talking to you again and I want you to
4 meet with the Inspector General," and of course I
5 never heard from Tom Londrigan ever.

6 Q. No more conversations --

7 A. Never again.

8 Q. -- with Tom Londrigan? That's your one
9 and only conversation with Tom Londrigan?

10 A. My one and only.

11 Q. And that was in December of '03 which
12 would have been approximately a year after George
13 Ryan had left office, right?

14 A. Yeah, George Ryan had just got indicted,
15 so...

16 Q. So I mean we're talking a year between --
17 almost a year between your conversation with Tom
18 Londrigan and when George Ryan would had --

19 (Discussion off the record.)

20 Q. So we were talking about a year between
21 when the clemency -- the meeting at the academy,
22 which was January 2009, and then you said this
23 meeting with Londrigan is in December -- I'm sorry,
24 I said 2009. January 9th, 2003.

1 A. You confused me there.

2 Q. And then your meeting with Londrigan is
3 nearly a year later in December of 2000 --

4 A. We're talking from January 9th, the
5 meeting of the clemency meeting --

6 Q. In 2003.

7 A. -- to about December I believe it was
8 20th, 21st, because we were spending Christmas in
9 Hawaii.

10 Q. Of 2003.

11 A. Of 2003.

12 Q. Okay. Did Tom Londrigan mention anything
13 about hair evidence at this meeting that you had
14 with him in December 2003?

15 A. No.

16 Q. Okay. Did you mention anything to Tom
17 Londrigan about hair evidence --

18 A. No.

19 Q. -- in 2003? Did you tell Tom Londrigan
20 why you did not go to the FBI to complain about
21 either Steve Fermon or Diane Carper?

22 A. I did go to the FBI and complain about.

23 Q. And when did you go to the FBI to complain
24 about Steve Fermon and Diane Carper?

1 A. I didn't go about Diane Carper. I went
2 about Steve Fermon. I said -- obviously Nate
3 Williams heard Steve Fermon talk about going to
4 Joe's Pizza himself. So that he heard himself.
5 That was his concern.

6 Q. And we talked about -- you're talking
7 about talking to Nate Williams. Is that what you're
8 talking about now because I don't --

9 A. Yeah, yeah.

10 Q. We've already talked about it. We don't
11 need to --

12 A. Yeah, we don't need to talk about that
13 again, okay. Yeah, no.

14 Q. So other than talking to Nate Williams at
15 the FBI, did you ever go file -- go file information
16 with the FBI about official misconduct or any other
17 criminal activity of Steve Fermon or Diane Carper?

18 A. No.

19 Q. Okay.

20 A. I mean I was interviewed by the FBI after
21 my trial, so...

22 Q. Okay. And when were you interviewed by
23 the FBI after your trial?

24 A. Probably within just a few days after the

1 trial ended.

2 Q. And who interviewed you?

3 A. Pete Buckley.

4 Q. And the female FBI agent was present as
5 well?

6 A. No.

7 Q. No. Just Pete alone?

8 A. Yeah.

9 Q. How long --

10 A. He said that SAC wanted to meet, but they
11 wanted to wait until after my trial was finished to
12 interview.

13 Q. Okay. And how long did your interview
14 with Pete Buckley last?

15 A. Quite a while.

16 Q. Where did the interview take place?

17 A. My house.

18 Q. And when you say quite a while, how long
19 is that?

20 A. You know, you could probably look at his
21 302 and I'm sure they have an interview report with
22 me and that would give you the exact time. It
23 seemed to me like it was a couple hours. In fact, I
24 had -- I kept getting information. I was giving him

1 information from certain people that I've since seen
2 302s on that he did interview those people, so --

3 Q. For example, Andrea Trapp?

4 A. No. I can't remember her last name now,
5 Sue something, that confirmed what Stan Acklen had
6 said.

7 (Callahan Exhibit No. 24 was marked by the
8 court reporter.)

9 BY MR. JOHNSTON:

10 Q. Mr. Callahan, you've been shown what's
11 been marked as Exhibit No. 24. It's a January 17,
12 2003, memorandum. It's Bates labeled ISP 18744
13 through 18746.

14 A. Yes.

15 Q. Do you recognize that document?

16 A. Yes.

17 Q. Is that a document you wrote?

18 A. This is the proposal of Colonel
19 Brueggemann.

20 Q. Okay, I'm sorry, go ahead.

21 A. This is the proposal Colonel Brueggemann
22 had asked for us --

23 Q. Okay.

24 A. This was mine and then Steve Fermon wrote

1 a separate.

2 Q. Okay. And the proposals that you and
3 Steve wrote were similar?

4 A. Similar I think except for manpower.

5 Q. Okay. In Steve Fermon's proposal to
6 Charles Brueggemann, he actually recommends that you
7 be the lead person on the investigation of Bob
8 Morgan? From the ISP.

9 A. I think he probably meant for me to
10 oversee it. A lieutenant wouldn't be an actual
11 investigator or an investigative person, but I would
12 probably -- I think he meant to oversee it.

13 Q. Okay.

14 A. Except for there was an email from him
15 later saying a case -- when he took Greg Dixon off,
16 he said, "a case of this magnitude I believe
17 deserves you being the case agent alone," or some
18 nonsense, but that's after he found out I had gone
19 to DII on him.

20 Q. Okay. So in -- as the information was or
21 the documents were created to go up to the command
22 level, Steve Fermon was requesting upper command to
23 have you oversee the investigation regarding Bob
24 Morgan?

1 A. I'm assuming he was, yeah.

2 Q. Okay. And this document that has been
3 marked as 24, what's the subject matter of that?

4 A. Morgan investigation.

5 Q. Okay. And if you go to the last page,
6 18746, it says strategies.

7 A. Yes.

8 Q. Besides targeting Morgan himself, target,
9 "weak link" associates in order to make cases on
10 them for later cooperation against Morgan
11 historically and currently. Right?

12 A. Yes. And that's a reference to one of
13 those two informants I think I talked to you about
14 we had developed earlier.

15 Q. And when you say make a case against
16 Morgan historically and currently, you're making the
17 distinction between two different types of cases,
18 right?

19 A. Well, historically is the Feds whenever
20 they'll do a case they will build from -- a
21 financial case from -- like say from the ground up,
22 from the very beginning to the back. So I'm talking
23 about a federal investigation where they do a
24 historical to prove a current situation. For

1 instance, if you -- you have no money and all of a
2 sudden you become a millionaire within a year, you
3 know, they might go back to your -- to try to build
4 a case historically to show how, how did you ever
5 have the means to make that million dollars, so...

6 Q. And you're also looking for crimes that
7 occurred previously not just the crimes that you're
8 investigating now. You might find criminal activity
9 previously, right?

10 A. Yes.

11 Q. And so when you're doing -- looking at
12 these weak link associates, when you write that, are
13 you thinking you can find weak link associates to
14 get Morgan for crimes that existed in the past?

15 A. Well, yes, and I'm referring to a specific
16 thing that we had in the burner at that time, too,
17 so --

18 Q. And which was that?

19 A. We had developed an informant. If you'll
20 remember right, in the initial stages of the ATF
21 investigation, they had told us a man named Donny
22 Comstock had been roommates with Jerry Board and he
23 told ATF that Jerry Board bragged to him that it was
24 his job to burn the Rhoads house down and Bob Morgan

1 was behind it. ATF didn't say that this guy was the
2 most credible of witnesses. They said take it for
3 what it is. I never interviewed Comstock because it
4 was strictly on the Rhoads case.

5 So later on we developed an informant that
6 knew Donny Comstock, and my idea was to have this
7 informant buy meth from Donny Comstock because he
8 had no priors, he had never done any prison time.
9 Our idea was with the U.S. Attorney's office, I said
10 "what we'll do is we'll get others to buy an ounce
11 of meth from him and get a meth case, a federal meth
12 case on Donny Comstock, and then we'll give him the
13 option. You either wear a wire and go meet with
14 Jerry Board and get conversation about him burning
15 the Rhoads house down or you go to prison." And we
16 were hoping to flip Donny Comstock with the idea
17 that he would wear a wire and then get that straight
18 from Jerry Board's mouth instead of just hearsay
19 from Donny Comstock, and then hopefully from that
20 point on we would be able to make a case with Jerry
21 Board helping us and maybe finally solve the Rhoads
22 case.

23 Before we could get that off the ground,
24 Greg Dixon got transferred by Captain Fermon, and

1 shortly after that I was removed, but then Greg
2 Dixon was allowed to come back on the investigation,
3 and I remember Greg got that narcotics deal going
4 again, and for some reason Kenny Kaupus,
5 investigative terminology, nudded the deal.

6 And I got very curious with Kenny and
7 asked him why he stopped that narcotics transaction,
8 and he said the price of the dope was too high. And
9 I remember getting very upset with him because I
10 said "who cares about if the dope is overpriced,
11 we're trying to solve a homicide here," so -- so I
12 was very upset with him.

13 Q. Do you know that Kenny Kaupus was working
14 at the U.S. Attorney's office to get a wire to get
15 information that you specifically related so they
16 could get information from Board?

17 A. All I'm telling you is I was told the case
18 was nudded and Kaupus confirmed that with me by
19 telling me the price of the dope was too high.

20 Q. What do you mean by nudded?

21 A. It was stopped.

22 Q. And who told you it was nudded?

23 A. Kenny Kaupus. Well, actually Greg Dixon
24 told me and then I questioned Kaupus about it. I

1 said "why would you do this?"

2 Q. And when did you have that conversation
3 with Ken Kaupus?

4 A. It would have been in early 2004.

5 Q. And you have no personal knowledge as to
6 what Ken Kaupus was telling or working with the U.S.
7 Attorney's office about that particular deal?

8 A. In the early stages of 2004 and late 2003,
9 Kenny was coming to my house, and actually I don't
10 know if it was 2004, he had probably stopped, and
11 again I've got to look at the time frame when this
12 case was -- it would probably have been -- the drug
13 deal was probably nitted in later 2003 instead of
14 2004 because Kenny was still coming to my house at
15 the time. Because Kenny had just caught a couple
16 DII cases, and he used to sit there and tell me how
17 unfair everything was, that what had happened to him
18 in his DII cases, and I mean, you know, we had been
19 friends at one time, so he would drink beer and he
20 would tell me a lot of things, so --

21 Q. I think my question to you was you don't
22 know what Kenny Kaupus was saying to the U.S.
23 Attorney's office or the U.S. Attorney's office was
24 saying to Ken Kaupus about this investigation with

1 Comstock, do you?

2 A. No, other than what Kenny Kaupus testified
3 in his deposition with me. I know he had some
4 conversations about what he told the U.S. Attorneys
5 in that.

6 Q. So other than what's in that deposition of
7 Ken Kaupus in your case, you have no other personal
8 knowledge?

9 A. Not that what he told me -- he told me
10 that the U.S. Attorneys were upset that I had been
11 removed.

12 Q. No, I was talking about the nutting issue.

13 A. Yeah. No, not -- yeah, then no.

14 MR. JOHNSTON: All right, John. I think
15 I'm basically done. I want to talk quickly with
16 other people and see if there's other questions,
17 okay?

18 MR. BAKER: All right. Well, you've still
19 got 12 minutes.

20 MR. RAUB: Don't give up now, Iain.

21 MR. BAKER: I mean you want to filibuster
22 all the way to the end at least, don't you, Iain?

23 MR. JOHNSTON: No. My view is to ask only
24 relevant questions.

1 MR. BALSON: When are you going to start?

2 MR. JOHNSTON: When you teach me the
3 rules, brainiac.

4 (Recess at 6:44 p.m. to 6:49 p.m.)

5 MR. JOHNSTON: I'm passing the witness.

6 MS. EKL: All right. I don't know if
7 we're better off starting up tomorrow morning. I
8 mean I do -- I don't have a lot of questions, but I
9 mean --

10 MR. BAKER: You've got 12 minutes.

11 MS. EKL: I have more than 12 minutes
12 worth of questions. I mean obviously 12 minutes
13 isn't going to get me -- isn't worth asking. I
14 don't have a lot. I mean I'm obviously not going to
15 repeat anything. It's a narrow --

16 MR. BAKER: How much is not a lot? How
17 much time?

18 MS. EKL: I would say probably an hour.
19 And I'm not -- don't hold me to it, but you know
20 what I'm saying.

21 MR. BAKER: Well, I say you've got 12
22 minutes.

23 MS. EKL: And it may be less, it may be
24 less, but I'm just saying --

1 MR. BAKER: As far as holding you to
2 anything. Other than Ms. Ekl, does anybody have
3 questions?

4 MR. RAUB: I have probably five minutes
5 worth of questions.

6 MR. MANCINI: Probably got the same
7 amount, five to ten minutes.

8 MR. JOHNSTON: Anybody from the
9 plaintiff's side?

10 MR. TAYLOR: Well, we need to see what
11 happens in the next period, in the next 12 minutes.

12 MR. JOHNSTON: Well, based upon my
13 questioning, do you have any questions?

14 MR. TAYLOR: We're probably talking about
15 being here another two hours.

16 MR. JOHNSTON: I can't hear you?

17 MR. TAYLOR: I said we're probably talking
18 about another two hours of questioning then.

19 MR. JOHNSTON: Well, I'm asking you --

20 MR. BAKER: I'm talking about another ten
21 minutes now of questioning until we're out the door,
22 but let me -- let me talk to Mr. Callahan privately
23 if I could to see what -- where we are, if I could
24 do that. Just -- I'll just take a couple of minutes

1 and go outside and we will be back.

2 (Recess at 6:52 p.m. to 6:54 p.m.)

3 MR. BAKER: So let me take the mic for a
4 moment if I could. As -- we, of course, believe
5 that we could end this deposition in 12 minutes and
6 be well within our rights. Having said that, we do
7 appreciate the fact that there are questions that
8 others have, and certainly we want to make Mike
9 available to answer some further inquiry. Ms. Ekl
10 has asked for approximately an hour. We think
11 that's a reasonable request. I don't remember these
12 two gentlemen's names.

13 MR. RAUB: Mike Raub.

14 MR. BAKER: He said five minutes. So,
15 again, that's fair. I'm assuming if the plaintiffs
16 have a couple of hours, that's fair as well.
17 What -- you know, we had been scheduled for
18 tomorrow. My suggestion and Mike's suggestion,
19 given that it's almost seven o'clock and he's tired,
20 is that we recess for the evening and reconvene in
21 the morning. Is that problematic for anyone?

22 MS. SUSLER: I think we're already
23 scheduled for tomorrow.

24 MR. BALSON: Yeah, I think we're scheduled

1 for tomorrow.

2 MS. EKL: So the answer is no, it's fine
3 for tomorrow, right?

4 MR. BALSON: The answer is yes, it's fine
5 for tomorrow.

6 MS. SUSLER: Should we say ten o'clock?

7 MR. BAKER: What?

8 MS. SUSLER: Ten o'clock is what we had
9 set. Is that all right?

10 MR. JOHNSTON: Might want to start
11 earlier. It's up to you.

12 MR. BAKER: Ten o'clock is good with us.

13 MR. RAUB: But I think we could start
14 earlier if anybody wanted to, so --

15 MR. JOHNSTON: It's set for that.

16 MS. EKL: Mike is coming back. He says
17 no. He's accommodating us.

18 MR. RAUB: Okay.

19 MR. JOHNSTON: Okay, ten o'clock tomorrow.
20 Reconvene at ten o'clock, John?

21 MR. BAKER: What?

22 MR. JOHNSTON: Reconvene at ten o'clock
23 tomorrow?

24 MR. BAKER: We will be here by ten o'clock

1 in the morning to present Mr. Callahan and we will
2 be here.

3 MR. JOHNSTON: Okay, thank you.

4 MR. RAUB: Thank you.

5 MS. SUSLER: Thank you.

6 (Adjourned at 6:56 p.m.)

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1 STATE OF ILLINOIS)
)SS
2 COUNTY OF FORD)
3

4 I, June Haeme, a Notary Public in and for
the County of Ford, State of Illinois, do hereby
5 certify that MICHAEL CALLAHAN, the deponent herein,
was by me first duly sworn to tell the truth, the
6 whole truth and nothing but the truth, in the
aforementioned cause of action.

7 That the following deposition was taken on
behalf of the Defendants at the offices of Area Wide
Reporting, 301 West White Street, Champaign,
8 Illinois, on December 18, 2008.

9 That the said deposition was taken down in
stenograph notes and afterwards reduced to
typewriting under my instruction; that the
10 deposition is a true record of the testimony given
by the deponent; and that it was agreed by and
11 between the witness and attorneys that said
signature on said deposition would not be waived.

12 I do further certify that I am a
disinterested person in this cause of action; that I
13 am not a relative, or otherwise interested in the
event of this action, and am not in the employ of
14 the attorneys for either party.

15 IN WITNESS WHEREOF, I have hereunto set my
hand and affixed my notarial seal this 27th day of
December, 2008.

16
17
18

19 JUNE HAEME, CSR, RMR, CRR
NOTARY PUBLIC

20
21

"OFFICIAL SEAL"
22 June Haeme
Notary Public, State of Illinois
23 My Commission Expires:
September 27, 2012

24

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,)
9 and) No. 05-CV-2127
10 HERBERT WHITLOCK,)
11 Plaintiff,)
12 vs.)
13 CITY OF PARIS, et al.,)
14 Defendants.)

15 -----

16 This is to certify that I have read the
17 transcript of my deposition taken by June Haeme,
18 CSR, RMR, CRR, in the above-entitled cause, and that
19 the foregoing transcript taken on December 18, 2008,
20 accurately states the questions asked and the
21 answers given by me, with the exception of the
22 corrections noted, if any, on the attached errata
23 sheet(s).

24 MICHAEL CALLAHAN
Subscribed and Sworn before
me the day of
, 2008.

, Notary Public

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