

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

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
URBANA DIVISION

GORDON RANDY STEIDL,)	
)	
Plaintiff,)	
)	
vs.)	No. 05 CV 2127
)	Judge Harold Baker
CITY OF PARIS, et al.,)	Magistrate Bernthal
)	
Defendants.)	

HERBERT WHITLOCK,)	
)	
Plaintiff,)	
)	
vs.)	No. 08 CV 2055
)	Judge Harold Baker
CITY OF PARIS, et al.,)	Magistrate Bernthal
)	
Defendants.)	

VOLUME I - PAGES 1 - 268

The deposition of EUGENE RAY, pursuant to notice and pursuant to the Federal Rules of Civil Procedure for the United States District Courts pertaining to the taking of depositions, taken before Carmella T. Fagan, C.S.R., R.P.R., Notary Public within and for the County of Cook and State of Illinois, at Two Prudential Plaza, 180 North Stetson Avenue, Suite 2000, in the City of Chicago; Cook County, Illinois, commencing at 10:10 a.m. on the 11th day of December, 2008.

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

There were present during the taking
of this deposition the following counsel:

PEOPLES LAW OFFICE,
BY: MR. G. FLINT TAYLOR
(1180 North Milwaukee Avenue
Chicago, Illinois 60622)
(773) 235-0070
Appeared on behalf of
Gordon Randy Steidl;

PEOPLES LAW OFFICE,
BY: MS. JAN SUSLER
(1180 North Milwaukee Avenue
Chicago, Illinois 60622)
(773) 235-0070
Appeared on behalf of
Gordon Randy Steidl;

MICHAEL, BEST & FRIEDRICH, L.L.P.,
BY: MR. RONALD H. BALSON
(Two Prudential Plaza
180 North Stetson Avenue
Suite 2000
Chicago, Illinois 60601)
(312) 596-5818
Appeared on behalf of
Herbert Whitlock;

LAW OFFICES OF IIT CHICAGO-KENT
COLLEGE OF LAW,
BY: MS. SUSANA L. ORTIZ
(565 West Adams Street
Suite 600
Chicago, Illinois 60661-3691)
(312) 906-5076
Appeared on behalf of
Herbert Whitlock;

1 There were present during the taking
2 of this deposition the following counsel:

3
4 JAMES G. SOTOS & ASSOCIATES, LTD.,
5 BY: MS. ELIZABETH A. EKL
6 (550 East Devon Avenue
7 Suite 150
8 Itasca, Illinois 60143)
9 (630) 735-3300

10 Appeared on behalf of the City of
11 Paris, Eugene Ray, James Parrish,
12 and Jack Eckerty;

13 JOHNSTON, GREENE, L.L.C.,
14 BY: MR. IAIN D. JOHNSTON
15 (542 South Dearborn Street
16 Suite 1310
17 Chicago, Illinois 60605)
18 (312) 341-3900

19 Appeared on behalf of
20 Charles E. Brueggemann,
21 Diane Carper, Steven M. Fermon,
22 Kenneth Kaupas, Jeffrey Marlow,
23 and Andre Parker;

24 HEYL, ROYSTER, VOELKER & ALLEN, P.C.,
BY: MR. MICHAEL E. RAUB
(102 East Main Street
Suite 300
Urbana, Illinois 61801)
(217) 344-0060

 Appeared on behalf of
Edgar County;

EKL, WILLIAMS, P.L.L.C.,
BY: MR. VINCENT C. MANCINI
(Two Arboretum Lakes
901 Warrenville Road
Suite 175
Lisle, Illinois 60532)
(630) 242-8235

 Appeared Telephonically on behalf
of Michael McFatridge;

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

There were present during the taking
of this deposition the following counsel:

WEBBER & THIES, P.C.,
BY: MR. DAVID C. THIES
(P.O. Box 189
202 Lincoln Square
Urbana, Illinois 61803-0189)
(217) 367-1126
Appeared on behalf of
Andre Parker and Jeff Marlow;

WEBBER & THIES, P.C.,
BY: MS. KARA J. WADE
(P.O. Box 189
202 Lincoln Square
Urbana, Illinois 61803-0189)
(217) 367-1126
Appeared Telephonically on behalf
of Andre Parker and Jeff Marlow;

ALSO PRESENT:

JAMES PARRISH, Appeared Via Video;
JACK ECKERTY, Appeared Via Video.

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

WITNESS:	PAGE
EUGENE RAY	
Examination by Mr. Taylor:	6
Continued Examination by Mr. Taylor:	160
Continued Examination by Mr. Taylor:	274
Continued Examination by Mr. Taylor:	421
Examination by Mr. Balson:	589

E X H I B I T S

Ray No. 1	124
Ray Group No. 2	142
Ray No. 3	160
Ray No. 4	193
Ray No. 5	193
Ray No. 6	194
Ray No. 7	194
Ray No. 8	194
Ray No. 9	195
Ray No. 10	252
Ray Group No. 11	254
Ray No. 12	255
Ray No. 13	333
Ray No. 14	374
Ray No. 15	540
Ray No. 16	552
Ray No. 17	572
Knight No. 13A	369
Knight No. 13B	369
Knight No. 13C	369
Knight No. 15A	370
Knight No. 15B	370
Knight No. 15C	370
Murphy No. 4	506

1 (WHEREUPON, the Witness was
2 sworn.)

3 EUGENE RAY,
4 called as a witness herein, having been first
5 duly sworn, was examined and testified as follows:

6 EXAMINATION

7 BY MR. TAYLOR:

8 Q Your name, sir?

9 A Eugene Ray.

10 Q You're the same Eugene Ray who is a
11 defendant in this lawsuit; is that correct?

12 A That is correct.

13 Q Now, Mr. Ray, are you presently
14 employed?

15 A Self-employed.

16 Q What kind of work do you now?

17 A I'm a plumbing contractor.

18 Q For how long have you been doing that
19 kind of work?

20 A Since 1974.

21 Q Where do you do that work?

22 A Paris, Illinois.

23 Q Is that where you presently reside?

24 A Yes.

1 Q Have you -- how long have you resided
2 in Paris, Illinois?

3 A Since I was born.

4 Q Have you ever been deposed before?
5 Have you ever sat for a deposition?

6 A No.

7 Q Have you ever testified in court?

8 A In minor traffic offenses.

9 Q Okay. That was back when you were a
10 patrol officer at the Paris police department?

11 A Yes.

12 Q Have you ever testified in either the
13 criminal or the civil proceedings that are attached
14 to the Steidl and Whitlock cases?

15 A No.

16 Q Just so we're clear: In these
17 depositions, we want to make sure that you understand
18 the questions. If you don't understand the
19 questions, be sure to note that so --

20 A Well, I am somewhat hard of hearing.

21 Q All right. Thank you --

22 A So --

23 Q -- for letting us know that.

24 A -- you know, if you don't look at me,

1 I don't always hear what you're saying.

2 Q Okay.

3 A Or if you duck your head and talk, I
4 don't always pick it up.

5 Q All right. So you let us know if you
6 don't hear part of the --

7 A Oh, I will.

8 Q -- question --

9 A I will.

10 Q -- or if you don't understand the
11 question; otherwise, we'll assume that you did hear
12 it and you do understand it. If, for some reason,
13 you need to take a break, let us know and we'll try
14 to accommodate you along those lines.

15 Now, you see, do you not, that two of
16 your codefendants in these lawsuits are here by way
17 of video; is that right?

18 A Right.

19 Q You, of course, are familiar with both
20 of them and have known them for many years; is that
21 correct?

22 A Correct.

23 Q Now, have you had any discussions with
24 either of them prior to this deposition about your

1 testimony here today?

2 A No.

3 Q When is the last time that you spoke
4 with Parrish?

5 A Yesterday, just to let him know that
6 there was going to be -- he knew the deposition was
7 going to take place, but he didn't know exactly where
8 he was supposed to go in Champaign.

9 Q So they're in Champaign now; is that
10 right?

11 A Yes.

12 Q Did you discuss your testimony in any
13 way with him?

14 A No.

15 Q All right. Did he make any comments
16 to you about your testimony today?

17 A No.

18 Q When is the last time you spoke to
19 Eckerty?

20 A It's been some time ago, but I don't
21 recall the exact date.

22 Q When you say, "some time ago," are you
23 talking --

24 A Probably in the last 60 days, 90 days,

1 something like that.

2 Q 60 days? All right. And what was the
3 occasion that you had to speak with Eckerty within
4 the last 60 or 90 days?

5 A We basically had a meeting with -- I
6 believe it was a meeting with you (indicating).

7 Q So you had a meeting with counsel?

8 A Yes, sir.

9 Q All right. Other than meeting with
10 counsel in the last 60 or 90 days, have you had any
11 other occasions to have conversations with either
12 Eckerty or Parrish?

13 A I see Jim occasionally and we speak.
14 Sometimes we'll talk for a minute, but usually it's a
15 passing thing.

16 Q Have you had any conversations with
17 Parrish concerning the subject matter of the Whitlock
18 or Steidl cases?

19 A No.

20 Q Have you had any discussions
21 concerning the petition for clemency that either of
22 the men have pending before our governor?

23 A No, other than maybe just mentioning
24 that we heard it.

1 Q Have you had any conversations with
2 anyone else concerning the Steidl or Whitlock matter
3 in the past, let's say, two or three years?

4 A No, not that I recall.

5 Q Have you been contacted by any
6 investigators from the state appellate prosecutor's
7 office concerning the Steidl or Whitlock case?

8 A No. I don't believe so.

9 Q And you have not been subpoenaed or
10 summoned to a grand jury to testify in any manner
11 with regard to this case?

12 A No.

13 Q Have you ever testified before a grand
14 jury in -- with regard to the Rhoads murders and the
15 Whitlock and Steidl case?

16 A No.

17 Q All right. Have you ever talked to
18 the attorney general of the State of Illinois or
19 anyone from his office concerning this case?

20 A No.

21 Q Do you know an assistant attorney
22 general by the name of Split?

23 A Doesn't ring a bell. No.

24 Q All right. Have you ever given

1 information, whether it be orally or by fax or by
2 other means, to any investigative agency other than
3 the ISP with regard to this case?

4 A Now, you're saying "agency"?

5 Q Correct.

6 A As in law enforcement agency?

7 Q Yes.

8 A No.

9 Q Do you ever work with Parrish now that
10 both of you are retired from the police force and
11 live in Paris, Illinois?

12 A Do I work with him?

13 Q Yes. Have you had --

14 A No. No.

15 Q Do you know what kind of work, if any,
16 that he does?

17 A He's maintenance for the county, the
18 courthouse.

19 Q All right. Now, you say you're
20 self-employed; is that correct?

21 A Yes.

22 Q What is your gross annual salary?

23 A Well, it varies. My gross annual
24 salary, you mean not including my wife's?

1 Q Let's break it down. First of all,
2 let's just deal with what you make per year.

3 A Would that include pension, social
4 security?

5 Q First let's talk -- all right. Let's
6 start with your pension. What's your pension from
7 the Paris police department?

8 A It's approximately [REDACTED].

9 Q All right. That's gross?

10 A That's gross.

11 Q All right. Do you have health
12 benefits from the department?

13 A [REDACTED].

14 Q [REDACTED]

15 A [REDACTED].

16 Q [REDACTED]

17 A [REDACTED]

18 Q [REDACTED] [REDACTED]

19 [REDACTED]

20 A [REDACTED] [REDACTED]

21 [REDACTED]

22 Q And what is your gross income from
23 your plumbing work?

24 A [REDACTED]

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

[REDACTED]

[REDACTED]

Q In terms of what you take in before you pay out either in expenses or --

A [REDACTED]

Q What would your -- what was your -- well, strike that.

And you say your wife is also employed?

A Yes, she is.

Q Is she still employed with the probation department?

A No. She never --

MS. EKL: I'm going to --

THE WITNESS: -- has been.

MS. EKL: -- object at this point in time to any questions regarding his wife's employment. To the extent it goes to his net worth, we will certainly provide you with that information, but any personal information regarding his wife, I'll instruct him not to answer.

BY MR. TAYLOR:

Q Whom does she work for?

MS. EKL: Again, objection, and instruct my

1 client not to answer regarding his wife's employment.

2 BY MR. TAYLOR:

3 Q Does she work for either the county or
4 the City of Paris?

5 A [REDACTED]

6 MS. EKL: Again, I'm objecting and instructing
7 him not to answer.

8 THE WITNESS: Excuse me.

9 BY MR. TAYLOR:

10 Q What is her income per year?

11 MS. EKL: Again, Flint, any of these questions
12 regarding income, we can certainly provide these to
13 you in an interrogatory, but this is a deposition --

14 MR. TAYLOR: Well --

15 MS. EKL: -- and it isn't the appropriate time
16 to be addressing these questions.

17 MR. TAYLOR: -- it's not appropriate or
18 inappropriate. We have him here for a deposition,
19 and we don't intend to call him back to do net worth,
20 so I have the right to ask him what his net worth and
21 what his assets are, and certainly what his wife
22 makes is part of that equation. I don't think
23 there's any requirement that says that it has to be
24 answered by interrogatory rather than by questioning,

1 and I intend to ask him those questions.

2 MS. EKL: You're entitled to his current net
3 worth at the time that that issue is ripe. But at
4 this point in time, this case, as we know for sure,
5 unless the -- well, it's not going to trial until at
6 least a year from today, a year from now. So at this
7 point in time, his current net worth is -- we'll
8 provide that to you in a timely fashion.

9 MR. TAYLOR: That's not an appropriate
10 objection.

11 BY MR. TAYLOR:

12 Q Can you answer the question, please?

13 MS. EKL: What's your question, Flint?

14 THE WITNESS: Which one?

15 BY MR. TAYLOR:

16 Q The question is, what's your wife's
17 current gross income?

18 MS. EKL: I'll let you answer that question.

19 THE WITNESS: I don't see her check. I can
20 only guesstimate.

21 BY MR. TAYLOR:

22 Q Give me your best estimate.

23 A [REDACTED]

24 Q [REDACTED]

1 A [REDACTED]

2 Q All right. So what is your gross
3 income that you have put on your income taxes for the
4 last year that you filed income taxes?

5 A [REDACTED]

6 Q Do you know generally how much it was?

7 A [REDACTED]

8 [REDACTED]

9 Q Okay. How much did you have to pay?

10 A [REDACTED]

11 [REDACTED]

12 Q Now, what is your educational
13 background?

14 A High school.

15 Q Paris High School?

16 A Paris High School.

17 Q Do you have any college education?

18 A I've had college courses and college
19 credits, but no degree.

20 Q Going back to your assets for a
21 moment, do you own a home in Paris?

22 A [REDACTED]

23 Q [REDACTED]

24 [REDACTED]

1 A [REDACTED] [REDACTED]

2 [REDACTED]

3 Q [REDACTED]

4 A [REDACTED]

5 Q [REDACTED]

6 A [REDACTED]

7 [REDACTED]

8 Q [REDACTED]

9 [REDACTED]

10 A [REDACTED]

11 Q [REDACTED]

12 MS. EKL: I'm going to object and instruct him
13 not to answer the question. It's not relevant to his
14 net worth.

15 MR. TAYLOR: Why?

16 MS. EKL: [REDACTED] [REDACTED]

17 [REDACTED] [REDACTED]

18 [REDACTED]

19 MR. TAYLOR: Obviously we have the right to
20 discover that, and then if it ever becomes an issue
21 in terms of enforcing a judgment, then the question
22 of whether that is something that's reachable or not
23 becomes an issue for the court. But certainly it
24 fits under evidence that is -- can lead to relevant

1 evidence. I don't see how you can instruct him not
2 to answer that.

3 MS. EKL: I'm going to instruct him not to
4 answer. I think it goes to personal information
5 regarding his family members that is not relevant to
6 this litigation. To the extent that it goes to his
7 net worth, we can certainly provide all that
8 information to you at the appropriate time, but I'm
9 going to instruct him not to answer.

10 MR. BALSON: Just so it's clear for the record
11 and maybe help us in going forward, could you provide
12 us with the basis for your objection? Is it a
13 privilege, or what's the basis for your making this
14 objection and instructing him not to answer, because
15 I'm not aware that you have that right under the
16 Federal Rules.

17 MS. EKL: We have a protective order that
18 protects personal information regarding his family
19 members. This information does not go to his net
20 worth, so it's my position that this is personal
21 information regarding [REDACTED] that do not
22 go to his net worth, and, therefore, it is not
23 reasonably calculated to lead to admissible evidence
24 in this case. It doesn't go to his -- anything

1 regarding his punitive -- plaintiff's punitive damage
2 claims against my client. To the extent that it does
3 or that I'm wrong, we will certainly provide you with
4 that information. But based on what he's testified
5 to, [REDACTED]
6 [REDACTED] and it's personal information
7 regarding his wife and so is protected by the
8 protective order.

9 MR. BALSON: The basis is the content of the
10 protective order --

11 MS. EKL: Right.

12 MR. BALSON: -- relative to the assets and
13 income of the wife; is that correct?

14 MS. EKL: Right. Personal information
15 regarding his wife.

16 MR. BALSON: On what basis do you make an
17 objection that he cannot inquire where she works?

18 MS. EKL: It's personal information regarding
19 his wife.

20 MR. BALSON: And that, again, is --

21 MS. EKL: I've made --

22 MR. BALSON: -- based upon the protective
23 order?

24 MS. EKL: -- my objection and we can move on.

1 I've made my objection.

2 MR. BALSON: I know. I'm just trying to
3 understand the objection.

4 MS. EKL: Right.

5 MR. BALSON: And the basis for your objection
6 is therefore the protective order, the content --

7 MS. EKL: Correct.

8 MR. BALSON: -- of the protective order.

9 MS. EKL: Correct. He's a former law
10 enforcement officer. This protective order protects
11 personal information regarding his family members;
12 his wife is certainly his family member.

13 If there is some reason that can be
14 articulated that that information is relevant or
15 reasonably calculated to lead to relevant information
16 in this case, then I'll certainly be willing to
17 listen to it and entertain a reconsideration of my
18 objection.

19 MS. SUSLER: I've got the April 3rd, 2008,
20 protective order. If that's the one you're talking
21 about, that goes to confidential, personal
22 disciplinary and investigatory information, including
23 the ISP records. If that's the one you're talking
24 about, there's no mention here of anything about

1 family.

2 MS. EKL: Then that's not the one that I'm
3 referring to. There's a global protective order
4 somewhere out there.

5 MR. BALSON: I'm not aware of that either. If
6 your objection is that you deem it irrelevant, that
7 is not a proper basis to instruct the witness not to
8 answer in a federal deposition.

9 MS. EKL: I am fully aware of that, and that
10 is not the basis for my objection.

11 MR. TAYLOR: Well, my understanding of the
12 protective order is that while it may protect
13 dissemination of the information, it does not bar the
14 questioning; therefore, I think it's a
15 misinterpretation of the protective order.

16 MS. EKL: I'm instructing him not to answer
17 the question regarding [REDACTED]
18 If you want to send me something and we can revisit
19 this issue, that's fine. But at this point in time,
20 I'm instructing him not to answer.

21 MR. BALSON: I don't think it's appropriate
22 either to say, "Send me something and we'll revisit
23 the issue." You have to make a standard and --

24 MS. EKL: Well, then --

1 MR. BALSON: Here. At this point --

2 MS. EKL: -- at this point in time, my --

3 MR. BALSON: -- you know you're not.

4 MS. EKL: I'm not. At this point in time, I
5 am not. I'm just telling you if you want to send me
6 something to make me reconsider, that's a
7 possibility. But at this point in time, at this
8 moment, I am instructing him not to answer.

9 MR. BALSON: On the basis of the protective
10 order?

11 MS. EKL: Correct. And it's harassing.

12 BY MR. TAYLOR:

13 Q [REDACTED]

14 [REDACTED]

15 A [REDACTED]

16 Q How long have you and your wife been
17 married?

18 A [REDACTED]

19 Q [REDACTED]

20 [REDACTED]

21 A [REDACTED]

22 Q [REDACTED] [REDACTED]

23 A [REDACTED]

24 Q [REDACTED]

1 A [REDACTED]

2 [REDACTED]

3 Q [REDACTED]

4 A [REDACTED]

5 Q [REDACTED]

6 A [REDACTED]

7 Q [REDACTED]

8 [REDACTED]

9 A [REDACTED]

10 [REDACTED] [REDACTED]

11 [REDACTED] [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 Q [REDACTED]

17 A [REDACTED]

18 Q [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 A [REDACTED]

23 Q [REDACTED]

24 [REDACTED]

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

[REDACTED]

A [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

MS. EKL: Objection, form, compound question.

BY MR. TAYLOR:

Q [REDACTED]

A [REDACTED]

Q [REDACTED] [REDACTED] [REDACTED]

[REDACTED]

A [REDACTED]

Q [REDACTED]

[REDACTED]

[REDACTED]

A [REDACTED]

Q [REDACTED]

[REDACTED]

A [REDACTED]

Q [REDACTED]

[REDACTED]

1 MS. EKL: Objection, form of the question.

2 You can answer.

3 THE WITNESS: Hum? Okay. The question is?

4 MR. TAYLOR: You may repeat the question,
5 please.

6 (WHEREUPON, the Record was read as
7 follows:

8 [REDACTED] [REDACTED]
9 [REDACTED]
10 [REDACTED]

11 THE WITNESS: [REDACTED] [REDACTED]
12 [REDACTED]

13 BY MR. TAYLOR:

14 Q [REDACTED]
15 [REDACTED]

16 A [REDACTED]

17 Q [REDACTED]
18 [REDACTED]

19 A [REDACTED]

20 Q [REDACTED]
21 [REDACTED]

22 A [REDACTED] [REDACTED]

23 [REDACTED]

24 Q [REDACTED]

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

[REDACTED]

MS. EKL: Again, I'm going to object. I'll allow him to answer if he knows, but to the extent that this goes to [REDACTED]

[REDACTED] If he knows the answer, he can say.

THE WITNESS: [REDACTED] [REDACTED]

[REDACTED]

BY MR. TAYLOR:

Q [REDACTED]

[REDACTED]

A [REDACTED] [REDACTED] [REDACTED]

[REDACTED]

Q [REDACTED]

[REDACTED]

A [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

Q [REDACTED]

A [REDACTED]

Q [REDACTED]

[REDACTED]

A [REDACTED]

Q [REDACTED]

MS. EKL: Objection to the form of the

1 question.

2 THE WITNESS: [REDACTED]

3 BY MR. TAYLOR:

4 Q [REDACTED]
5 [REDACTED]

6 MS. EKL: Same objection as before.

7 If you know, you can answer.

8 THE WITNESS: [REDACTED]
9 [REDACTED]
10 [REDACTED]

11 BY MR. TAYLOR:

12 Q [REDACTED]
13 [REDACTED]

14 A [REDACTED]

15 Q [REDACTED]
16 [REDACTED]
17 [REDACTED]

18 A [REDACTED]
19 [REDACTED]

20 Q [REDACTED]
21 [REDACTED]
22 [REDACTED]

23 THE WITNESS: Can I ask Beth a question?

24 MS. EKL: Can I have just a moment?

1 MR. TAYLOR: Sure.

2 (WHEREUPON, there was an
3 off-the-record discussion had by
4 Ms. Ekl and the Witness.)

5 THE WITNESS: [REDACTED]

6 BY MR. TAYLOR:

7 Q [REDACTED]

8 [REDACTED]

9 A [REDACTED]

10 Q [REDACTED]

11 A [REDACTED]

12 Q [REDACTED] [REDACTED]

13 A [REDACTED]

14 Q [REDACTED]

15 [REDACTED]

16 A [REDACTED] [REDACTED]

17 [REDACTED]

18 [REDACTED] [REDACTED]

19 Q [REDACTED]

20 A [REDACTED]

21 MS. REPORTER: I'm sorry. I didn't hear.

22 THE WITNESS: Pardon?

23 MS. REPORTER: [REDACTED]

24 [REDACTED]

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

MR. TAYLOR: [REDACTED]

THE WITNESS: [REDACTED]

MS. REPORTER: Thank you.

BY MR. TAYLOR:

Q [REDACTED]

A [REDACTED]

[REDACTED]

Q [REDACTED]

[REDACTED]

A [REDACTED]

Q [REDACTED]

[REDACTED]

A [REDACTED] [REDACTED]

Q [REDACTED]

[REDACTED]

A [REDACTED]

[REDACTED]

Q [REDACTED]

[REDACTED]

[REDACTED]

A [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1 Q [REDACTED]

2 A [REDACTED]

3 Q [REDACTED]

4 A [REDACTED]

5 Q [REDACTED]

6 (WHEREUPON, there was an
7 off-the-record discussion had by
8 Ms. Ekl and the Witness.)

9 THE WITNESS: [REDACTED] [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 BY MR. TAYLOR:

13 Q [REDACTED]

14 A [REDACTED] [REDACTED]

15 Q [REDACTED]

16 A [REDACTED] [REDACTED]

17 Q [REDACTED]

18 A [REDACTED]

19 Q [REDACTED]

20 A [REDACTED]

21 Q [REDACTED]

22 A [REDACTED]

23 Q [REDACTED]

24 [REDACTED] [REDACTED]

1 A [REDACTED]

2 Q [REDACTED]

3 A [REDACTED]

4 Q [REDACTED] [REDACTED]

5 [REDACTED]

6 A [REDACTED]

7 Q [REDACTED]

8 [REDACTED]

9 A [REDACTED] [REDACTED]

10 [REDACTED]

11 Q [REDACTED] [REDACTED]

12 [REDACTED]

13 A [REDACTED]

14 Q [REDACTED]

15 [REDACTED] [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 A [REDACTED]

19 [REDACTED] [REDACTED] [REDACTED]

20 [REDACTED]

21 Q [REDACTED]

22 A [REDACTED] [REDACTED]

23 [REDACTED]

24 Q [REDACTED]

1 A [REDACTED]

2 [REDACTED]

3 Q [REDACTED]

4 [REDACTED]

5 A [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 Q [REDACTED]

11 [REDACTED]

12 A [REDACTED]

13 Q [REDACTED]

14 A [REDACTED]

15 [REDACTED]

16 Q [REDACTED]

17 A [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 Q [REDACTED]

21 [REDACTED]

22 A [REDACTED]

23 [REDACTED]

24 [REDACTED]

1 Q [REDACTED]

2 A [REDACTED]

3 Q [REDACTED]

4 A [REDACTED]

5 Q [REDACTED]

6 [REDACTED]

7 A [REDACTED]

8 [REDACTED] [REDACTED]

9 Q [REDACTED]

10 [REDACTED]

11 A [REDACTED]

12 [REDACTED]

13 Q [REDACTED]

14 [REDACTED]

15 A [REDACTED]

16 Q [REDACTED]

17 A [REDACTED] [REDACTED]

18 [REDACTED]

19 Q [REDACTED]

20 A [REDACTED]

21 Q [REDACTED]

22 [REDACTED]

23 A [REDACTED]

24 [REDACTED]

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

1 Q [REDACTED]

2 A [REDACTED]

3 [REDACTED]

4 Q [REDACTED]

5 A [REDACTED]

6 Q [REDACTED]

7 [REDACTED]

8 A [REDACTED]

9 [REDACTED] [REDACTED]

10 [REDACTED]

11 Q I'm not fishing. I'm asking you

12 questions --

13 A Okay.

14 Q -- and you give me the answers, okay?

15 [REDACTED]

16 [REDACTED]

17 A [REDACTED]

18 Q [REDACTED] [REDACTED]

19 [REDACTED]

20 A [REDACTED]

21 Q Has anyone in your family ever worked

22 for Bob Morgan?

23 A No.

24 Q Do you have children?

1 A Yes.

2 Q How many?

3 A [REDACTED]

4 Q I take it they're grown at this point?

5 A [REDACTED]

6 Q And they live in Paris?

7 A [REDACTED]

8 Q Do any of them work for the police
9 department?

10 A [REDACTED]

11 Q Or work in law enforcement?

12 A [REDACTED]

13 Q How many grandchildren did you say you
14 have?

15 A [REDACTED]

16 Q Now, do -- does anyone in your family
17 work for Morgan presently?

18 A [REDACTED]

19 Q Or ever worked for --

20 A [REDACTED]

21 Q -- Bob Morgan? Tell us when you first
22 met Bob Morgan.

23 A I don't recall when the first time
24 that I met him was.

1 Q Well, you became a police officer in
2 1968; is that right?

3 A The first time. Yes.

4 Q At that time had you already made the
5 acquaintance of Bob Morgan?

6 A No. I didn't even know him at that
7 time.

8 Q Did Morgan live in the Paris area --

9 A I couldn't tell you.

10 Q -- in 1968?

11 A I didn't know him.

12 Q What was the business or businesses
13 that Morgan owned in the Paris area?

14 MS. EKL: Objection, foundation. What time
15 period are you talking about?

16 THE WITNESS: I didn't know him, so --

17 BY MR. TAYLOR:

18 Q Well, at some point you came to know
19 him, right?

20 A Yes.

21 Q When was that?

22 A Probably after my second time going
23 back to the police department, there were issues with
24 the city in terms of some of the byproducts that were

1 being put in the drains. They would stuff it into
2 the sewers and it was creating problems, and that's
3 when I first really became aware of Bob.

4 Q At that point it was his business or
5 factory that was causing the problems?

6 A Yes. Yes.

7 Q What was the name of his factory or
8 his business?

9 A Bob Morgan, Inc., I think. I'm not
10 positive. Morgan Manufacturing maybe.

11 Q What did they do? What did they
12 manufacture?

13 A Dog food.

14 Q I'm sorry?

15 A Dog food.

16 Q For how long had that dog food
17 manufacturing company been in Paris, to your
18 knowledge?

19 A I don't know when they started up.

20 Q But you had no dealings with them
21 prior to this occasion that you've described
22 concerning the drains; is that right?

23 A No, I didn't.

24 Q What year was that approximately?

1 A Well, that would have been sometime in
2 the early '80s, more than likely.

3 Q Okay. Now, going back to 1968 when
4 you first came on the force, how old were you at that
5 time?

6 A 24.

7 Q Had you any military service
8 experience prior to that?

9 A I had been in the National Guard.

10 Q That's the Illinois National Guard?

11 A Correct.

12 Q For how long were you in the National
13 Guard?

14 A Three and a half years, I believe.

15 Q What rank did you make?

16 A Specialist 4, I believe.

17 Q Did you see active duty during that
18 three-and-a-half-year period?

19 A No.

20 Q This was in the mid-'60s; is that
21 right?

22 A I graduated in '60, I went right into
23 the Guard, so it would have been '60 to '64, right in
24 that vicinity.

1 Q You graduated, you say, from Paris
2 High School?

3 A Paris High School. Yes.

4 Q Were you stationed in the States the
5 entire time?

6 A I was in Paris except for summer
7 drills.

8 Q Were you also working other than being
9 in the National Guard at that time?

10 A Yes.

11 Q What kind of work were you doing in
12 that period of time after you got out of high school?

13 A My father owned a Pontiac dealership
14 and did auto repair, had tires, gasoline, used cars,
15 that type of thing. I worked for him.

16 Q So you were a salesman?

17 A No. I was a mechanic.

18 Q I'm sorry?

19 A I was a mechanic. I did grease jobs,
20 oil changes, car washes, rotated tires. That kind of
21 thing.

22 Q For how long did you work for your dad
23 at his dealership?

24 A We closed the dealership, I believe,

1 in sixty -- probably about '61 or '62.

2 Q So after the dealership was closed,
3 what, if any, kind of employment did you start doing?

4 A I went to work at Wolfe's Auto Supply,
5 which is an auto supply store. I worked there for
6 probably four months.

7 Q All right. After that, where were you
8 employed?

9 A I took over the wholesale milk route
10 for L.S. Heath & Sons in Robinson, Illinois, but my
11 route was in Paris.

12 Q For how long did you work for Robinson
13 (sic)?

14 A Probably three or four years, I think.

15 Q Did you have -- after that employment,
16 did you have additional subsequent employment before
17 you became a police officer?

18 A I don't remember exactly --

19 MR. JOHNSTON: Flint, can you hold on one
20 second?

21 MS. EKL: This was here (indicating).

22 MS. SUSLER: I think there's an echo.

23 MR. JOHNSTON: Oh. There was an echo over
24 here, too.

1 MS. EKL: Let me try to put the phone closer.

2 MS. SUSLER: Are you hearing us, Vince?

3 MR. MANCINI: It's breaking up every third
4 word.

5 MS. SUSLER: Do you want to hang up and call
6 back?

7 MR. BALSON: I can try and get our IT person
8 in.

9 MR. MANCINI: What happened was there was a
10 ringing on the line, there was a phone call or
11 something. And from that point forward, the break-up
12 started.

13 MR. JOHNSTON: Yeah. That was --

14 MR. BALSON: I can get our IT guy if you want
15 to us do that. Are you hearing okay now?

16 MR. MANCINI: No.

17 MR. BALSON: All right. Hold on.

18 MS. EKL: Do you want to just try calling
19 back, Vince, and see if that works?

20 MR. MANCINI: I'll do that.

21 MR. BALSON: Kara?

22 MS. WADE: Yes. It's the same thing here.

23 MS. EKL: Okay. Do you guys have the number?

24 MS. WADE: Yes.

1 (WHEREUPON, there was a brief
2 pause in the proceedings.)

3 MR. TAYLOR: Are we all set? Can you all hear
4 us?

5 MR. MANCINI: Yeah. It's good.

6 BY MR. TAYLOR:

7 Q Okay. We were going through your work
8 history prior to becoming a police officer. I
9 believe you just were talking about driving a
10 delivery truck; am I correct?

11 A Milk truck.

12 Q A milk truck?

13 A It was a wholesale milk route.

14 Q All right. What years was that --
15 were that -- was that?

16 A Well, I had a number of jobs. I
17 worked for Railway Express; I worked for a company
18 there in Paris that installs TV antennas. There was
19 a time period in here I was working two or three
20 different jobs at a time, and this would have been
21 the -- I had the milk route, and, again, I don't
22 remember the specific years.

23 But during that time frame I was
24 working for Joe Steffey, he had TVs and that type of

1 thing. I was installing antennas after I got off,
2 because my milk route, I started at 4:00 in the
3 morning and I was usually done at noon.

4 Q Okay.

5 A So I had time for other jobs.

6 Q Did you continue doing those jobs,
7 including the milk route, until you became a police
8 officer?

9 A I believe so. I -- I can't exactly
10 remember if I left the milk route to go to the police
11 department or whether I left the milk route to go
12 back to work for Dad, who at that time had a number
13 of coin laundries and car washes, dry-cleaning and
14 that kind of thing. And I know when I went on the
15 police department, I continued to work for my father
16 in the off-hours.

17 Q Was your father a lifetime resident of
18 Paris as well as you?

19 A [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED] [REDACTED] [REDACTED]
23 [REDACTED] [REDACTED]
24 [REDACTED]

1 So he was there from probably -- let's
2 see. He would have been, oh, probably -- he would
3 have been [REDACTED] when I was born, so he had
4 been in Paris probably, you know, [REDACTED]. I
5 don't know exactly when.

6 Q Do you have brothers and sisters?

7 A [REDACTED]

8 Q [REDACTED]

9 A [REDACTED]

10 Q [REDACTED]

11 A [REDACTED]

12 Q [REDACTED]

13 [REDACTED]

14 A [REDACTED]

15 Q [REDACTED]

16 A [REDACTED]

17 Q Now, what occasioned you to apply to
18 become a police officer?

19 A [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED] [REDACTED]

23 [REDACTED] it didn't appear
24 that I would have a full-time job, so I went ahead

1 and applied for a law enforcement position.

2 Q Where did you apply? Physically what
3 was the place that you would make application?

4 A It would have been at the City of
5 Paris.

6 Q Was there a procedure for hiring at
7 that time?

8 A Yes.

9 Q What was that procedure?

10 A There was a board of fire and police
11 commissioners, a three-man board, that was appointed
12 by the mayor.

13 Q Is that procedure still in place now?

14 A Yes.

15 Q That three-person board would make
16 determinations on --

17 A They would hold --

18 Q -- applications?

19 A They would hold exams and oral
20 interviews and make the appointments.

21 Q Was there a military preference in
22 those days?

23 A I don't --

24 MS. EKL: Objection --

1 THE WITNESS: I don't know what the criteria
2 was in 1968.

3 MS. EKL: Just for the record, my objection
4 was foundation.

5 BY MR. TAYLOR:

6 Q Was there a military preference during
7 the days that you were on the police force?

8 A Again, I wasn't involved during that
9 earlier period in the hiring.

10 Q All right. Now, during that -- let me
11 ask you this: Growing up in Paris, did you have any
12 contact with Jim Parrish or his family?

13 A I knew Jim, but as far as having
14 contact with him, no. It was one of those things
15 that if you see somebody you know on the street in a
16 small town, you wave or speak.

17 Q Was he a contemporary of yours or
18 older than you or younger than you?

19 A I think he's a little younger than I
20 am. By "contemporary," what do you --

21 Q Well, was he in school at the same
22 time you were?

23 A He could have been. He wasn't in my
24 class.

1 Q The same with Darrell Herrington. Did
2 you know Darrell Herrington as you grew up in Paris?

3 A Probably not until I got involved with
4 law enforcement in 1968.

5 Q So none of those jobs that you held
6 prior to 1968 did you have any occasion to either
7 work with or come in contact with Darrell Herrington;
8 is --

9 A That's --

10 Q -- that right?

11 A That's correct.

12 Q How long after you applied to become a
13 police officer were you, in fact, accepted as a
14 probationary officer?

15 A They -- as part of the process, they
16 don't normally advertise for officers until they've
17 been directed to by the city council due to a vacancy
18 or something of that nature. And so probably the
19 time period between the time I took the exam and went
20 to training probably wouldn't have been more than 90
21 days, if that much.

22 Q And this is in 1968?

23 A Correct.

24 Q When you were hired, did you receive

1 any training?

2 A Yes.

3 Q How long a period of time were you in
4 training as a police officer?

5 A I believe it was eight weeks.

6 Q Where was that training?

7 A DeKalb, Illinois.

8 Q So you came to DeKalb and stayed there
9 for those eight weeks or --

10 A I think I probably made a few trips
11 home on the weekend.

12 Q It was basically like a training
13 school?

14 A Yes. Yes. It was, I believe, 320
15 hours of training.

16 Q Who were the trainers?

17 A That's a long time ago. I don't
18 remember who they were. It would have been something
19 that would have been recognized through the State of
20 Illinois.

21 Q Do you know what particular agency of
22 the State of Illinois was in --

23 A Well --

24 Q -- charge of it?

1 A -- in Champaign you have the Police
2 Training Institute, okay, which is part of the
3 University of Illinois, but it's sanctioned by the
4 state, and there would have been a similar
5 arrangement, I'm sure, in DeKalb.

6 Q So it was the Police Training
7 Institute --

8 A It was --

9 Q -- of DeKalb?

10 A -- that type of thing. It was
11 specific to police.

12 Q Now, at some point in your career, did
13 you become a detective?

14 A No.

15 Q So when you got your training, this
16 was general training in police duties and that kind
17 of thing; is that --

18 A Yes.

19 Q -- right? Did you receive any
20 training concerning investigations?

21 A During --

22 MS. EKL: Objection to foundation. If you
23 could clarify what time period.

24 MR. TAYLOR: I'm talking now about the

1 training at DeKalb.

2 THE WITNESS: Okay. 1968. The training at
3 that time would have been similar to what we have
4 now. It would have been traffic crash
5 investigations, Chapter 38, Chapter 95.5, which is
6 the vehicle code and the criminal code.

7 You would have had training in
8 firearms. There would have been training in
9 investigative procedures, evidence-gathering, all of
10 that type thing, anything that an officer would be
11 involved in in day-to-day business, in day-to-day
12 duties.

13 BY MR. TAYLOR:

14 Q Did you receive any training with
15 regard to report writing?

16 A Yes.

17 Q Tell us the specific training you
18 received with regard to report writing.

19 A I don't specifically remember 1968,
20 but it would have been something probably in the
21 nature of you view a scene or you have a contact,
22 they do a play thing, and then you write a report
23 based on what you saw and the information you
24 gathered. That type thing.

1 Q Did you receive any training with
2 regard to the questioning or interrogation of
3 witnesses and suspects?

4 A I don't recall specifically on that.

5 Q All right. Was there any training
6 that was specifically useful to you in terms of when
7 you became a police chief?

8 MS. EKL: Objection, form.

9 You can answer.

10 THE WITNESS: Okay. The question was what?

11 BY MR. TAYLOR:

12 Q Was there any training that you
13 received in 1968 that be -- subsequently was useful
14 to you when you became chief of police?

15 A Well, I guess you could say most of it
16 would have been valuable in terms of report writing,
17 traffic crash investigations, vehicle code. I mean,
18 all that information is information you need as a
19 patrol officer, and anything that you pick up along
20 the way just builds your -- builds your experience.

21 Q But nothing specific you can point --

22 A No.

23 Q -- to that would --

24 A No.

1 Q After you received this training, did
2 you then become a probationary police officer with
3 the Paris police department?

4 A Yes, I did.

5 Q Who was the chief at the time you
6 became a police officer?

7 A Stanley R. Sims.

8 Q For how long was Sims the chief there?

9 A He was chief, I think, until 1972,
10 because that's when we got our new building and he
11 retired right after we got our new building. So that
12 would have been right about in 1972.

13 Q What were your duties as an officer
14 with the Paris police department?

15 A We were a small department. Sometimes
16 you worked by yourself, sometimes you had a partner.
17 Patrol, depending on the shift you were on, your
18 patrol was your basic duty.

19 The afternoon shift, you watched the
20 bars, did patrols, preliminary building checks, that
21 type thing, did some traffic work. Midnight shift
22 was primarily you watched the bars close down, do
23 your building and security checks, and that's
24 basically what you did the rest of the night was

1 building security, just downtown businesses and
2 outlying businesses, that type of thing.

3 Q Now, your first stint with the
4 department was from '68 to '74; is that right?

5 A That's correct.

6 Q When you left in '74, were you still a
7 patrolman or had you --

8 A I was still patrol.

9 Q That was your rank.

10 A Yes.

11 Q Okay. Were your duties about the same
12 during that six-year period you were there?

13 A With the exception of towards the last
14 couple of years, I was responsible for the firearms
15 program, firearms instructor. I was the department
16 firearms instructor; I went to school for that. I've
17 been a shooter for most of my life, so I went to
18 firearms training, got my instructor license,
19 certified for law enforcement and civilian training,
20 and set up the firearms program, the training
21 program, the regimen for the police department.

22 Q What do you mean by you've been a
23 shooter?

24 A I've hunted, enjoyed target shooting,

1 that type thing.

2 Q Do you own weapons presently?

3 A [REDACTED] [REDACTED]

4 Q [REDACTED]

5 A [REDACTED]

6 [REDACTED]

7 Q [REDACTED]

8 A [REDACTED]

9 Q [REDACTED]

10 A [REDACTED] [REDACTED]

11 [REDACTED]

12 Q While you were on the force in the
13 '60s and early '70s, were weapons issued to police
14 officers or did you purchase your own?

15 A No. You purchased your own.

16 Q What kind of weapon did you have then?

17 A At that time I carried a four-inch
18 Colt Python, .357 Magnum.

19 Q Was that generally what officers on
20 the Paris police department carried?

21 A The newer officers carried the
22 Magnums, the older officers carried the old .38 M&P
23 Smith & Wessons, Mod -- like, a Model 10, that type
24 of thing.

1 Q During this first six-year period when
2 you were with the department, when you were on duty,
3 did you wear a uniform or were you ever in plain
4 clothes?

5 A Always in uniform.

6 Q During that six-year period, did you
7 develop any informants that brought you information?

8 A No.

9 Q How many patrolmen were there on the
10 force at any given time during that six-year period?

11 A When we were lucky, we had ten.

12 Q And when you weren't lucky, how many
13 did you have?

14 A Well, it could be seven or eight or
15 nine, depending on who left, who died.

16 Q So you had between seven to ten patrol
17 officers?

18 A Patrol officers. Right.

19 Q Did you have sergeants?

20 A Yes.

21 Q How many sergeants did you have?

22 A Three for sure, maybe four.

23 Q At that time could you tell us who
24 those sergeants were?

1 A Wayne Redmond, Barlow Hunt, Dean
2 Thompson, and George Stickler, I think, was a
3 sergeant for a while. You're talking about the whole
4 six-year period?

5 Q Um-hum.

6 A Frank Givens, Dean Henson. I think
7 that's it. I don't recall any more.

8 Q Did you have shifts that people
9 worked?

10 A Certainly.

11 Q How many shifts were there total in --

12 A Three.

13 Q -- a day? Three. Did you have a
14 sergeant that was assigned to each shift?

15 A Sergeants worked the desk. There was
16 no sergeant in the street.

17 Q So was there a sergeant on duty --

18 A A sergeant was --

19 Q -- 24 --

20 A -- on duty.

21 Q -- hours?

22 A Yes, except on a rare occasion when a
23 sergeant called in sick. Then one of the patrol guys
24 went in and worked the desk, and it left one guy out

1 by himself.

2 Q Did you work in pairs or did you work
3 alone?

4 A Alone.

5 Q And did you work in cars or on foot?

6 A Both.

7 Q So you had both kinds of assignments?

8 A When I say "on foot," I'm talking
9 about doing security checks around the square on
10 foot. So, yeah, we were on foot to some degree.

11 Q How many police cars did you have?

12 A Two.

13 Q Were they both marked, or did you have
14 any unmarked?

15 A They were both marked.

16 Q Okay. There wasn't much purpose in
17 having an unmarked car in Paris.

18 A No. No. This is back in the old
19 days.

20 Q Now, any lieutenants?

21 A No.

22 Q No lieutenants, no captains?

23 A No. It went from sergeant to chief.

24 Q All right. So if I'm calculating

1 Q [REDACTED] [REDACTED]

2 A [REDACTED]

3 Q Uh-huh. Does she still live in Paris?

4 A [REDACTED]

5 Q So you were around [REDACTED] at
6 that time?

7 A [REDACTED] [REDACTED]

8 Q So you chose to resign from the police
9 department?

10 A Yes.

11 Q Now, during the six years that you
12 were on the department, did you have any complaints
13 against you by any citizens?

14 A Not that I'm aware of.

15 Q Was there any kind of mechanism for
16 complaints to be -- adjudicated is not the right
17 word -- complaints to be dealt with within the police
18 department?

19 A Certainly.

20 Q What was that procedure?

21 A If a citizen would come in and
22 complain and it was a relatively minor thing, the
23 chief would call you in, chew your ass out, give you
24 days off if he wanted to, and send you home without

1 pay.

2 Q What if it wasn't a relatively minor
3 thing?

4 A Then at that time the board of fire
5 and police commissioners was there, and the complaint
6 would have been written up and presented to the board
7 of fire and police commissioners, and they would have
8 heard it and they would have decided what action, if
9 any, was to be taken.

10 Q That would go -- was there a minimum
11 that they would impose and a maximum?

12 A Well, yeah. They had -- they had
13 pretty wide latitude.

14 Q Let me make my question clearer: You
15 said the minor cases, the chief would give you a few
16 days off and --

17 A Yeah.

18 Q -- that kind of thing. Was there a
19 maximum that the chief could give you before it would
20 go -- have to go to the police board for a
21 resolution?

22 A I don't know what the parameters were
23 exactly at that time because that wasn't something
24 that I was involved in in terms of knowing exactly

1 what the authority of the board of fire and police
2 commissioners was. But I do know that at some point
3 the chief could go up to five days, so he could give
4 you one to five days. Anything over five days had to
5 go through the board.

6 Q Okay.

7 A Up to and including dismissal.

8 Q Was there any particular officer that
9 was assigned to investigating claims or complaints of
10 misconduct by police officers within --

11 A The chief.

12 Q -- the department? The chief. So he
13 would be the one to initially look into complaints
14 that were brought by citizens?

15 A Right.

16 Q Now, were there also internal
17 complaints brought from time to time in terms of
18 being late to work, uniform violations, that kind of
19 thing, that were not --

20 A No. This was -- this was not a rigid
21 military environment. You had your uniform and it
22 had to be clean, well-kept. You had to be shaved.

23 Q I guess my question --

24 A There was nobody there other than the

1 chief that would -- well, the sergeant might. I
2 mean, if you came in looking like crap, he would send
3 you home and get you straightened out.

4 Q Who were the three sergeants during
5 that period of time?

6 A Well, you just --

7 MS. EKL: Objection.

8 THE WITNESS: I just answered that, I mean,
9 who the sergeants were.

10 MS. EKL: Objection.

11 BY MR. TAYLOR:

12 Q Okay. Let me withdraw the question.
13 You said there were no lieutenants.

14 A No.

15 Q Now, you say the chief left around
16 '72. Who took his place?

17 A Dean Thompson was chief at that time.

18 Q Did I hear you say that he was
19 previously a sergeant?

20 A Yes, he was previously a sergeant.

21 Q How does one get promoted within the
22 Paris police department?

23 MS. EKL: Objection, foundation. When you
24 say --

1 BY MR. TAYLOR:

2 Q Let me ask you first, back on your
3 first tour of duty, how would one be promoted either
4 from patrolman to sergeant or from sergeant to either
5 lieutenant or chief?

6 A That was a process through the board
7 of our police commissioners.

8 Q So all promotions were done through
9 the board?

10 A Right, at the direction of the city
11 council.

12 Q Did the city council then approve what
13 the board did, or did the board pretty much have
14 autonomy in terms of that?

15 A The board had autonomy.

16 Q How was the board selected?

17 A The board was selected by the mayor,
18 approved by the council and -- with staggered terms.

19 Q Is that still the procedure in
20 Paris --

21 A Yes.

22 Q -- as far as you know? And it was the
23 procedure in the '80s and '90s as well?

24 A Yes.

1 Q How would -- would one apply to the
2 board for a promotion? If you wanted to become a
3 sergeant, how -- what would you do?

4 A You would have to wait for a vacancy.
5 If a sergeant is promoted to chief, if a sergeant
6 retires, if a sergeant dies, then there's a vacancy.
7 Nothing happens until the city council authorizes the
8 board of police and fire commissioners to fill the
9 vacancy. Then the board will do the exam, they'll do
10 the oral and written interviews, that type of thing,
11 and then they will make their appointment.

12 Q So then you would apply to be a
13 sergeant once --

14 A Yes.

15 Q -- there was --

16 A Yes.

17 Q -- a vacancy --

18 A Yes.

19 Q -- and there was authorization to fill
20 it?

21 A Correct.

22 Q Then the board would review your
23 application and either approve or disapprove of your
24 application in terms of --

1 A Well, they actually would create an
2 eligibility list.

3 Q Okay. From that eligibility list,
4 they would select?

5 A They would make the appointment.

6 Q Is that, in fact, how Thompson was
7 selected as the chief?

8 MS. EKL: Objection, foundation.

9 THE WITNESS: Yes. I mean, that's the only
10 way you can get the job.

11 BY MR. TAYLOR:

12 Q Is that, in fact, how you became
13 chief?

14 A Yes.

15 Q All right. That was in, what, '86,
16 that you became the chief?

17 A '86, early '86.

18 Q Okay. Now, were there written orders
19 and directives within the Paris police department
20 when you were an officer in the '60s and '70s?

21 A Yes.

22 Q What was the nature of those written
23 orders? How did you -- how many of them were there
24 and what were their topics?

1 A They were very sparse at that
2 particular point in time. They basically governed
3 the way you conduct yourself and obviously your
4 conduct, that type thing. It's been a long time ago
5 since I've seen them, but they were not very thick
6 (indicating). It was just a small -- small binder or
7 a small fold-over thing.

8 Q Indicating about a quarter of an inch?

9 A Yeah. Probably not any thicker than
10 that.

11 Q Okay. So most of the directives and
12 orders, the kinds of things that told the officers
13 what to do, that was kind of word of mouth more than
14 anything else?

15 A No. You actually received a copy of
16 the early one. I mean, I got a copy of it so I had
17 it, and you review it and that type thing.

18 Q I'm sorry. Let me make my question
19 clear: Besides the very small amount of directives
20 that you had in writing, the remainder of the
21 description of what to do and what not to do and how
22 to do it, for lack of a better term, was more oral
23 and by word of mouth and by following what others
24 did; is that right?

1 A Yes. Early on, when you came on the
2 police department as a probationary officer, you rode
3 with a senior officer, whether it was -- well, it
4 wouldn't have been a sergeant because the sergeants
5 sat at the desk. So you rode with a senior
6 patrolman.

7 And sometimes what happened is you
8 come on the department and you would be on the
9 department for a couple of weeks, a month, two
10 months, three months, then you would go to school.
11 During this probationary period while you were on the
12 police department but prior to going to school, you
13 were always with somebody.

14 Q So it was like a field training
15 officer?

16 A Yes.

17 Q Did you have a particular field
18 training officer when you --

19 A There was --

20 Q -- came on the force?

21 A -- no specific officer assigned. It's
22 just a -- you had rotating shifts, this type thing.
23 There was usually two guys on a shift. There was no
24 guarantee that the next month you would be working

1 with the same two people. Sometimes you just stayed
2 on nights two months in a row, sometimes you were on
3 afternoons two months in a row. So you were always
4 taken around.

5 Q During that six-year period after you
6 went through the probationary period, did you have a
7 partner or partners that you worked with more than
8 others?

9 A No. No.

10 Q You rotated pretty much --

11 A You rotated. You --

12 Q -- with everyone?

13 A -- might work with the same patrol
14 officer for two or three months, and then one of you
15 would be rotated out because of whatever, whoever was
16 doing the scheduling decided that. So you didn't get
17 to work with the same person for a long time to build
18 up any kind of relationship.

19 Q Did -- strike that.

20 Let me ask you: If you could think
21 back to the period of time in the first stint that
22 you had with the department, and then I want you to
23 think about 1986, which is the year when the Dyke and
24 Karen Rhoads murders happened, were there any

1 officers who worked with you in the '60s and '70s who
2 were still on the force in '86 when the Rhoads
3 murders occurred?

4 A The chief would have been.

5 Q That's you?

6 A No. Carter Metcalf was the chief when
7 I came back in '81.

8 Q Oh, I'm sorry. I said '86.

9 A Oh, I'm sorry. One, I believe.

10 Q Other than yourself?

11 A Yes.

12 Q Who was that?

13 A It was Jim Lindley.

14 Q Lindley?

15 A Lindley, L-i-n-d-l-e-y.

16 Q And he was a patrol officer in the
17 '60s and '70s with you?

18 A Later in the '70s. He came on just --
19 I believe just prior to when I left, as I recall,
20 without having the benefit of anything to look at.

21 Q In '86, was he still a patrol officer
22 or was he a sergeant or lieutenant?

23 A In '86 he was the chief. In '85 he
24 was the chief.

1 Q And in '86, did he retire?

2 A No.

3 Q He stepped down?

4 A Yes.

5 Q And he stepped down voluntarily or was
6 there something that happened that caused him to step
7 down?

8 A There were issues, so he stepped down.

9 Q What were the issues that caused him
10 to step down?

11 A He didn't get along well with the
12 mayor and the council.

13 Q So there were political issues?

14 A They were in the process of filing
15 charges.

16 Q And what kind of charges were there
17 they --

18 A I don't know. I didn't see the
19 charges listed.

20 Q What was your best understanding of
21 what kind of charges they were contemplating filing
22 against Lindley?

23 A Say that again.

24 Q What was your understanding as a

1 police officer on the force as to what the charges
2 were that they were contemplating filing against
3 Lindley?

4 A He basically wasn't conducting himself
5 in the fashion that they thought appropriate for a
6 police department the size of Paris. He wasn't
7 always in uniform, he didn't always follow
8 directions, you know, where they had issues, and he
9 didn't always deal well with those issues.

10 One of the other issues was that he
11 had taken one of the unmarked cars and was using it
12 for his personal car.

13 Q Was there anything of a criminal
14 nature that was being alleged --

15 A No.

16 Q -- with regard to him?

17 A No.

18 Q So in exchange for them not filing
19 administrative charges against him that would have
20 been brought before the police board, he stepped down
21 and became, what, a patrol officer?

22 A No. He stepped back to his prior
23 position, which was assistant chief.

24 Q So at that time there was an assistant

1 chief?

2 A Yes.

3 Q But there wasn't in the '70s, right?

4 A No.

5 Q When did they implement an assistant
6 chief in the department?

7 A That would have been sometime after I
8 left in '74. Steve Thompson was the mayor at that
9 time, and he did a pretty significant change, made
10 some significant changes in the department, uniforms,
11 that type of thing, SOP.

12 Q Okay. Did you say that he was --
13 became the mayor or the chief?

14 A He was the mayor. Steve Thompson,
15 that was Dean Thompson's son.

16 Q So the police chief was the father of
17 the mayor, or have I got that backwards?

18 A Well, Dean Thompson died. He was
19 chief for a year and then he died.

20 Q Uh-huh.

21 A I think he died in '73, and I believe
22 there was an election in '74, I think.

23 Q So who took Dean Thompson's place as
24 the chief?

1 A George Stickler.

2 Q For how long did he remain chief?

3 A Somewhere in there during Mayor
4 Thompson's tenure, Stickler retired and Carter
5 Metcalf was appointed as chief.

6 Q For how long was Metcalf the chief?

7 A Until, I think, late '84 or early '85.

8 Q Then that's when Lindley took his
9 place?

10 A Yes.

11 Q Did he step down, Metcalf, or did he
12 retire?

13 A No. He was involved in a traffic
14 crash and had some serious brain injuries as a
15 result. So he was forced into retirement.

16 Q Because of health reasons?

17 A Because of health issues. Yes.

18 Q All right. You say you left for
19 personal reasons in '74, right?

20 A Um-hum.

21 Q Yes or -- you have to say "yes" or
22 "no."

23 A I left for personal reasons. Yes.

24 MS. EKL: Just for the court reporter, if you

1 can say "yes" or "no" rather than "um-hum."

2 THE WITNESS: Oh. Sorry. I'm sorry.

3 BY MR. TAYLOR:

4 Q Thank you. During that '68 to '74
5 stint, did you have an occasion at that particular
6 time as an officer to come in contact with Darrell
7 Herrington?

8 A More than likely, yes, I did.

9 Q By that time was Herrington becoming
10 well-known in law enforcement circles because of his
11 behavior?

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

14 MS. EKL: I also object to foundation.

15 BY MR. TAYLOR:

16 Q You may answer. Unless she instructs
17 you not to answer --

18 A Okay.

19 Q -- you can answer.

20 A So the question was?

21 MR. TAYLOR: Could you read it back, please?

22 (WHEREUPON, the Record was read as
23 follows:

24 "Question: By that time was

1 Herrington becoming well-known
2 in law enforcement circles
3 because of his behavior?")

4 THE WITNESS: I wouldn't use the term
5 "well-known." It's a small department, it's a small
6 community, and when you have a contact with an
7 individual, it's not a secret. "Well-known"
8 indicates to me that there was a lot of activity, and
9 there wasn't.

10 BY MR. TAYLOR:

11 Q But there was enough activity so you
12 knew who he was in terms of him running afoul of the
13 law; is that right?

14 A Well, Darrell Herrington drove a truck
15 with his name on it, so it was pretty easy to pick
16 Darrell out.

17 Q And sometimes when he drove that
18 truck, he was under the influence of alcohol, right?

19 A On occasion, I'm sure he was.

20 Q He picked up some DUIs during that
21 period of time, didn't he?

22 A Yes.

23 Q Did you have occasion to stop him and
24 arrest him on DUIs during that six years that you

1 were a patrolman?

2 A I may have. I don't specifically
3 remember arresting Darrell for DUI.

4 Q You say he drove a truck with his name
5 on it?

6 A Um-hum.

7 Q Yes?

8 A Yes.

9 Q Was that because he had some kind of
10 business?

11 A Yes.

12 Q What business was that?

13 A Drywall.

14 Q On how many occasions, to your
15 knowledge, was Darrell picked up for DUI in the
16 six-year time that you were a patrolman in the late
17 '60s and early '70s?

18 A I can't recall.

19 Q Would you say it was more than five or
20 less than five?

21 A Oh, less than five.

22 Q More than two?

23 A Probably not.

24 Q So then we're looking at once or twice

1 is what you're saying?

2 A Possibly.

3 Q Did you go to court on cases that you
4 made arrests in?

5 A If necessary, yes.

6 Q Where was the courthouse that you
7 normally went to?

8 A Right in the middle of Paris.

9 Q Is that the Edgar County courthouse?

10 A The Edgar County courthouse.

11 Q So Paris was the county seat?

12 A Yes.

13 Q How many judges sat there during that
14 period of time?

15 A Two or three.

16 Q Do you remember their names?

17 A Howard T. Ruff was the one that I
18 remember (laughter), and I don't recall who the other
19 judges were.

20 Q Is there any particular reason why
21 that makes you chuckle?

22 A Well, I was in Scouts and I knew
23 Howard. I mean, he had a son, Paul, which is about
24 my age, and he had a son, Don, and I had a few

1 occasions to be in the vicinity that he was and I
2 knew him. He was a very, very interesting
3 individual, just a unique guy.

4 Q In the cases that you knew about with
5 regard to Darrell Herrington, did you ever go to
6 court in any of those cases?

7 A No.

8 Q Do you know the resolution of any of
9 those cases?

10 A No.

11 Q Do you know whether Darrell Herrington
12 lost his license at some point during the late '60s
13 or early '70s as a result of any kind of DUIs that he
14 might have been charged with?

15 A No. There was no specific paper trail
16 at that time in terms of notifications to local
17 agencies or anything from the clerk of the court or
18 anything like that that would let us know, other than
19 the fact that the officer that testified, if that was
20 the case, brought back the information and he shared
21 it.

22 Q Would you agree with me that at some
23 point, people in the town of Paris considered
24 Herrington to be the town drunk?

1 MS. EKL: Objection, foundation.

2 THE WITNESS: No. We had others that were
3 considered the town drunk.

4 BY MR. TAYLOR:

5 Q Darrell, was he in the same league as
6 the others you considered the town drunks?

7 MS. EKL: Objection to the form.

8 MR. JOHNSTON: Objection to the form of the
9 question.

10 THE WITNESS: No. He worked.

11 BY MR. TAYLOR:

12 Q Who were the others that you mentioned
13 that you considered to be the --

14 A One was "Squeaky" Forcum, F-o-r-c-u-m.

15 Q Anyone else?

16 A No one that comes immediately to mind.

17 Q So you don't rate Darrell in the same
18 league as "Squeaky"?

19 A No.

20 Q Would "Squeaky" drive around town?

21 A No. You would usually find him on the
22 courthouse lawn.

23 Q So you're making a distinction between
24 "Squeaky" and Darrell because Darrell held

1 employment?

2 A Yes.

3 Q Any other distinction you saw between
4 "Squeaky" and Darrell?

5 A You could talk to Darrell; you
6 couldn't talk to "Squeaky."

7 Q By talking, you mean that "Squeaky"
8 was --

9 A He usually couldn't carry on a
10 conversation.

11 Q Were there bars in Paris?

12 A Yes.

13 Q How many bars are there in Paris?

14 A During that time, probably seven or
15 eight, at least.

16 Q As a young patrol officer, did you
17 frequent some of those bars, from time to time?

18 A Don't drink, don't smoke.

19 Q And you didn't then either?

20 A No, sir.

21 Q So you would have had no occasion to
22 run into Darrell or "Squeaky" in the local
23 establishments?

24 A Unless there was a fight.

1 Q And you were called there to break it
2 up, right?

3 A Yes.

4 Q Did you on occasion get called to bars
5 to break up fights?

6 A Yes.

7 Q Was that one of the more frequent
8 assignments that you would receive as a police
9 officer?

10 A It wasn't frequent, but it was often.

11 Q When you went to break up those
12 fights, would you often not bring criminal charges
13 but rather just make sure that the parties were
14 separated and that they knew that if this happened
15 again, they might get into more serious trouble?

16 MS. EKL: Objection, form.

17 THE WITNESS: During that time period in the
18 late '60s and early '70s, there was a different
19 mentality than what there is today. Back then, a lot
20 of times you made arrests based on a complaining
21 witness. If you didn't have a complaining witness,
22 then you had no basis for the arrest. Even though
23 they were standing there with a bloody nose or black
24 eye, nobody wanted to complain.

1 So you basically broke it up,
2 separated -- got somebody to go someplace else, and
3 told them you didn't want to come back.

4 BY MR. TAYLOR:

5 Q That would be the most frequent way
6 that a bar fight would be resolved; is that fair to
7 say --

8 MS. EKL: Objection.

9 THE WITNESS: Not the most, but --

10 BY MR. TAYLOR:

11 Q -- in those days? Frequent enough?

12 A -- frequent enough.

13 Q Did you have occasion to break up bar
14 fights that included Darrell Herrington?

15 A No.

16 Q You don't remember any such incidents?

17 A Darrell wasn't a violent guy.

18 Q When you went into the bars to break
19 up fights, would you sometimes see Darrell there?

20 A I don't recall ever seeing Darrell in
21 a bar when I went to break up a fight.

22 Q Now, at some point Darrell started to
23 speak through a voice box; is that right?

24 A Yes.

1 Q When you first came to know him in the
2 '60s and '70s as a police officer, you being the
3 police officer, did he have the voice box at that
4 time?

5 A No, he didn't, and I don't remember
6 when -- when he had his throat cancer where he had to
7 do that. I don't remember the time frame on that.

8 Q You say Darrell wasn't a violent
9 person. But didn't he, in fact, have domestic
10 violence complaints brought against him during that
11 period of time?

12 A Yes.

13 Q Was it also the case back in those
14 days that officers dealt with domestic violence
15 complaints differently than they do now?

16 A Yes.

17 Q That was the old school, pick them up,
18 take the guy around the block and make sure he
19 doesn't come home for a while, right?

20 A That happened on occasion, and on
21 other occasions we made arrests.

22 Q Right. But, again, it would have to
23 be a pretty serious case with a complaint, and that
24 the wife really decided that she wanted to put her

1 man behind bars, right?

2 MS. EKL: Objection, form, foundation.

3 THE WITNESS: Yes.

4 BY MR. TAYLOR:

5 Q So more frequently than not, it would
6 be resolved in terms of a noncriminal proceeding,
7 right? I'm talking again back in the early '70s and
8 late '60s.

9 MS. EKL: Object --

10 MR. JOHNSTON: Objection to the line of
11 questioning.

12 THE WITNESS: When you say "frequently,"
13 what's your --

14 BY MR. TAYLOR:

15 Q Okay.

16 A -- denomination (sic) of frequently?

17 Q Let's say more often than not.

18 A That's hard for me to answer because I
19 only responded to what happened a third of the time.
20 I would say probably in my situation, it was probably
21 about a 50/50 thing. If I been there before, whether
22 it was that night or a prior night, a lot of times I
23 would go ahead and make an arrest for disorderly
24 conduct.

1 Q But normally not for battery or --

2 A Well, she would have to go to the
3 state's attorney's office to design it for battery.
4 I would do disorderly conduct to get him out.

5 Q That was enough to get him out of the
6 house, you mean?

7 A Yeah.

8 Q Did you ever personally answer a call
9 of a domestic violence-related complaint with regard
10 to Darrell Herrington?

11 A I don't specifically remember any
12 incidents in '68 to '74. There may have been some,
13 but I don't specifically remember any.

14 Q Was Darrell married at that time to
15 Betty?

16 A I believe he was.

17 Q Whether you specifically remember an
18 incident that you answered, do you recall generally
19 that there were complaints by Betty about Darrell
20 Herrington and domestic violence?

21 A Yes. Probably.

22 Q All right. So it wouldn't be quite
23 fair to say that Darrell was a completely nonviolent
24 person; is that --

1 A Like --

2 Q -- correct?

3 A -- I said, it depends on whether
4 you're Betty or someone else.

5 Q Right. If you believe --

6 A My contacts with him, I never had any
7 indication that Darrell was violent in personal
8 contacts.

9 Q Except if you answered a domestic --

10 A Except if I responded to a call for
11 service regarding domestic violence.

12 Q Right. What you're telling us is if
13 you believe Betty, Darrell's a violent man; if you
14 believe Darrell, he isn't?

15 MS. EKL: Objection to form.

16 MR. JOHNSTON: I'll join in the objection.

17 THE WITNESS: Well, Darrell would tell you
18 that he only drank when him and Betty got into it,
19 and that appeared to be relatively often. So when
20 Darrell would go out and drink, he would come home,
21 and, of course, I'm sure words ensued and actions
22 ensued and then we got a call.

23 BY MR. TAYLOR:

24 Q All right. That happened relatively

1 frequently while you were an officer, didn't it?

2 MS. EKL: Objection, form, foundation.

3 THE WITNESS: Well, I would say that every
4 time that it happened, it didn't result in a call for
5 service from law enforcement. So I know that it
6 happened occasionally, but how many times it happened
7 that we didn't get called, I don't know.

8 BY MR. TAYLOR:

9 Q All right. But you did know enough
10 about what Betty was saying about Darrell to know
11 that she was saying it was happening a lot more
12 frequently than she was calling you all?

13 A Well, she didn't tell me that. I'm
14 just surmising myself that that was the case.

15 Q Well, you're surmising it based on
16 your experience --

17 A Yeah.

18 Q -- as a police officer and knowing
19 what was going on, right?

20 A That happens a lot in all domestic
21 violence situations.

22 Q Would you say back in the '60s and
23 early '70s, there was a set of families there in
24 Paris that were known to the department to be

1 relationships where there was allegedly domestic
2 violence on a repeated basis?

3 A Yes. There were other locations.

4 Q Would you say there were more than ten
5 or less than ten relationships or locations that you
6 had that you were being called to enough to know that
7 there was something in terms of domestic violence
8 going on between the man and the woman in that
9 household?

10 A Probably less than ten.

11 Q Okay. But it's fair to say that
12 Darrell's house was one of those less than ten
13 houses, right?

14 A Yes.

15 Q Did that continue to be the case when
16 you went back on the force in the '80s? Were they
17 still together and were they still having these same
18 kinds of violent problems?

19 A Yes.

20 Q When you left in '74, [REDACTED]

21 [REDACTED]

22 A [REDACTED]

23 Q [REDACTED]

24 A [REDACTED]

1 Q [REDACTED]

2 [REDACTED]

3 A [REDACTED]

4 [REDACTED]

5 Q [REDACTED]

6 A [REDACTED]

7 Q [REDACTED]

8 [REDACTED]

9 A [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 Q [REDACTED]

13 [REDACTED]

14 A [REDACTED]

15 Q [REDACTED]

16 [REDACTED]

17 A [REDACTED]

18 Q [REDACTED]

19 [REDACTED]

20 A [REDACTED]

21 Q [REDACTED]

22 A [REDACTED]

23 Q From the year '74 until, what was it,

24 '81 when you went back on the force?

1 A Yes.

2 Q What did you do during that seven-year
3 period?

4 A That seven-year period when I left the
5 police department, I went back to work for Dad for a
6 while, and in August of '74 -- so I worked for him
7 for a little bit of April, May, June, and July.

8 In July of '74, at that time I had my
9 apprentice plumber's license from the prior
10 construction of laundries and car washes, and I went
11 to Springfield, took my master plumber's test, got my
12 master plumber's license, and on August 1st of 1974,
13 I started in the business as a plumbing contractor,
14 and continued to do work for Dad on the side.

15 Q Your dad had the Laundromats at that
16 time?

17 A Yes. He was down to two, I think, at
18 that time.

19 Q So you became a full-time plumber --

20 A Yes.

21 Q -- in Paris?

22 A Yes.

23 Q Plumbers work with drywallers, from
24 time to time?

1 A When you have a construction site, you
2 work with electricians, everybody.

3 Q Did you have an occasion to work with
4 Darrell during that period of time on construction
5 sites?

6 A Sure. I'm sure I did.

7 Q So you continued to have a
8 relationship with him a little bit different than the
9 one you had when you were going to his house or
10 others were going to his house on a complaint?

11 MS. EKL: Objection to form.

12 THE WITNESS: Yes.

13 BY MR. TAYLOR:

14 Q Did you have occasion to socialize
15 with him during that time you were a plumber?

16 A No.

17 Q It was just a work relationship?

18 A It was a work relationship.

19 Q Did you know Darrell to be a good
20 worker or a -- what was his reputation as a worker?

21 A If you wanted drywall hung in Paris,
22 Illinois, you called Darrell, because those guys put
23 it up, they get it done.

24 Q "Those guys," meaning Dar --

1 A Him and his crew.

2 Q Who was his crew?

3 A I have no idea. I don't know the
4 guys.

5 Q You never dealt with them?

6 A Well, the crew is the one that did a
7 lot of the work. They came in and hung the drywall
8 and that type of thing. Darrell was on the job site.
9 When it came to taping, that type thing, Darrell was
10 on the job more because he was involved in the
11 taping.

12 I do think he had one of his sons, and
13 I don't know his name, but I think one of his sons
14 was in the business with him and possibly a
15 son-in-law was in the business, but he had no -- at
16 that time I don't know how many crews he had, but he
17 was doing a lot of work in different areas. So he
18 might have had three or four crews.

19 Q Do you recall where Darrell lived in
20 the town?

21 A Well, the only residence I know he has
22 is on [REDACTED], and I don't recall whether he
23 lived there during the '68 to '74 period or not.

24 Q How far was that from the police

1 station?

2 A [REDACTED].

3 Q And how far was it from the location
4 of the fire and the murders in the Rhoads case?

5 A [REDACTED].

6 Q You say Darrell had one son who worked
7 with him most likely?

8 A Yes.

9 Q Did Darrell have any other children?

10 A I think he does, but I'm not familiar
11 with them.

12 Q You also knew Betty, his wife?

13 A I knew Betty. I know Betty.

14 Q Is Betty still in Paris?

15 A Yes. In the hospital, I believe.
16 She's not well.

17 Q Did she have an occupation? Did she
18 work back in the '70s and --

19 A Not that I ever was aware of.

20 Q Did you ever socialize with Darrell?

21 A No.

22 Q You say you didn't drink, so you never
23 shared any kinds of drink or any kind of thing like
24 that?

1 A I don't drink. Period.

2 Q Did you have friends who were friends
3 with Darrell Herrington?

4 A Well, again, it's a small town. I'm
5 sure a lot of the people I knew also knew Darrell, so
6 I'm sure that I knew somebody that Darrell knew.

7 Q What was the name of Darrell's
8 construction firm or drywalling firm?

9 A I believe it was Herrington Drywall
10 and Construction, if I remember right.

11 Q Do you know when he first started up
12 that business?

13 A No, I don't.

14 Q Is he approximately the same age as
15 you, or would he be if he were still alive?

16 A I really don't know how old Darrell
17 was. I don't remember his date of birth when I
18 looked at his driver's license, so I don't -- he's
19 close to my age, but I don't know what his age is.

20 Q You remember looking at his driver's
21 license when you stopped him for drunk driving?

22 A Well, I remember looking at his
23 license when I stopped him for anything. That's one
24 of the things you do.

1 Q Is he one the people that got stopped
2 fairly frequently for traffic offenses?

3 A No.

4 Q Just frequently enough so you remember
5 looking at his license from time to time?

6 A Well, I'm sure I looked at his
7 license. You ask for ID even though you know who it
8 is.

9 Q Now, in that period of time that you
10 were working as a plumber and he was working as a
11 drywall hanger in the '70s and up to '80 or '81,
12 that's the period of time that he started to first
13 use a voice box, do you know?

14 A It probably would have been in that
15 time period, but, again, I don't know specifically
16 when.

17 Q By the way, was Darrell in school,
18 Paris High School, with you at any time?

19 A I don't know. I don't recall him
20 being in school with me.

21 Q It's a relatively small school, I
22 would assume.

23 A It's about a thousand kids.

24 Q So your class would have been about

1 200 or 250.

2 A Yes. 250, something like that.

3 Q So it's possible that he could have
4 been in your class and you not know him?

5 A Sure.

6 Q What was the health reason that caused
7 Darrell to have a voice box?

8 A Cancer.

9 Q He had an operation on his --

10 A Throat cancer. Yes.

11 Q So he had part of his larynx taken
12 out?

13 A Um-hum.

14 Q Yes?

15 A Yes. Yes. He couldn't eat like you
16 and I did.

17 Q How did he eat?

18 A Soup.

19 Q And so he couldn't eat solid foods at
20 all?

21 A No. No. Whenever you would see
22 Darrell eating, he's eating soup. He's holding here
23 and swallowing here (indicating).

24 Q Did he have particular bars that

1 Darrell frequented of the nine or so that you
2 mentioned -- or seven or eight, I guess you said?

3 A Are you talking about the '68 to '74
4 time period?

5 Q Let's break it down. '68 to '74 --

6 A Because we had more bars in '68 to '74
7 than we do now.

8 Q Okay. Let's look at the '68 to '74
9 period. Were there particular bars that Darrell
10 frequented?

11 A Probably the Tap Room, Joe's Blue
12 Lounge, another one that I don't remember the name of
13 that was just up the street from the Blue Lounge.

14 Q Where was the Tap Room located?

15 A On North Main Street.

16 Q Is that close to the police
17 department?

18 A No. It's on the other side of the
19 square from the police department. The police
20 department would be a block, two blocks south of the
21 square, and the Tap Room would have been in the first
22 block north of the square. So it's three blocks
23 maybe.

24 Q And you say the Blue -- what was it,

1 the Blue --

2 A Joe's Blue Lounge.

3 Q Yes. Is that the same general
4 neighborhood?

5 A It's on Court Street, which is on the
6 east side of the square.

7 Q So that would be closer or --

8 A Yes.

9 Q -- farther away?

10 A Closer.

11 Q And the third one, you don't remember
12 the name?

13 A I don't remember the name of it.

14 Q But it was right near the Blue --

15 A It was just up and across the street
16 from the Blue Lounge.

17 Q When officers would take to
18 frequenting bars, or would get a drink, let's put it
19 that way --

20 MR. BALSON: Hang on a minute because I see
21 that we have -- Mr. Parrish and Mr. Eckerty are
22 leaving; is that right?

23 MS. EKL: They are now leaving the deposition,
24 just for the record.

1 (WHEREUPON, there was an
2 off-the-record discussion had by
3 the Parties.)

4 MR. BALSON: Okay. So they're going to
5 another room and will hook in via speakerphone.

6 MS. EKL: Why don't we take a five-minute
7 break.

8 MR. TAYLOR: Yeah.

9 (WHEREUPON, there was a brief
10 recess had in the proceedings.)

11 BY MR. TAYLOR:

12 Q I was asking you when we broke about
13 were there any particular bars that officers who did
14 drink frequented more than others around the square
15 there at the police department in their off-hours.

16 MS. EKL: Objection, foundation.

17 You may answer.

18 THE WITNESS: There were a few officers who
19 liked to drink, but the chief's position on that was
20 that if you want to have a beer, if you want to have
21 a mixed drink, that's fine; do it at home. So it was
22 a rarity in Paris to see an off-duty police officer
23 in a bar.

24 BY MR. TAYLOR:

1 Q So if you --

2 A They would usually pick it up in a
3 package and take it home.

4 Q So if an officer was going to run into
5 Darrell Herrington in a bar, it would be on a call
6 rather than having a beer after work --

7 A Yes.

8 Q -- most likely? All right. Now,
9 during that period from 1974 to 1981, did you have an
10 occasion to deal with Robert Morgan in any way?

11 A I didn't know Bob Morgan at that time.

12 Q But you knew there was a dog food
13 factory in the Paris area, right?

14 A Could be. I don't know when he
15 started his business, so I really don't have any
16 recollection of that time period and Bob Morgan and
17 the dog food factory. So I don't know when he
18 started his business.

19 Q Where is that dog food factory located
20 now?

21 A Well, it's -- he's into other things,
22 so the old location is on South Marshall Street which
23 is where he started this manufacturing of dog food.

24 Q How far is that from the police

1 station?

2 A Oh, clear down the other end of town.
3 So, let's see, that would be probably the 18, 17,
4 1800 block, so 20 blocks, 25 blocks.

5 Q Were you also familiar with a pizza
6 shop there run by Joe or Jim Vitale?

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

9 THE WITNESS: Was I aware of --

10 BY MR. TAYLOR:

11 Q Um-hum.

12 A -- Joe's Pizza?

13 Q Um-hum.

14 A Yes.

15 Q When did you first become aware of
16 that operation?

17 A When I got on the police department.

18 Q Was there ever any suspicions that
19 there was any criminal conduct being run out of that
20 pizza place by any of those people?

21 MS. EKL: Objection to the form of the
22 question.

23 THE WITNESS: What was that again?

24 BY MR. TAYLOR:

1 Q Was there -- while you were on the
2 police force from '68 to '74, was there any suspicion
3 or investigation with regard to the pizza shop and
4 any criminal activity?

5 A They don't tell lowly patrolmen about
6 stuff like that that's going on. You pick up a few
7 rumors, that kind of thing. But, no, I was not
8 involved or had any knowledge of what was happening.

9 Q What were the rumors during the
10 '60s --

11 A That there was --

12 Q -- and '70s?

13 A -- a drug exchange and money exchange
14 and that type thing, you know, Joe's Pizza.

15 Q Was the man who ran Joe's Pizza a
16 fellow by the name of Joe Vitale?

17 A I believe so.

18 Q Was he -- did the police department
19 know him to be -- reputed to be connected to the
20 Mafia or the mob in New York?

21 A Well, when you say "the police
22 department," are you talking everybody on the police
23 or are you talking about the chief or --

24 Q Well, I'm asking you, first of all,

1 what you knew with regard --

2 A I didn't know anything.

3 Q Was that the rumor in terms of what
4 was happening, that it was mob-related?

5 A That was a rumor. Yes.

6 Q Did you know as a police officer in
7 the '70s that there was an investigation, a federal
8 investigation, with regard to that?

9 A See, I don't remember the timeline on
10 the pizza thing. I know that the deceased chief,
11 Carter Metcalf, was involved in it to some degree,
12 and that would have been -- that would have been
13 after I left because he was chief after I left.

14 So when I said there were rumors, the
15 rumors that I would have probably heard would have
16 been street talk versus police department talk
17 because I don't -- I don't recollect anything going
18 on in 1968 with that because Carter Metcalf wasn't
19 the chief, because you had Dean Thompson who passed
20 away after a year, then you had George Stickler, then
21 you had Metcalf, Carter Metcalf came on. So Carter
22 was involved in that. Well, I wasn't on the police
23 department at that time. So whether there were
24 rumors in 1968 or not, I don't know, when I was on

1 the police department. But there were rumors during
2 that time period.

3 Q When you say that Metcalf was involved
4 in it, are you saying was involved in the
5 investigation?

6 A Well, he had knowledge of it. I don't
7 know what -- of course, I say I don't know what kind
8 of cooperation he had with the FBI, but normally you
9 don't get cooperation from the FBI. So I don't know
10 whether he had an agent that was, you know, sharing
11 information or what. I don't know where the
12 information was coming from, but I do know that he
13 had some knowledge of it.

14 Q Was there an FBI office, either a
15 special agent -- actually in Paris? Was --

16 A No.

17 Q -- there any kind --

18 A No. Probably --

19 Q -- of FBI --

20 A -- Champaign or -- I don't think they
21 ever had an office in Danville. It would have been
22 Champaign or some other large city.

23 Q Did you ever do any plumbing work for
24 the pizza shop there?

1 A No, I did not.

2 Q Did you have any kind of relationship
3 with Joe Vitale?

4 A I don't even eat their pizza.

5 Q So you didn't have --

6 A No.

7 Q -- any kind of relationship?

8 A Never went in the place.

9 Q Other than rumors that blossomed into
10 an investigation after you left the force with regard
11 to the pizza shop and drugs being sold there, was
12 there any other kind of drug activity that you were
13 aware of as an officer while you were -- during your
14 first term of duty?

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

17 THE WITNESS: Probably the worst thing that
18 was happening in the '68 to '74 time period was beer,
19 cigarettes, and maybe a little marijuana.

20 BY MR. TAYLOR:

21 Q So, to your knowledge then, there
22 wasn't a serious drug trafficking problem in the
23 Paris area --

24 A Not --

1 Q -- during that early period of time?

2 A Not at that time.

3 Q There later became one, though, right?

4 A Absolutely.

5 Q That was during your second tour of
6 duty, and it started sometime a little bit before
7 that?

8 A Since I wasn't there from '68 to '81,
9 yes, it -- you know, it would have been someplace in
10 that time period. I have no knowledge of it.

11 Q You mean '74 to '81.

12 A Or '74 to '81. Yes.

13 Q Now, did you, by the way -- to go to
14 another topic for a moment. With regard to Randy
15 Steidl, did you have any contact with Randy Steidl
16 during your first term of duty from '68 to '74?

17 A Yes. I recall one specific time that
18 I arrested him for too fast for conditions.

19 Q That's a traffic offense?

20 A Yes.

21 Q Was there anything unusual about that
22 arrest or the circumstances of that arrest?

23 A Yes.

24 Q What was that?

1 A His grandpa, Cameron, Fred Cameron --
2 I don't remember, but Cameron was the last name --
3 was a crossing guard, and his grandpa seemed to think
4 that I was picking on him --

5 Q So when --

6 A -- when I should have written him up
7 for reckless driving. I wrote him for too fast for
8 conditions.

9 Q So you had kind of a dispute with
10 his --

11 A I didn't have a dispute. He
12 complained to the chief and the chief asked me about
13 it, and I told him what happened and he said, "okay."

14 Q So that was sometime -- do you know
15 what year that was?

16 A Nope.

17 Q Do you know what the resolution of
18 that case was?

19 A Nope.

20 Q Other than that one in -- and at that
21 time, was Randy a high school kid or --

22 A He was young. I don't know whether he
23 was still in high school or not.

24 Q So he was younger than you?

1 A Yes.

2 Q And he would not have been in school
3 when you were?

4 A No.

5 Q Any other instances you can think of
6 during that six-year period?

7 A There was one instance at the Snappy
8 Service, which was a hole-in-the-wall restaurant with
9 a long counter with seven stools, and between the
10 stools and the wall was maybe four feet.

11 After the bars closed and the theater
12 let out, that place was crowded, you couldn't even
13 get into it, and they had the nastiest hamburgers and
14 chili in the world and -- but it was crowded. And if
15 you'd been drinking it tastes pretty good, so they
16 say.

17 So I got a call up there one night
18 that there had been a disturbance. I arrived there.
19 I don't remember who the other officer was, and Randy
20 was there and there was a young man in military
21 uniform, he was in the army, had his dress greens on,
22 and Randy had just walked up behind the young man,
23 spun him around, and hit him right in the face for no
24 reason.

1 So when we got there, the young man
2 did not want to prefer charges because he had been on
3 leave, he was getting ready to go back, and he just
4 wanted to drop the whole issue. So there would have
5 been an offense report done and that would have been
6 the end of it.

7 Q What kind of report did you say?

8 A Offense.

9 Q All right. Is that something that's
10 written up but does not --

11 A Yes. It's just a report of the
12 incident. Call it an incident report, if you like.

13 Q When you recited that you said
14 happened, that wasn't based on any personal knowledge
15 you had, that's what the young man recounted to you
16 had happened?

17 A That, and a couple other witnesses
18 that indicated there didn't appear to be any apparent
19 reason. Just walked up and hit him.

20 Q So that didn't result in any court --

21 A No.

22 Q -- appearance or --

23 A No.

24 Q -- charges. Any other instances?

1 MS. REPORTER: Flint, could you ask the
2 witness to wait until you're done before he answers.

3 BY MR. TAYLOR:

4 Q The court reporter is asking me if you
5 could wait until the question is done until you start
6 your answer because --

7 A Oh, I'm sorry.

8 Q -- it puts her in a position of --

9 A Sorry.

10 Q -- having to do two things at once.

11 A She can't type that fast. Okay.

12 Q Any other instances that you can think
13 of with regard to Randy Steidl?

14 A None that I can recall.

15 Q Now, Herbert Whitlock, do you know who
16 he is?

17 A Um-hum.

18 MS. EKL: That's a yes or no?

19 THE WITNESS: Yes. I'm sorry.

20 BY MR. TAYLOR:

21 Q Did you know him prior to becoming a
22 police officer?

23 A I could have.

24 Q Do you have any memory of any dealings

1 with him or knowing him prior to becoming a police
2 officer in 1968?

3 A No. I had no dealings with him. I
4 chose not to hang around with people like him.

5 Q When you say that, what do you mean?

6 A You have people that get in trouble,
7 hang around the bars and do things that -- that I
8 don't do. I worked, so, therefore, I didn't hang
9 around with a lot of people. I was pretty much by
10 myself most of the time without a girlfriend or a
11 wife.

12 Q On the one hand you're telling us you
13 didn't know Herb, but, on the other hand, you're
14 saying you didn't hang around with people like him.
15 That's kind of -- are you saying you knew something
16 about him even though you --

17 A Well --

18 Q -- didn't know him?

19 A -- people run with a crowd, okay? And
20 that wasn't my crowd.

21 Q So you knew Herbert Whitlock well
22 enough to know what crowd he ran with prior to
23 becoming a police officer, prior to your becoming a
24 police officer?

1 A I don't know that it was anything I
2 really thought about. I just -- I didn't run with a
3 lot of people.

4 Q One of those people, you're telling us
5 now, was Herb Whitlock and his crowd.

6 A Probably. I didn't go to those
7 places.

8 Q Well, did you know then what crowd he
9 ran with?

10 A The crowd that I didn't want to be
11 associated with. That's all I can tell you. That's
12 all I know.

13 Q Can you name anyone else who was in
14 that crowd?

15 A No, not at this particular point.

16 Q Can you tell us what your knowledge
17 was of what that crowd did in opposition to what you
18 did?

19 A Well, other than the fact that I
20 worked and it didn't appear that all of them did, you
21 know, I just -- like I say, I was pretty much a
22 loner.

23 Q When you became a police officer in
24 1968, during that period, from '68 to '74, did you

1 have any dealings with Herbert Whitlock?

2 A Not that I recall specifically. No.

3 Q Were you aware of any dealings that --
4 or altercations that Herbert Whitlock had with the
5 Paris police department during your first tour of
6 duty?

7 A If I had any knowledge, it would have
8 been something that would have been reported on the
9 daily log, an entry in the daily log that indicated
10 that there had been some type of activity with
11 Herbert Whitlock.

12 And one of the requirements was that
13 when we came to work, we read the daily log for the
14 prior 16 hours or however many hours we hadn't been
15 back for a day off or whatever.

16 Q So without reference to the daily logs
17 from 1968 to 1974, which, I assume, no longer exist,
18 can you tell us anything about -- anything that you
19 knew about with regard to Herbert Whitlock?

20 A No, I can't.

21 Q Do you know whether those daily logs
22 exist anymore?

23 A No, I don't.

24 Q Was there a retention schedule for

1 things like the daily log while you were chief?

2 A There was a retention schedule, and at
3 some point, I don't remember when it was, in the late
4 '80s, early '90s, we had somebody come in from the
5 state and look at all of the archived stuff and
6 suggest that some things be thrown out, some things
7 be kept.

8 Q Do you know whether the daily logs
9 were among the things that were thrown --

10 A No.

11 Q -- out or kept?

12 A I don't know.

13 Q Was there a written retention schedule
14 with regard to documents in the Paris police
15 department in 1986 when this case arose?

16 A Not that I'm aware of.

17 Q Was there any oral type of retention
18 schedule? In other words, was there some practice
19 that was followed by the Paris police department?

20 A The practice was you keep it.

21 Q In no matter what case?

22 A Yes.

23 Q And you keep it indefinitely or
24 permanently?

1 A Well, we kept it until that instance
2 where the state came down and went through what we
3 had archived and told us what we could get rid of and
4 what we could keep.

5 Q So before the state came down -- when
6 did you say this was? Sometime in the '90s?

7 A I don't -- I don't remember the
8 specific day.

9 Q But it was after the Whitlock and
10 Steidl --

11 A Yes.

12 Q -- case?

13 A Yes.

14 Q You kept everything that was on paper
15 that you all wrote down --

16 A Yes.

17 Q -- prior to that time?

18 A We didn't have computers then.

19 Q And you would put it in whatever
20 particular file it was relevant to; is that right?

21 A Well, the daily logs, I'm sure, would
22 be kept in a file, and then you would have the
23 offense reports or incident reports, they would be
24 filed. And then you would have the crash reports,

1 traffic crash reports, and those would have been in
2 the file, boxes or whatever.

3 Q Let me ask you: When you went to
4 training school and were dealt -- when you were a
5 probationary officer, when you first became an
6 officer, were you given any training either in
7 writing or orally about materials, police records or
8 evidence, in terms of whether they should be -- what
9 should be turned over to defense lawyers?

10 A Not that I recall.

11 Q So you weren't given any schooling
12 about any particular information that you should
13 retain or produce to lawyers because it was
14 exculpatory in nature?

15 A That's not an area of expertise for a
16 patrolman.

17 Q Is that the case not only in '68, but
18 during your tenure as a police chief in Paris?

19 MS. EKL: I'm sorry. Can you reread the
20 question?

21 BY MR. TAYLOR:

22 Q Well, you said you -- you made a
23 blanket statement that --

24 A That that's not in the area of --

1 Q Yes.

2 A -- expertise for patrol officers?

3 Q Yes. And did that continue for --

4 A That's still not in the area --

5 Q Right.

6 A -- of -- you know. But I don't know
7 what the new training involves. I haven't seen the
8 training criteria, so I don't know what they're
9 teaching now, I don't know what they taught ten years
10 ago.

11 Q But you know what was taught --

12 A I know --

13 Q -- when you were chief.

14 A -- what was taught at the time I was a
15 patrol officer, and that wasn't information that I
16 recall receiving.

17 Q And you also know what was taught and
18 what the procedures were when you were chief, right?

19 A Yes.

20 Q Would you say it's fair to say that it
21 wasn't -- that what was exculpatory or not was not in
22 the purview of the training at that time as well?

23 A Not that I'm aware of. You're talking
24 like at Police Training Institute or something like

1 that?

2 Q Yes. And also on the job --

3 A Yes.

4 Q -- as a Paris police officer. Did you
5 have any regulations or general orders that covered
6 preservation of evidence that was exculpatory while
7 you were chief?

8 A Well, there was preservation of
9 evidence. Period. You preserve all evidence.

10 Q Right.

11 A It didn't say if it's good, keep it,
12 if it's bad, throw it out. It said to preserve all
13 evidence.

14 Q Was there any training to officers to
15 tell them what they should write down and what they
16 shouldn't write down when they're investigating
17 cases?

18 A This is training that they would have
19 received at basic, their basic Police Training
20 Institute and --

21 Q Well, let's -- okay. Are you asking
22 me or are you --

23 MS. EKL: Let him finish.

24 MR. TAYLOR: I'm sorry. I thought he was

1 inquiring. Why don't we start again.

2 Could you repeat the question, please?

3 (WHEREUPON, the Record was read as
4 follows:

5 "Question: Was there any
6 training to officers to tell
7 them what they should write down
8 and what they shouldn't write
9 down when they're investigating
10 cases?

11 "Answer: This is training that
12 they would have received at
13 basic, their basic Police
14 Training Institute and --")

15 THE WITNESS: Okay. So report writing is one
16 of the things they receive at basic training in their
17 first eight or ten weeks. We also had available
18 later in the '80s, we had our mobile law enforcement
19 training team, which was part of a grant, we have a
20 federal grant, that provided additional training to
21 officers of all types.

22 We sent officers to those a lot. If
23 anybody wanted to learn, pick up any additional
24 information or training or expertise in a particular

1 area, then they went to the training. I don't know
2 that anybody ever signed up for report writing and I
3 don't know that anybody ever offered report writing,
4 but I suspect -- and, again, this is without looking
5 at records -- that the training team probably offered
6 classes on investigations and that kind of thing, and
7 had anybody desired to go, they would have gone.

8 BY MR. TAYLOR:

9 Q Did you ever go?

10 A No. I didn't go to those.

11 Q Did you ever send any of your
12 detectives to any of those?

13 A I very well could have. I don't
14 specifically remember doing it, but that doesn't mean
15 that I didn't.

16 Q Did you, while you were chief at any
17 time in the 1980s, have any general written orders or
18 regulations that covered report writing?

19 A There was a departmental SOP, and we
20 were in the process of upwrite -- upgrading it. At
21 the time that I was chief, we were upgrading the
22 entire SOP to come in to be more in sync with what
23 everybody else was doing, what the requirements were.

24 Q And that upgrade -- upgrading was

1 actually done in the early '90s, right, before you
2 left?

3 A Was what?

4 Q Was actually put to writing in the
5 early '90s, right? In 1990, 1991?

6 A There was --

7 MS. EKL: I'm just going to object to the
8 form, "put to writing," so if you could clarify what
9 you mean by "put to writing."

10 BY MR. TAYLOR:

11 Q You actually had this standard
12 operating procedure reduced to writing that was given
13 to the officers sometime around 1990 or 1991; isn't
14 that right?

15 A No. Steve Thompson, when he was
16 mayor, did a serious upgrade on the standard
17 operating procedures policies of the police
18 department, and that was submitted to the city
19 council for approval, okay? That was the SOP that we
20 were working with.

21 Q Okay.

22 A And we were in the process of
23 upgrading that SOP.

24 Q Now, in -- when was Thompson the

1 mayor?

2 A It would have been probably 1974 --

3 Q Okay.

4 A -- if that's the year they had the
5 elections.

6 MR. TAYLOR: I'm going to mark this as Exhibit
7 Number 1.

8 (WHEREUPON, Ray Exhibit 1 was
9 marked and tendered to Witness.)

10 BY MR. TAYLOR:

11 Q This is standard operating procedures
12 for the Paris police department, and it's Bates
13 numbers 14829 through 14875 Steidl. I'll ask you to
14 take a look at that document.

15 Well, let me ask you this before we
16 get into any content here: Take a look through it
17 and tell me whether you recognize this to be the
18 standard operating procedures that you were referring
19 to previously in your testimony.

20 A The ones that were generated by Steven
21 Thompson --

22 Q Yes.

23 A -- the mayor?

24 Q Yes.

1 A Yes, they are.

2 Q And are these the ones that you were
3 saying that you were working on upgrading when you
4 were the chief?

5 A Yes.

6 Q So would it be fair to say then in
7 1986 and 1987, which is at the beginning of your
8 tenure, that these standard operating procedures that
9 I have marked as Exhibit Number 1 were the ones that
10 were in effect?

11 A Yes.

12 Q And that it was subsequent to that
13 time period that you upgraded those particular
14 standard operating procedures sometime later in your
15 tenure?

16 MS. EKL: I'm going to object to the form.
17 Are you referring to when any upgrade was started or
18 completed? Just so it's clear for the record, are
19 you saying upgraded in terms of there was new
20 operating procedures in place or that he started
21 upgrading them?

22 BY MR. TAYLOR:

23 Q Well, they were put into place
24 sometime in the early '90s under your command; isn't

1 that right?

2 A No. I don't think we ever finished
3 them, the upgrades.

4 Q So you were working on them, but they
5 never were finished or put into effect --

6 A I don't --

7 Q -- while you were working on them?

8 A I don't think we ever had council
9 action on them that I recall.

10 Q So when did you finish the job of
11 putting the upgrades together, if you did, before you
12 left in 1995?

13 A Well, we didn't finish it.

14 Q Okay. So would it be fair to say that
15 during your tenure as chief, the standard operating
16 procedures that -- in terms of what was in writing,
17 the ones that are included in Exhibit Number 1 are
18 the ones that were being followed; is that right?

19 A Yes, with the exception of the items
20 that we had actually finished and disseminated to the
21 officers --

22 Q And --

23 A -- with the upgrades.

24 Q -- what upgrades had you finished?

1 A As I recall, the pursuit policy had
2 been changed.

3 Q What year was that changed and
4 implemented?

5 A I don't know, because I see -- I see
6 sections in here where Sergeant Lindley has made
7 notes to delete or alter or change certain sections.
8 But since I don't know the particular time frame
9 other than the inception date of 1976, I don't know
10 when these notes were made.

11 Q Well, he was the sergeant at what
12 point?

13 A Well, he was actually assistant
14 chief/sergeant.

15 Q When, though?

16 A During my tenure.

17 Q So this indicates to you that sometime
18 during your tenure, there were certain notations made
19 on this document by Sergeant Lindley about things
20 that should be changed; is that right?

21 A Yes. I assigned him to work on it.

22 Q Is he still alive?

23 A Yes.

24 Q Is he still on the force?

1 A No.

2 Q Do you know what he does now?

3 A Nothing.

4 Q He's retired?

5 A Yes.

6 Q And he's still in Paris?

7 A Yes.

8 Q With regard to report writing, was
9 there anything else in writing other than what would
10 be contained in these special operating procedures
11 for the police department in terms of directives or
12 regulations for police officers to follow?

13 A Probably a directive would have been
14 that officers will no longer write their reports.
15 They will write the rough draft, they will give them
16 to the dispatcher for typing. We had some
17 difficulties with being able to read them, so we went
18 to a typed report by the dispatcher on duty.

19 Q When did you go to that?

20 A I don't remember.

21 Q Well, you became the chief in April of
22 '86, right?

23 A I was acting chief, like, from January
24 to April, and then, I think, they confirmed it in

1 April, I believe.

2 Q So how long had -- and the murders,
3 the Rhoads murders, happened in July of '86, right?

4 A Right.

5 Q Two or three months after you became
6 the chief, right?

7 A Right.

8 Q Was this new policy of the dispatcher
9 typing the reports, was that in effect at the time of
10 the Rhoads murders?

11 A No. That would have been farther down
12 the line.

13 Q How much farther?

14 A I don't know. I can't say. I really
15 don't know.

16 Q Let's pick another date, that being in
17 June of 1987, that being when the trial -- at least
18 one of the two trials took place, the Steidl and
19 Whitlock trials. At that time had you implemented
20 the new policy of typing rather than --

21 A I don't believe so.

22 Q Okay. So we're still dealing with
23 primarily written reports --

24 A Yes.

1 Q -- at that time?

2 A Yes.

3 Q So the individual detective or
4 patrolman would write up his report and then submit
5 it; is that right?

6 A Right. Although I seem to recall on
7 the Rhoads situation, I had assigned one of the
8 dispatchers to do all of their reports for them, you
9 know, to help -- or to do their -- type their
10 reports, transcribe their reports.

11 Q So in the Rhoads case, this new policy
12 was being used?

13 A Well, it wasn't a policy. It's just
14 that there was so much paper generated, that I would
15 prefer to have them investigating rather than doing
16 reports. I wanted them to do the report, the initial
17 report. But as far as putting it in a different
18 fashion, typed, they weren't -- that wasn't their
19 area of expertise, typing.

20 Q In 1986 and 1987, during the
21 investigation of the Rhoads murders, were there any
22 policies or practices within the department with
23 regard to how contemporaneous a report had to be in
24 terms of when it was written, when it was written in

1 relationship to the events that were recounted in the
2 report?

3 A I don't recall that there's a specific
4 rule, but the action always was that you write the
5 report while it's still fresh in your mind.

6 Q So if a detective went out on an
7 investigation and talked to two or three witnesses on
8 a particular day, would you expect that they would
9 have written a report within the next day or two in
10 order to recount what information they got?

11 A I would anticipate that. Yes.

12 Q Would that be an official report that
13 you would expect that they would write; in other
14 words, an official Paris police report?

15 A Well, it wouldn't have been an
16 incident report or anything like that. It may have
17 been part of their note file in relation to the
18 investigation. So whether it was transcribed or
19 whether they fleshed it out, it was probably kept in
20 their own personal file until such time as they had
21 adequate information to do a full and complete
22 report.

23 Q By "adequate information," what do you
24 mean?

1 A Enough.

2 Q Well, but, I mean, we're sitting here
3 with an investigation that went on for almost a
4 year --

5 A Yes.

6 Q -- before arrests were made, right?

7 A Right.

8 Q And there was something being done
9 almost on a daily basis in that year with regard to
10 this investigation, right?

11 A Right.

12 Q What was the procedure that was in
13 force at that time about how often an official report
14 should have been made by the investigating officers
15 with regard to the ongoing investigation?

16 A Well, there was no official, I guess,
17 procedure or paper on it. It's just that you
18 generate the report and then turn that information
19 over to the state's attorney.

20 Q All right. Now, but frequency, there
21 was no control over that really other than the
22 discretion of the officer to do it in as timely a
23 manner as he felt was appropriate; is that right?

24 MS. EKL: Objection, form.

1 THE WITNESS: That was the idea, that they
2 keep the reports fresh, and that would have been what
3 they did.

4 BY MR. TAYLOR:

5 Q Did you say that the officers would
6 have had some kind of personal file that they
7 would --

8 A Well, I'm just saying a place to put
9 reports and, you know, a personal file for lack of a
10 better term. They had a file cabinet or whatever
11 they used because you can't just leave that stuff
12 laying around everywhere.

13 Q So would you expect in an
14 investigation of this complexity and length that the
15 officers were writing detailed, handwritten notes on
16 their daily work on the investigation?

17 A They probably had notes on dates and
18 times that they were supposed to meet people and had
19 that kind of thing.

20 Q And that would go in this file; is
21 that right?

22 A That would go into the report when
23 they finalized the report.

24 Q And if they're -- in this case they

1 were dictating reports that would be typed by the
2 dispatcher, right? That's what you said was
3 happening?

4 A I don't know that we dictated anything
5 because I don't specifically recall that we had tape
6 recorders and that kind of thing. A Dictaphone, I
7 don't believe we had a Dictaphone. I believe it was
8 all handwritten.

9 Q But that would then be turned over to
10 a dispatcher who would write --

11 A Well --

12 Q -- the reports?

13 A -- the dispatcher would actually -- as
14 I remember, the dispatcher actually came back there
15 and typed the reports so they weren't out in the
16 general circulation.

17 Q What was the dispatcher back in --

18 A I don't remember.

19 Q -- in 1986? Is the dispatcher a
20 civilian or an officer?

21 A Civilian dispatcher.

22 Q And you don't remember who the
23 dispatcher was?

24 A No.

1 Q Is the dispatcher the person who also
2 runs the radio and makes assignments and that kind of
3 thing?

4 A We actually pulled in a dispatcher and
5 did some shift adjustments for the dispatcher so that
6 we could have somebody back there during certain
7 periods of time to do reports, as I recall.

8 Q Did you have more than one
9 dispatcher --

10 A No.

11 Q -- at any one time?

12 A Just one. Just one.

13 Q Was it male or female?

14 A Female.

15 Q Would that dispatcher be taking raw
16 notes that the detective or investigator had written
17 up and then she would be typing the report from the
18 raw notes, or how would she --

19 A No.

20 Q Would she be typing something that was
21 written by the detective verbatim?

22 A She would be typing something that the
23 officer submitted to be typed. It would have been
24 some type of finalized document or a completed

1 document, not necessarily done, but completed to that
2 point.

3 Q So the dispatcher would simply be
4 typing whatever the detective or investigator --

5 A Yes.

6 Q -- turned over to her?

7 A Yes.

8 Q And you would expect that that would
9 be done how frequently in the Rhoads investigation?

10 A I don't remember. I don't know.

11 Q Had you --

12 A As necessary.

13 Q Had you made any kind of order or
14 directive to the detectives in the investigation as
15 to how frequently they should reduce the information
16 that they were obtaining into a formal report?

17 A Not that I recall.

18 Q And was there any policy within the
19 department which would have dictated to them how
20 often they should have done it?

21 A There's probably something in the
22 rules and regulations, in the SOP, that indicate that
23 there's a time frame.

24 Q So whatever is or isn't in the SOP

1 would be what would control it? If there's nothing
2 in the SOP, we could -- could we assume that there
3 was no written control? If there is, we could find
4 that written control in the SOP?

5 A If there's a written control in there,
6 then, yeah, there's a written control in there. If
7 there's not a written control, then it would have
8 been a thing that, again, as I said, they kept caught
9 up on their reports. That was the idea.

10 Q Would you say that a report that was
11 generated in the Rhoads case every 60 days, would
12 that be sufficiently caught up in terms of your
13 understanding in terms of what the procedure was in
14 the department?

15 MS. EKL: Objection.

16 THE WITNESS: No.

17 BY MR. TAYLOR:

18 Q No?

19 A What's the 60-day thing now?

20 Q That there was a report being
21 generated once every 60 days or so with regard to --

22 A There was probably reports being
23 generated weekly.

24 Q I'm asking you whether the -- if the

1 record were to show that the reports were being
2 generated once every two months or so, would that be
3 sufficient with regard to the requirements in the
4 department as you knew them?

5 MS. EKL: Objection to form, foundation,
6 incomplete hypothetical.

7 THE WITNESS: I'm still not sure what you're
8 asking me. You're basically saying we only generated
9 reports once every 60 days?

10 BY MR. TAYLOR:

11 Q Yes.

12 A No. It was more often than that.

13 Q I'm asking you if that were the case,
14 would that be appropriate?

15 A No.

16 Q Should it -- how often would you
17 consider to be appropriate in the Rhoads
18 investigation for there to be summary reports of the
19 investigation done?

20 MS. EKL: Objection, form.

21 THE WITNESS: What are you calling a summary
22 report?

23 BY MR. TAYLOR:

24 Q I'm talking about a report which

1 recounted the investigation that had been done during
2 the period of time previous to the report.

3 MS. EKL: Same objection.

4 THE WITNESS: I'm -- I'll still not -- I'm
5 still not sure what you're asking for.

6 BY MR. TAYLOR:

7 Q What I'm asking you is how frequently
8 in your -- given what you understood your directives
9 and requirements of the department were, should there
10 have been a report recounting the investigation done
11 by the officers? How frequently should that have
12 been done in the Rhoads investigation?

13 A You mean from point A to point Z?

14 Q Yeah.

15 A From where we started --

16 Q Yeah.

17 A -- to where we are?

18 Q Yes. How frequently, how often would
19 you expect there to be reports in order to be
20 appropriately following what your consideration of
21 proper report filing would be?

22 MS. EKL: Objection, form. Flint, you've now
23 changed your question. Just to be clear, at one
24 point you said "summary report," now you said reports

1 in general. If you could just clarify your question
2 as to which one you're referring to now.

3 BY MR. TAYLOR:

4 Q I'm talking about a standard Paris
5 official report that would contain the information
6 that was obtained in the investigation.

7 A All of the information?

8 Q It doesn't have to recount all the
9 information that was previously recounted in the
10 previous report, but just an update. Let's say
11 from -- there's a report on July 23rd. When would
12 you expect there to be the next one and the next one
13 after that, assuming there was a continuous
14 investigation going?

15 A Probably reports would be generated
16 weekly.

17 Q All right. And those reports would
18 then be typed and you would expect to see a series of
19 reports basically every week --

20 A Depending on --

21 Q -- in the file?

22 A -- activity.

23 Q Assuming there was activity.

24 A Right.

1 Q So if a detective were saving up the
2 information for two months before he turned it over
3 to the dispatcher for a report, that would not be
4 appropriate, would it?

5 A We didn't do --

6 MS. EKL: Objection, form, foundation.

7 THE WITNESS: -- that. We didn't do that.

8 BY MR. TAYLOR:

9 Q Have you seen weekly reports by
10 Parrish and other -- Parrish and the detectives in
11 the Rhoads case?

12 A I don't recall seeing weekly reports.
13 I don't specifically recall seeing or reading any
14 weekly reports.

15 Q Now, you would have reviewed any
16 reports that the Parrish department was generating
17 with regard to the Rhoads case as chief, were you
18 not?

19 A Yes.

20 Q And you were also reviewing the
21 reports that were being generated by the ISP; is that
22 right, the --

23 A Not necessarily.

24 Q Well, if they were routed to you,

1 would you have reviewed them?

2 A Yes.

3 Q Do you recall getting ISP reports
4 from --

5 A No, I don't specifically recall.

6 MR. TAYLOR: Okay. Let's mark this as Group
7 Exhibit Number 2.

8 (WHEREUPON, Ray Group Exhibit 2
9 was marked and tendered to
10 Witness.)

11 BY MR. TAYLOR:

12 Q Now, this is a group exhibit which
13 contains what I would represent, to the best of my
14 ability, is all of the Illinois Department of State
15 Police investigative reports that have been turned
16 over to us. I've tried putting them in chronological
17 order, and I want to ask you some questions generally
18 about them right now.

19 MR. JOHNSTON: Could we get a Bates range?

20 MR. TAYLOR: I'm sorry?

21 MR. JOHNSTON: Could we have a Bates range of
22 some kind?

23 MR. TAYLOR: Yeah, as I go through it, I'll --
24 because some of them are turned over by different

1 people.

2 MR. JOHNSTON: Okay.

3 BY MR. TAYLOR:

4 Q Looking at the first document, which
5 is one dated 7/7/86, which is an Illinois Department
6 of State Police investigative report, which is Edgar
7 County clerk file 04817, on the bottom it has a
8 dissemination to the Edgar County state's attorney,
9 McFatrige, and also to Chief Eugene Ray. Do you see
10 that one?

11 A Yes.

12 Q Okay. Now, that having been routed to
13 you, would it be your testimony that you reviewed it
14 on or about the time that you received it?

15 A Yes. Apparently since they were sent
16 to me, I would have reviewed them.

17 Q Rather than at this point go through
18 each one individually, I want to indicate that in the
19 group exhibit, I believe -- I'm going to quickly look
20 through it, but I believe each and every document has
21 a dissemination to you, among others.

22 If that be the case, would it be fair
23 to say that you reviewed the -- each and every one of
24 these documents, the ISP documents, on or about the

1 time that they were sent to you?

2 MS. EKL: Just for the record, Flint, I would
3 point out that at least as far as -- just flipping
4 through --

5 MR. TAYLOR: I think there's one that isn't.

6 MS. EKL: There's at least one that does not
7 indicate --

8 MR. TAYLOR: Point me to that because I want
9 to ask him about that.

10 MS. EKL: I don't know how you get to that.
11 It's Steidl 12284 and it's about exactly halfway --

12 MR. TAYLOR: What's --

13 MS. EKL: -- through the stack.

14 MR. TAYLOR: -- the date on it?

15 MS. EKL: February 25th, 1987. I don't know
16 if there are any others. I'm just saying I saw that.

17 MR. TAYLOR: Let me rephrase the question or
18 finish the question.

19 BY MR. TAYLOR:

20 Q With regard to each and every document
21 in this group exhibit that is an ISP law enforcement
22 investigative report, for each and every one of these
23 documents that has a designation on the bottom that
24 it was routed to you, is it fair to say that you

1 reviewed that particular document and the contents
2 thereof on or about the time it was sent to you?

3 A More than likely, yes.

4 Q So it would be fair to say that you
5 were being kept abreast of the information that was
6 being generated and the witnesses who were being
7 interviewed by both the Paris investigators,
8 particularly Parrish, and the ISP investigators,
9 particularly Eckerty, during the investigation of --

10 A Yes.

11 Q -- the Rhoads murders; is that right?

12 A Yes.

13 Q Now, let's go back for a moment to
14 your appointment as chief. You say you became acting
15 chief in -- was it early in '86?

16 A Yes.

17 Q And how --

18 A I think it was January.

19 Q How were you appointed as the acting
20 chief?

21 A It would have been through the board
22 of fire and police commissioners by virtue of the
23 fact that I was the assistant.

24 Q So you had been the acting -- excuse

1 me -- the assistant chief prior to the -- was it the
2 accident that the chief had and --

3 A No.

4 Q -- was disabled?

5 A No. I was shift supervisor at the
6 time. He had the accident before I came on, I think
7 in '81, and it was kind of a progressive thing, it
8 just kept getting worse. And when he retired, I
9 would have been a shift supervisor.

10 Q What was your rank?

11 A At that time, it would have been a
12 lieutenant -- or --

13 Q All right.

14 A -- a sergeant -- because we had no
15 sergeants.

16 Q When did you become shift supervisor?

17 A I don't remember the specific date
18 that I wrote the exam, but it would have been
19 probably '82 or '83, somewhere along there. '83
20 maybe.

21 Q When you became a shift supervisor and
22 became either a lieutenant or a sergeant, you --

23 A Lieutenant.

24 Q -- were the second in command at that

1 point of the --

2 A No. I was just a shift supervisor.

3 Q Who was above you other than the
4 chief?

5 A It would have been Lindley. He was
6 the assistant chief at that time.

7 Q So later in late '85 or early '86, you
8 were the second in command at that time?

9 A Carter left the department, Chief
10 Metcalf left the department maybe sometime in '85,
11 and Lindley was named chief shortly after. He was
12 chief maybe late in '85 into '86.

13 Q And he's the one that was forced out,
14 right?

15 A He took the demotion and --

16 Q So then you stepped into his place?

17 A Yes.

18 Q And at that time, you were second in
19 command? You were --

20 A Yes.

21 Q -- acting chief or --

22 A After Lindley was appointed chief,
23 there was a vacancy created, and I filled that
24 vacancy. That was through the board of fire and

1 police commissioners.

2 Q When Lindley left, again, did you
3 apply to be the chief or did they just --

4 A Yes. They had -- they had an exam
5 process, an interview process, as I recall, and there
6 were others that wrote the exam.

7 Q Who else applied other than you?
8 Other people on the force?

9 A Well, I take that back. That may not
10 be -- that may not be correct. I was acting chief.
11 I don't remember specifically whether they had a
12 process at that time or whether the board just made
13 the appointment. But in all likelihood, there
14 probably was a test.

15 Q Okay. Now, did you actively apply for
16 the chief while you were acting chief, for the chief
17 job?

18 A Yes. I would have written the exam,
19 I'm sure. I don't recall writing it, but I would
20 have thought so.

21 Q Did anyone else apply for the chief
22 job?

23 A I think so, because, actually, the
24 chief's position is open to patrol officers, I

1 believe, that had more than a year of service, I
2 believe it was. Maybe it's that they have to have
3 more than a year, but they have to have at least a
4 year before they're eligible to write.

5 Q Do you recall anybody else --

6 A No.

7 Q -- by name?

8 A No.

9 Q But you were selected as chief in
10 April?

11 A Yes. It would have been probably a
12 couple of the other lieutenants and maybe some patrol
13 officers. I don't recall.

14 Q As acting chief -- well, let's start
15 with the -- as shift supervisor, were you of a
16 high-enough rank in the department to be informed of
17 any investigations going on in Paris concerning drug
18 trafficking that might have been in connection with
19 the state or federal authorities?

20 A If there was any conversation, it
21 would have been with one of the investigators that --
22 to watch this or watch that, be on the lookout for
23 this or that.

24 Q Well, what do you recall about that?

1 A I don't remember any specific
2 incident.

3 Q When you became acting chief, did you
4 become aware that there was any kind of pending
5 investigation going on with regard to drug
6 trafficking either with the pizza shop or anywhere
7 else in the city or town?

8 A I believe at that time, the pizza
9 thing was over with.

10 Q Was it --

11 A I believe Vitale was already in jail
12 or had been let out maybe. Well, no, he hadn't been
13 let out. He was already in prison.

14 Q So that had happened prior to you
15 becoming chief?

16 A Yes.

17 Q Now, prior to the Rhoads murders, had
18 there been any other homicides in Paris at any time
19 while you were on the police force?

20 A Yes, we had an occasional homicide.

21 Q Your first tour of duty from '68 to
22 74, were there any homicides, any murder cases?

23 A Not that I recall.

24 Q Do you remember any murder cases while

1 you were working as a plumber from '74 to '81?

2 A No.

3 Q Were there any murder cases prior to
4 the Rhoads case during the period of time from '81 to
5 '86 when you were the -- on your second tour of duty?

6 A There may have been, and, again, I
7 don't know the date, but I believe we had a shooting,
8 a fatality, at a bar in town, a male individual shot
9 and killed.

10 Q Do you remember the name of that
11 person?

12 A No.

13 Q Do you remember what, if any, charges
14 arose from that?

15 A I seem to recall the case was solved.

16 Q Murder case? Manslaughter case? Do
17 you know?

18 A I don't remember.

19 Q Did the case go to trial, do you
20 remember?

21 A I just don't remember that either.

22 Q Was it a case that took a lot of
23 investigation, or was it a case where the perpetrator
24 was instantly known and arrested and --

1 A I seem to recall that's the way it
2 was.

3 Q And do you remember you -- how long
4 before the Rhoads homicide this particular homicide
5 occurred?

6 A I don't have a time frame on it. No.

7 Q Other than that homicide, were there
8 any other homicides that you were aware of during
9 your adult life in Paris before the Rhoads homicides?

10 A Were there any other adults, did you
11 say.

12 Q No. During your adult life --

13 A Oh.

14 Q -- were you aware of any other
15 homicides other than the shooting in the bar before
16 Rhoads?

17 A One just came to mind which would have
18 been during the '68 to '74 tenure.

19 Q Okay.

20 A That would have been a guy named
21 Whittaker that killed his wife and then killed
22 himself.

23 Q So there was no investigation
24 necessary in that case?

1 A No.

2 Q So would it be fair to say that there
3 had not been, at least in your memory, any case of
4 the kind of notoriety to the Rhoads case in Paris at
5 any time prior to the Rhoads case?

6 MS. EKL: Objection, form. Are you -- did you
7 mean to say murder case or just notoriety in general?

8 BY MR. TAYLOR:

9 Q Well, first let's ask you in general.
10 Can you think of another case with the kind of
11 notoriety that --

12 A Well, when you say, "notoriety," that
13 depends on whether you're the victim or whether
14 you're the family. But there was nothing that was as
15 high-profile as that.

16 Q Can you think of anything that was
17 even close to as high-profile as the Rhoads case in
18 the history of Paris?

19 A No. I don't recall any.

20 Q Can you think of any case that was --
21 remained unsolved for as long as the Rhoads case?

22 A No.

23 Q And can you think of any case that got
24 as much local and even statewide publicity as the

1 Rhoads case?

2 A Other than the "Pizza Connection," but
3 that wasn't a murder.

4 Q Where was the "Pizza Connection"
5 tried?

6 A I don't know.

7 Q Now, the -- it wasn't tried in the
8 area of Paris?

9 A Well, that would have been a federal
10 case, so that would have been -- they wouldn't have
11 been at the Paris courthouse. They would have gone
12 to Danville or someplace else.

13 Q Did you come across Robert Morgan
14 during your second tour at the police department?

15 A What do you mean by "come across"?

16 Q Well, you mentioned that there was
17 something having to do with some kind of
18 environmental violation that his factory was involved
19 in, right?

20 A Yes. I had heard discussions in city
21 hall in reference to that.

22 Q Was that while you were acting chief
23 or --

24 A It probably would have been prior to.

1 Q Was there potential criminal
2 violations or was it more of a civic question?

3 A Well, there was an issue with the
4 water treatment plant, I think they were trying to
5 get the issue resolved. It was creating backup
6 situations in the treatment plant because they
7 couldn't treat it, they couldn't deal with it, and so
8 they were in negotiations with Morgan to take
9 whatever actions seemed appropriate to eliminate the
10 problem.

11 Q During the "Pizza Connection"
12 investigation, prior to the trial, do you remember
13 when the trial was --

14 A Nope.

15 Q -- in relation to -- well, let me ask
16 you this: Was it while you were on the force?

17 A No. I think it was -- I don't recall
18 that it was while I was on the department. I really
19 don't know. I -- I didn't follow it. I mean, it
20 wasn't anything that I was involved in.

21 Q As an officer, a ranking officer, did
22 you have an occasion to see any evidence that
23 connected Morgan to the "Pizza Connection" case?

24 A No.

1 Q Other than the problem that arose with
2 regard to his factory and the sewage or the water
3 treatment --

4 A The sewage plant. Yeah.

5 Q -- did you have any other occasion to
6 learn any other information about Morgan?

7 MS. EKL: Objection to form.

8 THE WITNESS: No. I -- what do you mean by
9 "occasion"? I mean --

10 Q Well, did you ever become aware of any
11 evidence that linked Morgan to any kind of drug
12 trafficking?

13 A The only thing was your street rumors,
14 your normal street rumors that you hear.

15 Q Now when you say "street rumors," what
16 do you mean? As an officer you had people talking to
17 you?

18 A Well, no. Either off duty or on duty,
19 people talk whether you're law enforcement or you're
20 just an individual. And you occasionally hear the
21 things that -- you know, "He's doing this" or "He's
22 doing that," and I don't know whether he is or not.
23 I mean, this is the second-, third-, fourth-, fifth-,
24 tenth-, twelfth-hand information. Who knows where it

1 comes from?

2 Q Well, the department did have
3 confidential informants, right?

4 A Yes.

5 Q And that was one --

6 A I assume they did.

7 Q Well, as chief, you knew they did,
8 right?

9 A Well, as chief, yes. But as -- when I
10 wasn't chief, I wasn't aware of it.

11 Q You never had an informant while you
12 were on the force --

13 A No.

14 Q -- answering to you; is that right?

15 A That's correct.

16 Q But did you know as a shift supervisor
17 what the procedures were for having informants within
18 the department?

19 A Generally patrol officers didn't
20 develop that kind of thing in terms of a confidential
21 informant, if you're talking about something that's
22 secret, secret that nobody knows their name. That's
23 more something that would have been developed by an
24 investigator or something like that.

1 Q By "investigator," we're talking about
2 detectives?

3 A Detective/investigator, yeah, because
4 that's their business.

5 Q Did you have detectives back in the
6 '70s when you were first on the force?

7 A No. We just barely had patrolmen.

8 Q But when you came back, then the rank
9 of detective was created sometime in the '80s?

10 A That was created, I believe, during
11 Thompson's tenure.

12 Q During the '70s?

13 A Yeah.

14 MR. BALSON: Hold on here. It's 1:15.

15 (WHEREUPON, there was an
16 off-the-record discussion had by
17 the Parties.)

18 MS. EKL: Jim and Jack, if you're still on the
19 line, we're going to take a 45-minute break. We'll
20 be back at 2:00 o'clock; we're going to grab
21 something to eat. So if you guys want to come back
22 at 2:00 o'clock, that's when we'll start. I don't
23 know if they'll have the video back up and running
24 for you.

1 MR. BALSON: No. They terminated the --

2 MS. EKL: Oh, they terminated it. Okay. And
3 everyone else on the phone, you heard that we're
4 coming back at 2:00?

5 MS. WADE: Thank you.

6

7 (WHEREUPON, the above-entitled
8 cause was continued to December
9 11, 2008, at 2:12 p.m.)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

1 MR. TAYLOR: We're back on the record in the
2 deposition of defendant Gene Ray.

3 CONTINUED EXAMINATION

4 BY MR. TAYLOR:

5 Q You're the same defendant Ray that was
6 testifying this morning; is that correct?

7 A Certainly.

8 Q And you understand you're still under
9 oath; is --

10 A Yes, sir.

11 Q -- that correct? I want to show you
12 what I've had the court reporter mark as Defendant
13 Ray Number 3.

14 A Um-hum.

15 (WHEREUPON, Ray Exhibit 3 was
16 marked and tendered to Witness.)

17 MR. TAYLOR: I want to state for the record
18 also that in the future if we can keep a running set
19 of exhibits, then we won't have to kill so many trees
20 each time that we have a deposition of particularly
21 the defendants.

22 It seems to me that we can create a
23 set of exhibits for Ray, Eckerty, Parrish, and the
24 other defendants, but particularly those three, so

1 that everybody kind of has a copy of stuff and we
2 build on whatever we've already given so that we
3 don't have to redo it each time.

4 MS. EKL: I don't have any objection to
5 reusing exhibits. I understand there might be some
6 that --

7 MR. TAYLOR: Sure. There might be some new
8 ones, but this might be a coherent way of doing it.

9 BY MR. TAYLOR:

10 Q I would ask you to take a look at this
11 particular document, which I've marked as Exhibit
12 Number 3. Do you recognize that document?

13 A It looks like it might be some of my
14 training information and resume.

15 Q Does it look like a document that you
16 prepared?

17 A Probably.

18 Q And --

19 A I don't know who else would prepare
20 it.

21 Q If you look at page 2 and 3, does it
22 indicate to you that it was a resume that you created
23 at some point subsequent to becoming chief in order
24 to apply to go to the Northwestern school for

1 additional training?

2 A Yes. That's probably what it is.

3 Q Do you remember about when you did
4 that?

5 A Well, it would have been sometime
6 obviously probably after I was appointed chief, and
7 it probably would have been sometime in the area of
8 '87, '88. Right in there.

9 Q Do you remember when you actually -- I
10 assume you did --

11 A I did attend. Yes.

12 Q You did attend. Do you --

13 A Yes.

14 Q -- remember when you did attend?

15 A No. I don't remember the specific
16 date, but it was in -- I believe it was in 1988.

17 Q Okay.

18 A The only reason I remember that is
19 because sometimes when I'm going through files at
20 home, I see the certificates.

21 Q Looking at the first page, does this
22 accurately reflect the training that you received?

23 It says from Mobile Assist Number 13, East Central
24 Illinois Mobile Law Enforcement Training Team. Do

1 you see that?

2 A Yes.

3 Q Now, is that DeKalb or is this
4 something else?

5 A No. This is what I referred to
6 earlier. We had a mobile law enforcement training
7 team that was created by a grant, I think probably a
8 federal grant. They had these training teams
9 actually all over, but Illinois in particular because
10 I'm familiar with Illinois, and these are units of
11 instruction that would have been presented by the
12 training team. They bring in instructors from PTI,
13 anybody that's certified to train.

14 Q Okay. I'm looking at an entry here
15 for February of '86 and it says "Report Writing for
16 Supervisors." Do you see that?

17 A Yes.

18 Q Now, in the Paris police department,
19 did supervisors normally write the reports or did the
20 detectives or police -- patrolmen usually write the
21 reports?

22 A Being a lieutenant was just a
23 higher-paid patrol. The lieutenants did exactly the
24 same thing as the patrolmen did. If there was a

1 traffic crash or some kind of a disturbance or call
2 for service and the units were busy, then the
3 supervisor answered the call if he wasn't already
4 busy.

5 Q So in that sense, if you answered the
6 call, you would write the report; is that right?

7 A Write your own reports. That's
8 correct.

9 Q If you investigated a crime, you would
10 write your own report; is that right?

11 A Correct.

12 Q Would that hold true for the chief as
13 well if the chief were involved in an investigation?

14 A Generally not.

15 Q Okay. Why is that?

16 A Generally the chief isn't involved in
17 the day-to-day activities of patrol and
18 investigations and that kind of thing.

19 Q But my question was specifically if
20 the chief were involved in, let's say, the
21 questioning of a witness, that kind of thing, would
22 the chief write a report in that kind of situation?

23 MS. EKL: Objection, form, incomplete
24 hypothetical.

1 BY MR. TAYLOR:

2 Q You may answer.

3 MS. EKL: You can answer.

4 THE WITNESS: If you were doing an
5 investigation as a chief, then you would write your
6 own reports.

7 BY MR. TAYLOR:

8 Q And if you were involved in an
9 investigation with some detectives, would you make
10 sure that either you wrote the report or that one of
11 the detectives working with you wrote a report with
12 regard to --

13 A Well --

14 Q -- the questioning of a witness?

15 A -- since it goes downhill, I'm
16 presuming that the detective would write the report
17 since he was present.

18 Q As a supervisor, did you have any
19 role, as a matter of practice, in reviewing reports
20 that a detective or a police officer would write?

21 A They would come across my desk.
22 Anything that was specifically sent to me would come
23 across my desk, and, yes, I would look at it.

24 Q Okay.

1 A I would review it.

2 Q I'm making a distinction now of
3 something that would come from outside the department
4 to you such as the Eckerty reports and reports
5 in-house, let's say, by Parrish or a detective,
6 another detective.

7 If he were to write a report and if
8 you were his supervisor, would you have the -- as
9 part of your duties, the responsibility of reviewing
10 that report?

11 A Well, I would look at the report.
12 Yes.

13 Q But was that the practice of the
14 department?

15 A In this particular case, I got copies.

16 Q But I'm asking you generally now.

17 A Generally, no.

18 Q General --

19 A Generally, no.

20 Q All right. When you talk about "you,"
21 are you talking about you as a chief or are you
22 talking about you as a supervisor?

23 A Me as a chief.

24 Q Okay. Let's break it down a little

1 bit and talk about the supervisor, okay? Even though
2 you said he's a supervisor sometimes in name only, he
3 does outrank a detective.

4 A Are we talking the chief or are we
5 talking lieutenant?

6 Q We're talking lieutenant.

7 A Okay.

8 Q Or sergeant, for that matter. They're
9 both supervisors, right?

10 A Correct.

11 Q And they outrank a detective or a
12 flatfoot, right? A patrol officer.

13 A That's kind of like the shooter term,
14 isn't it?

15 Q Yeah, it is, a little bit, but I
16 haven't used the word dick yet, so we haven't got to
17 that.

18 A Well, I haven't used any other words
19 either.

20 Q We'll do that after 4:30. Getting
21 back to my question --

22 A Yeah. I lost the question, too.

23 MR. TAYLOR: Could you read that back?

24 (WHEREUPON, there was laughter.)

1 (WHEREUPON, the Record was read as
2 follows:
3 "Question: We're talking
4 lieutenant.
5 "Answer: Okay.
6 "Question: Or sergeant, for that
7 matter. They're both
8 supervisors, right?
9 "Answer: Correct.
10 "Question: And they outrank a
11 detective or a flatfoot, right?
12 A patrol officer.")

13 BY MR. TAYLOR:

14 Q So they obviously outrank a sergeant
15 or a patrol officer, right -- a detective or a patrol
16 officer.

17 A A sergeant outranks --

18 Q Yes?

19 A -- a patrol officer. Absolutely.

20 Q So he would be a supervisor.

21 A Yes.

22 Q Now, what I'm asking you is in the
23 '80s when you -- you were at some point a sergeant
24 and at some point a lieutenant, right?

1 A No. They didn't have sergeants at
2 that time. That was something that I did after I was
3 chief, got rid of captains and lieutenants and went
4 back to sergeants.

5 Q But at some point you were a
6 supervisor.

7 A Yes. Yes.

8 Q My question is, was there any practice
9 or policy with regard to supervisors reviewing the
10 reports of detectives when they did investigations?

11 MS. EKL: I'm sorry. What time frame, Flint?

12 MR. TAYLOR: Prior to his becoming chief.

13 THE WITNESS: Prior to me being chief --

14 BY MR. TAYLOR:

15 Q Yes.

16 A -- did the lieutenants review --

17 Q Right.

18 A -- detectives' reports?

19 Q Yes.

20 A I don't know.

21 Q Well, when you were a lieutenant, was
22 that one of your functions?

23 A I did on occasion. But as far as with
24 any regularity, no, because a lot of times reports

1 they generated were sent directly to the state's
2 attorney's office, and then they had an investigative
3 file that they kept most of their information in in
4 terms of their activities.

5 Q So there was really no --

6 A So --

7 Q -- mechanism, at least before you
8 became chief, for any supervisor to review the
9 reports that detectives were doing to -- either for
10 content or form or in any way to make sure that they
11 were in the proper format?

12 MS. EKL: Objection, form of the question.

13 THE WITNESS: Not that I'm aware of. I
14 mean --

15 BY MR. TAYLOR:

16 Q All right.

17 A -- I really don't know how to answer
18 your question.

19 Q But you're saying with regards to the
20 Rhoads investigation, that you as chief reviewed all
21 of the paper that was being generated by the
22 detectives in your office.

23 MS. EKL: Objection, foundation.

24 BY MR. TAYLOR:

1 Q You're nodding your head yes?

2 A Well, I'm -- in my office, you mean
3 while I was in my office --

4 Q No. I --

5 A -- physically or as my --

6 Q No, no. I'm sorry. In your
7 department.

8 A As my responsibility, as --

9 Q Yes.

10 A -- my function --

11 Q Yes.

12 A -- did I review --

13 Q Yes.

14 A -- the detectives' reports? Yes.

15 When they came to my desk, I reviewed them. Yes. I
16 read them.

17 Q And in the Rhoads case, they were
18 sending you all of the reports they were generating?

19 MS. EKL: Objection --

20 THE WITNESS: They were sending me copies.

21 MS. EKL: I'm sorry. Objection, foundation.

22 BY MR. TAYLOR:

23 Q Now, when you reviewed them, were you
24 reviewing them simply for informational purposes or

1 as a supervisor to also seek -- strike that.

2 Did you review them simply in a
3 passive way for the information in there, or did you
4 review them in order to make certain decisions or --
5 or assignments or that kind of thing?

6 MS. EKL: Objection, form.

7 THE WITNESS: No. It was essentially in a
8 passive form to discover content just for the
9 information.

10 BY MR. TAYLOR:

11 Q If you saw some information that you
12 thought was left out or missing or should be followed
13 up on in the Rhoads case when you reviewed the
14 reports, would you call Parrish in and say, "Maybe
15 you had better" --

16 A If -- yes.

17 Q -- "do this"?

18 A If there was something I felt that
19 needed to be done, I would call him in.

20 Q And --

21 MS. EKL: Wait. I'm sorry. Hold on.

22 Gene, if you could just wait until he
23 completely finishes his question. She --

24 THE WITNESS: Oh, okay. I'm sorry.

1 MS. EKL: -- can't type two people at the same
2 time, so you just --

3 THE WITNESS: Okay.

4 MS. EKL: -- need to wait.

5 THE WITNESS: I'm sorry. I understand.

6 BY MR. TAYLOR:

7 Q Do you recall any specific instances
8 in the Rhoads investigation where you did that?

9 A No.

10 Q Did you at any time in the Rhoads
11 investigation write any reports yourself?

12 A No.

13 Q During the Rhoads investigation, was
14 there any supervisor in between you and Detective
15 Parrish in terms of rank?

16 A No.

17 Q So you didn't have a lieutenant or
18 sergeant in between that was involved in the chain of
19 command with regard to Parrish --

20 A No.

21 Q -- and the Rhoads investigation?

22 A Not that I recall.

23 Q All right.

24 A I believe we just had the four.

1 Q Now, going to 1986 when you became
2 chief, let me see, you had the chief -- did you have
3 an assistant chief at that time under you?

4 A Yes.

5 Q Who was that?

6 A Lindley.

7 Q Okay. Lindley.

8 A The prior chief.

9 Q Did you have any lieutenants?

10 A No.

11 Q Do you have any --

12 A Well, we did initially.

13 Q When you walked --

14 A Yeah. When I walked in the door --

15 Q Who was your lieutenant?

16 A Kennedy, Sturgeon, I think. I see his
17 face, but I can't remember his name.

18 Q So you had three?

19 A There were at least three.

20 Q And then you had --

21 A And then you would have had -- there
22 would have been Lindley, so that would be the fourth.

23 Q And then you restructured those
24 lieutenants into --

1 A Essentially removed the tag of
2 lieutenant and captain and took them all to sergeant.

3 Q Um-hum.

4 A There was no pay loss, no
5 responsibility change.

6 Q And did they remain in that role
7 during the Rhoads investigation?

8 A Yes.

9 Q Did any of them have any supervisory
10 responsibility with regard to detectives?

11 A Well, Lindley would have by virtue
12 that he was assistant chief.

13 Q But was Lindley at all involved in the
14 Rhoads investigation, to your knowledge?

15 A Minimally.

16 Q Was that just by circumstance or was
17 that by design?

18 A It was a difficult -- it was a
19 difficult spot for him to be in, so it was probably
20 more by design. He was still required to do street
21 work, that type thing, so that's where we left it.

22 Q So he was not in a position to be
23 involved in such a sensitive type of investigation;
24 is that fair to say?

1 MS. EKL: Objection to the form of the
2 question.

3 THE WITNESS: No, not on a day-to-day basis.

4 BY MR. TAYLOR:

5 Q So you -- I'm sorry. It's kind of a
6 double negative there. No, you're agreeing with me
7 in terms of my question?

8 A I'm not saying that there weren't
9 times that he may have participated in something
10 because I don't know that. I'm just saying that that
11 was not in his job description.

12 Q And that was because of the kind of
13 sensitive nature of the investigation; is that fair
14 to say?

15 A Well, that --

16 MS. EKL: Objection, form.

17 THE WITNESS: That was due in part to try to
18 minimalize the -- minimize the amount of information
19 that got through.

20 BY MR. TAYLOR:

21 Q At that point, you didn't really trust
22 him with sensitive information?

23 A It wasn't a question of trust. I
24 trusted him.

1 Q You just with wanted to make sure
2 there wasn't any information leaking out --

3 A Just wanted --

4 Q -- about the investigation?

5 A -- to make sure everything was okay.

6 Q Did you have some kind of procedure
7 with regard to talking to the media with regard to
8 cases --

9 A Yes.

10 Q -- when you were chief? And what was
11 that?

12 A My procedure was all media information
13 was to come through the state's attorney's office.

14 Q So that meant that you didn't talk to
15 the press?

16 A I did not talk to the press.

17 Q That meant that Parrish should not
18 have talked to the press; is that right?

19 A Unless the state's attorney wanted it
20 to happen.

21 Q Okay. Now, looking again at this
22 document that I marked as 3, the training document,
23 in February of '86, it talks about report writing for
24 supervisors, right?

1 A February of what?

2 Q '86.

3 A Yes.

4 Q And that is -- you took 3.5 hours at
5 that time; is that right?

6 A Yes.

7 Q What exactly did that training consist
8 of?

9 A Basically, as I can remember, it would
10 have been something in terms of what to look for in
11 the reports that are written by officers and kind of
12 a form-and-function thing, how they should look, what
13 information they can contain, that type of thing.

14 Q And specifically about what
15 information they should contain, what did you learn
16 in that regard?

17 A All the information that's available.

18 Q Did you in some way communicate that
19 to Detective Parrish and others working in your
20 department?

21 A He may have very well gone to the same
22 class.

23 Q Do you know whether he did or not?

24 A No, I do not.

1 Q Did you, after you took this course --
2 well, you were acting chief at this time, right,
3 February of '86?

4 A Yeah.

5 Q Did you make any effort to inform your
6 subordinates that the report writing should include
7 all information that they obtained?

8 A That was the way we were doing it
9 anyway.

10 Q So it was your procedure within the
11 department for them to write down everything that
12 they learned, whether it appeared to be relevant at
13 the time or not; is that right?

14 A Anything, even if it doesn't appear to
15 be relevant, could become relevant later on. So,
16 yes, they wrote everything down.

17 Q And when they wrote it down, they were
18 required to include it in official reports as well as
19 their notes; is --

20 A Yes.

21 Q -- that right? Was there any
22 procedure under your -- you as chief with regard to
23 the preservation of notes that they might take during
24 their investigation?

1 A I don't recall that there was any
2 procedure.

3 Q So a detective was free to destroy his
4 notes as he wished?

5 A Well, I assume so. At some point they
6 may have or they may have retained them.

7 Q So that was up to them?

8 A As long as the report that they turned
9 in was accurate and complete. That was the goal.

10 Q Did you ever make any effort to
11 compare notes with reports to see if, in fact, the
12 detectives were following that concept that their
13 reports should be complete and have all the
14 information in it?

15 A Not that I recall.

16 Q Did you ever review the notes the
17 detectives took in cases?

18 A Not that I recall, unless I would have
19 happened to have been in the room when they were
20 writing some of them and I just happened to look over
21 their shoulder.

22 Q Anything else you remember about the
23 report-writing training other than what you've told
24 us already?

1 A No, nothing that I can recall.

2 Q Okay. Now, turning you to page 2 of
3 this document, does this accurately reflect your job
4 assignments both within and outside of the police
5 department from mid-1963 to April of '86 when you
6 were appointed chief?

7 A This is probably about as close as
8 it's going to come because I can never remember dates
9 and times --

10 Q All right.

11 A -- that type of thing.

12 Q Now, the entry down towards the middle
13 says that from August 1, '74, through mid-'85, you
14 were a self-employed plumbing contractor in the Paris
15 area. Does that mean that you continued your
16 plumbing work while you were on the force --

17 A Yes.

18 Q -- for a period of time? So that date
19 is accurate, right?

20 A Which one did you just refer to?

21 Q August of '74 to mid-'85.

22 A Yes. That would have been -- where do
23 you see mid-'85?

24 Q One, two, three, four, fifth one down.

1 A Oh, okay. Yeah. I see that now.

2 Yeah.

3 Q That's accurate?

4 A Yes.

5 Q Now, as a plumbing contractor, it says
6 that you did both residential and commercial and
7 repair and remodeling, right?

8 A Right.

9 Q At any time during that time frame of
10 '74 to '85, did you have an occasion to do any work
11 at either Morgan's place of business or at his home?

12 A Nope.

13 Q Where was his home during that period
14 of time?

15 A I don't know where he lived at that
16 time.

17 Q Looking at the -- it says here that in
18 July of '83, you became a lieutenant, right?

19 A (Witness nodding head.)

20 Q You're nodding yes?

21 A Yes. I was looking for it on here.

22 Q It says "First line supervisor," which
23 means the level above --

24 A Patrol.

1 Q -- patrol. Then you say in March of
2 '85 you were appointed a cap, so that you had the
3 title of captain as well as assistant chief; is that
4 right?

5 A Well, captain, slash, assistant chief
6 was the same position.

7 Q Okay.

8 A Nobody called me "assistant chief."

9 Q But you were still the same kind of
10 supervisor that you were --

11 A Still did the same thing I did before.
12 Right.

13 Q Now, going to the third page of this
14 document, this is -- you're writing some statements
15 here about getting a scholarship to go to
16 Northwestern; is that right?

17 A Yes. That is correct.

18 Q You're talking first about the fact
19 that you had a very small budget there, right, in
20 terms of the ability to do training; is that right?

21 A Correct.

22 Q This was specifically what kind of
23 training that you were applying to take?

24 A This would have been police staff and

1 command training at Northwestern.

2 Q So this would be training that would
3 be directly relevant to a chief, right?

4 A Or a chief's staff.

5 Q But in this instance, were you
6 applying --

7 A As the chief.

8 Q -- as a chief?

9 A Yes.

10 Q And you saw this to be particularly
11 important to you and to the department, right?

12 A Yes.

13 Q One of the reasons, other than the
14 budget, was for the scholarship -- strike that.

15 You then point out, "There has never
16 been an officer from the Paris Police Department
17 attend a program of this nature anywhere," right?

18 A Correct.

19 Q So that the prior chiefs and
20 supervisors had never had the luxury, as it were, of
21 being -- going to Northwestern and getting trained in
22 how to be a chief?

23 A Correct.

24 Q And you thought that was --

1 A Or staff.

2 Q Or staff, supervisory staff. Right.
3 And you thought that was significant, right?

4 A Yes.

5 Q Now, you also talk -- Statement 3, I
6 take it, was in response to talking more about
7 yourself, right?

8 A I don't recall the specific questions,
9 but this would have been in response to whatever
10 question was on the form.

11 Q Right. Now, I want to call your
12 attention to about the middle of the "Skills"
13 paragraph that you wrote. You say, "I enjoyed the
14 job but, unfortunately, after about five years I felt
15 disillusioned and ultimately resigned in April 1974."

16 A Where did you find this?

17 Q I'm sorry. It's under "Attributes."
18 Do you see that?

19 A Yes.

20 Q Okay. I want to ask you specifically
21 about what -- you say you felt disillusioned. Was
22 there anything about the police job that you were
23 disillusioned about in 1974?

24 A Well, law enforcement is a pretty

1 high-stress occupation. As I said above that, I have
2 a good sense of humor, cheerful, courteous, friendly,
3 I treat people like I like to be treated. And I
4 found myself, due to the work environment and [REDACTED]
5 [REDACTED], I found myself getting short-fused
6 and irritated a lot, and I could see that it was
7 affecting me, so I thought it was time to get out.

8 Q So the combination of the nature of
9 the police job and also your personal life led you to
10 call -- to say that you became disillusioned; is that
11 right?

12 A Yes.

13 Q Would it be fair to say it was partly
14 at least because the nature of the police job was
15 making you kind of cynical and changing your
16 personality --

17 A Yes.

18 Q -- to some degree? But then you say
19 you changed your mind about that and reapplied about
20 six or seven years later, right?

21 A Well, it would have been -- yeah, '74
22 to '81.

23 Q You felt that you had been chosen for
24 this particular line of work; is that right? I mean,

1 that was your personal feeling?

2 A Well, law enforcement is -- is one of
3 those jobs that once you do it, it kind of gets in
4 your blood, and if you aren't doing it, you kind of
5 miss it even though there's a lot of stressful times
6 and difficult situations and that kind of thing.

7 Q Uh-huh.

8 A About the time in the late 1970s, we
9 were going through a pretty serious -- I don't know
10 what you would call it -- recession or downtime as
11 far as the construction industry and that type of
12 thing was going.

13 Although I kept busy, I never had any
14 problem keeping work, I thought at the time that if I
15 could reapply to the police department, my attitude
16 was totally different this time, there had been some
17 personnel changes, administration changes, that type
18 thing, and having been gone for a while, I just felt
19 that this would be a good time to reapply. If I was
20 rehired, fine. If I wasn't rehired, fine. I still
21 had a way to make a living.

22 Q Um-hum. Okay. Now, in Statement 4
23 you discuss some of the problems or inadequacies of
24 the department; is that fair to say?

1 A I'm sorry. I was reading the
2 statement while you were talking and I didn't get the
3 question.

4 Q The question was, is it fair to say
5 that in Statement 4 you discuss some of the problems
6 and inadequacies of the department as it stood at
7 that time?

8 A Yes.

9 Q And particularly you say, "First and
10 foremost will be in the area of policy and
11 procedure," right?

12 A (Witness nodding head.)

13 Q You're nodding yes?

14 A Yes. That would have been the one
15 that I inherited.

16 Q Yes. So you were attempting to try to
17 modernize the department and bring its policies and
18 procedures, particularly those in writing, into
19 the -- as you say, "Into the '80s" and the '90s in
20 terms of time, right?

21 A Yes.

22 Q Okay. And you felt that the training
23 that you had received at Northwestern would help you
24 bring the written policies as well as their

1 implementation into the modern era in the Paris
2 police department; is that fair to say?

3 A It would help me improve on the things
4 I felt needed to be improved.

5 Q Right. And first and foremost, those
6 would have been in the area of policy and procedure?

7 A That would have been one of the items.
8 Yes.

9 Q And that you at that time were saying
10 that the -- your policy -- I assume you're talking
11 about the SOP at this point --

12 A Yes.

13 Q -- was "10+ years old, borrowed, and
14 never updated," right?

15 A (Witness nodding head.)

16 Q You're nodding your head again yes?

17 A Well, probably at that time -- and I'm
18 trying to remember how I picked up the terminology of
19 "borrowed."

20 Q Um-hum.

21 A It was my understanding at that time
22 that it was a compilation of various policies from
23 other agencies. And, of course, when you do an SOP
24 update, you don't adopt other departments' policies

1 verbatim.

2 Q Okay.

3 A And it was my understanding that some
4 of that had happened.

5 Q So when you're talking about this
6 ten-plus-years-old policy, we're talking about -- is
7 it Plaintiff's Exhibit Number 1 in 1977 that was done
8 under Thompson?

9 A Is that '77? Is this it (indicating)?

10 Q Yes.

11 A Okay. That's the one I was referring
12 to.

13 Q That you felt was outdated and --

14 A It needed updating. It wasn't
15 outdated in terms of being totally useless. It just
16 wasn't current with --

17 Q The needs --

18 A -- the needs.

19 Q -- of the department at that time?

20 A The needs. Right.

21 Q And, I take it, you were successful in
22 your application and you got a scholarship and you
23 went to Northwestern for this chief type of training;
24 is that right?

1 A Right.

2 Q For how long did you remain at
3 Northwestern for that?

4 A I think it was ten or 12 weeks. I
5 don't remember.

6 Q Sometime in '88 --

7 A Yeah.

8 Q -- right?

9 A Yeah.

10 Q This is well after the initial phase
11 of the investigation and the trials in the
12 Steidl/Whitlock case had happened, right?

13 A Right.

14 Q Okay. It is fair to say after you
15 came back from Northwestern is when you started to
16 focus on updating the policies and practices of the
17 department and this SOP, right?

18 A Yes.

19 Q And you managed to get some of those
20 into writing and distributed to the officers before
21 you left in '95, but there was some still waiting to
22 be approved with the department -- with the board --

23 A Council.

24 Q -- at the time of your leaving in '95,

1 right?

2 A Yes.

3 Q And a couple years later the manual
4 was approved, right?

5 A No. They had a new chief come in and
6 he -- I don't know where he got it, what he did, but
7 it was totally upgraded. I don't know if it came
8 from his prior agency or where he got it.

9 Q Boren? Is that --

10 A Tom Boren.

11 Q Have you seen that particular manual?

12 A I've seen it. I've never read it.

13 Q Unlike the quarter-inch one, it's --

14 A It's pretty significant. Yeah.

15 Q Three, four inches thick, right?

16 A Well, when it's typed singly, yes, but
17 if it's on both sides, it's not as thick.

18 Q But it's many times bigger --

19 A It's bigger than this (indicating).

20 Yes.

21 MS. EKL: Just make sure he finishes his
22 question.

23 THE WITNESS: Sorry.

24 MS. EKL: And sometimes you're cutting off the

1 witness.

2 MR. TAYLOR: I apologize for that.

3 I'm going to mark a series of
4 documents here, and I'm going to ask you to look at
5 them. I'm starting at 4, and let me just identify
6 them on the record.

7 The first one I'm going to have you
8 mark is Plaintiff's Exhibit -- Ray Exhibit, that's
9 fine, Ray Exhibit 4. That is a report dated 6 July
10 '86, two-page document. I'll mark all of them and
11 hand them out rather than try to do them one at a
12 time.

13 (WHEREUPON, Ray Exhibit 4 was
14 marked and tendered to Witness.)

15 I'm going to mark as 5 a follow-up
16 investigation report of the Paris police department,
17 and this one is dated July 29, 1986. It's a one-page
18 document, Steidl 12312. The first one was Steidl
19 12310 and 12311. I'll hand these over as she gets
20 them marked.

21 (WHEREUPON, Ray Exhibit 5 was
22 marked and tendered to Witness.)

23 As Ray Number 6, I'm going to mark a
24 document that consists of 12221 to 12241. It's dated

1 July 29th, '86.

2 (WHEREUPON, Ray Exhibit 6 was
3 marked and tendered to Witness.)

4 MS. EKL: Did you say you had copies?

5 MR. TAYLOR: Yes. I'm going to get them all
6 lined up and then shoot them out.

7 This is a document Steidl 12258
8 through Steidl 12268. The date seems to be whited
9 out on this, but it does say "1986" on this. It has
10 pages 22 to 32 on it. The first entry is on August
11 22nd and the last entry is on December 2nd. The date
12 may well be December-something, but we don't know.

13 (WHEREUPON, Ray Exhibit 7 was
14 marked and tendered to Witness.)

15 I'm going to go up to 9. Exhibit 8 is
16 a document dated -- it's Steidl 11983 to Steidl
17 12031, and it has various -- it appears to be a
18 compilation of the first two documents and then has a
19 third part to it, so it is a longer document. The
20 date on the first page is July 29th, '86, and the
21 last entry in the document is March 28th, 1987. It's
22 Steidl 11983 through Steidl 12031.

23 (WHEREUPON, Ray Exhibit 8 was
24 marked and tendered to Witness.)

1 All right. Let's start with those. I
2 notice I didn't make a copy of the last one. Maybe
3 we can get a copy of it. Let me make sure -- here it
4 is. Okay. I'm cool.

5 (WHEREUPON, Ray Exhibit 9 was
6 marked and tendered to Witness.)

7 This starts at -- this is Steidl 12313
8 to Steidl 12372, and it appears to be a continuation
9 of the previous reports and goes all the way to a
10 final entry of May -- June 5th, it appears -- June
11 6th, and it's 59 pages long, according to the
12 document.

13 BY MR. TAYLOR:

14 Q All right. Could you take a look at
15 those documents so you're at least familiar with what
16 they are while I make sure I get these copies
17 distributed.

18 A Um-hum.

19 (WHEREUPON, Witness was reading
20 Ray Exhibits 4 through 9.)

21 Q Have you got those in some kind of
22 order?

23 A Are you taking them back again?

24 Q Yeah. Sorry.

1 (WHEREUPON, Ray Exhibits 4 and 5
2 were tendered to Counsel.)

3 I can't seem to locate 4 and 5. Maybe
4 we can get copies of them

5 MS. EKL: I can just take a look at them.

6 MR. JOHNSTON: Yeah. We don't need copies.
7 We can just take a look at them.

8 MR. TAYLOR: Okay. I just have a few
9 questions about those. They're the shortest ones.

10 BY MR. TAYLOR:

11 Q I want to ask you quickly, 4 appears
12 to be a one-paragraph, four-line follow-up
13 investigative report by Albert R. Houck, police
14 department. Is he a -- was he a detective?

15 A No. He was a patrol officer.

16 Q It's about Paris Realty, and it
17 apparently has a permission-to-search attached to it.
18 Do you see that document?

19 A Yeah.

20 Q Does that appear to you to be the kind
21 of -- what's the date on that report?

22 A 6 July.

23 Q What's the date of the information
24 that Houck got? I'm asking you -- I asked you the

1 date on the report.

2 A Okay.

3 Q That's the 6th, right?

4 A Right.

5 Q What's the date of the information,
6 the interview that he did with Harmon?

7 A It wasn't an interview. He met with
8 Mr. Harmon to sign a consent to search.

9 Q On the same day, right? On the --

10 A Yeah.

11 Q -- 6th of July?

12 A Yeah.

13 Q That's what I'm asking. So this is a
14 report that was written the same day as the
15 information was obtained; is that right?

16 MS. EKL: Objection, foundation.

17 BY MR. TAYLOR:

18 Q Is that right?

19 A Yes.

20 Q Okay. And that is a Paris report that
21 you expect you would have seen in connection with the
22 Rhoads investigation, right?

23 A Well, this basically says what he did.

24 Q No. I'm asking, you would have seen

1 that document, right?

2 A Possibly.

3 Q Well, you were read --

4 A I mean, I -- I don't know if I saw
5 exactly every document --

6 Q Right.

7 A -- that came down.

8 Q If you were following the practice and
9 procedure that you had in place for the Rhoads
10 investigation, you would have seen that document; is
11 that fair to say?

12 A Possibly. Probably.

13 Q Probably?

14 A Probably.

15 Q Probably. All right. And you've told
16 us that you wanted detectives and investigators to
17 write reports as soon after the information they got
18 as they could practically speaking, right?

19 A Um-hum.

20 Q Yes?

21 A Yes.

22 Q And obviously that was in conformance,
23 right? He wrote it the same day; is that right?

24 MS. EKL: Flint, is there a reason why you're

1 standing there?

2 MR. TAYLOR: Yeah, because I only have one
3 copy.

4 MS. EKL: Oh, okay.

5 MR. TAYLOR: Yeah. I want to jump on him.

6 (WHEREUPON, there was laughter.)

7 MS. EKL: You keep getting closer.

8 MR. BALSON: I can make copies. We actually
9 have copiers here.

10 BY MR. TAYLOR:

11 Q And 5 is a July 29th, '86, document
12 that appears to be from Parrish, a
13 six-or-seven-para -- one paragraph that talks about
14 Dyke and Karen. And the date of the report, again,
15 is the same date as the information that Parrish got,
16 right?

17 MS. EKL: Objection, foundation.

18 THE WITNESS: You mean when did he get the
19 information that's --

20 BY MR. TAYLOR:

21 Q Yeah.

22 A -- in the report?

23 Q Um-hum.

24 A I don't know, but the report was

1 written this date.

2 Q The report doesn't indicate when he
3 got the information?

4 A No.

5 Q All right. But it is a report that
6 contains one piece of information, right?

7 A Correct.

8 Q And you would assume that he probably
9 wrote it somewhat contemporaneously with getting it;
10 is that right --

11 A Yes.

12 Q -- if he were following the procedure,
13 right?

14 A Yes.

15 Q Okay. I want you now to take a look
16 at --

17 A Do you want this one back?

18 Q You can keep it in your pile of
19 documents. Now, looking at 6, 6 is the document that
20 says "Date of This Report, July 29, 1986." Do you
21 see that?

22 A Um-hum.

23 Q And it has --

24 MS. SUSLER: Is that a yes?

1 THE WITNESS: Yes. Um-hum

2 BY MR. TAYLOR:

3 Q You've got to try to say "yes." It
4 has 21 pages, according to the page numbers that are
5 typed into the report at the upper right-hand area of
6 the report. Do you see that, if you thumb through
7 it?

8 A You said how many pages?

9 Q 22 or 21. I'm sorry. 21.

10 A Yeah. 21.

11 Q And it's a report by Parrish, right?

12 A Correct.

13 Q This is a formal Paris police
14 department report; is that right?

15 A It's a follow-up investigation report.
16 Yes.

17 Q So that would make it an official
18 report of the department, right?

19 A Yes. It's on police department
20 stationery.

21 Q Um-hum. And the format is familiar to
22 you as being the format that's followed by detectives
23 in doing follow-up investigative reports, right?

24 A It is a narrative that is common when

1 you have extended cases. That's the type of thing
2 that you do.

3 Q What I'm asking you, sir, is that this
4 says at the top, "This tape is by James A. Parrish,
5 of the Paris Police Department in Paris, Illinois,"
6 and it talks about the Rhoads -- in relationship to
7 the Rhoads investigation; is that correct?

8 A It says that. Yes.

9 Q And the first entry that we can see
10 here is July 6, 1986; is that right?

11 A Yes.

12 Q And the last entry, if we go to the
13 last page, is July 28th, the day before the report;
14 is that right?

15 A It appears to be right. Yes.

16 Q All right. So this is a report that
17 spanned -- is 21 pages and has information that was
18 obtained over a 22-day period; is that correct?

19 A That's the time frame on this packet.
20 Yes.

21 Q So this is not a contemporaneous
22 report, is it?

23 MS. EKL: Objection, foundation.

24 THE WITNESS: Well, if you take the final

1 report, which is all you have, based on that, no.
2 But having his daily reports or whatever and
3 compiling them into this finished report, then this
4 would not be a 21-day report. It would be a
5 compilation of individual reports.

6 Q So you expect there would have been a
7 series of daily or every other day type of follow-up
8 investigative reports that would have preceded this
9 report?

10 A Yes. There would have been individual
11 reports, I would think, because Jim's a pretty
12 thorough guy.

13 Q So if he were following what you
14 expected to be the procedure in this investigation,
15 there should be ten or 11 or even 22 separate reports
16 that would have preceded this compilation of 22
17 pages; is that right?

18 A That's entirely possible. Yes.

19 Q And would he have been giving you
20 those reports based on what you had implemented with
21 regard to the investigation? Would you have been
22 reviewing those reports, those individual day-to-day
23 reports?

24 A I don't recall. I mean, he may have

1 given them to me. And if he did, I reviewed them.
2 If he didn't give them to me, then obviously I didn't
3 review them.

4 Q What I'm asking you is, if he was
5 following the practice that was in place at your
6 direction in the Rhoads investigation, would he have
7 been giving you each and every report to review?

8 A Ask me that again.

9 Q If he were following the practice that
10 you've told us that you implemented for purposes of
11 the Rhoads investigation, and that is that you were
12 reviewing all Paris reports, would he have given you
13 each and every one of those individual reports that
14 you've indicated should have existed at least at one
15 time?

16 MS. EKL: Objection, form. He never testified
17 that he reviewed every report. He said he reviewed
18 every report that came to him.

19 MR. TAYLOR: Well, I don't want to argue with
20 him, but your objection can stand.

21 THE WITNESS: If it came across my desk, I
22 read it.

23 BY MR. TAYLOR:

24 Q What I remember your testimony to be

1 earlier was that in this particular case, that you
2 let Parrish know and others who were working on the
3 investigation know that you wanted to review the
4 reports that were generated, right?

5 A I don't recall that I told anybody, "I
6 want to see every copy of everything."

7 Q But is it your -- what did you tell
8 them?

9 A I probably wouldn't have told them
10 anything. It was a courtesy or a -- I don't want to
11 say a policy, but they kept me in the loop. They
12 kept me in the loop and they kept the state's
13 attorney in the loop.

14 Q So you would expect you would have
15 seen --

16 A I would have expected to see any
17 report that was generated. Yes.

18 Q And without remembering specifically
19 any particular report that you saw or were supplied
20 from your police department in the Rhoads
21 investigation, would it be fair to say that you were
22 regularly getting reports --

23 A Yes.

24 Q -- on the investigation?

1 MS. EKL: Objection, form.

2 Go ahead.

3 THE WITNESS: Yeah. Sorry.

4 BY MR. TAYLOR:

5 Q Now, do you have any specific memory
6 of getting this summary report, the one that is
7 marked as Exhibit 6 and which is some 21 pages?

8 A No. I don't have a specific
9 recollection of receiving this report.

10 Q Do you generally remember receiving,
11 from time to time, from Parrish reports similar to
12 this in the Rhoads investigation, that being reports
13 that covered a longer period of time and summarized
14 information that had been obtained during the
15 investigation?

16 A I don't remember receiving specific
17 reports, any specific report. I know they came
18 across my desk, but I don't know the date, time, and
19 that kind of thing of when I received them.

20 Q Right. But what I'm asking you is, do
21 you have a general memory of getting this type of
22 report, that being not just a one-page or a two-page
23 or on one piece --

24 A No. I don't --

1 Q -- of information?

2 A No. I don't have a general memory of
3 receiving --

4 Q Any kind of report like this?

5 A No, I don't.

6 Q But you expect that you would have
7 seen it?

8 A I expect that I would have. Yes.

9 Q All right. Now, the fact that it
10 says, "This tape is by James Parrish, of the Paris
11 Police Department," does that change your
12 recollection in terms of whether there was a -- that
13 you had a practice in place to have the reports
14 dictated?

15 A I think I said earlier that we had a
16 dispatcher assigned, that I couldn't specifically
17 recall whether we had a tape recorder available or
18 not.

19 Q Does that indicate to you that --

20 A That indicates we did.

21 Q And so what Parrish is doing here,
22 according to this report, is that he's dictating --
23 he dictated this information into a tape over a
24 period of time and then that was written up -- I

1 mean, typed up by the dispatcher; is that right?

2 A That's what it appears to be. Yes.

3 Q Calling your attention to the next
4 exhibit, which is Exhibit Number 7, I believe, it
5 starts at page 22 and goes to page 32; is that right?

6 A No. Mine says 22 and 23. Exhibit 7?

7 MS. EKL: This is just two pages. Oh, wait.

8 All of this (indicating) is part of it.

9 THE WITNESS: Oh, this is part of it, too.

10 Okay. I've got it. Yes. This goes to 32.

11 BY MR. TAYLOR:

12 Q So this appears to be an extension of
13 the prior report that is dated July 29th; is that
14 right?

15 A Is that 6?

16 MS. SUSLER: Yes.

17 MS. EKL: Right.

18 THE WITNESS: Nope. It looks like there's
19 something in between here.

20 BY MR. TAYLOR:

21 Q Okay. What do you mean?

22 A Well, the last paragraph on 6 has a
23 date of July 28th, and the first paragraph on page 22
24 has an August the 22nd date.

1 Q So there's a gap of a month between
2 page 21 and page 22, right?

3 A It would appear to be so.

4 Q All right. Did the investigation go
5 on hiatus for a month, from the 28th of July to the
6 22nd of August?

7 A I don't know. That's a good question.

8 Q Well, you would expect there to be
9 paper, whether it be individual reports or a series
10 of entries, from the 28th of July onward to the 22nd
11 of August, which don't appear to be in either of
12 these reports; is that right?

13 (WHEREUPON, Witness was reading
14 Ray Exhibit 7.)

15 A Your numbering system, is it a
16 continuing thing or does it jump around some?

17 Q It terms of the report?

18 A Yeah, in terms of where it continues
19 on, is it a continuing thing or --

20 Q Yes. I believe so.

21 (WHEREUPON, Witness was reading
22 Ray Exhibit 6.)

23 A Okay. Well, it does appear to be a
24 month missing approximately. Did you guys lose it?

1 (WHEREUPON, there was laughter.)

2 Q Well, I certainly didn't lose it and
3 I'm sure nobody on this side of the table did. Let's
4 try to figure out who else might have.

5 MS. EKL: I object to the assumption that
6 there was a lost anything. Let's go.

7 MR. TAYLOR: Okay. Let's keep going.

8 MR. JOHNSTON: I agree.

9 BY MR. TAYLOR:

10 Q Looking at Exhibit Number 8, which
11 again has the July 28th date on the first page, it is
12 49 pages long. It is a Parrish report, is it not?

13 A Yes.

14 Q And the first entry on this is July
15 6th, the same as the ones we were looking at
16 previously; is that right?

17 A You're looking at the front page?

18 Q Yes.

19 A Yes.

20 Q And the first 22 -- 21 pages appear to
21 be the same as Exhibit Number 6; is that right?

22 A Yes, it appears to be the same.

23 Q And the first 32 pages appear to be
24 the same as Exhibit Number 7; is that right, taking

1 us through into December? If you look at the top of
2 page 32 on Exhibit 6, it ends with a paragraph that
3 says, "At approximately 1:00 p.m. on December 2nd";
4 is that right?

5 MS. EKL: I'm sorry. What is --

6 THE WITNESS: Page 32 on Exhibit what?

7 MR. TAYLOR: On Exhibit 6.

8 THE WITNESS: Oh, I thought you were on 8.

9 MR. TAYLOR: I'm sorry. On 7. I'm sorry.

10 MR. JOHNSTON: Can you start all over again?
11 Page 32 on what?

12 BY MR. TAYLOR:

13 Q On Exhibit 7 it's the end of the
14 document; is that correct?

15 A What are you asking me?

16 Q I'm asking you on -- page 32 is the
17 final page on Exhibit 7; is that right?

18 A Okay. Page 32 is the final exhibit --
19 or the final on Exhibit 7. Okay. Yes. That appears
20 to be so.

21 Q And it ends with an entry at 1:00 p.m.
22 on December 2nd; am I right?

23 A Yes.

24 Q Now, if we turn to Exhibit 8, page 32,

1 we have the same December 2nd entry, am I right, at
2 the same location on the page, the top of page 32,
3 right?

4 A Yes.

5 Q And then we jump in the next paragraph
6 to February 17, 1987, which is the first new entry on
7 this document that didn't appear on Exhibit 7; is
8 that right?

9 A It appears to be so.

10 Q So now we've got a missing month in
11 August and we've got a missing month of December and
12 January in this report; am I right, in terms of any
13 entries?

14 MS. EKL: Objection, form of the question,
15 assumes facts not in evidence that there aren't
16 other --

17 MR. TAYLOR: Well, we can ask him. You know,
18 we'll ask him. Don't worry.

19 MS. EKL: Can I finish my objection?

20 MR. TAYLOR: I'm sorry.

21 MS. EKL: It assumes facts not in evidence
22 that there's missing entries as to Detective Parrish
23 or any other detectives.

24 MR. TAYLOR: Okay. All right.

1 BY MR. TAYLOR:

2 Q So there are no entries from December
3 2nd until February 17th on this document, right?

4 A That seems to be the case. Yes.

5 Q In fact, you would expect, would you
6 not -- well, strike that.

7 I assume the investigation was
8 continuing from December 2nd until February 17th,
9 wasn't it?

10 A Yes.

11 Q And you would expect that there would
12 be entries during that period of time, would you not?

13 MS. EKL: Objection, form and foundation,
14 assumes facts not in evidence.

15 BY MR. TAYLOR:

16 Q You may answer.

17 A There were obvious dead periods where
18 we weren't getting anywhere.

19 Q So there are a couple of -- there's
20 about three possibilities here. One is there's a
21 dead period from December 2nd to February 17th, and
22 there's nothing worthy of reporting. That's one
23 possibility, right?

24 A It's a possibility.

1 Q Is that your memory, that that was the
2 case?

3 A No.

4 Q The second possibility is that Parrish
5 was making a lot of individual reports during that
6 period of time and, for some reason, they didn't make
7 it into this compendium report. Is that the second
8 possibility, that we might have one, two, 15, 20
9 little reports like Exhibits 4 and 5?

10 MS. EKL: Objection, form.

11 BY MR. TAYLOR:

12 Q Is that possible as well?

13 A It would be out of character for Jim,
14 but I suppose it's possible.

15 Q Why would it be out of character?

16 A As I said before, he was very thorough
17 in what he did.

18 Q So you would expect that if he had
19 anything, he would have put it in this report. Is
20 that what you're saying, Jim and --

21 A Well, I would --

22 Q -- his thoroughness?

23 A -- think had there been anything
24 generated, that it would go into a report. Yes.

1 Q All right. The third possibility is
2 that there's a -- for some reason, he didn't include
3 anything from December 2nd to February 17th, even
4 though he had information. That's a possibility as
5 well, right?

6 MS. EKL: Objection, form.

7 THE WITNESS: What are you implying? I mean,
8 what -- what are you --

9 BY MR. TAYLOR:

10 Q I'm not implying anything. I'm asking
11 if that would be the third possibility here?

12 A Well, yes. That --

13 MS. EKL: I object to the fact that there's
14 only three poss -- form, based on the fact you're
15 saying there's only three possibilities. It assumes
16 facts not in evidence, that there weren't other
17 investigators creating reports that covered that same
18 time period.

19 BY MR. TAYLOR:

20 Q Go right ahead. You already answered
21 yes; is that right?

22 A Yes. That's a possibility.

23 Q All right. Now, this report goes to
24 page 49, and the last entry is March 28th, 1987,

1 having to do with an interview with Debbie Reinbolt's
2 husband, Victor Reinbolt; is that right, if you take
3 a look?

4 A You said, "this interview." Which one
5 are you talking about?

6 Q I'm talking about Exhibit Number 8.

7 A It's with who, you said? Victor?

8 Q Right.

9 A Yeah.

10 Q So we have a time closure on this
11 particular exhibit of March 28th, 1987; is that
12 right?

13 A That's the last entry. Yes.

14 Q Now, other than the three
15 possibilities I've suggested to you, can you think of
16 any other possibilities with regard to why there are
17 two large temporal gaps in these particular summary
18 reports?

19 MS. EKL: Objection, form, foundation.

20 THE WITNESS: Well, I guess if I had enough
21 time to think about this, I probably could possibly
22 come up with some more. But I can't right off the
23 top of my head.

24 BY MR. TAYLOR:

1 Q You can't right offhand?

2 A No.

3 Q Let's look at 9 for a minute, which is
4 the last in this series of documents. This is a
5 59-pager, right?

6 A Yes.

7 Q Again, the first 21 pages are the same
8 as Exhibit Number 6, which runs from the 6th of July
9 to the 28th of July; is that right?

10 A Where does the 28th of July stop?

11 Q Page 21.

12 A Page 21? Yes.

13 Q And, again, like Exhibit 7, page 22
14 starts on August 22nd and runs through until December
15 2nd at the top of the page, and then goes on to
16 February 17th. But Exhibit 7, like this document, is
17 the same up and until page 32; am I right?

18 A We're looking at 9, right?

19 Q Right.

20 A Okay. What was your --

21 Q My question is that we've got the same
22 document here up and until that breaking point on
23 page 32. 9 is the same up through page 32 in the
24 middle as 7, right, the same document again?

1 A Yes. It would appear to be so.

2 Q Okay. Then 32 through 49, up through
3 the middle of that page, March 28th, is the same
4 document as Exhibit 8. In other words, we're again
5 reproducing the same document here with new entries
6 at the tail end of it, right?

7 MS. EKL: Objection, form. Also I would note,
8 Flint --

9 MR. TAYLOR: Yes?

10 MS. EKL: -- the documents speak for
11 themselves as far as what's contained therein, and I
12 would just point out that you've represented the
13 documents are -- asking if the documents are the
14 same, and there's clearly a page in here that's out
15 of --

16 MR. TAYLOR: Oh, yeah. Why --

17 MS. EKL: -- not part of the report. I
18 mean --

19 MR. TAYLOR: -- don't you pull that out.

20 MS. EKL: -- not part of this continuing
21 report.

22 MR. TAYLOR: That's a copying mistake. Why
23 don't you pull it out, if that's the case.

24 THE WITNESS: I forgot the question.

1 BY MR. TAYLOR:

2 Q You and me both. 32 through 49, if
3 you add that onto the prior 32 pages, you come up
4 with the same document as you would with Exhibit 8,
5 right, except at that there may be a miscellaneous --

6 A Page 48, you said?

7 Q 49.

8 A 49 is the same as 8?

9 Q Yeah.

10 A Yup. It looks that way.

11 Q Okay. So now we get to 9, which adds
12 another ten pages and ends on page 59, right?

13 A Yes. It seems to be.

14 Q So it starts on -- the new entries on
15 9 start on March 30th; is that right?

16 A Yes.

17 Q All right. And they go into June at
18 page -- ending on page 55 or so, right, or 56 -- I'm
19 sorry -- actually, all the way through to 59. The
20 last entry is June 18th, 1987, which is an interview
21 that Parrish did on June 18th; is that right?

22 A You're saying that the last entry in
23 this packet is Parrish's interview with --

24 Q Yes. On June 18th.

1 A -- with Debbie Jordan?

2 Q Yes.

3 A And it ends on page 59?

4 Q Right.

5 A Yes.

6 Q So on 59, Parrish is adding entries
7 from March 30 to June 18; is that correct?

8 MS. EKL: Objection, foundation.

9 BY MR. TAYLOR:

10 Q Is that right?

11 A Ask me again. I'm sorry.

12 Q Parrish is adding in this particular
13 report entries concerning the investigation that span
14 the time period from March 30 to June 18th; is that
15 right?

16 A Yes.

17 Q All right. In each instance here,
18 we're dealing with -- except for the first report,
19 we're dealing with intervals of about two to three
20 months between entries in the report, right?

21 A (Witness nodding head.)

22 Q Yes?

23 A Yes.

24 Q Now, would you expect in each of those

1 spans that we have, July being the first one, and
2 then we have August through December is the second
3 one, and the third one is December through the end of
4 March, and the fourth one is the end of March through
5 the middle of June, that in each of those time
6 frames, Parrish would have been generating individual
7 reports dealing with information that he and others
8 in the investigation were obtaining?

9 MS. EKL: Objection, form, foundation.

10 THE WITNESS: He would have been generating
11 reports on the Rhoads homicide if, in fact, he had
12 credible information to work on.

13 BY MR. TAYLOR:

14 Q But we know he did because in the
15 summary reports, he's got all these entries during
16 those time periods, right?

17 A I thought you were talking about the
18 vacant periods.

19 Q No. Right now I'm talking about the
20 entire time period.

21 A Oh.

22 Q You would expect during those time
23 periods where instead we have just a summary report,
24 that there would be individual reports reporting this

1 information; is that right?

2 MS. EKL: Objection, form, foundation.

3 THE WITNESS: I would assume so. If he was
4 generating individual reports, I -- yes.

5 BY MR. TAYLOR:

6 Q Would you expect in terms of what the
7 practice was, if there was one in the department at
8 that time, that there would have been contemporaneous
9 or near-contemporaneous reports rather than reports
10 being filed every three months on an investigation of
11 this significance?

12 MS. EKL: Objection, format, foundation.

13 THE WITNESS: What's contemporaneous?

14 BY MR. TAYLOR:

15 Q Well, let's say, within a day or two
16 or three like the ones we were looking at on Exhibits
17 4 and 5 when they wrote reports the same day.

18 MS. EKL: Same objection.

19 THE WITNESS: You won't find -- every officer
20 won't necessarily generate a report the same day.
21 Now, Houck did obviously because it was a
22 one-paragraph report. The officers did on the street
23 as they usually did their paperwork before they went
24 home. Sometimes in a significant situation, they

1 finished it up when they came back the next day, but
2 they were finished in a timely fashion.

3 BY MR. TAYLOR:

4 Q And you would expect that Parrish in
5 an investigation of this significance with this much
6 information would certainly follow that procedure,
7 wouldn't you?

8 MS. EKL: Objection, form.

9 THE WITNESS: I would think so. Yes.

10 BY MR. TAYLOR:

11 Q Okay. Do you have any indication, any
12 reports other than these that I have put before you
13 that Detective Parrish generated concerning this
14 investigation?

15 A I don't have any relec -- recollection
16 of what happened 20-plus years ago --

17 Q You have no memory --

18 A -- in terms of reports and that kind
19 of thing.

20 Q All right. Let me go back to Exhibit
21 Number 7. I want to ask you in the -- given your
22 knowledge and your role in the investigation and the
23 fact that you would -- you expected that reports were
24 being given to you by Paris investigators, and that

1 would have been Parrish primarily, that you would
2 have been given that report, Exhibit Number 7, the
3 one that runs from July 2nd to December 2nd, you
4 would have been given that report if, in fact, your
5 expectations were met; is that right?

6 MS. EKL: Flint, you just said July 2nd.

7 THE WITNESS: Yeah.

8 MR. TAYLOR: I'm sorry. July 6th, the first
9 entry, to December 2nd, the last entry.

10 MS. EKL: And you just referred to Exhibit 7?

11 THE WITNESS: Yeah. It's not even on there.

12 MS. EKL: Your -- Exhibit 7 starts August
13 22nd.

14 MR. TAYLOR: All right. I'm sorry. Referring
15 to Exhibit 6.

16 BY MR. TAYLOR:

17 Q I withdraw that. You already answered
18 the question as to 6. I am talking about 7. 7 is
19 the portion of the report that runs from August 22nd
20 to December 2nd.

21 Would you expect, given what you've
22 told us your expectations were for receiving reports
23 generated by Parrish and others in the Paris police
24 department, that you would have seen that particular

1 document at that time?

2 MS. EKL: Objection, form, foundation, as to
3 what you mean by "that time."

4 MR. TAYLOR: During the investigation.

5 THE WITNESS: You're asking me what now?

6 BY MR. TAYLOR:

7 Q I'm asking you whether it would be
8 your expectation that you would have seen that
9 document.

10 A This document (indicating)?

11 Q Yes.

12 A The one I'm holding in my hand, Number
13 7?

14 Q Yes.

15 A Yes. I would anticipate that I would.

16 Q And the same with 8, 8 being the
17 document that runs through March 28th.

18 A Yes. I would anticipate that I did.

19 Q And Exhibit 9, the document that runs
20 through June 18th --

21 A Yes.

22 Q -- you would have seen that, right?

23 A Probably.

24 MR. TAYLOR: All right. Let me ask a

1 housekeeping question right now. I think you
2 indicated previously that we were going to quit at
3 4:30.

4 MS. EKL: I didn't say 4:30.

5 MR. JOHNSTON: I did.

6 MS. EKL: Oh, I'm sorry. Yes, I did, because
7 Iain has a prior obligation that we need to end at
8 4:30.

9 MR. TAYLOR: Should we take a break or go all
10 the way straight through to 4:30?

11 MR. BALSON: Why don't we take five minutes.

12 MR. TAYLOR: Take a short break.

13 (WHEREUPON, there was a brief
14 recess had in the proceedings.)

15 We can go back on the record. I want
16 to give everybody -- I found Exhibits 4 and 5, so
17 here are copies.

18 (WHEREUPON, Ray Exhibits 4 and 5
19 were tendered to Counsel.)

20 MS. EKL: So the first two are 4 and the last
21 one is 5?

22 MR. TAYLOR: Yes. Exactly.

23 MS. EKL: Okay.

24 BY MR. TAYLOR:

1 Q I want to call your attention to July
2 5 and July 6th of 1986. You know the significance of
3 those dates in terms of Paris; is that correct?

4 A Um-hum.

5 Q And why is that?

6 A Obviously it was the aftermath
7 following the Rhoads homicides.

8 Q Were you in town at that period of
9 time?

10 A Certainly.

11 Q When were you first informed of the
12 homicide and the fire at the Rhoads residence?

13 A That Sunday morning.

14 Q About what time?

15 A I don't specifically recall. Probably
16 6:00, somewhere in there.

17 Q And how --

18 A 5:00 or 6:00, something like that.

19 Q And you lived right in the town? At
20 that time you did?

21 A No. At that time I lived north, at
22 the north end of town, out by the lake.

23 Q About how far from the scene --

24 A Well, it was two miles from the police

1 department, so it would have been a little over two
2 miles to the Rhoads residence.

3 Q Who contacted you to inform you about
4 the --

5 A The desk, dispatcher.

6 Q Um-hum. At that point what did they
7 tell you?

8 A Basically that there had been a fire
9 and there were two bodies and it appeared to be a
10 homicide.

11 Q So at that point the fire had been put
12 out and the bodies had been discovered?

13 A Yes.

14 Q Did they inform you who, if anyone,
15 from the Paris police department was on the scene?

16 A They indicated that Captain Lindley
17 was there and Parrish was there.

18 Q Did they indicate who else from other
19 law enforcement agencies were there as well?

20 A As I recall, they indicated that ISP
21 had been called.

22 Q You say it was, what, about 6:00
23 o'clock, did you say?

24 A Somewhere in there. Maybe it was

1 later. I don't recall the specific time.

2 Q What, if anything, did you do upon
3 being notified by the dispatcher?

4 A Thanked him for calling and laid there
5 a minute and got up and went to town.

6 Q All right. When you went to town, did
7 you go to the department or did you go to the scene?

8 A I went to the scene.

9 Q When you arrived at the scene, was it
10 daylight?

11 A Yes.

12 Q Approximately what time was it when
13 you arrived on the scene?

14 A I don't remember, but it would have
15 been 6:30, somewhere in there.

16 Q When you arrived at the scene, who
17 else was there already?

18 A Parrish and Lindley were there, and
19 there were a couple of officers, fire department
20 personnel, a crowd.

21 Q Was it cordoned off in any way at --

22 A Yes.

23 Q -- that time? So the yellow police
24 tape was up?

1 A Yes.

2 Q Do you know the names of any of the
3 other people who were there other than the Paris
4 people that you mentioned already?

5 A I didn't look at the crowd to see if I
6 knew anybody. Jim and I talked.

7 Q Well, in terms of law enforcement, who
8 else was there that you know by name other than the
9 names you've given us?

10 A Well, I probably had a couple of
11 patrol officers there, but I don't remember who
12 responded.

13 Q Do you know who from the fire
14 department was there?

15 A No.

16 Q Did you have any evidence technicians
17 in your department, anybody that specialized in --

18 A No.

19 Q -- any kind of evidence taking?

20 A No.

21 Q So with regard to crime scene
22 preservation and dealing with evidence at a crime
23 scene, that would be something that you would not
24 undertake in a case like this?

1 MS. EKL: Objection, form.

2 THE WITNESS: We would have had the basic
3 knowledge of crime scene preservation, but not for
4 collection of evidence in this type of situation.

5 BY MR. TAYLOR:

6 Q Did you have a crime scene
7 photographer --

8 A No.

9 Q -- work --

10 A No.

11 Q No?

12 A Not an assigned crime scene
13 photographer. No.

14 Q Did you have someone who performed
15 that function in criminal investigations in 1986?

16 A Yes. I think the investigators had
17 access to a camera, film camera.

18 Q Was there a particular -- when we use
19 the term "investigator," we --

20 A It would have been Parrish.

21 MS. EKL: I'm sorry. Let him finish his
22 question.

23 THE WITNESS: Oh, I'm sorry.

24 BY MR. TAYLOR:

1 Q When we use the term "investigator,"
2 we're talking detective? That's --

3 A Yes.

4 Q -- what we're talking about? At that
5 point, who were the detectives other than Parrish?

6 A Gary Wheat.

7 Q Anyone else?

8 A No.

9 Q Was either of those the one who had
10 the responsibility of crime scene photography in a
11 crime investigation?

12 A That would have been -- you mean at
13 that particular point or generally?

14 Q Well, generally.

15 A Generally, if they had a crime scene
16 or they had something that they needed to photograph,
17 they photographed it. If it was Parrish's situation,
18 he photographed it. If it was Wheat's situation, he
19 photographed it.

20 Q And in this particular case, the
21 Rhoads investigation, were either of them doing any
22 photography of the scene?

23 A I don't specifically recall.

24 Q You don't know. Okay. Was there

1 anyone from ISP there when you arrived?

2 A I don't believe so. No.

3 Q Did someone from ISP arrive shortly
4 thereafter?

5 A Well, yes, I'm sure they did. We
6 called them.

7 Q Who made that call?

8 A That would have been -- just based on
9 what I saw in one of those reports, that would have
10 been Captain Lindley.

11 Q Now, you say you had a conversation
12 with Parrish when you got there?

13 A Yes.

14 Q What did he tell you?

15 A Just basically the overview of what
16 was going on, what they found, what the general
17 circumstances were.

18 Q Specifically what did he say about
19 those particular topics?

20 A Well, that there had been an apparent
21 double homicide, what appeared to be a double
22 homicide, and that the building was set on fire.
23 When the fire department responded, they -- in the
24 course of putting out the fire, they found the

1 bodies. That's when they called us.

2 Q Now, had the bodies been removed by
3 the time you arrived?

4 A Yes.

5 Q Did you take a tour of the crime
6 scene?

7 A I went upstairs. Yes.

8 Q With whom did you go upstairs?

9 A I believe I went with Parrish.

10 Q Did he while -- did he point out
11 certain things to you while you -- when you went
12 upstairs?

13 A Well, we talked about what was up
14 there. Yes, he may have pointed some things out.

15 Q Which door did you enter?

16 A Well, I think there was only one door
17 in the bedroom.

18 Q Well, let me take you right down
19 out -- coming into the building. How did you enter
20 the building?

21 A Probably through the front door.

22 Q Did you enter by yourself or did
23 Parrish -- did you start your tour with him right
24 then and --

1 A No. We went together.

2 Q Had he briefed you prior to you going
3 inside the house?

4 A Yes.

5 Q When you went inside the house, did
6 you walk through a portion of the downstairs before
7 you went upstairs?

8 A I don't remember the layout of the --
9 of the house. I remember the bedroom specifically,
10 but I don't remember the stairway or where the
11 stairway began downstairs.

12 Q Did you either observe or did Parrish
13 point out anything of note in the downstairs area
14 when you walked in?

15 A Not that I recall.

16 Q So then you went up to the bedroom,
17 which is where the bodies were found; is --

18 A Yes.

19 Q -- that right? And you say the bodies
20 had been removed at that time when you went there?

21 A Yes.

22 Q And this is about, what, 7:00 o'clock
23 in the morning?

24 A In that vicinity, yes. 6:30, 7:00.

1 Q Were there other people in the room,
2 the bedroom, when you got to the bedroom?

3 A No.

4 Q What did you observe when you went
5 into the bedroom?

6 A Basically the blood-soaked mattress,
7 sheets, the damage to the room in general in terms of
8 blood, broken glass, the door opened, that type
9 thing.

10 Q Were there a bed or beds in the room?

11 A A bed, as I recall.

12 Q Now, in what direction was the bed
13 pointing in terms of the head and the foot of the
14 bed?

15 A I think the bed may have been arranged
16 pointing north.

17 Q So the --

18 A The head of the bed would have been
19 north, I believe.

20 Q Was it the kind of a bed that actually
21 had a headboard so that you would know what was the
22 head and what was the --

23 A I don't --

24 Q -- foot of the bed?

1 A I don't remember the headboard, but it
2 would have been against the wall.

3 Q So the head of the bed was towards the
4 north wall, if not on the north wall?

5 A Yes, towards the north wall.

6 Q And it was facing directly north and
7 south?

8 A Yes. As I recall, yes.

9 Q You say there was blood on that bed?

10 A Yes.

11 Q On what portions of the bed did you
12 see blood?

13 A Most of the portions in the lower part
14 of the bed be -- because I think there were sheets
15 and stuff up closer to the top.

16 Q Did you see any pillows on the bed?

17 A I don't recall that I did. No.

18 Q Did you see blood anywhere else than
19 on the bed?

20 A I don't recall that I did.

21 Q When you were in that bedroom, did
22 Parrish point out to you where either of the bodies
23 had been found?

24 A He probably did. Yes.

1 Q Did he tell you he was present when
2 the bodies were still there?

3 A Don't recall that he said it. No.

4 Q But he did point out to you where the
5 bodies were?

6 A Probably. Yes.

7 Q And where did he say they were?

8 A I don't -- I don't recall.

9 Q Did he say whether either of the
10 victims were found on the bed or not?

11 A I don't remember what he told me.
12 I -- I reviewed some of the case obviously to be
13 prepared to speak to you. But as far as having a
14 recollection of what he told me that day, I don't
15 remember.

16 Q Do you have a memory of whether he
17 told you in what direction either of the bodies were
18 laying when they were discovered?

19 A No, I don't have a recollection of
20 that either.

21 Q Now, is your recollection that you're
22 telling us about the bed being north and south, is
23 that an actual recollection or is that --

24 A Yes. I remember --

1 Q -- the review?

2 A -- the location of the bed. Yes.

3 Q Is there anything else in that room
4 that you remember the location of other than the bed
5 and the sheets that you mentioned?

6 A Well, there was a lamp by the door,
7 but I don't know whether I remember it because I was
8 up there or whether I saw it in a subsequent
9 photograph.

10 Q Now, the lamp, is this a standing lamp
11 or a table --

12 A No. More of --

13 Q -- lamp?

14 A -- a bedside lamp.

15 Q Is this the lamp that subsequently
16 became the subject of a lot of investigation and
17 testimony?

18 A I haven't been involved in any
19 testimony with it.

20 Q But are you aware that this lamp has
21 been a piece of evidence in the various criminal
22 proceedings?

23 A I'm aware that it's a piece of
24 evidence. Yes.

1 Q And that is the lamp we're talking
2 about that you --

3 A Yes.

4 Q -- saw, right? And where was it
5 located when you saw it?

6 A Well, it would have been by the door,
7 but I don't recall which side of the door it was on.

8 Q So when you came in the door, there
9 was either a table with a lamp on it on that side, or
10 it was on the side across the bed from the door; is
11 that --

12 MS. EKL: Ob --

13 BY MR. TAYLOR:

14 Q -- what you're saying? You don't
15 know --

16 MS. EKL: Objection, form of the question.

17 THE WITNESS: There was a door, there was one
18 door going into the bedroom, and I don't remember
19 whether the lamp was to the left of the door or it
20 was to the right of the door.

21 BY MR. TAYLOR:

22 Q Now, when you were in the bedroom, did
23 you take any notes?

24 A No.

1 Q Was Parrish taking any notes?

2 A Not when he was with me.

3 Q Did Parrish have any kind of pencil
4 and paper or a clipboard or anything that you noticed
5 on which he could be preparing notes?

6 A I don't recall that he did.

7 Q Now, did you -- were you familiar with
8 the way that Parrish commonly conducted
9 investigations in terms of whether he took notes or
10 not?

11 A I was aware that he took notes. Yes.
12 I had been around him before during other
13 investigations, not specifically at the scene, but
14 when he had been taking notes, yeah, writing things
15 down.

16 Q Did he normally use some kind of
17 notebook or clipboard, or how did he normally take
18 notes?

19 A I don't specifically remember, but it
20 may have been a legal pad, that type thing, because I
21 know we have it.

22 Q If a detective such as Parrish took
23 notes, would you expect that those reports would
24 be -- those notes would be preserved?

1 A For a time. Yes.

2 Q Was there any kind of procedure within
3 the department in 1986 as to how long notes would be
4 preserved before they were disposed of?

5 A Not that I recall.

6 Q Was there anything in terms of under
7 what circumstances they would be preserved and what
8 circumstances they would not be?

9 A Not that I recall.

10 Q So that was, again, up to the
11 discretion of the detective, what he did with his
12 notes?

13 A Okay.

14 Q Is that --

15 A Yeah.

16 Q -- right? You agree?

17 A Yeah.

18 Q Do you recall as you sit here now
19 whether Parrish had a yellow -- well, it wouldn't
20 have to be yellow, but a legal pad with --

21 A No, I don't recall that he did.

22 Q Or didn't?

23 A Or didn't.

24 Q Okay. How long did you remain in the

1 bedroom?

2 A Probably just a few minutes.

3 Q Then what did you do after that?

4 A Probably stayed at the scene for a
5 little while and then left.

6 Q What else, if anything, did you do at
7 the scene before you left?

8 A Nothing.

9 Q Did you give any orders or directions
10 to any of the Parrish police personnel there?

11 A Well, they basically had already
12 informed me that the Illinois State Police crime
13 scene units had been called and the investigating
14 units had been called and that they were on the way,
15 so it was basically preserving the scene at that time
16 until the tech people got there.

17 Q Had anyone started to either look for
18 or interview potential witnesses at the time --

19 A They had started --

20 Q -- you had --

21 A They had already started a
22 neighborhood sweep.

23 Q Was that at your direction or at --

24 A No. That --

1 Q -- Parrish's?

2 A -- was already taken care of before I
3 got there. They had already started that.

4 Q Who was doing that?

5 A I presume that they had patrol
6 officers doing that, starting a neighborhood sweep.

7 Q Now, would the patrol officers be
8 required to write reports as to the witnesses they
9 spoke to in the sweep?

10 A If they were involved in it, then they
11 should have made some notes. Yes.

12 Q Let's say someone lived across the
13 street and said, "Well, I was asleep during the
14 period of time that this happened." Would you note
15 that and would you expect the detective or the
16 investigator would note that and put that in --

17 A Well --

18 Q -- a report?

19 A -- I would antic --

20 MS. EKL: Objection, form. Flint, just so
21 it's clear: You just referred to him and you
22 referred to detectives and before you were talking
23 about patrol officers, so I'm just objecting to the
24 form. If you want to clarify it, that's fine. But I

1 want you to know what my objection is.

2 BY MR. TAYLOR:

3 Q Whether it be an investigator or a
4 patrolman or whomever was doing the interview, would
5 it be required of him to write some kind of a report
6 if a witness had said that they, for instance, had
7 been asleep and didn't observe anything?

8 A Are we talking about a patrol officer?

9 Q Well, let's start with a patrol
10 officer.

11 A Okay. If I were that patrol officer,
12 the expectation would be that I would knock on the
13 door, I would question the tenant as to whether they
14 saw or heard anything, if they were home, saw or
15 heard anything. And if they told me no, I would get
16 their name, I would get their address, and I would
17 get their phone number, and I would say they didn't
18 see or hear anything. I would continue to do that.
19 And when I got finished, I would give that
20 information to the investigator so that they would
21 know which houses had been checked --

22 Q And so --

23 A -- and who had been spoken to.

24 Q So would you expect that the

1 investigator would put that in some kind of a formal
2 report?

3 A Not necessarily if it's -- if the
4 information isn't pertinent.

5 Q Well, as you said before sitting here,
6 testifying earlier, sometimes it's hard to tell at
7 the beginning of an investigation --

8 A Right.

9 Q -- what is pertinent and what's not,
10 right?

11 A Right.

12 Q And we could agree that in some
13 circumstances someone who said he was right across
14 the street and was asleep at the time, that later
15 might come out to be significant because he or she
16 might have been lying.

17 A That's possible.

18 Q And you would want to have a record
19 that they -- that they spoke to the officers before
20 and this is what they said on a prior occasion,
21 right?

22 A Well, I would anticipate that the
23 investigator kept that information, that they didn't
24 wad it up and throw it out right away.

1 Q Would that be something that your
2 standard operating procedures or practices within the
3 department in 1986 would speak to in terms of telling
4 the officer that he should keep it rather than ball
5 it up and throw it away, or would that be something
6 that the officer would make his own decision about?

7 A Say that again.

8 Q I'm wondering whether there was some
9 kind of either written or unwritten procedure which
10 would instruct or direct an officer who is charged
11 with writing a report on an investigation to record
12 information such as we've talked about, that being
13 information that appeared on its face to be not
14 relevant, to permanently record it in a report so
15 that if later it turned out to be relevant, it would
16 be on record, or would that be something that an
17 individual investigator would make his own call on?

18 A Well, there would -- I don't recall
19 any specific rule or regulation that actually covers
20 that specific type of thing, so it probably would
21 have been more to where the investigator had his own
22 system basically of keeping track of things.

23 Q Do you know what Parrish's system was?

24 A I don't recall. No.

1 Q Do you know what Wheat's system was?

2 A No.

3 Q Do you know what any of the patrol
4 officers' system was?

5 A No. I didn't follow them around.

6 Q Did you have your own system when you
7 were a patrolman in terms of report writing?

8 A Yes.

9 Q And your system was what you told us,
10 that you would write it down; is that right?

11 A Yes.

12 Q Now --

13 A That's based on training received.

14 Q Um-hum. Now, after you left the
15 scene, did you go back to the police department?

16 A I don't recall what I did the rest of
17 the day.

18 Q Did you have any meetings with Parrish
19 or Eckerty or anyone else that was involved in the
20 investigation on the 6th to discuss how the
21 investigation was to proceed?

22 A On the 6th, after --

23 Q After going to the scene.

24 A Okay. No, I wouldn't have had a

1 meeting that day. No. Everybody was busy.

2 Q When you went to the scene, was
3 State's Attorney McFatrige present?

4 A I don't recall.

5 Q Do you remember whether he was called
6 by you or by anyone else?

7 A No. I don't recall.

8 Q Did you know McFatrige at the time in
9 1986 --

10 A Yes.

11 Q -- when this happened?

12 A Yes.

13 Q Had you had dealings with him?

14 A What do you mean by "dealings"?

15 Q Well, as chief, had you had official
16 dealings with him in terms of --

17 A Well, probably not as chief because I
18 hadn't been chief for very long, but I had been to
19 the state's attorney's office in the past for various
20 cases, taking reports up and that type thing, so I
21 knew Mike and on occasion we would talk.

22 Q Had you ever dealt with him on a
23 specific investigation?

24 A No.

1 Q How long had he been state's attorney
2 in 1986?

3 A I don't know what the election cycle
4 was. I don't remember.

5 Q He was Edgar County's state's
6 attorney; is that right?

7 A Yes.

8 Q And that included, of course,
9 Parrish -- Paris, right?

10 A Yes.

11 Q Do you know whether he was a
12 Republican or a Democrat?

13 A No, I don't. I didn't realize that it
14 mattered.

15 Q Did you ever learn or hear that he had
16 any involvement with drugs?

17 A Again, that would have been some
18 street talk.

19 Q When did you first hear that street
20 talk?

21 A I don't recall the date or time that I
22 heard that rumor.

23 Q Now, was it street talk while you were
24 an officer or was it street talk while you were a

1 civilian?

2 A In a small town, it's hard to separate
3 that.

4 Q Well, I'm asking in terms of -- I'm
5 not asking you whether it was on or off duty. I'm
6 asking you whether it was during the time period you
7 were an officer or whether it was during the time
8 period that you took a hiatus from the department,
9 that being the late '70s, early '80s?

10 A I don't recall. It's one of these
11 things you hear. I don't remember when I heard it,
12 where I heard it, or anything else.

13 Q Had you heard it prior to July of
14 1986?

15 A I don't know. I don't recall.

16 Q Do you know whether there was ever any
17 kind of investigation, whether it be federal, state
18 or local investigation, into McFatridge and any
19 activities he might have been involved in?

20 A I'm not aware of any. I don't recall.

21 Q Now, did you receive certain reports
22 having to do with the crime scene investigation, both
23 from -- either from your department or from the
24 Illinois ISP (sic) with regard to the crime scene at

1 the Rhoads residence?

2 A You're referring to forensic reports,
3 that type thing?

4 MR. TAYLOR: Yeah.

5 MS. EKL: I would object to -- I would object
6 to foundation in terms of time.

7 THE WITNESS: I don't specifically recall.

8 MR. TAYLOR: All right. Let me mark this as
9 10.

10 (WHEREUPON, Ray Exhibit 10 was
11 marked and tendered to Witness.)

12 BY MR. TAYLOR:

13 Q This is a three-page document in
14 handwriting. It's dated 7/6, and it says "Report to
15 Chief Ray" in the Rhoads case, and the submitting
16 officer is Gary Knight. It has to do apparently with
17 various evidentiary items that were taken from the
18 apartment. There's some 35 items. Do you see that?

19 A Um-hum.

20 MS. SUSLER: Is that a yes?

21 MS. EKL: You have to say "yes" or "no."

22 THE WITNESS: Yes. I'm sorry.

23 BY MR. TAYLOR:

24 Q Now, was this particular Scientific

1 Services Evidence Report, which says "Report to Chief
2 Ray," did you receive this particular report?

3 A I don't recall receiving it. No.

4 Q Have you seen this kind of report in
5 the past?

6 A I don't recall seeing this type of a
7 report. No.

8 Q All right. So it's unclear from the
9 face of this report whether it went to you or whether
10 this is an internal report of Gary Knight's outfit
11 that just indicates that you're the person to report
12 to rather than that this report was sent; is that
13 right?

14 MR. JOHNSTON: Objection --

15 THE WITNESS: Yes.

16 MR. JOHNSTON: -- to form.

17 MS. EKL: Objection, form.

18 MR. TAYLOR: Let me mark this as 11.

19 MS. EKL: Flint, just so you know, it's 4:15,
20 and I promised Iain we would get him out of here at
21 4:30 promptly.

22 MR. TAYLOR: I'm going to mark as Group 11
23 these reports.

24 THE WITNESS: This (indicating)?

1 (WHEREUPON, Ray Group Exhibit 11
2 was marked and tendered to
3 Witness.)

4 MR. TAYLOR: Um-hum. And just so the record
5 is clear: These are three documents, State of
6 Illinois, Department of State Police, dated July
7 15th, July 23rd, and August 14th, they are all from
8 forensic scientists to attention Gene Ray.

9 BY MR. TAYLOR:

10 Q Do you see those three documents?

11 A Yes, sir.

12 Q They are to you, to your attention,
13 having to do with lab reports done by the Illinois
14 State Police forensics; is that right?

15 A That's right.

16 Q Now, did you receive these reports?

17 A I very well could have, but I don't
18 recall that I did.

19 Q But was it the practice of the
20 department that if -- in a case such as the Rhoads
21 case, if things were sent to your attention from the
22 crime lab, that you would review them?

23 A Yes.

24 MS. EKL: Objection, form and foundation.

1 BY MR. TAYLOR:

2 Q Would you expect then that in this
3 particular case, you did review these particular and
4 other similar crime lab reports?

5 (WHEREUPON, there was an
6 off-the-record discussion had by
7 the Parties.)

8 MS. SUSLER: Can you have Carm read back the
9 question?

10 THE WITNESS: Yeah. There was a question,
11 right?

12 MR. TAYLOR: Yeah.

13 (WHEREUPON, the Record was read as
14 follows:

15 "Question: Would you expect then
16 that in this particular case,
17 you did review these particular
18 and other similar crime lab
19 reports?")

20 THE WITNESS: Yes.

21 MR. TAYLOR: Let me mark this as 12.

22 (WHEREUPON, Ray Exhibit 12 was
23 marked and tendered to Witness.)

24 BY MR. TAYLOR:

1 Q This is a crime scene report authored
2 by, I believe, G.A. Knight. Do you know who G.A.
3 Knight is?

4 A Yes. Gary Knight.

5 Q And he was an Illinois State Police
6 crime technician?

7 A Yes.

8 Q He worked with the Paris police
9 department in this case; is that --

10 A Yes.

11 Q -- right? And he had worked with you
12 in the past on other cases?

13 A Yes. I don't recall cases, but he had
14 been at the department before.

15 Q And, I take it, that you, around the
16 time of the submission of this report, reviewed this
17 particular report?

18 A I suspect that I did if I received a
19 copy of it.

20 Q Would this be something you would
21 expect that you received a copy of, it being the
22 initial crime scene report?

23 A Yes.

24 Q Now, do you recall a few days after

1 the occurrence, that being the murders and the fire,
2 that there was a reconstruction done of the crime
3 scene?

4 A I don't specifically recall it. No.

5 Q Did -- were you present for such a
6 reconstruction?

7 A I could have been.

8 Q Do you have any memory of it?

9 A No, I don't.

10 Q Do you have any memory of going back
11 to the scene of -- was it on Court Street --

12 A Yes.

13 Q -- after your initial trip there on
14 the morning of July 6th?

15 A No, I don't recall going back.

16 Q Now, prior to the crime of July 6th,
17 1986, what, if any, information did you have
18 concerning either Randy Steidl or Herb Whitlock in
19 terms of any activities that had come to the
20 attention of the Paris police department?

21 MS. EKL: Are you referring to ever?

22 BY MR. TAYLOR:

23 Q While -- during the period of time
24 that you were there from '81 to '86.

1 A You're asking me what now?

2 Q What, if any, information were you
3 aware of concerning either Whitlock or Steidl
4 concerning any alleged criminal activity prior to
5 this incident?

6 A Well, I don't specifically remember
7 any.

8 Q Okay.

9 A Incidents, if you're talking about
10 hearing something or -- is that what you're referring
11 to?

12 Q I'm referring to whether, as a police
13 officer, you had any information concerning either
14 Whitlock or Steidl concerning any criminal activities
15 prior to July 6th, 1986.

16 MS. EKL: Other than what he's already
17 testified to?

18 MR. TAYLOR: Yes, other than what he's already
19 testified to.

20 THE WITNESS: Well, I think no. I mean, I --
21 no.

22 BY MR. TAYLOR:

23 Q Okay. Now, at the crime scene, did
24 you have any discussion with Parrish as to whether

1 there were any potential suspects either by name or
2 by description?

3 A Not at that particular time that I
4 recall. No.

5 Q Did you have any discussion as to any
6 MO with regard to the crime?

7 A Well, I -- I guess my definition of MO
8 is you have to have something to compare it to to
9 determine whether it was similar to something else.
10 Is that what you're referring to?

11 Q Well, I guess what I'm ask -- what I'm
12 asking you is was there any motive? Did you discuss
13 with Parrish what any potential motive for the crime
14 might be?

15 A At that time it was pretty early in
16 the investigation and we were just trying to gather
17 the crime scene evidence, doing the neighborhood
18 sweeps. And, of course, that's one of the things
19 that you look at during this early stage is potential
20 motives, potential perpetrators, that type thing.

21 Q Was one motive that was under
22 consideration was that it was a potential sex crime?

23 A I don't recall that sex -- I ever
24 heard of a sex crime.

1 Q Was there a potential motive being
2 considered that it was a drug-related offense?

3 A At that time, that was mentioned,
4 because that was the time period when drug activity
5 was starting to elevate.

6 Q Now, as the chief and acting chief,
7 had you been made aware of any investigations that
8 were ongoing in the department into drug dealing and
9 drug activity in Paris?

10 A That particular time frame would have
11 been prior to any directed drug enforcement that the
12 department did, as I recall.

13 Q So you're saying, no, there was no
14 investigations at that time?

15 A No, I'm not saying there was no
16 investigations. We were -- we would -- if you came
17 across something, then you would work it, but as far
18 as having people specifically earmarked to do that
19 type thing, we didn't.

20 Q So, in other words, you didn't have
21 any detectives or officers assigned primarily to
22 investigate drug cases?

23 A Right.

24 Q Did you -- at that time, were you

1 keeping any intelligence information with regard to
2 known or suspected drug dealers and users in the city
3 of Paris?

4 A Me personally?

5 Q The department.

6 A The investigators would, I'm sure, and
7 there's always the potential for some officers to
8 maintain that type of information.

9 Q Now, detectives or investigators, one
10 way that they would cultivate that information would
11 be through informants; is that right?

12 A Yes.

13 Q Did the department have paid
14 informants in 1986 when you took over as chief?

15 A Not that I recall. No.

16 Q When you say --

17 A I mean, if they had been paid, that
18 means that somebody had to turn in an expense sheet
19 to be reimbursed, and I didn't reimburse anybody for
20 that.

21 Q So you were in charge of
22 reimbursement --

23 A Yes.

24 Q -- as the chief?

1 A That would have gone through me since
2 I was in charge of the budget.

3 Q So the confidential informants that
4 you referred to that the detectives would have, they
5 were unpaid informants, as far as you knew?

6 A Well, what's your definition of a
7 confidential informant?

8 Q Well, what's your def --

9 A Is that a secret person? To me, a
10 confidential informant is a person that's secret out
11 here, that nobody knows who it is and you meet him in
12 a dark spot and you make covert phone calls and that
13 type thing.

14 Q Well, I guess --

15 A But somebody that comes up on the
16 street and says, "I think my neighbor's dealing
17 drugs," they're an informant, but they're not a
18 confidential informant.

19 Q Well, I would think a confidential
20 informant would be someone whose identity would be
21 protected by the police department for the
22 information that he or she gave; is that a fair
23 definition?

24 A That would be pretty fair. Yes.

1 Q And, I take it, Parrish and others had
2 some of those?

3 A I presume that they did. Yes.

4 Q But it's your testimony that as far as
5 you knew, they weren't paying those confidential
6 informants. That information was coming not for
7 money, per se, but perhaps for other favors or just
8 out of the civic duty or whatever of an individual?

9 MS. EKL: Objection, form, foundation.

10 THE WITNESS: Yes.

11 BY MR. TAYLOR:

12 Q Now, to your knowledge, was Darrell
13 Herrington ever a confidential informant?

14 A Not to my knowledge.

15 Q You have no knowledge of that?

16 A I have no knowledge of that.

17 Q Deborah Reinbolt, was she ever a
18 confidential informant?

19 A Not to my knowledge.

20 Q And do you have any knowledge as to
21 whether Deborah Reinbolt was an informant for any
22 other agency other than the Paris police department?

23 A No knowledge. No.

24 Q Now, did you have any meetings with

1 Eckerty and Parrish during the first few days after
2 July 6th to discuss the focus of the investigation,
3 what steps should be taken to further the
4 investigation?

5 MR. JOHNSTON: Flint, are you ready to do a
6 new line? It's right around 4:30. If you're ending
7 a line --

8 MR. TAYLOR: Yeah.

9 MR. JOHNSTON: -- we'll finish it. But if
10 you're asking a --

11 MR. TAYLOR: Let me ask a couple more
12 questions and then we'll be done.

13 MR. JOHNSTON: Okay.

14 MR. TAYLOR: I guess it will have to be read
15 back.

16 THE WITNESS: Yeah. Read it back.

17 (WHEREUPON, the Record was read as
18 follows:

19 "Question: Now, did you have any
20 meetings with Eckerty and
21 Parrish during the first few
22 days after July 6th to discuss
23 the focus of the investigation,
24 what steps should be taken to

1 further the investigation?")

2 THE WITNESS: I didn't call any meetings with
3 them. If anything, I would have gone in the back
4 room when they were both there and we would have
5 talked.

6 BY MR. TAYLOR:

7 Q All right. Did you do that?

8 A Not that I recall.

9 Q Would it be fair to say that you were
10 actively involved in the investigation of the Rhoads
11 murders?

12 MS. EKL: Objection, form.

13 THE WITNESS: What do you mean "actively"?

14 BY MR. TAYLOR:

15 Q Well, that you were being informed of
16 the progress of it and, from time to time,
17 participating in the investigation, and also, from
18 time to time, giving direction, if not orders, to
19 people in your department to do specific tasks in the
20 investigation?

21 A I was active in the respect I went
22 along on a couple of wiretaps. As far as specific
23 directions or anything like that, I don't recall that
24 I gave any because it seemed like things were tacking

1 pretty good.

2 Q Are you familiar with a term called a
3 heater case?

4 A No.

5 Q High-profile case, yes?

6 A I don't know. I don't know what it
7 is.

8 Q No. Do you know what a high-profile
9 case --

10 A Oh, yes.

11 Q -- is? And this was perhaps the
12 highest-profile case in the history of Paris,
13 correct?

14 A Absolutely.

15 Q And would you say it's fair to say
16 there was a lot of pressure in Paris to solve the
17 case?

18 A Certainly.

19 Q And the pressure only increased as the
20 days stretched into weeks, into months, that there
21 was no arrest; is that fair to say?

22 A Yes.

23 Q And there's a local newspaper in
24 Paris, is that right?

1 A Yes.

2 Q And there was at that time; is that
3 right?

4 A Yes.

5 Q And I assume that was big news not
6 only in that newspaper but in other regional papers
7 such as Bloomington paper?

8 A I didn't read the outside papers, so
9 I -- I don't know about them.

10 Q But with the Paris paper it was huge
11 news; isn't that right?

12 A Yes.

13 MR. TAYLOR: Okay. We can saw it off right
14 here, Iain, if you have to go.

15 MR. JOHNSTON: Thanks.

16

17 (WHEREUPON, the above-entitled
18 cause was continued to December
19 12, 2008, at 9:30 a.m.)

20

21

22

23

24

1 STATE OF ILLINOIS)
) ss:
2 COUNTY OF C O O K)

3 VOLUME I - PAGES 1 - 268

4 I, CARMELLA T. FAGAN, a Certified
5 Shorthand Reporter and Registered Professional
6 Reporter doing business in the City of Riverside,
7 County of Cook, and State of Illinois, do hereby
8 certify that I reported in computerized shorthand the
9 foregoing proceedings of said deposition as appears
10 from my stenographic notes so taken on the 11th day
11 of December, 2008.

12 I further certify that said deposition
13 was continued to the 12th day of December, 2008, at
14 9:30 a.m.

15 I further certify that the foregoing
16 is a true and correct transcription of my shorthand
17 notes, and contains all of the proceedings had at
18 said deposition.

19 In testimony whereof, I have hereunto
20 set my hand and affixed my notarial seal this _____
21 day of _____, 2009.

22 _____
23 Carmella T. Fagan, C.S.R., R.P.R.

24 My notary expires: