

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

3 GORDON RANDY STEIDL,
4 Plaintiff,

vs.

No. 05-CV-2127

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

11 -----
12 HERBERT WHITLOCK,
13 Plaintiff,

vs.

No. 08-CV-2055

14 CITY OF PARIS, Present and Former
15 Paris Police Officials Chief Gene
16 Ray and Detective James Parrish;
17 former Illinois State Trooper Jack
18 Eckerty; former Edgar County
19 State's Attorney Michael McFatridge;
20 EDGAR COUNTY; and Illinois State
21 Police Officials Steven M. Fermon,
22 Diane Carper, Charles E. Brueggemann
23 Andre Parker, Kenneth Kaupus and
24 Jeff Marlow; and Debra Reinbolt,
Defendants.

19 DEPOSITION OF WILLIAM HOPPER
20 April 30, 2009
21 10:00 a.m.

22 Barbara A. Glover, CSR # 084-001223

23 Area Wide Reporting and Video Conferencing
24 301 West White Street
Champaign, Illinois 61820
800.747.6789

ORIGINAL

1 APPEARANCES:

2
3 For Plaintiff Gordon Randy Steidl:

4 Jan Susler
5 People's Law Office
6 1180 N. Milwaukee Avenue, 3rd Floor
7 Chicago, Illinois 60622
8 773.235.0070 ext. 118

9
10 For Plaintiff Herbert Whitlock:

11 Ronald Balson, appearing telephonically
12 Michael, Best & Friedrich, LLP
13 Two Prudential Plaza
14 180 North Stetson Avenue, Suite 2000
15 Chicago, Illinois 60601
16 312.222.0800

17
18 For Defendant Edgar County:

19 Michael Raub
20 Heyl, Royster, Voelker & Allen
21 102 East Main Street, Suite 300
22 Urbana, Illinois 61801
23 217.344.0060

24 For Defendants Steven M. Fermon, Diane Carper,
Charles E. Brueggemann, Andre Parker, Kenneth
Kaupus and Jeffrey Marlow:

Philip Ackerman
Johnston Greene, LLC
542 South Dearborn Street, Suite 1310
Chicago, Illinois 60605
312.341.3900

1 For Defendant Michael McFatrige:

2

Vincent Mancini
Ekl Williams
901 Warrenville Road, Suite 175
Lisle, Illinois 60532
630.654.0045

5

6

7 For Defendants City of Paris, James Parrish, Jack
Eckerty and Gene Ray:

8

9

Elizabeth Barton
James G. Sotos & Associates
550 East Devon, Suite 150
Itasca, Illinois 60143
630.735.3300

10

11

12

13

14 ALSO PRESENT: Jeff Marlow

15

16

17

18

19

20

21

22

23

24

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

I N D E X

EXAMINATION CONDUCTED BY:	PAGE
By: Mr. Mancini	6
By: Mr. Ackerman	71
By: Mr. Raub	74
By: Ms. Barton	84
By: Mr. Balson	89
By: Ms. Susler	96
By: Mr. Mancini	141
By: Mr. Ackerman	142
By: Ms. Barton	151
By: Mr. Balson	153
By: Ms. Susler	154
By: Mr. Raub	155

E X H I B I T S

EXHIBIT	PAGE
Hopper Exhibit No. 1	133

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

STIPULATION

IT IS HEREBY EXPRESSLY STIPULATED AND AGREED by and between the parties that the deposition of WILLIAM HOPPER may be taken on April 30, 2009, at the offices of Asher, Smith & Isaf, 1119 N. Main, Paris, Illinois, pursuant to the Rules of the Federal Court and the Rules of Federal Procedure governing said depositions.

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

1 WILLIAM HOPPER

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

5

6 EXAMINATION CONDUCTED

7 BY: MR. MANCINI

8

9 Q. State your name and spell your last
10 name for the benefit of the court reporter.

11 A. Williams Edward Hopper, Sr.
12 H-o-p-p-e-r.

13 Q. And, Mr. Hopper, where do you
14 presently reside?

15 A. [REDACTED]

16 Q. Paris, Illinois.

17 A. Paris, Illinois.

18 Q. And how long have you lived there?

19 A. Six years.

20 Q. Prior to that, where did you reside?

21 A. [REDACTED].

22 Q. Paris, Illinois?

23 A. Paris Illinois.

24 Q. And how long did you live there?

1 A. Well, from '69. You do the math.

2 Q. So if you just moved to the new
3 location six years ago from 1969 to about 2003,
4 you lived on Court Street?

5 A. Yeah.

6 Q. And are you presently married?

7 A. Yes.

8 Q. What's your wife's name?

9 A. Rosemary Hopper.

10 Q. Do you have any children with
11 Rosemary?

12 A. None.

13 Q. Does Rosemary have any children?

14 A. She has two.

15 Q. What are their names?

16 A. Anita and -- Anita Gosnell and Diane
17 McKown.

18 Q. And you have four children of your
19 own?

20 A. I have four of my own.

21 Q. And that's with your former wife,
22 Delores?

23 A. Yes.

24 Q. Also known as Sis?

1 A. Yeah.

2 Q. The children are William, Jr.?

3 A. Yeah.

4 Q. Tammy?

5 A. Yeah. She's the last one.

6 Q. Okay. Debbie?

7 A. Yeah.

8 Q. And Roger?

9 A. Yeah.

10 Q. Okay. Do you recall your residence on
11 Court Street?

12 A. Oh, my, yes.

13 Q. Okay. Can you give me a brief
14 description of the home? Was it a two-level
15 home?

16 A. Of my home?

17 Q. On Court Street.

18 A. Yeah, it was two-story brick that had
19 a two-car garage, a lot of trees.

20 Q. Okay. Did you have immediate
21 neighbors to the east and west of you?

22 A. Yeah, on the west side was Kathryn
23 Hammond, and on the east side was Mary Eastham.
24 Well, Ed was gone, I believe. He died in '91.

1 Q. Prior to '91, though, she lived with
2 her husband?

3 A. I'm sorry.

4 Q. Prior to 1991, she was living there
5 with her husband, Ed?

6 A. Yes.

7 Q. Okay. Is Ms. Hammond still alive. Do
8 you know?

9 A. Yeah, she's in, I believe, right here
10 at Paris Health Care.

11 Q. Is that a senior citizen home?

12 A. It's a nursing home.

13 Q. Do you know when she went into the
14 nursing home?

15 A. I don't have any idea. My son, Roger,
16 lives at the address that I previously had, and
17 he's been her neighbor since, oh, heck, I think
18 it was five years ago that he tore the house down
19 and put in a double wide there.

20 Q. Okay.

21 A. But he's got the same address.

22 Q. Roger resides at the Court Street
23 address?

24 A. Yeah, [REDACTED]. That's

1 important, because there's a [REDACTED]

2 Q. Okay. Were there neighbors across the
3 street from you?

4 A. I found out that the Rhoads kids were
5 the last neighbors.

6 Q. So the Rhoads house, was it directly
7 across from your residence?

8 A. Directly across. The fact of the
9 matter is I could look out my living room window
10 and look right across the east between the back
11 of their house over there and the garage.

12 Q. And just so it's clear, we're talking
13 about Dyke and Karen Rhoads?

14 A. Yeah. I never knew them. I knew
15 Dyke's dad, Harold.

16 Q. And you're aware that they were
17 murdered, obviously, in 1986?

18 A. I found that out that night.

19 Q. We'll get to that. I just want to
20 make sure the foundation was set properly.

21 A. Okay.

22 Q. Do you recall there being a street
23 light anywhere in the area of your residence or
24 the Rhoads home?

1 A. To the east down at the corner of --
2 the next street east was a light down there.

3 Q. Was that by Mary Eastham's home?

4 A. Yeah.

5 Q. Was there a street light outside your
6 front door or driveway?

7 A. There was a dusk to dawn light between
8 me and my neighbor to the south of me.

9 Q. Now, the south of you, behind you?

10 A. Behind me, yeah.

11 Q. So was the light in between the two --

12 A. Right up on the property line.

13 Q. Was that accessible to the public, or
14 was that just for you?

15 A. No, that was our properties adjoined
16 each other, and the light was set right on the
17 property line.

18 Q. Did one of you install that light?

19 A. Mon Sumner had it installed.

20 Q. You said Mon Sumner?

21 A. Monroe Sumner.

22 Q. And that was your neighbor to the
23 south?

24 A. Yeah, he's gone. He died.

1 Q. My initial question which prompted you
2 to bring up the dawn to dusk light or the dusk to
3 dawn light was whether or not there was a light
4 outside your front door.

5 A. No. No.

6 Q. So was there a street light on the
7 opposite side of the street, Court Street?

8 A. Not that I can pull up.

9 Q. Okay.

10 A. Because I can remember it being so
11 dark, if somebody lit a cigarette, I would have
12 seen it, because I was looking right straight --
13 well, at the TV was here, and the window was
14 here, and where I was sitting, I had a straight
15 on view of the back of the house.

16 Q. So your living room or family room
17 where you watched TV was at the front of the
18 house?

19 A. Yes.

20 Q. And that window for that room faced --

21 A. Across the street north.

22 Q. Okay. I forgot to do a little
23 prefatory thing in a deposition, so I just want
24 to do that now.

1 A. No problem.

2 Q. Let the record reflect that this is
3 the deposition taken of William Hopper pursuant
4 to subpoena after a single continuance due to a
5 scheduling conflict. It's being taken in
6 accordance with the rules of the U. S. District
7 Court, Central District, and all Federal Rules of
8 Civil Procedure.

9 Mr. Hopper, these questions when we
10 have this conversation back and forth with
11 yourself and myself and other attorneys, we have
12 to be careful not to step over each other's
13 words.

14 A. Okay.

15 Q. So to the best of your ability wait
16 for me to finish my question, and I'll wait for
17 you to answer. It makes it easier on the young
18 lady sitting to my right.

19 A. Okay.

20 Q. If you don't understand a question,
21 please let me know.

22 A. Okay.

23 Q. And I'll try to phrase it differently,
24 but if you do answer an question, we're going to

1 assume that you understood it, and the last thing
2 is you have to answer verbally yes, no, okay,
3 correct, incorrect. Nods of the heads or grunts
4 and groans can't be taken down properly.

5 A. I understand.

6 Q. Thank you. I apologize for not doing
7 that sooner.

8 A. That's no problem.

9 Q. You were doing an excellent job before
10 then.

11 From Mary Eastham's home to the east
12 from the front door, let's say of that home, are
13 you familiar with that layout?

14 A. Oh, real familiar, yes.

15 Q. Was she a friend of yours?

16 A. Oh, yeah. We were best friends for
17 years.

18 Q. You were close with Ed?

19 A. Real close.

20 Q. Okay. Could you see the Rhoads
21 residence from the front step of the Eastham
22 home?

23 A. You would have to look to the left.

24 Q. Right.

1 A. But directly across there was three
2 houses across from Mary's front door.

3 Q. And one of those three was the Rhoads
4 home?

5 A. No. The Rhoads home was the fourth
6 one.

7 Q. Could you see it from the front step?

8 A. I'm sure you could.

9 Q. Okay. And the street light in
10 relation to the front door in Mary's home?

11 A. Would be to Mary's right. The Rhoads
12 home was to the left.

13 Q. Okay. So if we're looking out Mary's
14 front door at Court Street, the light is to the
15 right?

16 A. Yes.

17 Q. And the Rhoads home is to the left?

18 A. Yeah.

19 Q. Okay. Did you know Bud Cunningham?

20 A. Yes. I knew Bud Cunningham.

21 Q. How did you know Bud Cunningham?

22 A. Well, I was vaguely familiar with him
23 for years, and then after Ed died, he lived with
24 Mary.

1 Q. He moved into the Eastham home?

2 A. No, I think Mary moved into his house.
3 I'm not real clear on that, but I know that she
4 did a lot of work on renovating the tavern for
5 him and renovating the house on Cherry Point
6 Road.

7 Q. Was that his home on Cherry Point
8 Road?

9 A. I assume that it was.

10 Q. Did Mary sell her house then in --

11 A. No, in fact, Mary still lives there.

12 Q. But she moved in with Bud?

13 A. Well, she did at that time. They have
14 since agreed to disagree.

15 Q. Okay. Let's try to get that time
16 frame down. When did she move in?

17 A. You're talking to a man who can't
18 remember what he had for breakfast.

19 Well, heck, let's think about it. Ed
20 died in '91, so it would be through the 90's. I
21 retired January '93, and we was gone quite a bit,
22 so a lot went on that I wasn't familiar with.

23 Q. Was it within that time frame that you
24 think Bud and Mary got together?

1 A. Yeah, I think the time frame would be
2 somewhere in the early '90s. That would be my
3 guesstimation.

4 Q. And I'm not asking you to be exact. I
5 don't want you to speculate. To the best of your
6 knowledge, do you know when that relationship
7 ended between Mary and Bud?

8 A. No.

9 Q. After Ed passed, were you still close
10 with Mary?

11 A. Off and on. Mary worked down at The
12 Family Restaurant, and it wasn't anything like it
13 was when Ed was alive. When Ed was alive, we
14 intermingled a lot. After Ed died, then we
15 didn't.

16 Q. Is there any reason for that?

17 A. No, no reason. It was just --

18 Q. It happens.

19 A. It happens. I was real good friends
20 with Mary and still are today.

21 Q. As a result of your friendship with
22 Mary, did you become friends with Bud Cunningham?

23 A. No.

24 Q. Were you ever friends with Bud

1 Cunningham?

2 A. Well, I knew of him. His
3 brother-in-law worked for me doing trees, and his
4 brother-in-law decided that he wanted to buy into
5 the tree business, and he was wanting to use
6 Bud's money, and Bud got extremely upset about
7 it.

8 He started complaining to me, and I
9 told him, I said I had nothing to do with that.
10 That was his idea not mine, but then that's to
11 explain my relationship with Bud.

12 Q. Okay. Would you consider it to be a
13 friendly relationship or just more of an
14 acquaintance?

15 A. Certainly not friendly. I never --

16 Q. Did you know Bud Cunningham to be
17 friends with Randy Steidl?

18 A. I can't specifically say. I feel like
19 they were friends, but for me to say that I know
20 that they were, I couldn't say that --

21 Q. Okay.

22 A. -- and be...

23 Q. Now, Randy Steidl, you know who that
24 is?

1 A. He was my son-in-law at one time.

2 Q. Do you know from what time frame to
3 what time frame he was your son-in-law?

4 A. Now, you're nailing me down. You'd
5 about have to go back to -- it was just in the
6 '80s is as close as I can get.

7 Q. And he was married to your daughter,
8 Debbie?

9 A. Yes.

10 Q. Was that Debbie's first marriage? Do
11 you know?

12 A. No, she was married to Ted Lucas
13 first.

14 Q. Do you know how long that marriage
15 lasted?

16 A. No.

17 Q. When Debbie was married to Randy, were
18 they involved in your life on a regular basis?

19 A. Hit and miss. They would get in a big
20 scruff, and she would come home and then go right
21 back.

22 They lived on Eads Avenue for a brief
23 time, and our relationship was real good at the
24 time. I would take the tiller over and make

1 garden for them, and Randy would come over and
2 help at the house. I felt like we had a good
3 relationship, Randy and I.

4 Q. Do you know when this was in the
5 marriage?

6 A. Well, it was just when they were
7 married, but the only disapproval I had was when
8 he would -- he come down one day when I was
9 working out in the side yard, and he opened his
10 door on the passenger side and hollered at
11 Debbie, and she walked down to the car, and he
12 reached across and grabbed her by the hair of the
13 head and pulled her in the front seat with her
14 feet still out in the street and took off driving
15 down the street with her. I did not approve of
16 that.

17 Q. Sure. Do you know the time frame of
18 when that incident occurred?

19 A. Honestly, I can't.

20 Q. Were they married?

21 A. Yes, they were married, and then they
22 got a divorce.

23 Q. Okay. Why was Debbie over at the
24 house that day? Do you know? Your daughter, why

1 was she at your house the day that Randy --

2 A. They were fussing. She got mad at him
3 and come over there.

4 Q. When you say the word fussing?

5 A. Disagreements.

6 Q. Fighting of some sort?

7 A. Some sort.

8 Q. I don't want to put words in your
9 mouth, but I'm just trying to understand what you
10 mean.

11 A. To say that they were fighting, I
12 couldn't say that. All I know is that she come
13 over and said she was disenchanted with him.

14 Q. Was that the word Debbie used?

15 A. No, it wasn't. It was what I thought
16 was transpiring.

17 Q. Did Debbie ever tell you what was
18 transpiring specifically?

19 A. Not really. A few times he pulled her
20 hair so hard one time he pulled a bald spot in
21 the back of her head.

22 Q. Did you see that bald spot?

23 A. Yeah, I did.

24 Q. Did she come over to the house that

1 time?

2 A. Well, specifically, I can't give you a
3 time. I just remember she showed her mother, and
4 her mother had me look at it, and that was what I
5 remember about it.

6 Q. Okay. Do you remember any other
7 specific instances where you saw physical
8 manifestations of what could be alleged violence?

9 A. Well, I got into it with Randy I think
10 three or four times.

11 Q. About what?

12 A. He would -- well, to give you one
13 instance, I had asked him not to come over to the
14 house.

15 Q. Why did you ask him not to come over
16 to the house?

17 A. Because he would come over, and they
18 would have a big shouting match and upset my
19 wife, and I told him just to stay away, and I
20 come home, and he was on my front porch, and he
21 had the car parked out in front of the house, and
22 I asked him, I said, "I've asked you to stay
23 away, Randy. Please, leave," and he grabbed me
24 and throwed me off the porch on my back.

1 A boy named Ron Coad worked for me,
2 and he was standing inside. The front door was
3 open. There was kind of a short foyer and then
4 the screen door.

5 After he threw me off the porch,
6 Ronny come flying through that front door and
7 tackled him and shoved him out on the sidewalk,
8 and when he did, I was up then, and I grabbed him
9 by the hair of the head.

10 Q. Grabbed who?

11 A. Randy. I drug him out in the middle
12 of Court Street. I said, "How does it feel, you
13 rascal." I think those were the words I used.

14 But, at any rate, I called the police,
15 and the police come down there, and when the
16 police got there, Randy had a can of Budweiser
17 sitting on the dash of his car. He got that can
18 of Budweiser, walked back behind his car and was
19 talking to the police and me, and I said, "I want
20 to press a charge of breaking and entering."

21 The police chief said, "That's a
22 felony. You can't do that."

23 I said, "I can't do that?"

24 He said, "No." He said, "Randy, you

1 better leave."

2 So Randy took his can of beer and got
3 in his car and left, and then the police left.

4 Q. Do you know who the police chief was?

5 A. Yeah, I do, but I don't want to say
6 his name.

7 Q. Okay. Is there a reason why you don't
8 want to say his name?

9 A. Well, for the obvious it is not going
10 to -- it was Gene Ray is who it was.

11 Q. Okay. So is it fair to say that Gene
12 Ray told you he wasn't going to charge Randy
13 Steidl?

14 A. That's exactly what he said.

15 Q. Okay.

16 A. He said, "That's a felony. You don't
17 want to do that."

18 Q. This incident that you talked about --

19 A. I said, "The hell I don't."

20 Q. I didn't mean to cut you off, sir.

21 A. That's no problem.

22 Q. This incident that you just described,
23 did it occur during the time frame that Debbie
24 and Randy were married?

1 A. I would say yes, but I can't be
2 specific.

3 Q. Okay. Was Debbie at the home -- at
4 your home at the time?

5 A. I don't believe she was.

6 Q. Do you know why Randy was there?

7 A. He was there to see Debbie.

8 Q. Okay.

9 A. That was --

10 Q. So was she staying at the home?

11 A. At that time, yeah.

12 Q. Why was she staying at the home at
13 that time?

14 A. Because they was fighting, I guess.

15 Q. Okay. Did you know Randy and Debbie
16 to fight at any time when they weren't married?

17 A. Well, when they lived on Eads Avenue,
18 they got along real well. They had a coach dog
19 and a garden, and it seemed like things were
20 going to be pretty nice.

21 Q. That was before they were married?

22 A. No, that was after they were married.

23 Q. After they had separated, did Randy
24 and Debbie still fight, to your knowledge?

1 A. Oh, yes.

2 Q. I'm trying to narrow down a time frame
3 on this incident. That's why I keep asking you
4 these questions.

5 A. Well, I would be very, very hard
6 pressed to give you a time frame.

7 Q. How about this? Was it before or
8 after the Rhoads murders? Do you know?

9 A. Before.

10 Q. Okay. Any other specific instances
11 where you saw, again, the manifestation or the
12 outcome of some physical disagreement between --
13 allegedly between Debbie and Randy?

14 A. Well, a lot of times I would not --
15 you know, I just wasn't around them. The only
16 way I would know was when she would come home,
17 stay a few days, and then she would go back, you
18 know.

19 Q. And she would tell you things?

20 A. She would tell me that they was in a
21 disagreement.

22 Q. And you talked about the hair pulling
23 incident where you saw the bald spot?

24 A. Right.

1 Q. Did you ever see any other physical
2 injury?

3 A. Oh, my.

4 Q. To Debbie?

5 A. Oh, my, yeah. She had --

6 Q. I want you to go incident by incident.

7 A. I can't do that. I simply can't.

8 Q. Well, tell me then what you remember
9 Debbie having physical injuries to, what part of
10 her body.

11 A. Well, she had facial bruises and cuts,
12 but it was -- it's all kind of a blur, you know.
13 Just mixed in and out.

14 Q. Were these facial cuts and bruises all
15 during the time frame she was married to Randy?

16 A. Yeah.

17 Q. Did you know your daughter to incur
18 these type of injuries from anyone other than
19 Randy?

20 A. No, not that I can say.

21 Q. Did you personally -- let me ask you
22 this: Did Randy drink Budweiser? Was that his
23 beer?

24 A. I would assume it was. That's what he

1 had.

2 Q. Was it just that one time you saw him
3 with a Budweiser?

4 A. As I'm thinking about it, that would
5 be the only time I could say that, but yet I
6 wasn't consciously paying attention.

7 Q. Sure. Well, what I find from my own
8 personal history is that you're either a Bud man
9 or a Miller man.

10 MS. SUSLER: I object to your
11 testimony and your testimony about your own beer
12 consumption.

13 BY MR. MANCINI:

14 Q. Thanks, Jan. Do you have an
15 impression as to whether Randy was a Bud man or a
16 Miller man?

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

19 THE WITNESS: Well, I couldn't
20 specifically say. I just say he would drink
21 beer.

22 BY MR. MANCINI:

23 Q. Okay. That's all I'm asking.

24 A. Okay.

1 Q. When -- during the incident when Randy
2 pulled Debbie into the car, do you remember the
3 type of car that was?

4 A. I think it was a Ford.

5 Q. Do you remember the color?

6 A. No.

7 Q. Okay.

8 A. I was afraid he was going to cut her
9 legs off.

10 Q. The incident where he threw you to the
11 ground and he went out to his car and had a beer
12 can on the dash, was that the same vehicle?

13 A. I can't really tell you.

14 Q. Okay.

15 A. I think maybe it might have been, but
16 I can't specifically...

17 Q. Okay.

18 A. Just for the record, I was very, very
19 disappointed, because I liked Randy, and I wanted
20 things to work for them.

21 Q. I was going to ask you that, so rather
22 than have you volunteer the information, when you
23 first knew Randy and he was dating Debbie, what
24 was your impression of Randy?

1 A. Not a good one. I told Debbie -- I
2 said he's got a bad track record. This is a guy
3 that fights. That is a guy that's in trouble
4 half the time. He's been married to Barb Shanks,
5 and he didn't treat her right. I said you're
6 just asking for heartache.

7 Q. Let me ask you how you knew about
8 Randy's track record?

9 A. Just common knowledge. Randy's
10 stepdad was a Steidl. In fact, it was right on
11 this place here where they lived. They owned
12 Steidl Packing Company. My dad worked for Steidl
13 Packing Company, and Ben, Jr., Ben Steidl, Jr.,
14 was Randy's stepdad.

15 And the Camerons, I knew the Camerons,
16 which was Ben's wife's maiden name. In fact, I
17 even knew Randy's real dad, Gordy Taylor, only by
18 gossip. They were, what, maybe three, four years
19 ahead of me in high school, but I was familiar
20 with them, you know. They wasn't total
21 strangers.

22 Q. Okay. You stated that you knew Randy
23 got into fights.

24 A. Yeah.

1 Q. How did you know that?

2 A. Stories I would hear at the Legion.

3 Q. Let me rephrase it a little bit
4 better. Maybe we can narrow this down. Did you
5 have any firsthand knowledge of the fights?

6 A. No.

7 Q. Okay. So it was all through other
8 people telling you?

9 A. Yeah.

10 Q. You also indicated that his first
11 wife, Ms. Shanks, he didn't treat right. What
12 did you mean by that?

13 A. Well, they had a child, as I
14 understood it, and as we was coming home one
15 night, Ed and Mary and Deloris and I --

16 Q. This is the Easthams?

17 A. Yeah, at the end of Washington Street
18 is a T street. Randy had his motorcycle, and his
19 ex-wife was in her car, and she was trying to run
20 over him.

21 Well, Randy had got behind a telephone
22 pole, and he would move his bike over when she
23 was trying to hit him on this side. She would
24 back up and try to go to the other side, and he

1 would move his bike back over.

2 That was when -- my first encounter
3 with him that I can recall, but we thought it was
4 so hilarious. You know, we laughed. He was
5 pretty slick. He knew how to keep out from in
6 front of that car.

7 Q. Now, is that where you get the
8 conclusion that he didn't treat Ms. Shanks right?

9 A. Yes. Just the stories.

10 Q. Okay. So that's another instance
11 where you have no firsthand knowledge?

12 A. No firsthand knowledge, no.

13 Q. What did the stories tell you that
14 Randy was doing, if you recall?

15 MS. SUSLER: Objection. Hearsay.

16 THE WITNESS: Okay. I knew a young
17 lady -- well, that's being nice, but, at any
18 rate, he fathered a child he never took
19 responsibility for.

20 BY MR. MANCINI:

21 Q. Okay.

22 A. Earlier. Later, he might have. I
23 can't tell you, but he just -- from what I'm
24 understanding, I just did not think he would be a

1 good husband material.

2 Q. Okay. So when Debbie brought Randy
3 home, so to speak, and you had this conversation
4 with her, what came about between you and Debbie?
5 Anything?

6 A. No. She just said, "I can straighten
7 him out, Daddy." That's what she said to me.

8 Q. Did you ever confront Randy at this
9 time?

10 A. No.

11 Q. Okay.

12 A. No.

13 Q. Obviously Debbie and Randy, their
14 relationship blossomed to marriage?

15 A. Oh, yeah.

16 Q. And did things change from your first
17 impression of Randy to when they got married?

18 A. Well, my first impression was a real
19 bad one. When they started getting along good
20 and he bought her a coach dog, which I thought
21 was real nice, and he wanted to put that garden
22 out, and I went over and helped him put the
23 garden out, and just things were working out so
24 good, and I had high hopes.

1 Q. What's a coach dog?

2 A. Oh, it's a -- Budweiser has got coach
3 dogs on their wagons. They're white dogs with
4 black polka dots.

5 Q. The dalmatian?

6 A. Yeah.

7 Q. Okay. So your impression of Randy
8 improved when things were going well between
9 Debbie and Randy. Is that fair to say?

10 A. Yes.

11 Q. Did that change, your impression?

12 A. Well, it's just that I thought he was
13 being very unreasonable, and even though I still
14 liked him, I just did not want him over at the
15 house, because I just did not want the
16 aggravation.

17 Q. When they broke up, their
18 relationship, did you still like Randy?

19 A. Yeah. I didn't want him to have the
20 wrong impression. I didn't want him to think
21 that I wanted him to come back down to the house,
22 but to say that I disliked him would not be the
23 truth, and the fact of the matter is just before
24 this Rhoads kid thing happened, him and Herbie

1 both come down to the restaurant and was wanting
2 a job loading brush on trucks for five bucks an
3 hour.

4 Q. Let me back up a little bit then.
5 What kind of business did you have?

6 A. Well, I worked for the telephone
7 company.

8 Q. This was back in the '80s?

9 A. Yeah.

10 Q. And you also owned a restaurant too?

11 A. Yeah.

12 Q. And this, again, was back in the '80s?

13 A. Yeah.

14 Q. When did Randy and Herbie, do you
15 recall specifically when they came to you and
16 asked for work?

17 A. It was about in the time frame of a
18 week, two weeks previous to the time the kids got
19 killed.

20 Q. Okay. How would you have any ability
21 to get them loading brush?

22 A. Well, I cut trees.

23 Q. Would you hire the laborers then?

24 A. Well, I did when he I needed them, but

1 I didn't need any, and I told them that I
2 couldn't give them a job that I didn't have, you
3 know. I told them to check with me later, and
4 probably I would have some work, but...

5 Q. That didn't happen?

6 A. No, it didn't.

7 Q. Did you know Herb Whitlock prior to
8 this incident where he asked for work?

9 A. Him personally, I didn't know. I knew
10 his dad, but I didn't know Herb, Jr., personally.
11 I had maybe said hello to him maybe a few times.

12 Q. Did you have any impressions of Herb
13 Whitlock at the time when he asked for work?

14 A. Spoiled kid.

15 Q. Your inability to give them work, did
16 that have anything to do with the fact that -- of
17 your history with Randy, did that influence your
18 decision?

19 A. No, if I had had the work, I would
20 have put them to work, but anybody that come in
21 off the street I would have put to work, but I
22 would have put them to work if I would have had
23 the work, but I didn't.

24 Q. And that holds true for Herb Whitlock

1 too?

2 A. Yeah, because he was with Randy.

3 Q. Okay. Did you know Herb and Randy to
4 be friends at that time?

5 A. I thought they were pretty tight
6 friends. That was an impression I had, because
7 they -- so much of what I know of them is hearsay
8 and gossip, and I want to be very, very careful
9 not to say something that I would be called to
10 account for, because --

11 Q. And if it is hearsay or gossip, I'd
12 like you to tell us that.

13 A. Okay.

14 Q. I don't want you to tell us or give us
15 the wrong impression, and I'm going to try to do
16 my best to make sure that I ask you the source of
17 the information, but how did you know Randy and
18 Herb were friends?

19 A. Well, they had a group called the Good
20 Old Boys that hung around Morgan's Tavern, and
21 Herbie was up there with Randy quite a bit. I
22 wasn't there, but I seen them go in and out.

23 Q. Okay.

24 A. I specifically avoided that place,

1 because I didn't want any problems.

2 Q. Was there a bad element in Morgan's?

3 A. Oh, I wouldn't really say bad. I
4 would just say -- I don't quite know how to put
5 it. Juveniles wanting to act like adults.

6 Q. Or adults acting like juveniles, is
7 that what you mean?

8 A. Well, pretty close.

9 Q. Who are the Good Old Boys? Do you
10 remember any of them?

11 A. John Armstrong, Steve Craig, Bill
12 Brown, Mike Morgan. Oh, my, that's a few of
13 them.

14 Q. Was this just a social club, or were
15 these guys involved in anything else, that you
16 know of?

17 A. Well, as far as I know, it was a
18 social club. Then on Sundays we would play
19 basketball and drink beers in Ed's backyard, and
20 they would come down and play basketball and
21 drink beer.

22 Q. Okay.

23 A. And Eric Weger, he was one of them.

24 Q. Any other way that you knew that Randy

1 and Herb were friends prior to them asking for
2 the job?

3 A. Not specifically. There was a story
4 that Randy had borrowed Herb's car, and Herb had
5 a dog in the back seat, and the story was that
6 Randy went out to the west railroad yard and shot
7 the dog's jaw off. I do know that the dog went
8 south in extreme pain.

9 Q. What do you mean went south?

10 A. Well, from the railroad yard.

11 Q. He went in a southerly direction?

12 A. My wife's -- my wife's family lived on
13 Cherry Street, and the last street in town was
14 Franklin, and they was out in their yard, and the
15 dog went by their house with his jaw shot off
16 making terrible sounds.

17 MS. SUSLER: I'm going to object to
18 that as hearsay and as irrelevant.

19 THE WITNESS: Certainly it was
20 hearsay.

21 MR. BALSON: I join in the objection
22 and move to strike this testimony.

23 THE WITNESS: Strike it.

24

1 BY MR. MANCINI:

2 Q. That's improper for federal rules,
3 but, anyway, who told you about the dog running
4 down the street?

5 A. I have no idea.

6 Q. It was your wife's family that lived
7 on Cherry Street?

8 A. Yeah, they specifically said about the
9 dog.

10 Q. Okay.

11 A. But to say that Randy done it, I could
12 not say that.

13 Q. I'm not asking you to say that. I'm
14 asking you who told you about the dog running
15 down the street? Do you remember?

16 A. It was just common knowledge that
17 Randy had borrowed Herbie's car and shot the dog.

18 Q. Let's take a step back. You said your
19 wife's family lived on Cherry Street and
20 apparently witnessed this dog running down the
21 street?

22 MS. SUSLER: Objection. That
23 mischaracterizes his testimony.

24

1 BY MR. MANCINI:

2 Q. When they did that, you learned of
3 that somehow?

4 A. I learned of that by hearsay.

5 Q. From whom?

6 A. Well, partly from my wife's aunt and
7 partly from street talk.

8 Q. Okay. What's your wife's aunt's name?

9 A. Dorothy Plew.

10 Q. Is Dorothy still with us?

11 A. No.

12 Q. Did Dorothy reside at that house with
13 anybody else?

14 A. Yeah, she did then.

15 Q. Who was that?

16 A. At the house where the dog went by was
17 where Dorothy resided, yeah.

18 Q. Who lived with her there?

19 A. I think at the time her husband might
20 have been still alive, Elmer.

21 Q. So he's no longer with us either?

22 A. Neither one of them.

23 Q. Any children born to that family?

24 A. Elmer Plew, Jr., Sandy Lewis, she

1 lives down by Nashville, and Billy Plew.

2 Q. Were these children living at the time
3 in that house?

4 A. Not to my knowledge.

5 Q. Okay. Are they still living, these
6 folks?

7 A. Sandy and Billy are.

8 Q. Elmer is not?

9 A. I think Elmer has passed.

10 Q. Okay. Other than the dog incident and
11 what you heard around town about Randy and Herbie
12 being friends, any other sources that would
13 indicate to you that they were friends?

14 A. Just an assumption.

15 Q. Okay.

16 MR. BALSON: I object to his answer if
17 it's an assumption.

18 MR. MANCINI: I don't think he gave an
19 answer, but...

20 MR. BALSON: I object to the answer
21 that he's going to give if it's based upon an
22 assumption. There's no foundation.

23 BY MR. MANCINI:

24 Q. What's that assumption?

1 A. They were together quite a bit. You
2 would see them in the car together.

3 Q. Okay. Do you remember when you would
4 see them in the car?

5 A. Not specifically.

6 Q. Okay. Was it before they asked for
7 work?

8 A. Yeah. Yeah.

9 Q. I'm going to take you to the weekend
10 of the murders.

11 A. Okay.

12 Q. So you have a frame of reference.

13 A. Yes.

14 Q. That weekend, were you home that
15 Friday night?

16 A. Yes. Was it a Friday night? Yeah.

17 Q. Well, I'm not indicating the murders
18 were on Friday night. I'm just asking you if you
19 were on home the Friday night of that weekend.
20 It was a July 4th weekend. Do you recall that?

21 A. Well, we had just opened that
22 restaurant, and we was spending a lot of time up
23 there.

24 Q. And that's Hopper's Restaurant?

1 A. Yeah.

2 Q. Okay. So do you remember the Friday
3 if you were at home?

4 A. I can't specifically say Friday.

5 Q. Okay.

6 A. I can remember the night that the fire
7 happened.

8 Q. Okay. Well, let me ask you about that
9 then.

10 A. Okay.

11 Q. Were you home that evening before the
12 fire?

13 A. Yeah, we had stayed at the restaurant
14 until midnight, and Delores was wanting to go
15 back up to the restaurant 5:00 to give the day
16 shift some instructions. I told her if I laid
17 down, I would go to sleep, and I wouldn't wake
18 up, so I would just stay up until 5:00 and then
19 take her up to the restaurant.

20 So I'm sitting in the living room
21 watching TV, and, again, if somebody had lit a
22 match over there, I would have seen it, but I
23 didn't.

24 MR. RAUB: By over there, you're

1 meaning what?

2 THE WITNESS: The house where the kids
3 were killed. I got up and went to the kitchen to
4 make a cup of coffee, and when I came back in,
5 the whole east side of that house was shooting
6 fire up over the top of it.

7 BY MR. MANCINI:

8 Q. Do you remember what time that was?

9 A. Roughly saying somewhere around 2:00,
10 just roughly.

11 Q. Okay.

12 A. But, at any rate, I went back to the
13 kitchen and got on the phone and was trying to
14 call the fire department, and it was busy, so I
15 finally got ahold of them. They said that it had
16 already been reported.

17 Directly to the east side of the
18 Rhoads residence Terry Newman lived, and when I
19 got out the front door, he was out there in the
20 street in his pajama bottoms and his bare feet,
21 and he said he had called the fire department, so
22 we went up -- there was a porch on the south side
23 of the house, and we had looked in the garage to
24 see if there was a car in there.

1 We couldn't tell, so we went up on
2 that south porch and knocked on the door, but
3 through the window you could see the smoke
4 rolling so heavy. I told him, I said, "Bud, we
5 wouldn't last 10 seconds in there."

6 Q. You called him Bud?

7 A. I called Terry Newman "Bud."

8 Q. Was it a nickname for him or just
9 something --

10 A. Just a word I used.

11 Q. Like pal or --

12 A. Yeah. So, at any rate, we -- the door
13 facing the west where the house come up to a
14 point, and that's where it separates is the west
15 side of the house, and we went up and started
16 knocking on the west door, and while we was
17 knocking on that west door, the fire truck pulled
18 up on Clinton Avenue right beside the house. The
19 first guy off the truck was Phil McConchie. That
20 was the Rhoads boy's cousin, but when they showed
21 up, I told Terry Newman, I said, "Let's get out
22 of their way and let them do their job."

23 Q. Was anybody else with you in the early
24 morning hours outside the Rhoads house?

1 A. Terry Newman. He was the only one.

2 Q. And did either one of you try to knock
3 down the door with your shoulder and get hurt?

4 A. No.

5 Q. Okay. I appreciate you giving the
6 full story. I'm going to back up and ask you
7 some questions then about some of the details.

8 A. Okay.

9 Q. You said you saw the fire shoot up out
10 of the house. Do you remember what side of the
11 house the fire was on?

12 A. East side.

13 Q. Did you know the inside layout of the
14 home, the Rhoads home?

15 A. No, I was never, ever in the house.

16 Q. The east side of the home, was the
17 garage on the east side of the home?

18 A. Yeah, there was a separation between
19 the house and the garage, just a short
20 separation.

21 Q. Was there a driveway of some sort?

22 A. Over on the far side which would -- I
23 would say the north side.

24 Q. Right.

1 A. There was no drive on the east side.

2 Q. And was it a paved driveway or gravel?

3 Do you remember?

4 A. No.

5 Q. Okay.

6 A. Just a driveway leading up to the
7 garage is all I remember.

8 Q. From the time --

9 A. And the back door.

10 Q. Okay. From the time you saw the fire
11 to the time you were at the door, front door of
12 the Rhoads home and the fire department pulled
13 up, how much time do you think passed?

14 A. Vaguely, 15 minutes. I couldn't give
15 you a time frame. All I know is I went out
16 there, and I was surprised to see Terry out there
17 in the middle of Court Street barefooted, and he
18 was asking me if I knew if anybody was home, and
19 I said I don't have any idea.

20 I said, "We'll see if there's a car in
21 the garage," and we looked in the south window,
22 and we couldn't see a car, so that's when we
23 walked up west to the south door, and when I saw
24 that smoke in there, I said, "Hell, if we got in

1 that door, Bud, we wouldn't last no time."

2 Q. Okay. After the fire department
3 arrived --

4 A. Got out of the way.

5 Q. Did you stay in the area, though, to
6 watch?

7 A. Oh, yeah, I stayed there quite a
8 while. I think Terry went back home to -- I
9 don't know what he -- he was barefooted and was
10 walking around in pine cones, so I'm sure he
11 wanted to get some shoes on, but I don't recall
12 seeing Terry after that. He just went back home.

13 Q. Did you ever leave -- strike that.

14 Of course you eventually left, but
15 during that time frame that the fire department
16 was there, did you leave the scene at any point?

17 A. Possibly. I might have went back over
18 to the house for a few minutes. I don't remember
19 if I did. What I specifically remember is
20 everything was happening over on the north side,
21 so I walked over across Clinton Avenue and stood
22 on the sidewalk and watched.

23 Q. And that's near your front door?

24 A. No. That's as far away from my front

1 door as you can get.

2 Q. So it's the opposite side?

3 A. Yeah. Fourth Street and Clinton
4 Avenue split right there at the point. I lived
5 on Court Street, and Clinton Avenue is over here.

6 Q. Okay. When you were out there
7 watching the firemen work, was anybody else with
8 you and Randy? Not Randy.

9 MS. SUSLER: Objection.

10 BY MR. MANCINI:

11 Q. It's a misstatement, Jan. Terry
12 Newman.

13 A. Straightaway, no. I was standing by
14 myself.

15 Q. Okay.

16 A. He came up from the east, stood there
17 and --

18 Q. Let's not -- I didn't mean to indicate
19 Randy. What I'm saying is when you and Terry let
20 the firemen start to battle the fire, was anybody
21 else with you?

22 A. No.

23 Q. Did you see anybody else at the scene
24 other than fire department officials?

1 A. Nobody.

2 Q. Do you remember was the sun up? Was
3 the sun coming up?

4 A. It wasn't up while I was out there.

5 Q. So it was completely dark?

6 A. Yes. It was getting there.

7 Q. So the sun was coming up, is that what
8 you're saying?

9 A. Not at that time.

10 Q. Okay. Do you know when the sun comes
11 up there's a purple moment?

12 A. I understand, but I don't think it was
13 a purple moment.

14 Q. Okay. So it was still dark out?

15 A. It was still dark out.

16 Q. Very good. About how long was it
17 before the sun came up? Do you remember?

18 A. Honestly, I can't give you an answer.
19 I'd say it's -- that gets mixed up with my going
20 back home and waking my wife up.

21 Q. Okay. Then let's back up.

22 A. Okay.

23 Q. When Terry went to go change into
24 clothes, what did you do next?

1 A. Went across the street, I believe.

2 Q. And this is Clinton Street?

3 A. Yeah, Clinton Avenue.

4 Q. Did you stay there the whole time that
5 the firefighters were fighting fire?

6 A. The biggest end of the time, because
7 that's where the light was. That's where you
8 could see on the right side there wasn't anything
9 going on and nothing to see and...

10 Q. Was there a street light on Clinton
11 Street?

12 A. That, I can't specifically say.

13 Q. Okay.

14 A. But there was plenty of light. I
15 remember that, because they had her lit up.

16 Q. The trucks and what not?

17 A. Yeah.

18 Q. Did you stay on the scene the entire
19 time?

20 A. Again, as I remember, most of the time
21 I stayed there. I might possibly have went back
22 home for one thing or another, but, if I did, I
23 don't remember it.

24 Q. Okay. Well, you said earlier that you

1 went over to wake up your wife.

2 A. After everything was settled down --

3 Q. Okay.

4 A. -- and the sun was getting ready to
5 come up. If I remember right, it was still dark
6 when I went back over to get her up, and then it
7 was daylight when I got her, but that's just
8 probably because that's what I want to remember.
9 Being honest.

10 Q. Yeah, whatever you remember, sir. Do
11 you ever remember Mary Eastham being on the scene
12 watching the fire?

13 A. I talked to Mary later, but I don't
14 remember talking to her that night.

15 Q. And I asked did you see her?

16 A. That, I can't tell you. I don't think
17 so, but that is not set in concrete.

18 Q. Did you help the firefighters in any
19 way, bring them water or anything like that?

20 A. No.

21 Q. Did you see anybody doing that?

22 A. No. No. I don't remember it, if I
23 did.

24 Q. Other than Terry Newman, do you

1 remember seeing anybody else at the scene of the
2 fire?

3 A. Bill McConchie.

4 Q. And then once the fire was put out,
5 was there a crowd gathering around?

6 A. I am trying to remember police cars,
7 but for me to put it together, I can't.

8 Q. Okay. Were there any other citizens
9 watching the fire?

10 A. Well, not that I'm aware of, and
11 probably -- I think there was a lot of people
12 down by Mary's house, but I flat didn't pay any
13 attention to them, because...

14 Q. Okay.

15 A. When I found out they were murdered, I
16 was --

17 Q. I guess how did you find that out?

18 A. I was in shock. The firemen talking
19 back and forth to each other and the police
20 talking.

21 Q. So you were close enough to hear what
22 they were saying?

23 A. Yeah. Well, when -- I'm trying to
24 remember what happened to Phil. I think he's the

1 one that discovered the kids' bodies. I didn't
2 even know they lived there.

3 Honestly, I didn't know their name.
4 There were some people named Pancake lived there
5 was the last people I was aware of or that I knew
6 their name, and what was such a surprise to me
7 the Pancakes were not the least bit friendly, and
8 all of a sudden the people that lived there was
9 very, very friendly. The girl mowing the yard
10 was waving. I said, "Boy, what's this?"

11 Q. Was that Karen Rhoads?

12 A. Yeah, I found out later, but I did not
13 know that at the time.

14 Q. Sure. That morning did you see your
15 son-in-law -- your former son-in-law, Randy
16 Steidl?

17 A. Yes, I did.

18 Q. Tell me how that came about.

19 A. Okay. I'm standing over there.

20 Q. Over where?

21 A. On the north side of the house on the
22 north sidewalk of Clinton Avenue. I'm just
23 standing there watching. He walked up the
24 sidewalk from the east and walked up next to me.

1 His aunt lived the house adjacent to the one I
2 was standing in front of, the house on the left
3 on the west.

4 Q. On Clinton?

5 A. On Clinton Avenue, yeah. Wanda
6 Cameron was her maiden name, and Dagley was her
7 married name.

8 I thought he was coming up to her
9 house, you know, just an impression, but he
10 walked up beside me, and he said, "What's going
11 on?"

12 I said, "I think a couple of kids have
13 been murdered."

14 He said, "Really?"

15 I said, "Well, as far as I know," so
16 he made small talk and then just turned around
17 and went back east.

18 Q. Okay.

19 A. That was the brief time that I seen
20 him.

21 Q. Do you remember what time it was?

22 A. Vaguely. I'm saying in the area of
23 4:00, just vaguely.

24 Q. Was it dark out when he came up?

1 A. It was still dark.

2 Q. Do you remember what he was wearing?

3 A. No.

4 Q. Okay. Do you remember how he looked
5 in any way, shape, or form?

6 A. Well, honestly, I had the impression
7 that he was sleepy, but his words weren't slurred
8 or anything. You know, he was...

9 Q. Do you know at the time where Randy
10 lived?

11 A. No, I don't. In fact, that was what
12 surprised me, because I thought maybe he was
13 going up to Wanda's, but...

14 Q. Did you watch Randy as he walked away?

15 A. Just a very, very short time, because
16 a very short time is all I could see him.

17 Q. Because it was dark?

18 A. Well, he was lit up in the light of
19 the stuff going on across the street.

20 Q. So you don't know where Randy
21 ultimately walked to?

22 A. I have no idea.

23 Q. Did he ever say where he was coming
24 from or going to?

1 A. No.

2 Q. Prior to the murders --

3 A. Okay.

4 Q. -- do you recall any strange behavior
5 going on in the neighborhood?

6 A. No.

7 Q. There was a report of maybe a prowler
8 in the neighborhood. Does that refresh your
9 recollection?

10 A. Well, the only one that I remember was
11 two doors up the Reels lived.

12 Q. Two doors up in what direction?

13 A. In the west.

14 Q. Okay.

15 A. I don't remember the time frame or the
16 chronology of it, but Christine Reel worked down
17 at Bridwell's Grocery, and about 4:30 in the
18 morning or 5:00, whenever she was out there, she
19 went out to get in her car and somebody knocked
20 her in the head and took her purse.

21 Q. Do you know when that incident
22 occurred?

23 A. No. I just know of it happening.

24 Q. Was it before the murders?

1 A. I'm thinking it was.

2 Q. Was it a month before, a year before?

3 A. I have no idea.

4 Q. Okay. Who told you about that
5 incident?

6 A. The Reels?

7 Q. Yes, sir.

8 A. Their son, Doug, come down to our
9 house. I had a poolroom in my living room -- or
10 a pool table, and he and my kids played pool,
11 just a bunch of kids down there, and he was the
12 one that brought the story down to us.

13 Q. Is Doug still with us?

14 A. Yeah.

15 Q. Do you know where Doug lives?

16 A. No idea. I think he worked at the
17 cereal mill.

18 Q. Does he still live in Paris?

19 A. That, I can't tell you. I saw he and
20 his dad down at the Track Shack or the Bob and
21 Joannie's Restaurant here maybe a couple, three
22 weeks ago. His dad is on a walker now, and Doug
23 was in there with him, but I never...

24 Q. Does his dad still live in Paris?

1 A. As far as I know.

2 Q. Still at the same house?

3 A. No. They moved down on Washington
4 Street out on the west end or west end.

5 Q. In relation to the Rhoads house --

6 A. Okay.

7 Q. -- where is Eads street or Eads
8 Avenue, I'm sorry?

9 A. Okay. After you would go on down
10 Clinton Avenue, you would come to a point where
11 High Street and Wood Street intersect.

12 Q. What direction am I going on Clinton?

13 A. Going east. At that point, then Wood
14 Street goes on east another, I'd say, three
15 blocks, and there's a four-way stop down there.

16 At that intersection, that's Eads
17 Avenue, and at that point you would turn left
18 which would be north, and right on the corner of
19 an alley, on the north side of that alley is the
20 house that they lived in.

21 Q. That's Randy and Debbie?

22 A. Yeah, but whether he still lived there
23 then or not, I can't tell you.

24 Q. I'm not asking. I just wanted to get

1 an idea where Eads was in relation to the Rhoads
2 house. Was it walking distance between --

3 A. Oh, yeah.

4 Q. -- the two? How many blocks would
5 you --

6 A. Four. I'd say four blocks.

7 Q. Did Mary Eastham ever tell you about
8 two strangers she saw outside the Rhoads house?

9 A. Actually, I never really discussed it
10 with Mary.

11 Q. Okay.

12 A. The point being she specifically asked
13 me if I thought Randy and Herbie did it.

14 Q. When did she ask you that?

15 A. After I think the college kids come
16 around asking her questions.

17 Q. Okay.

18 A. But she asked me if I thought they did
19 it, and I said I don't think they did it, but I
20 think they know who did and, if they do, then
21 that makes them as guilty as the people that did
22 it.

23 I think they was leading the police
24 down the garden path. I'm just telling you the

1 reason that I never talked to Mary about it,
2 because after I told her that, she showed no
3 interest in talking about it, so I didn't -- I
4 didn't really talk to Mary about it.

5 Q. Did Mary ever tell you what she
6 thought about the murders?

7 A. Way later, and it was nothing
8 specific. She knew how I felt about it, and I
9 don't think she wanted to open up a difference of
10 opinion, you know.

11 Q. What did she tell you? Do you recall
12 specifically?

13 A. Not really, but it was pretty obvious
14 that she wasn't wanting to agree with my theory.

15 Q. Was it your understanding then that
16 she thought that Randy --

17 A. That, I can't tell you. I could not
18 tell you.

19 Q. Let me finish the question. You can
20 provide the same answer. Was it your
21 understanding that her theory was that Randy and
22 Herb did not commit the murders?

23 A. I can't really say that. I just say
24 that she had no interest in talking about it

1 anymore after I said what I did.

2 Q. Okay. The timing of this conversation
3 that you had with Mary was Ed dead at that time?

4 A. It had to have been after the murders,
5 but at what point, I can't tell you.

6 Q. Was Ed dead?

7 A. That, I can't tell you. Actually, I
8 think Ed might have been dead at this point.

9 Q. Was this a time frame when Mary was
10 living at the Eastham home or was she living with
11 Bud Cunningham?

12 A. I'd say -- no, she lived at the
13 Eastham home.

14 Q. Okay.

15 A. That was a terrible time when Ed was
16 dying.

17 Q. After the murders, did you ever hear
18 either Randy or Herb brag about committing the
19 murders or being involved in the murders?

20 A. Not to me, but there was a lot of
21 people going around saying that they had.

22 Q. So it was just scuttlebutt around
23 town?

24 A. Yeah.

1 Q. Do you remember who you heard that
2 from?

3 A. No.

4 Q. Okay. The day after the murders was a
5 Sunday. You said your wife was going to go down
6 to the restaurant early to help the morning crew?

7 A. Yeah.

8 Q. Did she do that that morning?

9 A. Yeah. I took her down there.

10 Q. Do you remember what time that was?

11 A. Oh, probably 5:00 to 6:00.

12 Q. What time were you supposed to be
13 there for the morning crew?

14 A. Well, they never closed.

15 Q. Okay.

16 A. They stayed open 24 hours at that
17 time.

18 Q. So you really couldn't be late to
19 getting there?

20 A. No.

21 Q. Okay.

22 A. Really, I think all she was going to
23 do was discuss the menu for the Sunday.

24 Q. And she did that that morning?

1 A. I'm going to say yes, but it's kind of
2 blurry.

3 Q. Okay. If you don't remember, that's
4 fine.

5 A. Yeah, well, I just got the impression
6 that we did do it.

7 Q. Okay. How did you find out more
8 details about the murder after it took place?

9 A. It was the talk of the town for a long
10 time. I do remember before Randy and Herbie was
11 charged I kept hearing these stories that they
12 was bragging about doing it in the taverns.

13 Q. I want to know how you personally
14 learned of information about it, newspapers or --

15 A. People talking.

16 Q. Okay. Did you ever hear about who the
17 suspects were, any suspect?

18 A. The only thing that I heard was that
19 they was bragging about doing it before they was
20 ever charged.

21 Q. Okay.

22 A. I couldn't believe that anybody would
23 do that. That's what gave me the impression that
24 they was leading the police down the garden path

1 to lead them away from what really happened.

2 Q. Okay.

3 MS. SUSLER: I'm going to object to
4 relevance.

5 BY MR. MANCINI:

6 Q. Okay. Back in 1986 did your home have
7 air-conditioning, or did you have a window unit?

8 A. Oh, boy. Yeah. Yeah. We had an
9 air-conditioner then.

10 Q. Do you remember whether or not that
11 evening did you have the air on, the evening of
12 the murders?

13 A. Yeah, but I'm -- I'm pretty sure we
14 didn't.

15 Q. Okay. Do you know whether your
16 neighbors, Mary Eastham or Terry Newman, had
17 air-conditioning?

18 A. That, I can't tell you. I know Mary
19 at one time had a window unit, but I can't give
20 you the chronology of that.

21 Q. Do you know whether the Rhoads house
22 at the time of the murders had an
23 air-conditioning unit?

24 A. I can't tell you specifically that

1 they did, but I would say specifically that they
2 should have had. Well --

3 Q. Because it's warm? Is that why?

4 A. No, the people that lived there
5 previous to all this, there was a fellow by the
6 name of Cecil Skelton that worked at Lily over at
7 Clinton, and he was a terrific guy, and I never
8 was in the house with him, but he was always
9 talking about improvements that he was making on
10 the house, and he sold it to --

11 Q. Well, let me ask you this: Did one of
12 those improvements include air-conditioning?

13 A. That, I can't tell you.

14 Q. So how do you think it should have had
15 air-conditioning? What makes you believe that?

16 A. The type of people that was there
17 would have had an air-conditioner.

18 Q. Before the Rhoads?

19 A. Yeah.

20 Q. Okay. When you walked up to the house
21 the night of the fire when the fire was going,
22 did you notice whether the windows were opened or
23 closed?

24 A. They were closed, because the smoke

1 was rolling so heavy in there.

2 Q. Was Paris the kind of town at the time
3 where you could sleep with your windows open?

4 MS. SUSLER: Objection. Vague.

5 THE WITNESS: I kept my doors locked,
6 if that's...

7 BY MR. MANCINI:

8 Q. Did you sleep with your windows open,
9 though?

10 A. Oh, yeah.

11 Q. Considering the murders, did you ever
12 have any dealings with Mike McFatridge?

13 A. When Mike first came to Paris, I was a
14 member of the Elks Club, and he came out there.
15 That's how I met him, Ed Eastham and I, and we
16 got along pretty good, and Ed and I agreed to
17 help with his campaign to go for State's
18 Attorney, but after that, I never had anything to
19 do with him, you know. I never.

20 Q. So about the murders, were you ever
21 interviewed by Mike McFatridge?

22 A. No.

23 Q. Did you ever have any conversation
24 with him about these murders?

1 A. No. The only person I ever talked to
2 about it was a reporter from Channel 10, and they
3 interviewed me the next morning.

4 Q. Were you on the news?

5 A. Yeah.

6 Q. Too bad they didn't have VCRs back
7 then.

8 A. Yeah, I suppose.

9 MR. MANCINI: I think I'm done. I'm
10 going to take a break and look at my notes. You
11 can use the rest room, if you would like. Just
12 because I'm done, doesn't mean you're done,
13 though, all these attorneys get to ask you
14 questions.

15 THE WITNESS: I understand.

16 MR. MANCINI: Ron, maybe ten minutes.

17 MR. BALSON: Okay. Thank you.

18 (At this point a short recess was
19 taken.)

20 BY MR. MANCINI:

21 Q. Mr. Hopper, I just have a few more
22 questions, and, like I said, we're going to turn
23 it over to the other lawyers who will get a
24 chance to ask you questions.

1 Did you ever discuss the prowler that
2 attacked Mrs. Reed, I think her name was, with
3 Mary Eastham?

4 MS. SUSLER: Objection to the
5 characterization.

6 THE WITNESS: Well, probably, in all
7 probability, yes, because it was a neighborhood
8 discussion. It was Reel, R-e-e-l.

9 BY MR. MANCINI:

10 Q. I'm sorry.

11 A. Yeah. Doug Reel was her boy.

12 Q. After the murders, did you ever have a
13 chance to talk to Randy Steidl?

14 A. No.

15 Q. Not a single conversation with him?

16 A. Not that I can recall.

17 Q. Any chance that you spoke to Herb
18 Whitlock after the murders?

19 A. Not that I recall.

20 Q. And since their release from prison,
21 have you spoken to either Mr. Steidl or
22 Mr. Whitlock?

23 A. Neither one.

24 MR. MANCINI: That's all the questions

1 I have, sir. I'm going to turn it over to my
2 cohorts.

3 EXAMINATION CONDUCTED

4 BY: MR. ACKERMAN

5 Q. I have a few questions. Good morning,
6 Mr. Hopper.

7 As I introduced myself to you when I
8 came in, I am Phil Ackerman. I represent certain
9 of the defendants in this case, including Jeff
10 Marlow, the gentleman sitting to my right.

11 You know Mr. Marlow?

12 A. Very well.

13 Q. And you know him to be a member of the
14 Illinois State Police?

15 A. Yes.

16 Q. And have you talked with him about the
17 subject matter that you discussed this morning
18 generally?

19 A. To a great extent.

20 Q. Okay. When you met with Mr. Marlow,
21 did Mr. Marlow threaten you in any way?

22 A. He's awful big, but he don't scare me.

23 Q. And did he try to intimidate you
24 in any way?

1 A. No.

2 Q. I think when you said reference to his
3 size, that he didn't intimidate you, I think you
4 were trying to be a little sarcastic. I mean I
5 just want to make sure that the record is clear.
6 He didn't threaten you in any way?

7 A. No, he didn't.

8 Q. Did he attempt to coerce you in any
9 way?

10 A. No.

11 Q. Did he suggest or imply to you that
12 you should do anything other than tell him the
13 truth about your knowledge?

14 A. That's the way it was.

15 Q. So maybe I asked that poorly. Did
16 he -- did Mr. Marlow suggest to you that you
17 should tell him something other than the truth?

18 A. No. He did not.

19 Q. Okay.

20 A. It came up in general discussion. The
21 fact of the matter is the very fact that I saw
22 Randy that night was a lot of general discussion,
23 but nobody ever asked me.

24 Q. Okay. He didn't, Mr. Marlow didn't

1 try to get you to say --

2 A. No.

3 Q. -- anything that wasn't true?

4 A. No, he did not.

5 Q. Okay. Do you recall meeting with any
6 other members of the Illinois State Police about
7 the Rhoads homicides?

8 A. That was the first time that anybody
9 asked me anything about it.

10 Q. Okay. And, as best you can recall,
11 when was that?

12 A. Whenever -- he's got it on record when
13 I went to Champaign with him.

14 Q. Was it within the last ten years?

15 A. Oh, yeah.

16 Q. Okay. Other than the Mr. Marlow, do
17 you recall meeting with any other members of the
18 Illinois State Police either separately or with
19 Mr. Marlow?

20 A. Not willingly. No, nobody ever asked
21 me about it.

22 Q. Okay.

23 A. Ever.

24 Q. Okay. And when you met with

1 Mr. Marlow, did you tell him the truth?

2 A. Yes, sir, I did. I've got no reason
3 to lie.

4 MR. ACKERMAN: Okay. I think that's
5 all I have. Thank you.

6 EXAMINATION CONDUCTED

7 BY: MR. RAUB

8 Q. I've just a couple for you.

9 The room that you were sitting in the
10 night of the murder staying awake so you could
11 get your wife up, what part of the Rhoads house
12 did it face, the back or the front or the side?

13 A. Well, to give you an idea, the Rhoads
14 house was north of me, and in my living room I
15 was sitting to the south end of my living room.
16 The TV was on the north wall, and there was a
17 window right beside the TV. That window gave me
18 a framed view of the east end of the house, the
19 back end.

20 Q. That would be the back of the Rhoads
21 house?

22 A. Yeah, the back of the Rhoads house.

23 Q. Where you were sitting in that room
24 could you see anyone who, for instance, would

1 walk up the front sidewalk and knock on the door?

2 Could you see them?

3 A. Oh, yeah. Well, probably, yeah, I
4 think there would have been -- I would have been
5 able to see that.

6 Q. And how so, if you were looking at the
7 back of the house? I don't really understand the
8 arrangement of the buildings.

9 A. Assume that this is my living room,
10 and this would be the south side of it. I'm
11 sitting against the south wall. There's the
12 north wall. The TV is there, and the window is
13 over here, and I'm looking to the north right at
14 the back end of the Rhoads house.

15 Q. Okay. Where is the front door of the
16 Rhoads house?

17 A. There was a door right on the west
18 point where the street separated. There was
19 another door on the south side on the south side
20 of the house, and then there was a kitchen door
21 to the back, as I remember.

22 Q. Could you see the kitchen door from
23 where --

24 A. Well, not the door specifically. It

1 would just be the east side of the house.

2 Q. Other than the kitchen door, were
3 there any other doors, assuming it was daylight,
4 that you could have seen from the room that you
5 were in?

6 A. Oh, yeah. I would have seen the same
7 thing.

8 Q. What doors could you have seen if it
9 had been light?

10 A. Actually, no doors. If I had scooted
11 just a little bit to the right, I could have seen
12 the south door by looking at the south side of
13 the house.

14 Q. Do you have any knowledge about what
15 door was frequently used by the Rhoads in
16 leaving -- going to and from their house?

17 A. Again, it would be an assumption. I
18 would say it would be the kitchen door, the one
19 back on Clinton Avenue that's close to the garage
20 and the drive.

21 MS. SUSLER: Objection to the
22 assumption.

23 THE WITNESS: Well --

24

1 BY MR. RAUB:

2 Q. Why do you call it the kitchen door?

3 A. I just believe that's where the
4 kitchen was. It was the door on the east side of
5 the house, northeast corner of the house.

6 Q. You said that the street light in the
7 neighborhood I believe you said near the Eastham
8 house it did not illuminate the Rhoads yard at
9 all?

10 MS. SUSLER: Objection.

11 Mischaracterizes the testimony.

12 THE WITNESS: What's the question
13 again?

14 BY MR. RAUB:

15 Q. Did the street light near the Rhoads
16 house illuminate the Rhoads yard at all?

17 A. No. No. There was houses in between
18 there and the street light.

19 Q. The Rhoads house was -- Rhoads yard
20 was pitch black?

21 A. Yeah. Yeah.

22 Q. When you went to the Rhoads house
23 after you saw the fire and you went -- to which
24 door did you say you knocked on?

1 A. The first thing -- the first thing we
2 done was went up to the south side of the garage
3 and looked in the windows to try to see if there
4 was a car there.

5 Then we went towards the house. We
6 was on the south side of the house and went up on
7 the porch, and there was a door there.

8 Q. Was that the kitchen door that you
9 referred to earlier?

10 A. No, this is a door in the middle of
11 the house on the south side.

12 Q. Was there a door that you could see
13 from the room that you were in?

14 A. If you tried real hard, you could see
15 it pretty easy, but you wouldn't have seen it in
16 the dark, and when we went up on the porch, the
17 windows, you could see the smoke rolling up so
18 heavy.

19 Q. Could you see any flame?

20 A. No.

21 Q. Did you smell anything unusual when
22 you were there?

23 A. Well, the whole back end of the house
24 was on fire, so there was a bunch of smells, you

1 know.

2 Q. Let me ask you specifically. Did you
3 smell the odor of gasoline?

4 A. No, I did not.

5 Q. In looking at the color and size and
6 the behavior of the fire were you able to reach
7 any impressions just from your experience in life
8 about what fueled the fire?

9 MS. SUSLER: Objection, relevance, and
10 I don't think this witness is qualified to make
11 that kind of an expert opinion.

12 THE WITNESS: The only thing that I
13 can tell you was that it was a very sudden fire,
14 because it was a very short time -- from the time
15 I walked in my living room to the kitchen, got a
16 cup of coffee and walked back in there, the whole
17 thing was involved.

18 BY MR. RAUB:

19 Q. How much time would you estimate you
20 were away?

21 A. Five minutes at the outside.

22 Q. And in terms of size in feet, how
23 large was the fire when you first saw it?

24 A. The flames was shooting up over the

1 roof.

2 Q. Was the fire inside the house or
3 outside the house?

4 A. The fire that I was looking at was
5 just right on the east side. There wasn't
6 anything that I considered to be back inside the
7 house. It was just like it was just going right
8 up that east wall.

9 Q. Was it coming out any part of the
10 house such as a window or door?

11 A. That, I couldn't tell you. It was
12 just a wall of fire.

13 Q. Do you know what the house was made
14 of?

15 A. I would say it was frame.

16 Q. Do you know was the siding, was there
17 some sort of siding on the house?

18 A. Oh, yeah. I know it was painted a few
19 times.

20 Q. Do you know what the siding was, wood?

21 A. That, I never paid attention.

22 Q. When you saw Randy Steidl around 4:00
23 a.m. at the fire scene, did you ask him, "Randy,
24 what are you doing out this time of day?"

1 A. I had no reason to.

2 Q. And why not?

3 A. I just assumed he was going up to his
4 aunt's house. You know, why would I be asking
5 him what's he doing out?

6 Q. You said when you saw him that he
7 appeared sleepy?

8 A. Well, I wouldn't say -- he wasn't real
9 energetic. He was just kind of...

10 Q. Did he appear to be under the
11 influence of alcohol?

12 A. No.

13 Q. Drugs?

14 A. No.

15 Q. Had you ever known Randy Steidl to use
16 drugs?

17 A. I heard of it, but I didn't see him do
18 it.

19 Q. What did you hear about it?

20 MS. SUSLER: Okay. Hearsay.

21 THE WITNESS: Just general talk. I
22 announced to everybody in my household if I
23 recognized anything that was drugs, I would knock
24 them in the head, drag them out in the middle of

1 Court Street and leave them lay flat. No drugs
2 in my house.

3 BY MR. RAUB:

4 Q. Did you ever hear any rumors of Randy
5 Steidl sold drugs?

6 MS. SUSLER: Objection. Hearsay.

7 THE WITNESS: No, I did not.

8 BY MR. RAUB:

9 Q. How about Herb Whitlock?

10 A. That, again, I heard that Herb had two
11 barrels of marijuana come in from California, and
12 he picked them up at the Indianapolis airport,
13 and the feds locked or put him in prison. That's
14 what I heard. I didn't see it.

15 Q. Do you know how long the Rhoads had
16 lived in that house prior to their murder?

17 A. A very -- very short time. I'd say a
18 month, two months. The only way I knew they were
19 there is because the Pancakes weren't the least
20 bit friendly.

21 Here all of a sudden is these friendly
22 people that I ain't understanding. Both women
23 was blond headed, and I couldn't tell you the
24 difference between them, you know, but all of a

1 sudden this very unfriendly lady is being very,
2 very friendly. I thought, whoa, does she think
3 I've got money or what?

4 Q. Is Pancake spelled just like it --

5 A. Yes, as far as I know. He was a radio
6 announcer.

7 Q. Did you make any observations about
8 the comings and goings at the Rhoads house when
9 they lived there prior to their murders?

10 A. Beings that they were not very
11 friendly, I tried my very best to stay out of the
12 limelight, you know. I don't want to push -- I
13 don't want to be where I ain't wanted.

14 Q. Could you from your house see cars
15 drive up to the Rhoads house?

16 A. No, because the back of their garage
17 was facing my house. Everything was facing Eads
18 Avenue and --

19 Q. So a person pulling up to the Rhoads
20 house parked in the driveway, you couldn't see
21 them?

22 A. They could have pulled a bus up there,
23 I would have never seen it.

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

1 Thank you.

2 THE WITNESS: Okay. No problem.

3 EXAMINATION CONDUCTED

4 BY: MS. BARTON

5 Q. I introduced myself earlier. I'm
6 Elizabeth Barton. I represent the city of Paris,
7 Jack Eckerty, Jim Parrish, and Gene Ray.

8 A. Oh, dear. I did not want to say that,
9 but that's the truth. And that's the truth.

10 Q. I understand. I just have a few
11 questions for you.

12 When you described where you were
13 sitting in your living room when you could watch
14 TV and you could look at out the window --

15 A. Yeah.

16 Q. -- did the window have any window
17 treatments or curtains, blinds?

18 A. There was blinds, but they was up.
19 This is a real, real old house, and they had real
20 tall windows, and the bottom half of it would be
21 as big as a normal window, you know, and there's
22 two sections of it, and we just kept a blind on
23 the top part.

24 Q. Was the window open that night?

1 A. I can't tell you. I don't remember.
2 I don't remember having the occasion to check it
3 out.

4 Q. Did you hear anything around the time
5 that you said you --

6 A. Not a thing.

7 Q. Okay. So you indicated that you know
8 who Gene Ray is?

9 A. Yes.

10 Q. How do you know Gene Ray?

11 A. Well, I knew his dad, and I knew him
12 ever since he was on the police department.

13 Q. Do you have an opinion of Gene Ray as
14 a police officer?

15 A. I always liked him.

16 Q. What about your opinion of him as a
17 police officer, do you have any?

18 A. I think he's a hometown policeman, if
19 you can understand the difference.

20 Q. Can you explain what you mean?

21 A. Well, he cares about what people
22 thinks. In other words, he's not going to write
23 you a ticket just out of hand. You've got to do
24 something pretty bad before he'll -- before he'll

1 write you ticket. That was my impression.

2 Q. Do you know Jim Parrish?

3 A. Yeah.

4 Q. How do you know Jim Parrish?

5 A. Well, he come to our restaurant.

6 Q. How often would he come to your
7 restaurant?

8 A. Oh, hell...

9 Q. Daily? Weekly?

10 A. There for a good while it was daily.

11 Q. Did you ever meet with Jim Parrish and
12 talk to him about what you knew about the Rhoads
13 homicides?

14 A. No.

15 Q. You don't remember meeting with him in
16 1986?

17 A. Well, not really. I remember seeing
18 him. I knew his dad probably better than I knew
19 him.

20 Q. Did he ever ask you questions about
21 whether you saw any drug trafficking or drug
22 activity at the Rhoads?

23 A. No, no, nobody ever asked me.

24 Q. Did he ever ask you whether you saw

1 Randy Steidl the morning of the murders?

2 A. No. Straight away -- well, again, for
3 a good while there would have been no point in
4 asking, you know. There wouldn't be any reason,
5 and then when they started -- when they got
6 charged, that would have been an appropriate
7 time, but nobody ever asked me.

8 Q. No police officers ever came to your
9 house to ask you questions?

10 A. Not for that purpose. I told -- Randy
11 was carrying a gun, and if they didn't chase him
12 down and get that gun, that I was going to
13 eliminate the threat. It was up to them.

14 Q. Did you see Randy carry a gun?

15 A. No, his friend told me that he was
16 carrying it.

17 Q. Who told you that?

18 A. Chuck McCluskey.

19 MS. SUSLER: Objection. Hearsay.

20 THE WITNESS: Well --

21 BY MR. ACKERMAN:

22 Q. Did Chuck tell you what kind of gun it
23 was?

24 A. A 38.

1 MS. SUSLER: Objection. Hearsay.

2 BY MR. MANCINI:

3 Q. Do you know Jack Eckerty?

4 A. Yes.

5 Q. How do you know Jack Eckerty?

6 A. He used to go over to Lake
7 Shelbyville. Jack had a boat docked over there
8 at Fox Ridge. What's the name of that?

9 Q. He can't answer. You just have to
10 remember on your own.

11 MS. SUSLER: For the record, he was
12 looking over at Jeff Marlow.

13 THE WITNESS: Yeah, but Jack used to
14 come out there, and Jack had been in the
15 restaurant a few times.

16 BY MS. BARTON:

17 Q. Did you ever talk to Jack about what
18 you knew?

19 A. No. There was no -- our relationship
20 -- even Jim Parrish wasn't a personal
21 relationship, you know, just an everyday.

22 Q. What was your opinion -- did you have
23 an opinion of Jim Parrish as a police officer?

24 A. Specifically at the time I thought he

1 was a pretty thorough one, a pretty efficient
2 policeman. The same way with Eckerty.

3 MS. SUSLER: Objection, relevance and
4 qualifications to form this opinion.

5 THE WITNESS: Okay.

6 BY MS. BARTON:

7 Q. Was that your personal opinion?

8 A. Yes.

9 MS. BARTON: Okay. I don't have any
10 further questions.

11 THE WITNESS: I'm sorry.

12 MS. BARTON: I don't have any further
13 questions. Thank you.

14 MR. MANCINI: Jan, do you want to go?

15 MS. SUSLER: Ron, do you want me to go
16 first?

17 MR. BALSON: No, I just have a few.
18 Do you want to let me go?

19 MS. SUSLER: Go ahead.

20 EXAMINATION CONDUCTED

21 BY: MR. BALSON

22 Q. Mr. Marlow, my name is Ron Balson, and
23 I represent Herbert Whitlock.

24 A. Okay.

1 Q. I think you said that Mr. Marlow came
2 and talked to you. Right?

3 A. Mr. Marlow is a family member.

4 Q. Okay. And did he come in his official
5 capacity and talk to you?

6 MR. ACKERMAN: I'll object to
7 foundation.

8 THE WITNESS: No. Just general
9 conversation.

10 BY MR. BALSON:

11 Q. All right. And did any of the times
12 that he talked to you was it -- did he have a
13 tape recorder or video?

14 A. Only when he was wanting me to go to
15 Champaign and make a deposition, which I did.

16 Q. When did you do that?

17 A. Hell, I don't know. It's a matter of
18 court record or somebody's record. It ain't
19 mine. I don't write those things down.

20 Q. Well, was it in the past year?

21 A. It's been longer than that.

22 Q. Two years ago?

23 A. Maybe. You're talking to a man that
24 can't remember what he had for breakfast, Bud.

1 Q. Okay. Well, I'm interested in how
2 this deposition came about with Mr. Marlow.

3 A. Okay. Totally voluntary.

4 Q. It was voluntary, I'm sure. Did he
5 ask you if you would come and do this?

6 A. I'm sure he did, but I don't remember
7 specifically.

8 Q. All right. How did you -- and you say
9 it was done in Champaign?

10 A. Yes.

11 Q. Where in Champaign?

12 A. Wherever they give polygraphs. I took
13 a polygraph and made a deposition. Beyond that,
14 I don't know.

15 Q. From time to time when you had these
16 discussions with Mr. Marlow did he tell you his
17 opinion about this murder?

18 A. Not specifically that I remember. We
19 just talked in generalities.

20 Q. All right. When you talked in
21 generalities, did he tell you that he thought
22 Steidl and Whitlock were responsible for the
23 murders?

24 A. I can give you my impression, if you

1 want that?

2 Q. Well, I want your impression about
3 what Mr. Marlow told you.

4 A. That's what I'm saying.

5 Q. Go ahead and give me your impression.

6 A. My impression is that he had a job to
7 do and that he was pursuing that job, and he
8 asked me if I would go up and make the
9 deposition, which I said I would.

10 Q. What job was he doing?

11 MR. ACKERMAN: Objection to
12 foundation.

13 MR. BALSON: Sorry?

14 MR. ACKERMAN: I was just objecting to
15 foundation.

16 THE WITNESS: He was investigating a
17 cold case, as I understand it.

18 BY MR. BALSON:

19 Q. Okay. And --

20 A. The cold case was Herb and Randy.

21 Q. And did he tell you at any time that
22 he thought that Herb and Randy, that they had the
23 right people, that they prosecuted or the right
24 people were in jail?

1 A. I'm having trouble remembering what
2 you're asking.

3 Q. Did Mr. Marlow tell you at any time
4 that he thought the right people had been tried
5 and convicted in this case?

6 A. I don't remember him specifically
7 saying that, but I do remember him saying that he
8 was investigating a cold case and that he was
9 doing his best to investigate it properly.
10 That's the best answer I can give you, pal.

11 Q. But he did tell you he thought Steidl
12 and Whitlock were guilty of the murders then?

13 A. I have no idea what was said. I
14 really don't. I just remember that he asked me
15 to go up there, and I did.

16 Q. All right.

17 A. But word for word, I can't remember.

18 Q. Who was present when you went up there
19 besides Mr. Marlow and the polygrapher?

20 A. I heard the guy's name, but he was
21 another detective, but I don't remember his name.

22 Q. Okay. When you were watching the
23 policemen fight this fire, you said Randy came by
24 and talked to you that morning. Do you remember

1 that?

2 A. Yes, sir, I do.

3 Q. Okay. Did you by any chance see Bob
4 Morgan at the scene that morning?

5 A. No, sir, I did not. In fact, at the
6 time I did not know Bob Morgan.

7 Q. All right. So if he had been there,
8 you wouldn't have known him one way or another?

9 A. Absolutely.

10 Q. Did you see a Corvette parked out
11 there?

12 A. No, sir, I did not. Well, lord, there
13 was all kinds of vehicles.

14 Q. A lot of people came to watch?

15 A. I'm sure they did. I don't know
16 their -- but there was just a lot of vehicles
17 around there.

18 Q. Mr. Hopper, did you say that you were
19 up the whole night the night of the fire?

20 A. Yes, sir, I did.

21 Q. And you were sitting in your living
22 room watching TV. Is that right?

23 A. Yes, sir.

24 Q. And you have an old house. Is that

1 what you said?

2 A. Yes, sir, I do. I did. It's gone
3 now.

4 Q. Could you hear noise on the street
5 when you're sitting in your living room?

6 A. Yeah. Yeah, you can.

7 Q. So that night you didn't hear any
8 commotion before the fire. Did you?

9 A. No, sir, not a whisper.

10 Q. You didn't hear anybody screaming or
11 anything like that?

12 A. No, sir, but I had my TV on too.

13 Q. I understand, but you didn't hear it?

14 A. No, sir.

15 Q. And you didn't notice any commotion or
16 hear any cars or screaming or anything like that?

17 A. No, sir, I did not.

18 Q. All right. You said a few minutes ago
19 that you heard that Mr. Whitlock was involved
20 with two barrels of marijuana. Is that right?

21 A. It was in the newspaper, I believe.

22 Q. So that's where you have this
23 information? You think you read that in the
24 newspaper?

1 A. I believe so, yes.

2 Q. You don't have any personal knowledge
3 of him having any connection with drugs. Do you?

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

5 MR. BALSON: All right. That's all
6 the questions I have.

7 EXAMINATION CONDUCTED

8 BY: MS. SUSLER

9 Q. Just give me one second.

10 MR. BALSON: Did you hear me, Jan?
11 I'm finished.

12 MS. SUSLER: Yes, I'm just arranging
13 myself. I'll turn around and face you.

14 THE WITNESS: Okay.

15 BY MS. SUSLER:

16 Q. Mr. Marlow, I'm Jan Susler, and I'm
17 one of Randy Steidl's lawyers.

18 A. Okay.

19 Q. Now, you said when Mr. Balson asked
20 you, I think, that Marlow is family?

21 A. He's married to my niece.

22 Q. What's your niece's name?

23 A. Patty.

24 Q. Okay. So how long have you known him?

1 A. Thirty years.

2 Q. Would you say you're friends?

3 A. I'd like to think so.

4 Q. And how often do you see Jeff?

5 A. At least once a year.

6 Q. On what occasion once a year?

7 A. Well, the Hopper reunion is coming up
8 the last Saturday of June. I'm sure he'll be
9 there then.

10 Q. Is that when you usually see him when
11 you say at least once a year?

12 A. Oh, sometimes I'll see him at his
13 father-in-law's, my brother's. There's no set
14 chronological schedule.

15 Q. Okay. Now, I guess I understand then
16 that your brother is Mr. Marlow's father-in-law?

17 A. Yes.

18 Q. Okay. And what's your brother's name?

19 A. Robert Dean Hopper.

20 Q. Where does he live?

21 A. [REDACTED]

22 Q. In Paris?

23 A. Paris, Illinois.

24 Q. I'd like to find out when the first

1 time you talked to Jeff Marlow was about the case
2 that he's investigating.

3 A. Lord, I can't tell you. I don't know.

4 Q. I'm just asking for your best memory.

5 A. Well, from the time it happened over
6 there, it's probably been a matter of family
7 discussion. I don't know when he entered or when
8 he did not enter, you know. I just -- because we
9 knew Randy so well that it was a pretty popular
10 topic.

11 Q. In the family?

12 A. Yeah.

13 Q. So even before he was involved and an
14 investigator on the case, you and he had talked
15 about it?

16 MR. ACKERMAN: I'm just going to
17 object on foundation.

18 THE WITNESS: No, I did not.

19 BY MS. SUSLER:

20 Q. So when is the first time that you
21 talked to him about it?

22 A. I think we were sitting in my
23 brother's basement, and I'm trying to remember,
24 but in the conversation it came up that I did see

1 Herbie the morning of the murders, and that's, I
2 believe, when Jeff got interested.

3 He started asking me questions, and I
4 told him as best I could, and then my wife was
5 very, very adamant about me testifying. She did
6 not want me making a deposition, and I told her
7 that I would just have to pay the penalty,
8 because I'm going to make the deposition. The
9 only thing I know is what I saw and what I
10 testified to, and that's the extent of what I
11 know. If you ask me anything else, I can't tell
12 you, because I don't know.

13 Q. All right. Well, I hope you'll bear
14 with me, because I do have some more questions I
15 need to ask you. When you were having this
16 conversation in your brother's basement, was
17 anybody else present?

18 A. Probably five or six people.

19 Q. Who were they?

20 A. His two daughters played Euchre. I'm
21 a leper. I smoke, and my brother don't, and I
22 always go to the basement to smoke, and they come
23 down and talked to me, you know, and we played
24 Euchre down there.

1 To run one occasion into another, it's
2 just impossible.

3 Q. Well, I need to find out what your
4 best memory is about the first occasion that you
5 had a conversation with Mr. Marlow.

6 A. In all probability, I wasn't even
7 saying it to him. I was just saying what I've
8 always said, and he overheard me, but to say that
9 he made an appointment or a schedule or anything
10 of that nature, it was just general conversation.

11 Q. Okay. Well, maybe I can ask the
12 question in a better way then. When was the
13 first time that you mentioned anything about the
14 Rhoads murders in the presence of Jeff Marlow?
15 Is that what we're talking about in the basement?

16 A. Again, again, again, from day one, the
17 next day -- in fact probably that night I told my
18 wife that Randy had come up, asked me what was
19 going on.

20 It was not anything that I tried to
21 keep secret. It was just something that was
22 talked about whenever the subject come up, you
23 know, so to specifically point it at anybody, I
24 did not do that. You know, I never -- I never

1 thought it would have any meaning or bearing.

2 Q. All right. Well, let me ask you this,
3 then. It sounds to me like you're saying that
4 you didn't think twice about seeing Randy out on
5 the street that night?

6 A. No, I didn't think twice about it.
7 The fact of the matter is I thought he was going
8 on to the next door to his aunt's house.

9 Q. Even if his aunt hadn't lived there,
10 it was an incident in the town that a lot of
11 people came out to watch?

12 A. I'm sure. I'm sure.

13 Q. So it wasn't anything unusual that he
14 would have been out there?

15 A. With all the lights going on, if you
16 was awake, you would have to be blind not to see
17 it.

18 Q. Now, when Mr. Mancini was asking you,
19 you said that you weren't sure what time it was,
20 but you thought it was 4:00.

21 A. I'm thinking it was just before
22 daybreak is what I'm saying.

23 Q. All right. What time was the sun
24 coming up then in July? Do you remember?

1 A. Oh, my goodness. I'm thinking in the
2 neighborhood of 5:00, but I can't -- I can't tell
3 you. I don't know.

4 Q. Well, did you all have a regular time
5 that you would get up and go over to the
6 restaurant?

7 A. The restaurant was fairly new then,
8 but my normal getting up time was 4:30. I worked
9 at the telephone company, and at 4:30 I would get
10 up.

11 Q. And what time would you leave the
12 house?

13 A. 7:00, normally.

14 Q. Okay. And between 4:30 and 7:00 what
15 time did it get light back in July?

16 A. You got me, babe. I would be out in
17 the garden weeding. I had yards to mow. I had
18 so many things to do, and I just did not pay
19 attention to when daylight came.

20 Q. Okay. Now, do you recall the time
21 that you went over to Champaign with your family
22 member, Mr. Marlow --

23 A. Yes, I remember.

24 Q. That you told him it was about 6:00

1 that you saw Randy?

2 A. It's possible I told him that, but,
3 again, it's all such a generalization. There was
4 a lot of excitement going on, and, believe me,
5 Randy was not my main focus that night, and
6 certainly the time was not my main focus.

7 Q. Let me just take you back then. You
8 said you -- you were in the basement of your
9 brother's house when you were having a
10 conversation. You think that was the first time
11 that you had a conversation in --

12 A. That's what strikes me.

13 Q. In Marlow's presence?

14 A. Well, it would be about the only time
15 that Jeff and I would get together, because the
16 only time we would get together is when he would
17 come to Bob's house, and I would too at the same
18 time.

19 Q. And do you remember when that was?

20 A. No.

21 Q. How long ago before or after you went
22 with him to Champaign?

23 A. Well, it was certainly when he was
24 assigned to that cold case. I remember him

1 saying that he had just solved a cold case. He
2 was feeling so good about that, and he was
3 wanting to solve this cold case, I would assume.
4 That's what he was meaning.

5 Q. Well, was this general conversation
6 that you had before you went with him to
7 Champaign?

8 A. Yeah, just as a matter of fact, out of
9 hand I said something that I had been saying for
10 years, and nobody ever paid attention to me.

11 Q. How much before you went to Champaign
12 was that general conversation?

13 A. You got me.

14 Q. Are we talking a couple years?

15 A. I'd say a couple years.

16 Q. Now, I think you said that Bob's two
17 daughters were there playing Euchre?

18 A. No, Bob only has one daughter.

19 Q. Okay. I misunderstood you then.

20 A. He's got -- he's got two boys and one
21 girl, and the girl was married to Jeff.

22 Q. So who else was in the basement when
23 you were having this conversation?

24 A. I think maybe Jeff's two daughters,

1 possibly.

2 Q. By Jeff, meaning Jeff Marlow?

3 A. Yes.

4 Q. What are the daughter's names?

5 A. Oh, boy. I'm going to be in trouble.

6 Q. If you don't remember, just say you
7 don't remember.

8 A. I don't remember.

9 Q. Okay. How old were the daughters at
10 the time that you had this conversation?

11 A. In the area of 21, 22, 23, somewhere
12 in that area.

13 Q. They were adults?

14 A. Adults.

15 Q. Okay. Who else was there in the
16 basement?

17 A. I think maybe Bob was down there. I
18 know Jeff was. There's just so many different
19 times, that I can't give you a specific.

20 Q. Is your brother still alive?

21 A. Yeah.

22 Q. Okay. And when is the next time you
23 remember the topic of the Rhoads coming up when
24 you and Mr. Marlow were present?

1 A. Jeff come down at the house -- come
2 out to the house and asked me if I remembered
3 saying that and --

4 Q. You remembered saying what?

5 A. That I had saw Randy at the fire.

6 Q. When was this in relation to that
7 general conversation in your brother's basement?

8 A. It's just all rolled together.

9 Q. All right. It's after that,
10 obviously?

11 A. Just a blur, yeah.

12 Q. You think it's within a few weeks, a
13 few months, a year?

14 A. Oh, I'd say a few weeks from the time
15 that I said it. I remember talking to him in the
16 basement about it in Bob's basement, and then I
17 remember him asking if I would go to Champaign,
18 and I told him I would.

19 Q. What else was said that day in the
20 basement or night in the basement of your
21 brother's when you were having this conversation?

22 A. I don't know.

23 Q. What did he say to you when you told
24 him that you saw Randy out there?

1 A. I really don't -- I was surprised that
2 he showed an interest.

3 Q. What did he do or say to show an
4 interest?

5 A. I can't tell you that, because I don't
6 know. The fact of the matter is, these things
7 wash together, and nothing specific comes out.

8 Q. When you say these things wash
9 together, am I understanding --

10 A. These times that we get together.

11 Q. Okay. So I'm understanding you to say
12 that there was more than one time that you and he
13 were in a room together when the topic came up,
14 and you just can't distinguish in your mind?

15 A. I think that would be safe to say.

16 Q. Okay. And can you distinguish in your
17 mind where any of these conversations took place
18 other than your brother's basement?

19 A. I'm trying to think. I don't know.

20 Q. Okay. When they were in relation to
21 each other?

22 A. Can't tell you. Just don't know that.

23 Q. All right. Who was present other than
24 what you've already told me at any of the other

1 times the conversations took place?

2 A. There's a list that would go on
3 forever.

4 Q. Well, let's start.

5 A. I remember a funeral. I can't
6 remember whether Jeff was there, but there's just
7 so many things went on in that basement, you
8 know, that --

9 Q. Well, I guess what I'm trying to find
10 out is who do you remember being present on any
11 of the other occasions that you -- that the
12 subject came up when you and he were together?

13 A. There was a possibility my brother,
14 Bob, just might remember something about it.

15 Q. Well, we might ask him, but right now,
16 it's your turn.

17 A. Okay.

18 Q. I'm just trying to find out what your
19 best memory is Mr. Marlow.

20 A. It ain't too hot.

21 Q. All right. Well, you said that it was
22 a long list of people, and I'd like you to tell
23 me who you remember.

24 A. Well, what I'm saying to you is I've

1 been in that basement so many times, and so many
2 people have come in and out, and I can't remember
3 specifically when he was there, when he wasn't
4 there, when it was somebody else.

5 Q. Well, who were the people who would
6 normally be in the basement when you would have
7 these kind of conversations?

8 A. Mostly it would be family and friends.
9 One of them I do remember is a funeral when Dick
10 Kugan (phonetic) was down there, but we was all
11 telling jokes and everything was -- Bob -- Jimmy,
12 he was down there on several occasions, but
13 whether him and Jeff was there at the same time,
14 I can't tell you. I don't know.

15 Q. Well, I think what we're trying to do
16 now is establish who would normally be present
17 when you would have this type of conversation.

18 A. Everybody.

19 Q. I don't know who that is.

20 A. Well --

21 Q. You said friends and family. Why
22 don't you tell me who they are?

23 A. Well, specifically it would be Jeff
24 and Patty and their two daughters. It would be

1 Jimmy, Bob's boy, and their two sons.

2 Q. And their name is Hopper?

3 A. Yeah, and a lot of times my family
4 would be down there.

5 Q. You mean Sis or your wife, Rosemary?

6 A. My present wife.

7 Q. And then your kids?

8 A. And then my kids, yeah.

9 Q. Roger?

10 A. And Debbie, Billy, and --

11 Q. And Tammy?

12 A. Yeah. Normally Billy don't come down
13 as much as the rest of them.

14 Q. Who else would normally be there?

15 A. That's about it, as far as I know.

16 Q. Okay. Thank you. When -- how did it
17 come about that you went to Champaign with
18 Mr. Marlow?

19 A. Jeff asked me if I would go up there
20 and make a deposition to the fact that I had seen
21 Randy, and I told him that I would be glad to,
22 and I did.

23 Q. And this is -- I think you said
24 earlier that he came over to your house?

1 A. Probably he came to my house. I
2 think -- but to try to nail any of it down, I
3 can't. I just know that...

4 Q. Well, maybe I can help you out. Fair
5 to say that it was between the time you had the
6 conversation in your brother's basement and the
7 time you went to Champaign?

8 A. Yeah.

9 Q. Okay. And when -- was it close to the
10 time before you went to Champaign?

11 A. I'd say it was. A month or two.

12 Q. Okay. When he came to your house, was
13 he with anybody?

14 A. I remember the guy that was with him
15 when we went to Champaign, but other than the
16 that, I don't remember anybody else being with
17 him.

18 Q. Do you think he was alone at your
19 house?

20 A. It's possible. I can't even really
21 tell you that he was at my house.

22 Q. Well, I'm not trying to put words in
23 your mouth. I'm just trying to find out what you
24 remember.

1 A. What I'm saying is I remember talking
2 to him several times, and my wife got excited
3 about me testifying, and then he called, and I
4 told him that I would go, and I went.

5 Q. What did your -- you said your wife
6 got excited and didn't want you to testify. What
7 was that about?

8 A. She was afraid of Randy.

9 Q. Do you know whether she knew Randy?

10 A. I don't think so. I don't think so.

11 Q. Do you know what she was basing that
12 on?

13 A. No idea.

14 Q. Okay.

15 A. It wouldn't make any difference if it
16 was Randy or Joe Blow. She just didn't want to
17 be involved in any litigation.

18 Q. I see. And you weren't afraid of
19 Randy?

20 A. No.

21 Q. When -- and I'm assuming we're talking
22 about Rosemary?

23 A. Yeah.

24 Q. Okay. When -- when he came -- when --

1 you talked to him I think you said several times
2 before you went to Champaign. Any of those times
3 was he taking notes?

4 MR. ACKERMAN: Object to the form.

5 THE WITNESS: I couldn't tell you.
6 Probably he was, but for me to tell you that he
7 was, I couldn't tell you.

8 BY MS. SUSLER:

9 Q. I think when you were asked earlier
10 about whether he ever audio or videotaped you, I
11 think what you said was not until the time you
12 went to Champaign with him.

13 A. Probably that's right, because when we
14 got up there, he asked me to take a polygraph,
15 and I agreed.

16 Q. When did he ask you that? When you
17 were already in Champaign?

18 A. Oh, my, before we went to Champaign he
19 told me that I would be taking a polygraph.

20 Q. And you didn't have any problem with
21 that?

22 A. No problem.

23 Q. How did you get to Champaign?

24 A. I rode up there with him.

1 Q. Was that in a State Police car?

2 A. It was just a car. I couldn't tell
3 you if it was a state police car or not. It was
4 just a car.

5 Q. Anybody else in the car with you?

6 A. No, I think we met the other detective
7 in Champaign.

8 Q. Do you remember the other detective's
9 name?

10 A. No, I don't remember.

11 Q. Was it Greg Dixon?

12 A. That could have been it. That could
13 have been it.

14 Q. Do you remember what the guy looked
15 like?

16 A. He wasn't as big as Jeff, but he was a
17 pretty big guy.

18 Q. Was he in a uniform?

19 A. No.

20 Q. Just plain clothed?

21 A. Yeah.

22 Q. What did Mr. Marlow or the other
23 detective tell you about why they wanted you to
24 take a polygraph?

1 A. That they were investigating a cold
2 case, and that it was Herbie and Randy, and that
3 they wanted me to take that polygraph test, which
4 I did, and I took a deposition.

5 Q. When you say you took a deposition,
6 can you tell me what you mean?

7 A. They wrote down what I was saying, and
8 I signed it.

9 Q. Okay. When you say they wrote down,
10 who are you talking about?

11 A. Well, just printed matter in front of
12 me is what I'm looking at. I don't see who wrote
13 it or anything. They just said this is what you
14 said, and I said yeah.

15 Q. You didn't read it? You just signed
16 it?

17 A. Yeah. When I was in the Marine Corps,
18 I took depositions, but I was not an officer. I
19 was a sergeant. I wrote down what the guy said,
20 put it on a paper, and then I gave it to an
21 officer, but that was part of the deposition. I
22 wrote down what was said. I typed it.

23 Q. And that's your understanding of what
24 they did with you that day in Champaign?

1 A. Yeah.

2 Q. And, by they, who are we talking
3 about?

4 A. The two officers in question.

5 Q. Mr. Marlow and --

6 A. There was a third one that gave the
7 polygraph, and I can't remember his name, but he
8 was a very pleasant fellow.

9 Q. Was it Mark Murphy?

10 A. Can't tell you, because I don't know.

11 Q. Okay. So you and Marlow and the other
12 detective sat together, and you gave a
13 deposition?

14 A. Yeah. He was there when I took the
15 polygraph test, and then after it was over, the
16 other detective left. He had another job, and
17 Jeff and I came back to Paris.

18 Q. Who was there when you took the
19 polygraph, all three of them?

20 A. Yeah, the guy running the polygraph
21 machine.

22 Q. And Marlow and the other detective?

23 A. Yeah.

24 Q. And what was that deposition? What

1 did you say? What did they say?

2 A. Essentially what I've been saying to
3 you, but...

4 Q. They asked you questions about July
5 5th and 6th of 1986?

6 A. Yeah.

7 Q. And what you could see?

8 A. Yeah.

9 Q. And they asked you about whether you
10 saw Randy out there?

11 A. Yeah.

12 Q. Okay. What did Mr. Marlow or the
13 other detective or the polygraph examiner, what
14 did they tell you about the significance of your
15 saying you saw Randy out there that morning?

16 A. Nothing that ever registered with me.
17 The fact of the matter is I was asking them how
18 can this possibly make any difference?

19 Q. And what did they say?

20 A. They just said that they was doing
21 their job, and that this is part of it.

22 Q. So nobody ever told you that they were
23 hoping to use your statement as a way to undercut
24 Randy's alibi for that night?

1 A. No. If that makes a difference, it's
2 the first I knew of.

3 Q. Okay. What -- what were you told
4 about the polygraph when you got there?

5 A. Simply that it is what it is. It's
6 just to determine if I'm telling the truth in
7 what I'm saying.

8 Q. And what did they tell you about the
9 results?

10 A. Well, I just remember the guy giving
11 the test said he seen. I remember him saying
12 that, but other than that, I don't remember
13 anything at all about it.

14 Q. Anybody ever tell you whether you
15 passed or failed the test?

16 A. Well, I assume that by him saying what
17 he did that I had passed it. Again, I'm
18 just there to sing base and to help out the
19 romance. I don't have anything to do with it. I
20 was just there.

21 Q. I missed the part about the romance.
22 What did you say?

23 A. I'm just here to sing base and help
24 out with the romance. That's what I would always

1 say when I went to parties.

2 Q. Okay. So, if I understand you
3 correctly, other than the comment that you say
4 you heard from the polygraph examiner, nobody
5 ever told you --

6 A. Yeah.

7 Q. -- whether you passed or failed the
8 test?

9 A. Well, as I understand a polygraph,
10 that you can cheat them. That's what I
11 understand. If you know what to do, you can give
12 them any results that they want.

13 Q. I'm just trying to find out what they
14 told you.

15 A. Okay. Specifically that's all that I
16 remember.

17 Q. Okay. Did you ever see a written
18 report about the polygraph exam?

19 A. No.

20 Q. Did you ever see a written report that
21 Marlow or any other detective wrote up after
22 talking with you?

23 A. Didn't ask for one.

24 Q. Well, that's not my question. My

1 question is did you ever see one?

2 A. No, I did not see one somewhere.

3 Q. And did you ever see the deposition
4 that you say you gave in Champaign?

5 A. Only when I signed it.

6 Q. And, again, you didn't read it before
7 you signed it?

8 A. No, not to any extent.

9 Q. They showed you where to sign, and you
10 signed it?

11 A. That's what I signed.

12 Q. Do you know what you signed?

13 A. Only essentially what I've been saying
14 to you, and that morning I did see Randy there.

15 Q. And you know that's what you signed,
16 just because that's what they told you you were
17 signing?

18 A. No, I read that part of it, you know,
19 just a quick glance. I never checked it for
20 periods and commas.

21 Q. How many pages was the document that
22 you signed?

23 A. Oh, my, I have no idea.

24 Q. More than one?

1 A. That, I can't tell you either. In
2 fact, I vaguely remember signing it. Just
3 vaguely. It was not something that I felt like I
4 needed to put any import on.

5 Q. Now, if I understood you correctly,
6 your earlier testimony, you said that when you
7 talked to Mr. Marlow about having seen Randy out
8 there that that was the first law enforcement or
9 State's Attorney you ever told that to?

10 A. That ever asked me about it.

11 Q. So if Jim Parrish wrote a report
12 saying that you talked to him about it, then that
13 wouldn't be right?

14 A. I wouldn't remember it if he did, but
15 there's a very big possibility that I might have
16 at some time or another told Jim that. That's
17 just a possibility. I can't swear to it.

18 Q. Do you remember telling Jim Parrish?

19 A. No, I don't remember ever telling
20 anybody connected to law enforcement that I seen
21 Randy.

22 Q. And just so I'm clear, do you remember
23 ever speaking with Jim Parrish, Jack Eckerty, or
24 Mike McFatrige or Gene Ray about anything that

1 you saw --

2 A. The trial --

3 Q. About anything you saw related to the
4 Rhoads?

5 A. Nothing that I remember.

6 Q. Okay. Let me ask you to make a
7 drawing which we'll label as William Hopper
8 Deposition Exhibit No. 1. What I'd like you to
9 do is to draw -- I would like you to draw your
10 house and Mary Eastham's house with relation to
11 the Rhoads house.

12 A. Okay.

13 Q. And I think you said there was an
14 intersection down --

15 A. The point.

16 Q. At the point, and then there was an
17 intersection --

18 A. Yeah, the next street down.

19 Q. Yeah. Do you think you could do that
20 for us?

21 A. Yeah.

22 Q. Here's a pen.

23 A. Okay.

24 Q. Make it nice and big, because

1 everybody is going to want to see it.

2 A. (Witness marks on exhibit). Okay.

3 What kind of identification do you want?

4 Q. All right. Could you write Hopper at
5 your house?

6 A. Okay. (Witness marks on exhibit).

7 Q. And can you write Eastham at Eastham's
8 house?

9 A. (Witness marks on exhibit).

10 Q. And how about can you write Dagley
11 over where Randy's Aunt Wanda lived?

12 A. (Witness marks on exhibit).

13 Q. Fine. And can you write Rhoads where
14 the Rhoads house was?

15 A. Okay. (Witness marks on exhibit).

16 Q. Now, do you think you could make an
17 arrow pointing to where north was?

18 A. Okay.

19 Q. Just do that up in the corner
20 somewhere.

21 A. (Witness marks on exhibit).

22 Q. So you've made an arrow that that's
23 pointing off to the right of the paper. That's
24 north?

1 A. Yeah.

2 Q. Okay. And you made a little N next to
3 the arrow?

4 A. Yeah. Right there.

5 Q. Who lived in the other houses that
6 you've drawn?

7 A. Terry.

8 Q. I'm talking about at the time of the
9 fire.

10 A. Yeah. Terry.

11 Q. Newman?

12 A. Newman lived here. (Witness marks on
13 exhibit).

14 Q. Was there a house where the Taylors
15 lived?

16 A. I think that's it right there.

17 Q. Next to Wanda Dagley's house?

18 A. Yeah. (Witness marks on exhibit).

19 And I'm trying to remember who lived in this one.
20 She worked down at the Track Shack with Mary or
21 The Family Restaurant. I'll think of it here in
22 a little bit.

23 Q. Okay. How about next to the Newmans?

24 A. (Witness marks on exhibit). Okay.

1 There were so many people that lived in and out
2 of here.

3 Q. Well, I'm interested in at the time of
4 the fire.

5 A. Okay. I can't tell you, because I
6 don't know.

7 Q. Okay. All right. Now, can you show
8 where the street light was that you were talking
9 about by Mary Eastham's house?

10 A. I'm thinking it was down one of these
11 two corners. I think this one.

12 Q. Well, now, earlier you said if she --
13 that it was in front of her house?

14 A. Well --

15 MR. MANCINI: Objection.

16 Mischaracterizes the testimony.

17 THE WITNESS: This is my property line
18 back here (indicating). I had a dusk to dawn
19 light back here, but it was not in my name. It
20 was in Monroe Sumner's name, my neighbor.

21 BY MS. SUSLER:

22 Q. Okay. Now, can you show me where your
23 living room window was?

24 A. Yeah, right here. (Witness marks on

1 exhibit).

2 Q. And where was your front door?

3 A. Right here (indicating).

4 Q. So the front door is --

5 A. Right there.

6 Q. All right. It's the one that's closer
7 to the top of the paper?

8 MR. MANCINI: Jan, is he
9 distinguishing these in some fashion on the
10 exhibit? I can't see it. Is he marking a window
11 or a door?

12 MS. SUSLER: Well, he just made a
13 slash for the door and another slash for the
14 window, and that's why I'm asking him to clarify.

15 MR. MANCINI: Maybe a W and a D.

16 BY MS. SUSLER:

17 Q. Okay. Do you want to put a D for door
18 and W for window?

19 A. (Witness marks on exhibit). I'm
20 sitting like right here. (Witness marks on
21 exhibit). Then there's the TV right there, and
22 I'm looking right across here.

23 Q. Now, you drew a rectangle near the
24 Rhoads house. What is that?

1 A. It was shaped like that.

2 Q. What was shaped like that?

3 A. Rhoads house is shaped like a
4 rectangle.

5 Q. Okay. Then you made a --

6 A. That's a garage.

7 Q. Okay. The garage is the rectangle
8 that's toward the bottom of the paper?

9 MR. MANCINI: Can we mark that with a
10 G, maybe?

11 MS. SUSLER: Sure.

12 THE WITNESS: This is where the fire
13 trucks was setting in this area over here and the
14 police cars.

15 BY MS. SUSLER:

16 Q. Could you put a G in the garage, so we
17 know that that's what you drew?

18 A. (Witness marks on exhibit).

19 Q. You wrote the whole word. Okay.

20 Now, where were you standing when you
21 say you saw Randy?

22 A. Okay. About right here. (Witness
23 marks on exhibit).

24 Q. And you made a circle?

1 A. Yeah.

2 Q. That's sort of in front of the
3 Taylor's house?

4 A. Yeah.

5 Q. All right.

6 A. I was expecting Randy to come up this
7 side, and I thought he was going to go right over
8 here.

9 Q. Where was Randy when you first saw
10 him?

11 A. He came walking up this way.

12 Q. Can you mark an R when you very first
13 caught view of him?

14 A. I would say about right here.
15 (Witness marks on exhibit).

16 Q. Okay.

17 A. He just walked up beside me and said,
18 "What's going on?"

19 Q. Okay.

20 A. I said, "Heck, I don't know."

21 Q. And how long do you think it was that
22 you and he were together out there?

23 A. A very, very brief time.

24 Q. A couple seconds?

1 A. Longer than that. Maybe two or three
2 minutes.

3 Q. Okay. And then he turned around and
4 left?

5 A. Yeah.

6 Q. And he went back the way he came from?

7 A. Yeah. Went back down to the east.

8 Q. Okay.

9 A. There's a side street right here,
10 Water Street, but...

11 Q. What is the street --

12 A. I'm trying to think of the name of it.

13 Q. At the bottom of the triangle you've
14 drawn --

15 A. Lived next to it for 30 darn years. I
16 can't pull it up right now.

17 Q. All right. Which side of the house
18 did you see the flames on at the Rhoads house?

19 A. Okay. The fire was all up along here
20 (Witness marks on exhibit).

21 Q. And you're sort of drawing in the area
22 between the house and the garage?

23 A. Yes. Yeah, actually, I'm just a
24 little bit west of this, but that's the general

1 idea. I was looking right out my living room
2 window at the back of the Rhoads house.

3 Q. Okay. The doors in the Rhoads house
4 that you testified to earlier, can you make a K
5 for the kitchen door that you talked about?

6 A. That would be -- this would be the
7 south, (witness marks on exhibit), and this would
8 be the west. We looked in the garage and
9 couldn't see nothing. We come up there and got
10 on the porch, even knocking on the door, and I
11 was looking in that window and seeing all that
12 smoke, and then we left there.

13 Q. Wait. Before you go on, you've got
14 your pen where you've written an S?

15 A. That's the south door.

16 Q. Okay. That's where the south door
17 was?

18 A. Yeah.

19 Q. Okay. And there was a porch there.
20 Is that what you said?

21 A. Yeah.

22 Q. What did you just write?

23 A. Side.

24 Q. Okay. Side. All right. And can you

1 make a mark where the door was, side door?

2 A. I'd say right in here (Witness marks
3 on exhibit).

4 Q. It's right where you've got the S?

5 A. Yeah.

6 Q. There's another door?

7 A. The west door was facing west right
8 here.

9 Q. Can you make a little indication where
10 that door was?

11 A. (Witness marks on exhibit).

12 Q. Okay. And then the kitchen door is it
13 on --

14 A. This is what I would call the kitchen
15 door.

16 Q. On the Clinton side of the house?

17 A. Yeah.

18 Q. On the north side of the house?

19 A. Yeah.

20 Q. Okay.

21 A. But the drive was like here and --

22 Q. The drive is to the north of the
23 garage?

24 A. Yeah. There was no vehicular access

1 from the south side.

2 Q. So from --

3 A. Everything was done off Clinton
4 Avenue.

5 Q. From Court Street, there was no access
6 onto the property?

7 A. No. There's other houses down in here
8 (indicating), but...

9 Q. On the Clinton side?

10 A. Yeah, but there's no point in...

11 Clearwaters lived in the first one.
12 I'm trying to think who else lived down there.

13 Q. Are the Clearwaters still there?

14 A. No, they're both dead.

15 Q. And we're talking about to the east of
16 the Rhoads house then?

17 A. Yeah.

18 Q. Let me just pass this around and give
19 the other counsel a chance to look at this before
20 we go on.

21 MR. RAUB: Jan, are you going to mark
22 this as an exhibit?

23 MS. SUSLER: Yes, I already said that.
24 I guess we can do that when it gets around to the

1 court reporter.

2 MR. MANCINI: Do you want me to give
3 it to her, or are you going to use it?

4 MS. SUSLER: Why don't you give it to
5 her?

6 (At this point the court reporter
7 marked Hopper Exhibit No. 1 for
8 purposes of identification.)

9 BY MS. SUSLER:

10 Q. The window that you say you saw where
11 you saw the smoke?

12 A. Right here, actually.

13 Q. No, I mean on the Rhoads house.

14 A. Well, the window -- we looked in the
15 garage first here.

16 Q. On the south side?

17 A. And come around to the south door and
18 looked up on the porch, and we knocked on that
19 door. Didn't get no answer.

20 So then we went on around to the west
21 end of the house and was trying to get in this
22 door when the fire trucks got there and --

23 Q. I think you said that you looked in a
24 window, and you saw smoke?

1 A. The side window. Right.

2 Q. On the south side of the house?

3 A. Yeah.

4 Q. Okay.

5 A. I'll put window here, if that will
6 help you. (Witness marks on exhibit).

7 Q. Just sort of west of the door?

8 A. Well, yeah. It was just west of the
9 door.

10 Q. Okay. Now, you -- do you remember
11 that in 2008 you were interviewed by some private
12 investigators?

13 A. I remember some people coming around.

14 Q. Do you remember who they were?

15 A. No.

16 Q. What did they say -- they came over to
17 your house?

18 A. I think so, but I just -- to tell you
19 the truth, I don't even remember them being
20 there.

21 Q. Do you remember talking to them?

22 A. No, not really. Private
23 investigators? The only one I remember talking
24 to was Channel 10 the next morning.

1 Q. Was what?

2 A. Channel 10, the TV.

3 Q. Oh, I see. No, I'm talking about
4 recently.

5 A. Oh, recently. Recently, I haven't
6 talked to anybody but the State Police.

7 Q. In January of 2008 did you talk to a
8 man named Glowski or a man called Kalkman, two
9 guys that came together?

10 A. Not that I'm familiar with.

11 Q. Okay.

12 A. Now, wait a minute. There were some
13 people that come out there at the house that
14 Rosie run off, I think. Again, I don't know.
15 I'll have to ask her.

16 Q. Do you remember -- other than going to
17 Champaign with Mr. Marlow, after that, do you
18 remember talking to anybody about this case?

19 A. No. Again, though, it was just
20 everyday conversation for years. I just figured
21 everybody knew what I knew, because I've said it
22 so many times, or you know, just...

23 Q. Do you remember telling anybody
24 recently that you -- by the time you got over to

1 the house, the fire department had almost
2 extinguished the fire?

3 A. No. Hell, no, because that's not the
4 truth.

5 Q. So if somebody wrote that down, that
6 would be a mistake?

7 A. That would be a mistake, because I was
8 trying to call in, and I kept getting a busy.
9 Terry had called in first, and when I got out
10 there, he was out there in the middle of the
11 street, and we looked in the garage and couldn't
12 see a car. Then we walked up to the side door
13 and saw that smoke.

14 Q. Okay. When you testified earlier
15 today, you were hesitant to name Gene Ray's name.
16 Why was that?

17 A. I like Gene Ray, and I don't want to
18 cause him any grief, but the truth is the truth,
19 and that was truth.

20 Q. Is he a friend of yours?

21 A. Not specifically. He knows who I am.
22 I used to know his dad, Roland Ray.

23 Q. Let me ask you about the -- your
24 earlier testimony about the time that Randy came

1 over and you said he threw you off the porch?

2 A. Yeah, it wouldn't be the first time,
3 because he done it more than once.

4 Q. All right. Well, I'm asking about the
5 time that you testified to earlier today.

6 A. Yeah.

7 Q. You got right up and got into it with
8 him?

9 A. Well, he threw me off the porch, and
10 by the time I got up, Ronny had come through the
11 front door and tackled him and put him -- there
12 was two steps in front of the porch, and they was
13 down on the sidewalk in front of the steps, and
14 Randy was still flat on his back when Ronny got
15 off of him. I had him by the hair of the head
16 then, and I drug him in the middle of Court
17 Street, asked him to refrain from coming back
18 there anymore.

19 Q. Fair to say that you weren't hurt?

20 A. Knocked the breath out of me for a
21 second, but we got into it several times.

22 Q. All right. Did you ever have to get
23 medical attention from that time?

24 A. Never.

1 Q. Or any other time?

2 A. In fact, most of the times I come out
3 on top. I never hurt him. He never hurt me.

4 Q. But you two would get into it
5 physically from time to time?

6 A. Yeah.

7 Q. All right. Your daughter, Debbie, was
8 there -- well, let me ask you this: It sounds to
9 me like you're saying in your house you had a
10 pretty strict rule about drugs?

11 A. I absolutely did.

12 Q. Something like a zero tolerance
13 policy?

14 A. In my mind, but my wife was -- I'm sad
15 to say, was a little more lenient.

16 Q. Well, Billy had a drug problem.
17 Didn't he?

18 A. Oh, yeah, so did Debbie and so did
19 Tammy.

20 Q. And for the times that they were
21 having drug problems, they stayed away from the
22 house?

23 A. They kept me in the dark. My wife was
24 on prescription drugs pretty heavy, and I'm

1 pretty sure that she shared them -- I don't know
2 that. I just -- but I just kind of believe that
3 that might have helped their problem.

4 Q. The fact that she was using a drug?

5 A. Well, that she had drugs.

6 Q. Now, Debbie was estranged from the
7 family for a while. Wasn't she?

8 A. Well, I guess. Probably from Roger.
9 He was pretty upset with her.

10 Q. Well, there was a period of time when
11 she didn't come around much?

12 A. Well, when Delores died, she married
13 Billy Johnson, and they lived in my house from
14 2001 to I think 2003, but I just signed the house
15 over to Roger, and he had a -- Bell Excavating
16 came down with backhoes and just totally wiped it
17 out. He put up a new modular.

18 Q. Well, I guess my question is about
19 Debbie's drug use. What did you know about
20 Debbie's drug use?

21 A. I knew that she was in terrible shape
22 for a while, terrible shape, and her brother, I
23 believe, brought her back from the gates of hell.
24 Roger.

1 Q. Would it be fair to say that Debbie
2 had other relationships with men where violence
3 was part of the relationship?

4 A. Well, yeah. I'd say Billy Johnson --
5 I never knew him to hurt her or to hit her. He
6 was into drugs real heavy, and I did not like
7 that at all, but...

8 Q. Well, you just said that Debbie -- you
9 think that you were kept in the dark about her
10 drug use. Do you think you were kept in the dark
11 about the nature of the violence in her other
12 relationships?

13 MS. BARTON: Objection to form.

14 THE WITNESS: That would just be
15 conjecture, because I don't know. The only thing
16 I know is what I seen when she come home.

17 BY MS. SUSLER:

18 Q. But it wasn't something that she ever
19 talked to you about?

20 A. Not to any extent, because I had
21 warned her against the relationship and --

22 Q. Well, I'm talking any relationship.
23 Did she ever come and talk to you about violence
24 in any of her many relationships?

1 A. Not specifically.

2 Q. Okay. Do you have any personal
3 knowledge that Randy Steidl ever used drugs?

4 A. No.

5 Q. Do you have any personal knowledge
6 that Randy Steidl ever sold drugs?

7 A. No.

8 Q. Or purchased drugs?

9 A. No.

10 Q. Do you have any personal knowledge
11 about who committed the Rhoads homicides?

12 A. No personal knowledge at all. Not
13 even a good guess.

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

16 MR. MANCINI: I just have one
17 follow-up.

18 RE-EXAMINATION CONDUCTED

19 BY: MR. MANCINI

20 Q. I have one follow-up question just to
21 clarify.

22 All your physical confrontations with
23 Randy Steidl, who initiated those confrontations?

24 A. Well, he hit her, and he finished it

1 up. I would like to say it was him, but...

2 Q. That's your opinion, sir?

3 A. Yeah. In most cases I'm not a violent
4 person. I don't -- most of the time it would
5 just be in self-defense.

6 Q. Whose self-defense? That's not clear.

7 A. My self-defense.

8 MR. MANCINI: I have no further
9 questions.

10 THE WITNESS: Okay.

11 MR. ACKERMAN: I may have a couple of
12 questions. I would like to take a quick break to
13 use the washroom, if that's okay?

14 (At this point a short recess was
15 taken.)

16 EXAMINATION CONDUCTED

17 BY: MR. ACKERMAN

18 Q. Mr. Marlow, again, I'm Phil Ackerman.
19 I want to ask you a couple of follow-up questions
20 with respect to some of the questions that
21 Mr. Balson and Ms. Susler asked you.

22 I believe you testified that the first
23 time you were called discussing sort of the
24 subject matter of the Rhoads murders with

1 Mr. Marlow was at your brother-in-law -- excuse
2 me, your brother's basement?

3 A. That's an impression I got.

4 Q. And you were there, obviously?

5 A. Oh, yes.

6 Q. And Mr. Marlow was there. Do you
7 remember any --

8 A. We've been together so many times,
9 that how can I tell when's the first time I
10 initiated that conversation, you know?

11 Q. Okay. Well, with respect to the time
12 when you were in your brother's basement --

13 A. Okay.

14 Q. -- do you have a specific recollection
15 of anyone else being there?

16 A. Yeah. I think there was other people
17 there.

18 Q. Okay. And do you have specific
19 recollections of who they were?

20 A. No.

21 Q. Okay. Okay. And I believe that at
22 one point Ms. Susler asked you who might normally
23 be there at the basement, and did you say that
24 there was a long list of people who might have

1 been there?

2 A. Yeah.

3 Q. So when -- although you have a
4 specific recollection of other people being in
5 his basement the first time you remember speaking
6 to Mr. Marlow about the Rhoads homicides, it's
7 not a long list of other people who were there at
8 that time?

9 A. I've not even got a clear recollection
10 of the first time that I talked to him.

11 Q. Okay.

12 A. Because I talked to him so many times
13 previous to that, that I don't know where it fit
14 in.

15 Q. Okay. And then I believe that either
16 Mr. Balson or Ms. Susler asked you questions
17 about a time relatively -- relatively close in
18 time to the time that you went to Champaign when
19 Mr. Marlow asked you if you would be willing to
20 come to Champaign?

21 A. Yeah.

22 Q. Do you have any specific recollections
23 about that conversation?

24 A. The only thing specific I remember my

1 wife was chewing my butt and telling me not to
2 get involved.

3 Q. But about the conversation that you
4 had with Mr. Marlow, do you have any specific
5 recollections of it, other than it happened?

6 A. He just said he was investigating a
7 cold case, and he would -- he felt like I could
8 help his investigation if I would testify, and I
9 told him I would be glad to.

10 Q. Do you have any other specific
11 recollections of that conversation?

12 A. No.

13 Q. Okay. And then I believe you said
14 that shortly after that conversation you, in
15 fact, did go to Champaign?

16 A. Yes.

17 Q. Okay. And I believe you said you had
18 a polygraph and a deposition. Right?

19 A. Yes.

20 Q. Okay. Was the -- when you -- I think
21 you described to Ms. Susler what you meant by
22 deposition, meaning they -- you were asked
23 questions, and you gave responses?

24 A. Exactly.

1 MS. SUSLER: Objection.

2 Mischaracterizes his testimony.

3 THE WITNESS: That's just about the
4 way it was. I don't remember specifically
5 signing the paper. I think I did.

6 BY MR. ACKERMAN:

7 Q. Okay. So you don't have a specific
8 recollection of signing the paper?

9 A. Not specifically.

10 Q. Okay. And was there a -- when you
11 were being asked questions and you were giving
12 answers, was there a -- for example, as there is
13 today, a court reporter present? Do you remember
14 that?

15 A. Not that I remember.

16 Q. Okay. And I think you said that you
17 testified that in connection with the
18 polygraph -- well, let me back up.

19 I believe that either Mr. Balson or
20 Ms. Susler asked you about whether or not the --
21 any of the conversations that you had the day you
22 went to Champaign were audio recorded or video
23 recorded?

24 A. If they were, I had no knowledge of

1 it.

2 Q. Okay. So you don't know one way or
3 the other if they were taped, either audio or
4 video?

5 A. No.

6 Q. Okay.

7 A. If he had asked me, I would have said
8 okay, because I've got nothing to hide, you know.

9 Q. Okay. And then I believe Ms. Susler
10 asked you -- well, you said that you thought that
11 there was another detective present for at least
12 part of the time that day?

13 A. Yeah. In fact, we stopped at a -- I
14 believe a coffee shop and met him, and he went
15 with us to the polygraph.

16 Q. Okay. And I believe Ms. Susler asked
17 you whether that might have been Greg Dixon, and
18 you said it could have been?

19 A. That's a possibility.

20 Q. But you're not sure one way or the
21 other?

22 A. No.

23 Q. With respect to the polygraph itself
24 were the other detectives -- well, let me back

1 up.

2 With respect to the polygraph itself
3 were Mr. Marlow and the other detective present
4 in the room that you were in?

5 A. I believe they were. I can't say
6 specifically, but I believe they were. I do
7 remember talking to the fellow that was
8 conducting the polygraph. My attention was
9 focused on him.

10 Q. So they may have been there. They may
11 not have been there. You're not sure?

12 MS. SUSLER: Objection.
13 Mischaracterizes his testimony.

14 THE WITNESS: I couldn't swear to you
15 that they were.

16 BY MR. ACKERMAN:

17 Q. Okay.

18 A. I believe they were, but I can't swear
19 to it.

20 Q. Okay. I'd like you to take a look
21 at -- go back to what's in front of you, I think
22 Exhibit -- I'm not sure if it's marked as 1 or A.
23 We marked this 1. Yes. I believe earlier in
24 your testimony you talked about a group of people

1 called the -- that you called the Good Old Boys?

2 A. Yeah.

3 Q. And I think one of the people you
4 mentioned as being one of the Good Old Boys was
5 Mike Morgan?

6 A. Yeah.

7 Q. Do you know where Mike Morgan lived at
8 the time of the murders?

9 A. Charleston.

10 Q. Okay. In Charleston, Illinois?

11 A. Yeah. He owned a tavern there in
12 Paris. It was on up the street here on Court.

13 Q. The tavern was on Court?

14 A. Yeah.

15 Q. Is it a place where it would be on the
16 map as you've drawn it?

17 A. No.

18 Q. Or it would be off the edge?

19 A. Where these two joined, you go on a
20 half a block up this way to Mayo School, on up
21 this way. It would be west.

22 Q. So this would be west, about a half
23 block off the top of the page?

24 A. When you get to Mayo School, that's

1 Monterey Street. Then you go on towards the
2 square, and after you get within a half a block
3 of the square on the north side, that's where
4 Mike Morgan's was. It's Blondie's now, and
5 they've got it closed now.

6 Q. Do you know someone named Pam Suddeth?
7 I may be pronouncing that wrong.

8 A. Yeah. Yeah, she lived with Mike
9 Morgan for a while.

10 Q. Okay. Do you know where she lived at
11 the time of the murders?

12 A. I believe Charleston.

13 Q. Okay. Do you know if she had a house
14 in Paris?

15 A. Yes.

16 Q. Or a residence in Paris?

17 A. Down on, I think, Zimmerly Street.

18 Q. Where in relation to your house was
19 her residence?

20 A. Way out on the west end.

21 Q. Okay. Do you recall her having a
22 residence on Court Street?

23 A. Not to my knowledge.

24 Q. Okay. A biographical detail. What's

1 your date of birth?

2 A. [REDACTED]

3 Q. Okay. And I think you said that you
4 had testified about an incident where Mr. Steidl
5 threw you off your porch?

6 A. Yeah.

7 Q. Did you say that you thought that it
8 was in the 1980s sometime?

9 A. Yeah.

10 Q. So when that happened, when Mr. Steidl
11 threw you off the porch, you were roughly 50
12 years old?

13 A. Probably.

14 MR. ACKERMAN: Okay. I don't have any
15 further questions at this time. Thank you.

16 MR. RAUB: I have nothing else.

17 RE-EXAMINATION CONDUCTED

18 BY: MS. BARTON

19 Q. When Ms. Susler was asking you
20 questions about when you were watching the
21 firemen extinguish the fire, did you say that
22 there was a crowd of people around the area?

23 A. Only over by the fire trucks. There
24 was nobody on the sidewalk on the north side of

1 the street where I was at.

2 Q. Was there a crowd of people when you
3 were talking to Randy?

4 A. Okay. The group that I was talking
5 about was over here in front of my house. If you
6 remember where the street splits here, this is
7 where I lived, and this is where Mary Eastham
8 lived, but it seems to me like the group of
9 people that I saw was down in this area, down in
10 here. It seemed like there was several people,
11 but, again, that's an impression. I couldn't
12 swear to you.

13 Q. Did they gather early in the morning,
14 or was it later in the morning? Do you remember?

15 A. It was during the time that they was
16 investigating, but all the lights and everything
17 was over on the north side of the house in this
18 area here (indicating).

19 Q. So it was still dark out?

20 A. Oh, yeah.

21 Q. Was anyone near you when you were
22 talking to Randy?

23 A. No. Nobody.

24 MS. BARTON: Okay. I have no further

1 questions.

2 THE WITNESS: The only people that was
3 even close was across the street where the fire
4 trucks was at and the police cars and the people
5 involved in that.

6 MS. BARTON. Okay. Thank you.

7 THE WITNESS: Okay.

8 RE-EXAMINATION CONDUCTED

9 BY: MR. BALSON

10 Q. I have a question, if I can follow up?

11 A. Okay.

12 Q. This is Ron Balson again, Mr. Hopper.

13 When you were talking to Mr. Marlow
14 and when you gave this statement that you think
15 you signed, did Mr. Marlow ask you whether or not
16 you saw Randy Steidl or Herbert Whitlock at the
17 scene of the murders?

18 A. I don't recall him asking me. I
19 remember saying to him that I had seen Randy, and
20 that's when he started asking. We never did talk
21 about Randy. Randy Whitlock -- or Herb Whitlock
22 never did enter into the conversation.

23 Q. All right. You didn't see Herb
24 Whitlock anywhere around there. Did you?

1 A. No.

2 MR. BALSON: Okay. That's all I have.

3 MS. SUSLER: I do have a couple more
4 questions.

5 RE-EXAMINATION CONDUCTED

6 BY: MS. SUSLER

7 A. Okay.

8 Q. So at the time you saw Randy Steidl
9 out there on Clinton Street that morning the
10 police and the firemen were there?

11 A. Yeah.

12 Q. And if they had turned around and
13 looked at you, they could have seen you and
14 Randy?

15 A. I wouldn't think that they could,
16 because it was so well lit over where they was at
17 and it was dark where we was at across the
18 street. I suppose we would have shown up in the
19 light, if they had looked.

20 Q. And you could see them from where you
21 were?

22 A. Oh, yeah.

23 Q. Can you tell me the pace at which
24 Randy walked toward you? Slow, fast?

1 A. Slow.

2 Q. Slow. And how about the pace at which
3 he left?

4 A. Slow.

5 Q. Okay. Did you ever see him do
6 anything to hide from anybody that morning?

7 A. No. I don't believe he was hiding.

8 MS. SUSLER: Okay. Nothing else.

9 MR. RAUB: Just one more.

10 RE-EXAMINATION CONDUCTED

11 BY: MR. RAUB

12 Q. When you talked to Randy Steidl that
13 early morning, did you know at that time that
14 there had been murders in the Rhoads house?

15 A. Only what the firemen was saying, that
16 they found two bodies upstairs.

17 Q. Did you know, though, whether the
18 bodies were killed by accidental --

19 A. The talk was stabbing.

20 Q. Did you know that at that time?

21 A. I think I told Randy that the kids had
22 been stabbed.

23 Q. Thank you.

24 A. And that the Rhoads boy was Phil

1 McConchie's cousin.

2 Q. Did Randy say anything to you that
3 indicated that he was acquainted with either of
4 the Rhoads?

5 A. He didn't even indicate any interest
6 in it other than the flashing lights.

7 Q. Did you ever see him go over into the
8 area where the fire trucks and police cars were
9 and all the flashing lights?

10 A. No, he did not. He went right back
11 down the north side of Clinton Avenue out of site
12 again.

13 Q. In terms of the number of people
14 gathered around, can you estimate how many people
15 were gathered around at that time, a dozen, a
16 hundred, a thousand?

17 A. I've got an impression that counting
18 the firemen and the police and the people down on
19 the corner in front of Mary's house, it wouldn't
20 be over a dozen.

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

23 THE WITNESS: Didn't seem to be that
24 many people.

1 MR. RAUB: Okay. Thanks.

2 MR. MANCINI: Anybody have follow-up
3 on that question?

4 MR. BALSON: No.

5 MR. MANCINI: Mr. Marlow, you have the
6 right to review the transcript. We can do this
7 off the record.

8 (At this point there was an off the
9 record discussion.)

10 (Deponent is excused at 1:05 p.m.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

1

CERTIFICATE

2

3

I, BARBARA A. GLOVER, Certified Shorthand Reporter, do hereby certify that WILLIAM HOPPER, the deponent herein, was by me first duly sworn to tell the truth, the whole truth and nothing but the truth in the aforementioned cause of action.

6

That the foregoing deposition was taken on behalf of the Defendant on April 30, 2009.

7

That said deposition was taken down in stenograph notes and afterwards reduced to typewriting under my instruction and said transcription is a true record of the testimony given; and that it was agreed by and between the witness and attorneys that said signature on said deposition would be waived.

11

I do hereby certify that I am a disinterested person in this cause of action; that I am not a relative of any party or any attorney of record in this cause, or an attorney for any party herein, or otherwise interested in the event of this action, and am not in the employ of the attorneys for either party.

14

Dated this 13th day of May, 2009.

15

16

17


Barbara A. Glover, CSR, RPR
CRR, CCR

18

19

20

21

22

23

24