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IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF ILLINOIS  
STATE OF ILLINOIS

GORDON RANDY STEIDL,  
Plaintiff,

-vs- No. 05 CV 2127

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

HERBERT WHITLOCK,  
Plaintiff,

vs. No. 08 CV 2055

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

Defendants

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DEPOSITION OF CHARLES MICHAEL HELTSLEY

September 2nd, 2009

2:00 PM

Deann K. Parkinson: CSR 84-002089  
Area Wide Reporting & Video Conferencing  
301 West White  
Champaign, Illinois 61820  
(800)747-6789

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APPEARANCES IN PERSON:

MR. BRIAN SMITH  
Heyl, Royster, Voelker & Allen  
102 East Main Street  
PO Box 129  
Urbana, IL 61801  
217-344-9295  
Appearing on behalf of Edgar County

MS. ELIZABETH EKL  
James G. Sotos & Associates  
550 East Devon Suite 150  
Itasca, IL 60143  
Appearing for City of Paris, James Parrish, Jack

Eckerty and Gene Ray  
MS. KARA WADE  
Webber & Thies  
202 Lincoln Square  
Urbana, IL 61801  
Appearing for Jeff Marlow and Andre Parker

MS. JAN SUSLER  
Attorney At Law  
People's Law Office  
1180 N. Milwaukee Avenue, 3rd Floor  
Chicago, IL 60622  
Appearing on behalf of Gordon Randy Steidl

MS. SUSANA ORTIZ  
MR. RICHARD KLING  
Chicago Kent College of Law  
565 West Adams St. Ste. 600  
Chicago, IL 60661-3691  
Appearing for Herbert Whitlock  
sortiz@kentlaw.edu  
312-906-5076

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APPEARANCE BY TELEPHONE:

MS. CARRIE HALL  
 Michael Best & Friedrich, LLP  
 Two Prudential Plaza  
 180 North Stetson Avenue Suite 2000  
 Chicago, IL 60601  
 Appearing on behalf of Herbert Whitlock

MS. HEIDI STEINER  
 Johnston Greene  
 542 South Dearborn Street, Suite 1310  
 Chicago, IL 60605  
 Appearing on behalf of Steven Fermon, Diane  
 Carper, Charles Bruggemann, Andre Parker, Kenneth  
 Kaupus, and Jeffrey Marlow

MR. VINCE MANCINI  
 Ekl Williams  
 901 Warrenville Road Suite 175  
 Lisle, IL 60532  
 Appearing for Michael McFatrige

Also Present: Jeff Marlow

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DEPOSITION

The Deposition of CHARLES MICHAEL  
HELTSLEY, a witness of lawful age; produced,  
sworn, and examined upon his corporeal oath, at  
Area Wide Reporting, 301 W. White, Champaign,  
Illinois on September 2nd, 2009, before Deann K.  
Parkinson, CSR, Notary Public in and for the  
County of Champaign and State of Illinois, as a  
witness in a certain suit and matter now pending  
and undetermined in the United States District  
Court for the Central District of Illinois.

CSR License No. 84-002089

1 (Whereupon the deposition began at 2:04 PM.)

2 CHARLES MICHAEL HELTSLEY,

3 the deponent herein, called as a witness, after

4 having been first duly sworn, testified as

5 follows:

6 DIRECT EXAMINATION

7 BY MS. EKL:

8 Q. Would you please state your first and  
9 last name and spell your last name for the court  
10 reporter.

11 A. Charles Heltsley, H-E-L-T-S-L-E-Y.

12 Q. For the record this is the deposition of  
13 Mr. Heltsley being taken in the consolidated  
14 depositions of Steidl versus City of Paris and  
15 Whitlock versus City of Paris, both filed in the  
16 Central District of Illinois. They are being  
17 taken pursuant to, or the deposition is being  
18 taken pursuant to subpoena and all the local rules  
19 in the Central District of Illinois, as well as  
20 the federal rules of civil procedure. Mr.  
21 Heltsley, have you ever given a deposition before?

22 A. Yes.

23 Q. I would just like to remind you that if  
24 at any point in time you don't understand

1 something that I ask you, make sure that you let  
2 me know and I can rephrase it. If you answer the  
3 question, I will assume that you understood it,  
4 okay?

5 A. Yes.

6 Q. If at any point in time during the  
7 course of the deposition you need to take a break,  
8 just let me know that as well, we can certainly  
9 accommodate you. We will probably go for a little  
10 while but I don't expect that your deposition will  
11 be extremely long. So, but feel free to ask for a  
12 break if you need one. Okay?

13 A. Okay.

14 Q. All right. Mr. Heltsley, how are you  
15 currently employed?

16 A. I work for a company, a construction  
17 company called Thompson Thrift. I manage the two  
18 principals that own the company, I manage their  
19 farm and their households.

20 Q. Is this a full-time job?

21 A. Yes.

22 Q. Are you employed in any other capacity  
23 at this time?

24 A. I work part time for several different

1 private investigators.

2 Q. And what are the names of the private  
3 investigative agencies that you work for part  
4 time?

5 A. Bill Clutter Inc. and Jack Smith  
6 Investigations.

7 Q. Approximately how many hours a week do  
8 you work for Bill Clutter Inc.?

9 A. Maybe one, two, three hours a month.

10 Q. About how many hours a week or how many  
11 hours a month do you work for Jack Smith?

12 A. Well, last year I think I worked three  
13 billable hours.

14 Q. Okay. Was there a point in time when  
15 you worked more than two or three hours a month or  
16 Bill Clutter Investigations?

17 A. Yes.

18 Q. And when was that?

19 A. Probably 2005.

20 Q. And were you working on any particular  
21 assignments or investigations in 2005 that caused  
22 you to work for him for more hours per week?

23 A. I'm not sure of the date, but it might  
24 have been, I think it was around 2005, I was



1 retained by Mr. Clutter to help him on a capital  
2 litigation case. It was on a homicide in Edgar  
3 County.

4 Q. What was the name of that case?

5 A. Smeeder was our defendant. It was a  
6 double homicide, and the victim's names escapes me  
7 right now, but I will think of it in a minute  
8 maybe.

9 Q. Okay. Was it possibly -- was it Steidl?

10 A. No.

11 Q. So this is just a similar sounding name?

12 A. This was a homicide that occurred in  
13 2005.

14 Q. Okay. Have you ever worked for Bill  
15 Clutter on the Rhoads murders?

16 A. Yes.

17 Q. And during what time frame did you work  
18 for him on that case?

19 A. Do you mean as a paid employee?

20 Q. Let's start with that.

21 A. I would have to say I would -- I'm  
22 guessing here around 2004 sometime.

23 Q. Approximately how long did you work on  
24 the Rhoads homicide investigation specifically

1 when you were being paid by Mr. Clutter?

2 A. It's been very minimal. I can't really  
3 -- I don't really know. I mean, I don't know how  
4 many hours. I've -- it would be -- I would almost  
5 say that I've spent less than 40 hours total on  
6 the whole case.

7 Q. Other than working for him where you  
8 were getting paid in 2004, was there a time when  
9 you did some work for him that was unpaid in  
10 relation to the Rhoads homicide investigation?

11 A. I don't quite understand your question.  
12 I've consulted with him, if you -- that would  
13 probably be a better word to use.

14 Q. Okay. When was it that you consulted  
15 with him regarding that case?

16 A. I've been talking to Bill Clutter about  
17 the Rhoads homicide since -- just guessing here,  
18 since I think about 2001, 2002. Something like  
19 that.

20 Q. Is there any particular topic that  
21 you've assisted him with when he's consulted with  
22 you?

23 A. No.

24 Q. What are some of the things that you've

1 consulted with him on?

2 A. We've talked, let me put it this way.  
3 He has asked me about information that he has  
4 gotten from various witnesses over the last years.  
5 General questions. Who are these people? Where  
6 do they live? Do you know this person? That  
7 person? Can you locate them for me? They moved  
8 from 101 Main Street, do you know where they've  
9 moved to. That type of thing.

10 Q. During the point in time when you were  
11 consulting with Bill Clutter, were you employed in  
12 any other capacity?

13 A. Yes.

14 Q. And how was that?

15 A. Well, I've had several jobs in the last  
16 ten years. I had a mortgage business at one time.  
17 And I also was a sales manager for a furniture  
18 company. So, I don't, I can't really tell you  
19 when; these conversations have been quite a few.  
20 And I don't know when. He would call me. I would  
21 call him. Things like that.

22 Q. Did he ever consult with you while you  
23 were employed as -- employed for any other type of  
24 law enforcement agency?

1 A. Yes.

2 Q. When was that?

3 A. That may have been around 1990. I  
4 worked, I was an internal security investigator  
5 for the Department of Corrections, State of  
6 Illinois.

7 Q. How long did you hold that job?

8 A. From 1985 to 1994.

9 Q. When was the first time that you  
10 consulted with Bill Clutter? Would it have been  
11 sometime before 1990 or was that the beginning?

12 A. I honestly don't remember. I have no  
13 idea.

14 Q. But we know it was at least in 1990 that  
15 you had -- at least as far back as 1990, correct?

16 MS. HALL: I'm sorry, could you repeat  
17 the question prior to that?

18 (At this point the court reporter read  
19 the requested portion of the record.)

20 MS. HALL: I will object to the form.  
21 Mischaracterizes his prior testimony.

22 MS. SUSLER: Objection. Are you talking  
23 about the Rhoads homicide or about anything?

24 Q. About the Rhoads homicides.

1 MS. WADE: Sorry to interrupt, Heidi,  
2 are you there?

3 MS. STEINER: Yes, I'm here.

4 Q. Let me reask the question. We know that  
5 you at least consulted with Bill Clutter regarding  
6 the Rhoads homicide case as far back as 1990, is  
7 that a fair statement?

8 MS. HALL: Objection to form, misstates  
9 his prior testimony.

10 A. Yes.

11 Q. Do you remember what it was that Mr.  
12 Clutter, or why it was that Mr. Clutter first  
13 called you?

14 MS. SUSLER: Objection, form, foundation.  
15 You can answer.

16 Q. In a deposition you can still answer  
17 questions. They will make objections throughout.

18 A. I wanted to make sure she was through  
19 speaking.

20 MS. SUSLER: Thank you.

21 A. Could you ask me the question again?

22 Q. Sure. Do you know why it was Mr.  
23 Clutter first contacted you about the Rhoads  
24 homicide case?

1 MS. HALL: Objection to form.

2 A. He knew that I was -- had been mentioned  
3 in some reports. And I think that the first time  
4 that we spoke was he had called to confirm, to  
5 tell me who he was, and that he was working on  
6 this case, and had asked me some questions about  
7 some reports that he had read. I don't recall  
8 which reports necessarily. But, I think that's  
9 how we first met.

10 Q. Okay. Let me take you back to the  
11 spring of 1986. Where were you working at that  
12 time?

13 A. I can't remember whether it was '85 or  
14 '86. I worked, prior to the Department of  
15 Corrections, I worked for the Edgar County  
16 sheriff's office.

17 Q. When did you first start working for the  
18 Edgar County sheriff's office?

19 A. August 23rd, 1978.

20 Q. And how long did you work there?

21 A. Until, I think it was the summer of '86.

22 Q. Okay. What was the reason for you  
23 leaving the Edgar County sheriff's office in the  
24 summer of 1986?

1           A.     One of the other deputies and I had  
2 chosen to support a state trooper that had retired  
3 that had run for sheriff, and he lost. So it was  
4 deemed the best possible thing for us to move on  
5 as soon as possible, which we did, both of us.

6           Q.     And that was when you went to work for  
7 the Department of Corrections working in  
8 investigations?

9           A.     Yes.

10          Q.     Okay. And how long did you work there?

11          A.     Until 1994.

12          Q.     Then since '94 you've had you said a  
13 variety of different jobs working for different  
14 companies, and now until that takes up to where  
15 you now work for Thompson Thrift, correct?

16          A.     Right.

17          Q.     Throughout the time period since you  
18 left the Department of Corrections, how long have  
19 you been working on a part-time basis for either  
20 Bill Clutter Investigations or Jack Smith or any  
21 other investigative agency?

22          A.     I think that I received what they call a  
23 PERT card. And I think that was in 2005, I think.

24          Q.     What is a PERT card?

1           A.     It's a professional -- I don't know, it  
2 allows you to -- you have to submit fingerprints  
3 and a background check and it allows you to be an  
4 employee of a security company or a locksmith  
5 company or a private investigation firm.

6           Q.     So basically any work then you would be  
7 doing as a private investigator you would work  
8 under that agency's number, is that how it works?

9           A.     Yes.

10          Q.     Were you employed with the Edgar County  
11 sheriff's office the weekend of July 4th, 1986,  
12 during the time period where Dyke and Karen Rhoads  
13 were murdered?

14          A.     Yes.

15          Q.     And specifically on July 5th of 1986  
16 were you working on that day?

17          A.     That would be a Sunday?

18          Q.     That would be a Saturday leading into  
19 Sunday.

20          A.     Yes.

21          Q.     And do you remember what your hours were  
22 back at that time?

23          A.     They were either 3 to 11 or 6 to 2. I'm  
24 not sure.



1 Q. Would be 3 PM or 3 AM?

2 A. Three PM.

3 Q. So 3 PM to 11 PM?

4 A. Uh-huh.

5 Q. Or --

6 A. Six PM to 2 AM. It varied. I don't  
7 remember.

8 Q. Do you remember when it was that you  
9 first learned about the murders?

10 A. Yes. I lived approximately ten blocks  
11 away to the east, and I had heard fire trucks all  
12 night. And I was -- when I went on the air that  
13 morning I was told to come by the jail first  
14 thing. And I drove by right past the street, and  
15 obviously they had the street still blocked off.  
16 And I saw firemen and police investigators were  
17 still there. I can't tell you who. But, I  
18 remember there were guys there. And I just went  
19 on to the jail and was told by one of the  
20 dispatchers that there had been a fire and now  
21 they think it's a murder.

22 Q. When you said that you were hearing, you  
23 had been hearing sirens throughout the night, do  
24 you remember approximately what time it was that

1 you first started hearing the sirens?

2 A. No. I just know that I heard them.

3 Q. Okay. When you went by in the morning  
4 and saw firefighters and police investigators, I  
5 think you mentioned the street was still blocked  
6 off?

7 A. Yes. I believe I had to make a detour  
8 to get around that, if I remember right.

9 Q. Was it blocked off as far as you could  
10 tell to just cars? Or was it also blocked off to  
11 pedestrians?

12 A. Oh, I don't remember. I don't remember.

13 Q. Okay. Was there any other information  
14 that you learned once you got to the jail other  
15 than the fact there had been a fire and it was  
16 then believed to be a homicide?

17 A. The sheriff was there. Sheriff Jack  
18 Hood. Told me to just go on about my routine and  
19 they didn't need me to help. They didn't need any  
20 traffic control. They didn't need us to be  
21 involved in it.

22 Q. Did you know at that time that the  
23 victims in the case were Dyke and Karen Rhoads?

24 A. No.

1 Q. Did you know who Dyke and Karen Rhoads  
2 were back in July of 1986 prior to the murders?

3 A. No.

4 Q. At any point after that morning were you  
5 at any point later asked to get involved in any  
6 aspect of the investigation?

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

8 Q. Was there a point in time where  
9 something that you had observed the day previously  
10 on July 5th was thought that it could potentially  
11 be relevant to the Rhoads homicide murders? I  
12 don't know if you understand my question.

13 A. No.

14 Q. Okay. When you were working on July 5th  
15 did you have an occasion to see a vehicle with  
16 Florida license plates?

17 A. Yes.

18 Q. And do you recall that that later was  
19 thought to potentially be related or relevant to  
20 the Rhoads homicide investigation?

21 A. Yes.

22 Q. How did that come to your attention that  
23 it might somehow be related?

24 A. I don't remember. I just know that as

1 the case unfolded, as the investigation unfolded,  
2 logs were read, and through routine questioning  
3 someone asked me why I ran that plate.

4 Q. Do you remember as you sit here today do  
5 you have a specific recollection of having run a  
6 Florida license plate back on July 5th of 1986?

7 A. I remember the car, where the car was.  
8 And that's all I remember.

9 Q. What do you remember about the car and  
10 where it was located?

11 A. It was south of the Jasper Street/Main  
12 Street intersection. That's all I can remember.  
13 And it was southbound sitting on the right-hand  
14 side of the street, I believe.

15 Q. What do you recall about the type of  
16 car?

17 A. I couldn't begin to -- I don't have any  
18 idea.

19 Q. As you sit here today do you recall why  
20 it was you ran that plate?

21 A. Yes. In those days if we, as police  
22 officers, and particularly deputy sheriffs, saw  
23 something, a car or an out-of-state vehicle or  
24 someone that they did not know at a strange hour

1 of the night or day we stopped to find out who  
2 they were. That was just a routine that we did.  
3 If you were out in the country, and you saw a  
4 Louisiana pickup truck, you just stopped it at two  
5 o'clock in the morning, see what they were doing  
6 in Edgar County at two AM in the morning. We were  
7 required to practically know everybody in the  
8 county, and if it didn't look right you  
9 investigated it.

10 Q. In this particular case did you  
11 investigate who the occupants were of the car that  
12 had the Florida license plates?

13 A. No.

14 Q. At any later point in time did you ever  
15 find out who the occupants of that car were?

16 A. I've been told who it was, but I don't  
17 recall it. It was nobody I knew. And I don't  
18 know that it was relevant at the time.

19 Q. Who was it that told you the identities  
20 of the occupants of that car?

21 A. I don't recall.

22 Q. Was it someone, do you remember when it  
23 was you learned the identities of the occupants?

24 A. Well, that night I'm sure the dispatcher

1 told me who the plate came back to. But I didn't  
2 care. I mean, it didn't matter to me. I just  
3 wanted it have it on record that there was a  
4 Florida car sitting in the south part of town as a  
5 strange hour of the night.

6 Q. Other than the fact that you didn't  
7 recognize that particular car, was it unusual to  
8 see Florida license plates in general in the Paris  
9 area back in 1986?

10 A. Yes.

11 Q. Did you know any other residents or did  
12 you know of any residents that spent time both in  
13 Paris and in Florida?

14 A. Oh, well, yes. There's a lot of older  
15 people that were what we referred to as snow birds  
16 that went back and forth.

17 Q. Okay. And were there also a number of  
18 people that actually moved to your knowledge from  
19 the Paris area to Florida where they then  
20 maintained a full-time residence around that time  
21 period in 1986-1987?

22 A. No.

23 Q. Did you later learn whether there was  
24 any relevance to what you had observed in terms of

1 that car with the Florida plates in relation to  
2 the Rhoads homicide investigation?

3 A. When you say later --

4 Q. At any point in time, whether it was I  
5 guess that night or later, days later, weeks  
6 later, months later?

7 A. As far as I know there never was any  
8 relevance to that plate.

9 Q. And you were never called to testify at  
10 the trials of either Randy Steidl or Herbert  
11 Whitlock in relation to that license plate,  
12 correct?

13 A. I don't think so, no.

14 Q. Are you familiar with Randy Steidl? Do  
15 you know who he is?

16 A. Yes.

17 Q. When did you first come to know who  
18 Randy Steidl was?

19 A. I had served a number of warrants on  
20 Randy over the years. It would be either criminal  
21 or misdemeanor or felony warrants on him.

22 Q. Do you remember some of the crimes that  
23 he was wanted for?

24 A. One warrant in particular he had had a

1 fight with a girlfriend.

2 Q. Do you remember the name of that  
3 girlfriend?

4 A. I believe it was -- I believe her maiden  
5 name was Hopper.

6 Q. Were you called to serve a warrant some  
7 time after the occurrence that led to that warrant  
8 being issued, or were you present the night that  
9 the incident occurred?

10 A. I believe it was after it had occurred,  
11 it showed up at the jail. And they knew,  
12 everybody knew that I knew Randy and he wouldn't  
13 give me any trouble, so I just went to get him.

14 Q. How was it that you knew Randy before  
15 you went to pick him up on these warrants?

16 A. Well, his brother is Rory Steidl, who is  
17 married to my sister.

18 Q. When did your sister marry Rory Steidl?

19 A. It's been 30 years ago. I can't recall.  
20 I knew Rory when he was a dispatcher at the county  
21 sheriff's department before he was a policeman at  
22 Paris. Just, I mean, we just became acquainted.

23 Q. Through Rory, is that how you met Randy?

24 A. No, not necessarily. I think the first



1 time I ever met Randy was some kind of a  
2 disturbance at one of the local taverns.

3 Q. What do you recall about that occasion?

4 A. I recall that it was determined by  
5 someone that he was going to fight with the city  
6 police, but he wouldn't give the county, anybody  
7 in a brown shirt any problem. So I just opened  
8 the door and he got in and we took him a block  
9 away to the jail.

10 Q. Back, do you remember about what year  
11 this was?

12 A. Oh, gosh, no. Sometime after 1978. But  
13 I don't remember when.

14 Q. And obviously sometime before 1987?

15 A. Yes.

16 Q. As far as you knew did Randy have any  
17 kind of reputation for fighting with the city  
18 police back in the late seventies or early  
19 eighties?

20 MS. SUSLER: Objection, relevant.

21 A. Yes.

22 Q. And what do you base that on? What  
23 information?

24 A. Just rumor.

1 MS. SUSLER: Just show a continuing line  
2 of objection to this line.

3 A. Rumor or just intelligence from sitting  
4 around talking with other cops, that Randy didn't  
5 like the city police officers, but we had a pretty  
6 good relationship with the county. And as long as  
7 you didn't try to get violent with him he would  
8 totally respect you. Wouldn't give you any  
9 problem at all.

10 Q. Did you ever have any conversations with  
11 Randy in which you talked to him about his dislike  
12 for the city police?

13 A. I don't recall.

14 Q. About how many times do you think you  
15 were called to pick up Randy in connection with  
16 some kind of fight? Whether it was at a bar or  
17 with a girlfriend?

18 MS. SUSLER: Objection, relevance.

19 A. I would say four or five times.

20 Q. Would you say based on your experience  
21 and your knowledge of the community that Randy had  
22 a reputation for getting in fights?

23 MS. SUSLER: Objection, relevance.

24 A. Yes.

1 Q. Was there ever an occasion where you  
2 were called out after he had gotten in a fight  
3 with a girlfriend where you actually interviewed  
4 the girlfriend or a wife or some other person that  
5 he had allegedly assaulted?

6 MS. SUSLER: Objection, relevance.

7 A. I don't recall. If there's a report I  
8 might be able to refresh my memory, but I don't  
9 recall.

10 Q. So you can't, as you sit here today, you  
11 don't recall any specific injuries that any of his  
12 alleged victims --

13 MS. SUSLER: Objection relevance.

14 Q. Received, correct?

15 A. No.

16 Q. Are you also familiar with a person by  
17 the name of Herbert Whitlock?

18 A. Yes.

19 Q. And when did you first come to know who  
20 Herbert Whitlock was?

21 A. Well, Herbie would have been on our  
22 radar as a member of the illegal drug community  
23 probably in the early eighties.

24 Q. When you were working for the Edgar

1 County sheriff's office, were you assigned to any  
2 drug task forces?

3 A. Yes.

4 Q. And could you describe what kind of role  
5 you had in terms of investigating or looking into  
6 drug trafficking within the Paris community?

7 A. I was taken off the road patrol and the  
8 sheriff requested that myself and Jim Parrish  
9 devote our total time to trying to determine what  
10 level of drug, how much drugs were in Edgar  
11 County. And who was involved in it.

12 Q. When was this that you were taken off  
13 the road?

14 A. Oh, gosh. I think this would have been  
15 in 1982 or three. I just can't remember.

16 Q. Did you know Jim Parrish back in 1982 or  
17 '83 when you were put on the task force with him?

18 A. Yes.

19 Q. How long had you known Jim Parrish?

20 A. Since I went to work at the county. His  
21 father was the chief deputy.

22 Q. Okay. And did you know Jim Parrish to  
23 be an investigator for the Paris police  
24 department?

1 A. Yes.

2 Q. He was originally a patrol officer?

3 A. Yes.

4 Q. Then became a detective?

5 A. Yes. Went back and forth several times,  
6 I think.

7 Q. What did you and Jim Parrish do, to try  
8 to determine how much drugs were contained within  
9 the Paris community, and who had those drugs?

10 A. We would traditionally, we would wait  
11 for a uniformed officer to catch somebody for DUI  
12 or go to a family disturbance where somebody was  
13 mad at somebody. And we would interview these  
14 people or talk to these people. And see if we  
15 could do them a favor. See if they would do us a  
16 favor as far as, if they were in a minor trouble  
17 we would try to flip them into doing a drug  
18 transaction for us. And that was our -- we were  
19 50 percent intelligence gatherers, and 50 percent  
20 deal makers, I guess would be the best way to put  
21 it.

22 Q. Was there any process or procedure that  
23 you followed for those times when you would try to  
24 flip a witness to turn over information?

1 A. No.

2 Q. Back in 1982 and '83 did you, together  
3 with Mr. Parrish, did you determine how much drugs  
4 and who were in the Paris community and who  
5 possessed those drugs?

6 A. Well, we received a lot of information.  
7 How valid it was, to this day I don't know. But,  
8 we talked to a lot of people. We made several  
9 arrests. And we accumulated a sizeable amount of  
10 cars, cash and prizes in the short time that we  
11 were doing that.

12 Q. Was one of the people that you  
13 determined was selling drugs within the Paris  
14 community Herbert Whitlock?

15 MS. HALL: Objection, relevance.

16 A. Yes.

17 Q. Did you yourself have an occasion to  
18 arrest Herbert Whitlock in connection with the  
19 sale of drugs?

20 A. Yes.

21 Q. And when was the first time that you  
22 arrested Herbert Whitlock?

23 A. I don't remember the dates. I'm sure  
24 it's well documented. We arrested Herbie in

1 connection with selling cocaine to an informant of  
2 ours. Sandra Greathouse.

3 Q. I'm going to go ahead and mark his  
4 Deposition Exhibit No. 1. A document that is  
5 Bates stamped DIP STD, 34720 through 22. Then the  
6 same Bates stamp with the last digits 24 through  
7 26. This is going to be a group exhibit. It's  
8 also Bates stamped DIP, STD, 34780 to 34738  
9 through 47 and 34728 through 34729.

10 (Whereupon, Deposition Exhibit No. 1 was  
11 marked for identification.)

12 Q. If you could take a look at the  
13 documents that we've marked as Exhibit No. 1, see  
14 if you recognize those pages.

15 MS. ORTIZ: Do we not have a copy where  
16 the words are not cut off?

17 Q. This is the best I can do.

18 A. Yes. This appears to be a request for  
19 an eavesdropping device.

20 Q. I think there is several pages to that  
21 document. I don't know if you have the whole  
22 thing. Is it fair to say that the first few pages  
23 of this exhibit relate to a request for an  
24 eavesdrop between Sandra Greathouse and Herbert

1 Whitlock?

2 A. Yes.

3 Q. And then if you could take a look at the  
4 second section, this is all, we will just mark it  
5 as group exhibit 1, could you identify the second  
6 portion? It starts STD 34780.

7 A. Well, this looks like a transcript of a  
8 conversation that I had with Herb.

9 Q. Does the first page appear to be a  
10 supplemental report that you prepared in  
11 connection with an arrest that was made following  
12 that eavesdrop order?

13 A. Yes, it does. It's got my signature. I  
14 don't remember it. But yes.

15 Q. Okay. And the next page is, is that a  
16 transcript of a conversation that you had with  
17 Herbert Whitlock on that same day of April 6th,  
18 1986?

19 A. It would appear that that is correct.

20 Q. Okay. And then finally the last two  
21 pages of that document, is that a search warrant  
22 that you prepared and asked, and that Judge  
23 Pearman signed dated April 5th, 1986, in relation  
24 to the search of some items related to Herbert



1 Whitlock?

2 A. I believe this is a search warrant that  
3 we obtained to search his residence. And I'm not  
4 sure, maybe his car. I'm not sure if that's -- I  
5 think this just pertains to the residence here.

6 Q. Okay. Prior to coming here today did  
7 you have an occasion to review these documents?

8 A. No.

9 Q. Okay. Did you review any documents in  
10 preparation for your deposition here today?

11 A. No. I have no documents.

12 Q. Were you shown any documents by any of  
13 the attorneys that are parties to this case? Or  
14 that are representing parties to this case?

15 A. No.

16 Q. Did you speak with any of the attorneys  
17 in preparation for your deposition here today?

18 A. Yes.

19 Q. And who did you speak to?

20 A. Miss Ortiz.

21 Q. When did you meet with Miss Ortiz about  
22 your deposition?

23 MS. HALL: Objection, assumes facts not  
24 in evidence.

1 MS. ORTIZ: Join.

2 A. I talked to her on the phone this week.

3 Q. Okay. Did you ever meet with her in  
4 person?

5 A. No.

6 Q. Okay. How long did you talk to her on  
7 the phone?

8 A. Approximately 15, 20 minutes.

9 Q. And what did Miss Ortiz tell you would  
10 be the subject of your deposition here today?

11 MS. HALL: Objection, assumes facts not  
12 in evidence.

13 A. She indicated that you would probably  
14 ask me some questions about Herbie's -- I'm sorry,  
15 Herb's arrest. And that was basically it.

16 Q. Okay. Directing you back to this time  
17 period with Sandra Greathouse back in it looks  
18 like March 30th of 1986, do you recall how it was  
19 that Sandra Greathouse surfaced as a witness or  
20 informant in relation to your investigations in  
21 relation to drugs?

22 A. Well, Sandy had been associated with,  
23 living with, engaged to, I'm not sure, to a  
24 fellow, Johnson. I can't remember his last name.

1 And he was a known heroin user from the Marshall  
2 area. And he got into some trouble. And she was  
3 trying to get him out of it. And she agreed to  
4 cooperate with us if we could do something for  
5 this John guy. I don't even remember the whole  
6 details. I don't remember what we alleged we  
7 could do or what we did. I don't. But, I don't  
8 even remember his last name. But, she, somehow or  
9 another we all -- we had cultivated her because we  
10 knew that she was in the culture, so to speak.  
11 And she agreed to try and find us something a  
12 little bit more substantial than ten or 15 dollars  
13 worth of marijuana.

14 Q. When you say "we", who are you referring  
15 to?

16 A. Jim Parrish and I.

17 Q. Do you specifically recall Jim Parrish  
18 working on this particular incident?

19 A. Well, honestly, I thought he was there.  
20 But I can't remember him being -- he might have  
21 been somewhere else at this time. I know myself  
22 and the Illinois State Police technical unit were  
23 involved in it. And I honestly can't remember if  
24 Jim was there or not. I don't remember.

1 Q. If I represent to you that his name is  
2 not contained anywhere within these documents,  
3 would you expect that his name would have been in  
4 here if he had been involved in the investigation  
5 of Herbert Whitlock in relation to the Sandy  
6 Greathouse case?

7 MS. SUSLER: Objection, speculation.

8 A. I don't remember. He could have, I just  
9 don't remember.

10 Q. What do you recall, in terms of the  
11 information that Sandy Greathouse provided you  
12 related to Herbie Whitlock?

13 MS. HALL: Objection, assumes facts not  
14 in evidence.

15 A. I'm not sure. I don't remember what she  
16 told us. I can't -- I just don't remember.

17 Q. If you had a chance to look at your  
18 report, as well as the application for eavesdrop,  
19 do you think that that would refresh your memory  
20 regarding what Sandy Greathouse told you about  
21 Herbert Whitlock?

22 A. It might.

23 Q. Take as much time as you need and look  
24 through that.

1           A.     Well, it would appear from this document  
2           that she had information that Herb had some drugs,  
3           and that she would be willing to buy some.

4           Q.     Specifically directing your attention to  
5           that first page of Exhibit No. 1, paragraph B, it  
6           references a residence in nearby Indiana. Do you  
7           recall anything about what she told you about a  
8           house in Indiana being a place where Herbert  
9           Whitlock could obtain drugs?

10          A.     No.

11          Q.     Do you remember where that house was  
12          specifically located, other than how it's  
13          described within this document?

14          A.     No.

15          Q.     Do you remember what town it was located  
16          in?

17          A.     No.

18          Q.     Do you recall what she told you about  
19          who lived in the house?

20          A.     No, I do not.

21          Q.     What was the purpose of obtaining the  
22          eavesdrop order between Sandra Greathouse and  
23          Herbert Whitlock?

24          A.     We were going to turn Sandy loose. And

1 the location where we thought she would end up at  
2 Herb's house out on the east part of the county  
3 was -- it was very flat, and surveillance would  
4 have been next to impossible. So, in order to  
5 protect her and to make sure that she was not  
6 entrapping Herbie, we thought an overhear would be  
7 probably the smartest thing to do.

8 Q. And one thing I don't think I've asked  
9 you, in the beginning of the deposition I asked  
10 you what your name was, I know you said Charles  
11 Heltsley. This eavesdrop application it says C.  
12 Michael Heltsley. Do you also go by the name Mike  
13 or Michael?

14 A. Mike.

15 Q. So that's -- you are the same Mike  
16 Heltsley that is referenced in this report?

17 A. Right. Nobody knows Charles. Everybody  
18 knows Mike.

19 Q. Just want to make sure we have the right  
20 person.

21 A. Okay.

22 Q. The eavesdrop that was -- there was in  
23 fact an eavesdrop then conducted between Herbert  
24 Whitlock and Sandra Greathouse, correct?

1 A. Yes.

2 Q. And that resulted in Herbert Whitlock  
3 being arrested?

4 A. No. It wasn't the result of the -- the  
5 fact that, I want to make sure I'm wording this  
6 right. That was part of the reason he was  
7 arrested, yes.

8 Q. Okay. What was -- so he was in fact  
9 arrested then shortly after the eavesdrop was  
10 obtained, correct?

11 A. Yes.

12 Q. What was the other reason, or what was  
13 the reason that he was arrested?

14 A. We overheard him taking part of  
15 conversations with he and Sandra that -- let me  
16 back up.

17 Prior to that we had searched Sandy,  
18 given her money that we had recorded the serial  
19 numbers on. And then during the transaction we  
20 hear her indicate she is giving the money to  
21 Herbie. And then they go back to Paris, and we --  
22 I had I think a couple other deputies stop, city  
23 cops or deputies stop Herbie. And he had the  
24 money. We later found the money in his

1 possession.

2 Q. So were you actually able to hear the  
3 conversation as it was taking place between Herbie  
4 and Sandy?

5 A. Most of it, yes.

6 Q. Who else that you can recall was working  
7 that days where they were present during the  
8 eavesdrop?

9 A. I'm just speculating here. I think a  
10 guy named -- a deputy named David Neil was with  
11 me, but I'm not sure. I really don't remember. I  
12 thought Jim Parrish was there, but I don't  
13 remember.

14 Q. Were you present for the actual stop  
15 itself of Herbie's car?

16 A. If I wasn't, I was there shortly after,  
17 yes.

18 Q. Okay. Prior to that stop, what if  
19 anything did you know about any previous arrests  
20 of Herbie Whitlock for drug-related offenses?

21 MS. HALL: Objection, relevance.

22 A. I had not seen anything in writing, but  
23 I had heard that Herb was somehow involved in some  
24 marijuana transactions at the Indianapolis



1 airport.

2 Q. Do you remember where it was that you  
3 learned that information?

4 MS. HALL: Objection again to relevance,  
5 this entire line.

6 A. No, I do not.

7 Q. Had you yourself arrested Herbie  
8 Whitlock for any offense prior to April of 1986?

9 MS. HALL: Objection to relevance.

10 A. I don't recall. I don't think so. But  
11 I don't recall.

12 Q. Based on the information you did have  
13 regarding Herbie Whitlock, and things that you had  
14 heard through your work as a law enforcement  
15 officer, how would you describe Herbie Whitlock's  
16 reputation back in April of 1986?

17 MS. HALL: Objection, relevance.

18 A. Could you ask me that again? I'm not  
19 sure exactly --

20 Q. Sure. Based on your personal knowledge,  
21 as well as information that you learned secondhand  
22 being a law enforcement officer working in  
23 investigations of drug transactions, how would you  
24 describe Herbie Whitlock's reputation back in

1 April of 1986 at the time of this arrest?

2 MS. ORTIZ: Objection, form, as to what?

3 MS. HALL: Objection, form, relevance.

4 A. I would have characterized Herb as being  
5 involved in the local drug scene, but I, at that  
6 time I had really no idea how much he was  
7 involved.

8 Q. Following his arrest did you have an  
9 occasion to then talk to him about information  
10 related to drugs?

11 A. Yes.

12 Q. Okay. And is that, some of that  
13 information, at least summarized in your  
14 supplemental report, which is included in Exhibit  
15 No. 1, as well as in the transcript of your  
16 conversation with him?

17 A. I believe it is.

18 Q. Okay. As you sit here today, what do  
19 you recall about that conversation, if anything?  
20 What stands out in your mind about the  
21 conversation?

22 A. The fact that Herb didn't offer much  
23 resistance. He was caught red handed and was  
24 willing to cooperate. And that he was very much

1 the gentleman. Was contemplating no violent  
2 retribution towards us or anything. It was a -- I  
3 remember most, he was just very honest.

4 Q. Where did your conversation with Herbie  
5 take place back on April 6th of 1986?

6 A. I'm not sure about the date. But I had  
7 a conversation with him I think shortly after the  
8 arrest. And I believe it was at the jail.

9 Q. Do you remember if anyone else was  
10 present, other than you and Herbie?

11 A. No, unless it says something in this  
12 document, I don't recall, no.

13 Q. On the first page of, or on the  
14 supplemental report dated April 6th, 1986, in the  
15 second paragraph it says I asked Herb his age and  
16 if he had slept okay. And he indicated yes. We  
17 first talked about his girlfriend, family and  
18 finances. Do you see that sentence?

19 A. Uh-huh.

20 Q. Do you recall what it was you asked Herb  
21 about his girlfriend, family and finances?

22 A. No.

23 Q. Do you know why you would be asking him  
24 questions about those things?

1 A. Yes.

2 Q. Why was that?

3 A. Normally I would try to establish some  
4 kind of a rapport, find something, a common ground  
5 with anybody that I would interview. And early on  
6 trying to put them as much at ease as we could so  
7 that they would feel more like that they were  
8 there in a no pressure situation, to make a  
9 decision about what was going to happen to them.

10 Q. Later on in the report you state that  
11 you asked him about the biggest cocaine  
12 transaction he could score. Do you recall  
13 anything about that particular part of the  
14 conversation?

15 A. No.

16 Q. Ask you to take a look at that second  
17 paragraph. If you could read that yourself and  
18 see if that refreshes your memory at all about  
19 that particular part of your conversation.

20 A. On the supplemental?

21 Q. Right. Actually I'm sorry, it's the  
22 third paragraph. Where it starts I asked Herb  
23 about the paper.

24 A. Okay.

1 Q. Do you remember anything based on  
2 reading that?

3 A. This is -- I would normally ask a  
4 question like this about everybody to try and --  
5 if you don't ask, you don't -- nobody is going to  
6 come right out and tell you that they can go get a  
7 pound or an ounce or a gram or a truck load. But  
8 you ask for the best that you think you can  
9 possibly get and then see what happens.

10 Q. What is the purpose of doing that?

11 A. Well, if you don't ask you won't get it.

12 Q. But, is the purpose to try to see if you  
13 can get the next bigger supplier of the person who  
14 is supplying whoever it is that you are talking  
15 to?

16 A. Yes.

17 Q. So, is the hope that if you can get him  
18 to get you a bigger score, that perhaps then you  
19 can somehow develop information to arrest the  
20 person who is providing it to him?

21 A. Yes.

22 Q. In this case, what if anything did  
23 Herbie tell you about the most that he could score  
24 in terms of cocaine?

1           A.     Well, according to this it said he could  
2     score a pound.

3           Q.     Did you also talk to him about his  
4     arrest in Indianapolis?

5           A.     I might have. I don't recall.

6           Q.     And as you sit here today you don't have  
7     any independent recollection of that part of the  
8     conversation?

9           A.     Only that he -- he admitted something to  
10    the effect that he had been set up and he had  
11    gotten into some trouble. And I remember that I  
12    didn't want him to think I didn't know everything.  
13    So, I just kind of avoided it.

14          Q.     When you say he had gotten into trouble,  
15    what do you mean by that?

16          A.     That he had either paid a fine or done  
17    some time or something. I don't recall.

18          Q.     So, it was your understanding he got in  
19    trouble with the law in relation to that Indiana  
20    drug offense?

21          A.     Yes.

22          Q.     At least based on this report, is it  
23    fair to say you asked Herbie certain questions  
24    about the house in Indiana that Sandy Greathouse

1 had told you about? If you want to take a look at  
2 the last paragraph of that same report, maybe it  
3 will refresh your memory. Do you recall the  
4 question?

5 (At this point the court reporter read  
6 the requested portion of the record.)

7 MS. ORTIZ: I'm going to object. The  
8 paragraph no where mentions Sandra Greathouse.

9 A. Okay. Your question is what?

10 Q. My question is, did you talk to Herbie  
11 Whitlock about the house in Indiana that Sandy  
12 Greathouse had described to you?

13 A. Yes.

14 Q. But the paragraph in your report, is  
15 that relating to that same house that Sandy  
16 Greathouse had talked to you about?

17 A. I do not remember -- I don't know if I  
18 made it up or if it was just to get -- just to  
19 find out whether Herbie was lying. I don't recall  
20 honestly. I don't remember. There, at the time,  
21 allegedly was a gang over there that sold drugs.  
22 And I don't recall.

23 Q. Okay. So, in your report you reference  
24 a motorcycle gang by the name of Diablos, correct?

1 A. Yes.

2 Q. So, is it your testimony today that you  
3 don't recall if you had specific information of  
4 the Diablo motorcycle gang being involved in this  
5 house, or if you just were throwing that  
6 information out there kind of as a guess?

7 A. I have, yeah, I do not remember, no.

8 Q. Okay. What did you know about the  
9 Diablo motorcycle gang back in 1986 and their  
10 relationship to any drug transactions?

11 A. That they had substantial drug  
12 connections and to stay away from them. Two major  
13 things.

14 Q. Do you recall Herbie Whitlock admitting  
15 to you in fact that this house in Indiana was in  
16 some way connected to the Diablos?

17 A. No, I do not.

18 Q. But that is something that is reflected  
19 in your report, correct?

20 A. Yes.

21 Q. When did you prepare this report in  
22 comparison to when the interview actually took  
23 place?

24 A. It's dated April the 6th, 1986, is all I



1 can tell you. I have no idea.

2 Q. Okay. If the next page, which is the  
3 transcript, is dated also April 6th, 1986, does  
4 that help refresh your memory as perhaps to when  
5 the interview took place in comparison to when the  
6 report was generated?

7 A. No. I do not remember.

8 Q. Okay. If the report says April 6th,  
9 1986, would that be the date that you created the  
10 report?

11 A. Yes.

12 Q. Okay. Is it your belief that this  
13 report would have been at least prepared short in  
14 time after the interview took place?

15 A. Yes. On or about. Yes.

16 Q. And I am assuming this isn't a verbatim  
17 account of everything you said to Herbie and that  
18 he said to you, correct?

19 A. No. It would have been very general.

20 Q. Just a summary?

21 A. Uh-huh.

22 Q. I'm sorry, is that a yes?

23 A. Yes.

24 Q. Is it fair to say that Herbie Whitlock

1 also then provided you with a taped statement?

2 A. Yes.

3 Q. And directing you specifically to those  
4 next, I believe it's ten pages, if you could take  
5 a moment and look over these pages. My next  
6 question is whether or not this transcript  
7 accurately reflects the conversation that you had  
8 with Herbie that was taped to the best of your  
9 knowledge today.

10 A. I can not tell you that this is -- it  
11 appears that this is something that I would have  
12 done. I do not remember doing this.

13 Q. Okay. If the beginning of the  
14 transcript you announce on the tape, I am deputy  
15 Heltsley from Edgar County sheriff's office and  
16 seated directly in front of me in the  
17 interrogation room is Herbert Whitlock Junior, if  
18 it doesn't mention any other persons, would it  
19 have been your practice if someone else had been  
20 present in the room you would have also mentioned  
21 them on the tape?

22 A. Yes.

23 Q. So, based on this transcript, assuming  
24 that it's accurate, is it your belief that it was

1 just a conversation between you and Herbert  
2 Whitlock?

3 A. Yes.

4 Q. Okay. And do you recall during the  
5 course of this taped interview of Herbert  
6 Whitlock, that he admitted to you that he had in  
7 fact sold cocaine and received money in exchange?  
8 That he had provided cocaine and received money in  
9 exchange?

10 MS. HALL: Object to form. Are you  
11 talking about this particular instance or in  
12 general?

13 Q. In general.

14 MS. HALL: Objection to form.

15 A. Without reading this verbatim, I  
16 remember that Herbie told me that the drugs that  
17 he gave Sandy were his.

18 Q. Okay. Do you remember how much he sold  
19 the drugs to Sandy for? How much money she  
20 provided to him for the drugs?

21 A. No, I do not.

22 Q. If the transcript reflects that it was  
23 eleven hundred dollars, does that sound accurate?

24 A. Yes. I'm trying to think if we had over

1 a certain amount constituted a felony. Yeah, I  
2 believe that was correct. Yes.

3 Q. Directing you to page six of that  
4 transcript, and the page numbers are indicated on  
5 the top, specifically the first question that you  
6 ask Randy states, when you and I had a discussion  
7 previous to this, did you, we talked about some of  
8 the things that you have done in the past. You  
9 know you kind of got the reputation somewhat  
10 sometimes of being in the spot where trouble  
11 happens. Do you remember talking to Herbie  
12 Whitlock about his reputation for being in spots  
13 where there's trouble?

14 A. No. You said Randy.

15 Q. I'm sorry, I meant Herbie?

16 A. I assumed that, yes.

17 Q. Let me ask the question again. Do you  
18 recall having that conversation with Herbie about  
19 him having a reputation for being in trouble  
20 spots?

21 A. No.

22 Q. Do you have any reason to doubt the  
23 accuracy of this portion of the transcript?

24 MS. HALL: Objection to form.

1 A. No.

2 Q. In fact, in the course of the  
3 transcript, just further down on page six, Herbie  
4 admitted to you that he had been barred from some  
5 bars, correct? The second question that you ask  
6 him on page six, where it says, can I ask you a  
7 question, Herb. Had you been banned from some of  
8 the bars up here? Barred from some places?  
9 Answer yes. Do you see that portion of the  
10 transcript?

11 A. It's the second question?

12 Q. Right.

13 A. Oh, yes. I see that.

14 Q. Okay. What do you recall about any  
15 information you had about Herbie being barred from  
16 any places back in 1986?

17 A. Just, this is the first I've heard. I  
18 don't remember. I honestly do not remember Herb  
19 being banned from any bars.

20 Q. The next question you ask Herb is, well,  
21 that's, I mean mainly, but if I asked you, you and  
22 I have talked quite a bit, you know, about dope.  
23 Do you remember talking to him off of the tape  
24 about different dope transactions or anything

1 about dope?

2 A. No.

3 Q. And when you reference dope in the  
4 transcript, are you referring to marijuana?

5 A. I don't know.

6 Q. Could that have been a term you used  
7 generally in relation to drugs other than just  
8 marijuana?

9 A. In those days dope was what I referred  
10 to as marijuana. Anything else I would  
11 specifically, if it was coke or heroin, but  
12 usually when I used the word dope I meant  
13 marijuana.

14 Q. Down at the bottom of page six you ask  
15 Herbie some questions and refer to some friends of  
16 his that says you've got some pretty high up  
17 friends. This is the last question of that page.  
18 If you could take a minute and read through that  
19 question. My question is, what you were referring  
20 to as some friends that were pretty high up?

21 MS. ORTIZ: Do you need to read it?

22 A. I read it. What is your question.

23 Q. What were you referring to when you talk  
24 about some pretty high up friends?

1 A. I have no idea.

2 Q. Reading this paragraph doesn't refresh  
3 your recollection?

4 A. No. I can't recall a name or anything  
5 specifically.

6 Q. You go on to say in that same paragraph,  
7 it's like I say, I talked about earlier, if I came  
8 to you with say 50 or 100 thousand, I mean I'm not  
9 saying that you could get me a couple of keys real  
10 quick, but you probably got the connects to where  
11 we could do that, don't you? Do you see where you  
12 are recorded as saying that? What were you  
13 referring to during that part of the question?

14 A. I was referring to cocaine.

15 Q. So are you basically asking Herbie that  
16 if you came up with 50 or 100 thousand dollars you  
17 were asking him whether or not he could come up  
18 with a couple of kilos of cocaine, is that  
19 accurate?

20 A. Yes.

21 Q. Was that considered a pretty large  
22 amount of cocaine back in those days?

23 A. That would have been huge in those days  
24 in Edgar County.

1 Q. Going to page seven, is it fair to say  
2 that Herbie's response to that was, ah, in all  
3 honestly, possibly; possibly. I couldn't say for  
4 a fact that I could. I do know a few years ago I  
5 did people some pretty big things. I wasn't  
6 involved, I just -- and then you went on to say  
7 well, we don't want to mention any names or  
8 anything like that.

9 Do you see that portion of the  
10 transcript?

11 A. Yes.

12 Q. Do you remember why it was that you  
13 didn't want Herbie to mention any names?

14 A. Typically I would not have wanted  
15 someone I was interviewing to -- I would have  
16 wanted to ease him into it. I would not want him  
17 just spilling the beans right off the bat and then  
18 being remorseful about it. I wanted him to think  
19 that I cared about him getting himself into  
20 trouble. And that if he really wanted to go  
21 there, then that's fine. That would have been my  
22 typical tactic with someone like Herb.

23 Q. When Herbie talked about I did people  
24 some pretty big things, do you recall whether at



1 any point in time when you weren't at the table  
2 you talked to him about what those things were  
3 that he was referring to?

4 MS. HALL: Objection, assumes facts not  
5 in evidence.

6 A. No, ma'am. I do not.

7 Q. Okay. Do you remember anything else  
8 about that statement that Herb made to you, I did  
9 people some pretty big things; anything about  
10 that?

11 MS. HALL: Objection, assumes facts not  
12 in evidence.

13 A. No, ma'am.

14 Q. If I could direct your attention to the  
15 search warrant at the end of that exhibit. Is it  
16 accurate this is a search warrant that you applied  
17 for, correct?

18 A. I don't know. It has my name on there,  
19 but Jim or I, either one could have done it. I  
20 don't know.

21 Q. One of the items that is requested  
22 within the search warrant is a letter addressed to  
23 Carol Arbuckle to be searched. Do you see that on  
24 that page?

1 A. Yes.

2 Q. Do you remember who Carol Arbuckle is?

3 A. Yes.

4 Q. Who is Carol Arbuckle?

5 A. She was one of Herbie's girlfriends.

6 Q. Do you recall what the significance was  
7 of this letter that was sought within the search  
8 warrant that was addressed to Carol Arbuckle?

9 A. No, I do not.

10 Q. Did Carol Arbuckle ever provide you any  
11 information regarding Herbie Whitlock's drug use?

12 A. I don't recall. I don't think so. I  
13 don't recall.

14 Q. Did you ever arrest Carol Arbuckle for  
15 her own drug use?

16 A. I don't recall. I don't recall. I  
17 don't think so.

18 Q. What is your current relationship to  
19 Bill Clutter in terms of any work that you are  
20 doing for him?

21 A. He will call me from time to time and  
22 ask me to locate someone. Or I've served -- just  
23 last week I served some papers that a local lawyer  
24 wanted served. And they called Bill's office and

1 he called, said could you run down there, pick  
2 those up and serve them for me. It was subpoenas  
3 for a deposition for a civil case in Robinson.

4 Q. When is the last time that you did any  
5 work for Bill Clutter in relation to either Randy  
6 Steidl or Herbert Whitlock?

7 A. It's hard to say. We've had so many  
8 conversations, I don't know whether I was working  
9 for him or if he asked me something and I told  
10 him. I mean, I haven't been paid for anything, if  
11 you want to put it that way.

12 Q. Well, there have been times when he has  
13 asked you to interview certain witnesses for him,  
14 correct?

15 A. Yes.

16 Q. And when you interview witnesses in  
17 relation to the Rhoads homicides, were you paid  
18 for that?

19 A. Sometimes.

20 Q. Which, what interviews do you recall  
21 conducting in relation to the Rhoads homicides?

22 A. The last one that I recall -- he was an  
23 Edward Jones stockbroker in Robinson. And I can't  
24 remember his name. And I remember taking a

1 student along with me from the University of  
2 Illinois Springfield in interviewing this guy. I  
3 just can't remember his name. I know his  
4 brother's Scott. He is a car salesman. I just  
5 can't remember the guy's name.

6 Q. Do you remember what if any relationship  
7 this person had to the Rhoads homicides?

8 A. He was a party, he partied with Dyke and  
9 allegedly smoked marijuana with Dyke. And grew up  
10 with Dyke.

11 Q. I'll show you what I will mark as  
12 Deposition Exhibit No. 2, which is Bates stamped  
13 DIP STD 28163. One page.

14 (Whereupon, Deposition Exhibit No. 2 was  
15 marked for identification.)

16 Q. Do you recognize that document?

17 A. Yes.

18 Q. What do you recognize that to be?

19 A. I recognize Steve Tracy as the  
20 individual that I talked to.

21 Q. Okay. And is this an e-mail that you  
22 sent to Bill Clutter relating information that you  
23 received from Steve Tracy during the course of  
24 that interview?

1           A.     I'm sorry, I was concentrating. Ask  
2     that again.

3           Q.     Sure. Is this an e-mail that summarizes  
4     or memorializes your interview of Steve Tracy that  
5     was sent to Bill Clutter?

6           A.     Let me read it.

7           Q.     Sure.

8           A.     Okay. I've read it. Now what was your  
9     question?

10          Q.     Is this an e-mail that you sent to Bill  
11     Clutter memorializing your telephone conversation  
12     with Steve Tracy?

13          A.     Yes.

14          Q.     The e-mail references that you had a  
15     telephone conversation with him. Do you know if  
16     you ever followed up and spoke to Steve Tracy in  
17     person?

18          A.     Yes.

19          Q.     Did you memorialize that conversation in  
20     writing anywhere either in a memorandum or an  
21     e-mail or any other written form?

22          A.     No.

23          Q.     During the course of any interviews that  
24     you conducted in relation to the Dyke and Karen

1 Rhoads homicides, did you prepare any kind of  
2 memorandums of interview?

3 A. Now ask me that question one more time?

4 Q. Sure. In connection with any interviews  
5 that you conducted in relating to the murders, did  
6 you prepare any memorandums of interview?

7 A. Yes.

8 Q. And do you recall approximately how many  
9 of those that you prepared?

10 A. No.

11 Q. Do you still have in your possession any  
12 of the memorandums of interviews that you prepared  
13 in relation to that investigation?

14 A. I -- no.

15 Q. Who if anyone did you give those to?

16 A. Ask me that question again. I want to  
17 make sure I give you the right answer.

18 Q. Sure. Who if anyone did you give your  
19 memorandums of interviews to, whether it was the  
20 original or a copy?

21 A. Pertaining to the Dyke and Karen Rhoads  
22 murders?

23 Q. Right.

24 A. Bill Clutter would have been the only

1 person that I've ever given a written memorandum  
2 to that I can remember.

3 Q. And were there other times like the  
4 interview of Steve Tracy where you conveyed  
5 information to Bill Clutter via e-mail instead of  
6 memorandum of interview?

7 A. Yes.

8 Q. Were there other times other than this  
9 particular interview where you sent Bill Clutter  
10 e-mails?

11 A. Yes.

12 Q. Approximately how many times do you  
13 think that you sent Bill Clutter e-mails relating  
14 information learned in the course of an interview  
15 relating to Dyke and Karen Rhoads?

16 A. Possibly a dozen.

17 Q. Okay. Did you maintain or do you still  
18 have a copy of any of those e-mails?

19 A. No, I'm sure I don't.

20 Q. Were there also times when you would  
21 just convey information to Bill Clutter orally  
22 where you wouldn't put it in writing in terms of  
23 what you had learned in the course of an interview  
24 regarding Dyke and Karen Rhoads?

1 A. Yes.

2 Q. How would you determine on what  
3 occasions you would prepare a memorandum of  
4 interview versus write an e-mail versus just tell  
5 him orally?

6 A. Well, some things I would want to remain  
7 very confidential. And those things, those  
8 statements and that information, we would share  
9 with each other as -- it would be an ongoing  
10 investigation, so we would share that with each  
11 other. I wouldn't necessarily write it down.

12 Q. Do you know who if anyone Bill Clutter  
13 was working for at the time when you were  
14 conducting these interviews?

15 MS. ORTIZ: Objection, foundation.

16 A. Well, I don't know for sure. No.

17 Q. Did Bill Clutter ever tell you that he  
18 was working on behalf of an attorney representing  
19 either Randy Steidl or Herbert Whitlock during the  
20 time period where you were assisting him in  
21 investigations of the Dyke and Karen Rhoads  
22 homicides?

23 MS. SUSLER: Objection to form. Assumes  
24 facts not in evidence.



1           (At this point the court reporter read  
2 the requested portion of the record.)

3           A.     I don't -- I don't know if he ever told  
4 me.  No, I do not know.

5           Q.     What was it about the information that  
6 you said was confidential that you didn't want to  
7 memorialize?  What was the confidential  
8 information that you didn't want to memorialize at  
9 the time?

10          A.     I can't specifically tell you what that  
11 was.  I don't know.

12          Q.     Is there anything that would refresh  
13 your recollection?

14          A.     Probably talking face to face with Bill  
15 Clutter might.  But, that --

16          Q.     Sorry can't get -- make that happen  
17 today.  Anything else that you can think of?

18          A.     No.

19          Q.     I'm going to show you what I will mark  
20 as Exhibit No. 3, which is a document entitled  
21 memorandum of interview Bates stamp ENSDT 47.  One  
22 page document.

23                   (Whereupon, Deposition Exhibit No. 3 was  
24 marked for identification.)

1 BY MS. EKL:

2 Q. If you could take a look at Exhibit No.

3 3. Do you recognize this document?

4 A. Okay. I have read it.

5 Q. Do you recognize the document itself?

6 A. No, I do not.

7 Q. Did you know or have you met a student  
8 by the name of Erica Nichols? Does that name ring  
9 a bell?

10 A. Erica? No.

11 Q. Do you remember conducting an interview  
12 of Ferlin Lester Wells?

13 A. Yes.

14 Q. What do you recall about an interview  
15 that you conducted with Ferlin Lester Wells?

16 A. Well, I remember it took me forever to  
17 find him. And he -- it took him a few minutes to  
18 remember who I was. And what my -- that I wasn't  
19 state police. That I wasn't a parole agent. And  
20 that I had been with the sheriff's department.  
21 And I remember he got agitated because I caught a  
22 case on him when he was in the corrections, when  
23 he was -- he was putting lights in people's tennis  
24 shoes for a fee so when you walk around your shoes

1 would light up. And I took his light making  
2 apparatus and his income away, and he was still  
3 mad at me over that. But, I don't -- I don't  
4 remember, I remember that he didn't give us much  
5 on that interview. Yes.

6 Q. Specifically do you remember that that  
7 interview took place on or about March 6th of  
8 2005?

9 A. No. I don't remember when it was. It's  
10 been a while back.

11 Q. Do you remember meeting up with him in  
12 the Wal-Mart parking lot?

13 A. I don't know whether it was Wal-Mart or  
14 K-Mart. It was one of those.

15 Q. Do you recall anyone being present with  
16 you and Ferlin at the time?

17 A. I think my wife was in the car with me.

18 Q. You've now had a chance to read through  
19 this two paragraph memorandum of interview,  
20 correct?

21 A. Yes.

22 Q. Does this memorandum of interview  
23 accurately summarize the interview that you recall  
24 having with Ferlin Lester Wells?

1 MS. HALL: Objection to form.

2 A. I don't remember. I remember very  
3 little about what Lester Wells told me. I  
4 remember having a hard time finding him. I  
5 remember he didn't have much significant to say.  
6 And that he was antagonistic toward me. And the  
7 interview didn't last very long. And that's all I  
8 recall.

9 Q. Do you recall that he was a witness who  
10 testified in the case against Randy Steidl?

11 A. I remembered Lester being a jail house  
12 snitch and being involved in this somehow or  
13 another. But I don't remember all the details.

14 Q. Do you remember him telling you that  
15 they, being the police officers, didn't offer him  
16 anything for what he testified to?

17 A. No. I don't remember that.

18 Q. Okay. Do you remember him telling you  
19 that McFatridge made it clear that he wouldn't get  
20 any consideration for what he testified to?

21 A. No.

22 Q. Do you remember him telling you that  
23 Randy's comments blew his mind?

24 A. No.

1 Q. Do you remember him expressing his  
2 belief to you that Randy Steidl was guilty as  
3 quote, "hell"?

4 A. No, I don't.

5 Q. Do you remember him telling you that he  
6 didn't get any break for his testimony?

7 A. No.

8 Q. Do you remember him telling you anything  
9 in the contrary of that? Meaning did he tell you  
10 that he did get consideration or a break for his  
11 testimony?

12 A. No.

13 Q. Do you also remember being involved in  
14 interviewing some witnesses in relation to the  
15 fire scene itself regarding Dyke and Karen Rhoads?

16 A. If you are referring to Steve Wurth?  
17 W-U-R-T-H? I tried to.

18 Q. Do you remember if you ever actually did  
19 conduct an interview of Steve Wurth?

20 A. No, I did not, that I recall.

21 Q. Did you interview any other fire  
22 fighters?

23 A. I was a fire and police commissioner.  
24 And I was in and out of the fire house at that

1 time for a couple years on a weekly basis. And I  
2 don't remember if I ever talked to any of those  
3 firemen on a casual basis or an official basis. I  
4 just don't recall.

5 Q. And my question specifically, did you  
6 ever talk to them about the investigation that was  
7 conducted related to the Rhoads homicides?

8 MS. ORTIZ: Objection foundation. Can we  
9 get some sort of a time frame here?

10 Q. My question is, did he ever, I can't ask  
11 the foundational question until I know whether he  
12 did ask it, and my next question will be when. I  
13 don't know the answer.

14 A. I don't recall. Honestly do not recall.

15 Q. All right. At any point in time have  
16 you ever interviewed any law enforcement officers  
17 in relation to the Rhoads homicide investigation?

18 A. Well, I've talked to some. I wouldn't  
19 say it was a formal interview.

20 Q. But, in your capacity as working for  
21 Bill Clutter did you ever interview any law  
22 enforcement officers in relation to the  
23 investigation of the Rhoads homicide?

24 A. I don't remember. I don't think so.

1 Q. Okay.

2 A. Do you think I could use the restroom?

3 Q. Absolutely.

4 (A break was taken, and the deposition  
5 continued as follows:)

6 BY MS. EKL:

7 Q. Mr. Heltsley, back in 1986 in the very  
8 beginning of 1987, did you know a person by the  
9 name of Phil Stark?

10 A. Yes.

11 Q. How is it that you knew Phil Stark?

12 A. Well, Phil was a Citizens Bank loan  
13 officer. And a part-time dispatcher at the county  
14 jail. Worked as a city police officer at Chrisman  
15 part-time. And later I believe he worked as a  
16 patrol officer at Edgar County part-time.

17 Q. Did there come a time when you had a  
18 conversation with him in relation to his  
19 involvement with a 14 year old girl who lived  
20 across the street from the Rhoads homicide or the  
21 Rhoads house?

22 A. Yes.

23 Q. When did that conversation take place?

24 A. It was around the time of the murders,

1       sometime after the murders. I don't know. A  
2       month. A year. I don't remember.

3           Q.     Do you remember how it was that you  
4       started up that conversation with Mr. Stark,  
5       whether he approached you or you approached him?

6           A.     Yes. I remember it well. He approached  
7       me and wanted to know if I knew who Eckerty and  
8       Parrish were talking to. And he seemed to think  
9       that I had an inside line on how the investigation  
10      was going. And I literally knew nothing  
11      whatsoever about the investigation.

12          Q.     Did you go on to have a conversation  
13      with him about any information that he had or that  
14      he might have regarding the Rhoads homicides?

15          A.     Yes.

16          Q.     At any point in time did he ever admit  
17      to you that he committed the murders?

18          A.     Well, yes and no.

19          Q.     He admitted to you that he committed the  
20      Rhoads homicides?

21          A.     He told me that he had dreams that he  
22      had committed it. And that he wasn't sure what he  
23      had done.

24          Q.     He never specifically told you that he



1 recalled having committed the murders though,  
2 correct?

3 A. No. That's correct.

4 Q. When you received that information, did  
5 you try to develop any other evidence to determine  
6 whether or not he had in fact been involved in the  
7 Rhoads homicides?

8 A. I took that information immediately to  
9 Jack Eckerty. If I remember correctly it was Jack  
10 or Jim. And I believe it was Jack.

11 Q. But did you yourself do anything further  
12 other than relaying the information to try to  
13 develop any evidence?

14 A. I'm sure I questioned him. And tried to  
15 get -- I mean, if somebody is willing to talk  
16 about something you might as well sit there and  
17 ask the questions.

18 Q. Okay. At any point in time did you ever  
19 develop any evidence that Phil Stark, any actual  
20 evidence, that Phil Stark committed those murders?

21 MS. HALL: Objection to form.

22 MS. SUSLER: Same objection.

23 A. No. I don't think so.

24 Q. At any point in time have you ever

1 talked to Randy Steidl since his arrest in  
2 February of 1987?

3 A. Yes.

4 Q. Starting with during the period of time  
5 when he was incarcerated, did you ever talk to him  
6 while he was incarcerated?

7 A. I informed the director, which was our  
8 protocol, that I had a relative, a quasi relative,  
9 obtain an audience with the director, Howard  
10 Peters, and explained to him that Randy Steidl was  
11 married to my sister's husband. And Director  
12 Peters, he said I know about that case. I know  
13 your involvement. He said let's just--you just  
14 not go to Death Row unless you get specific orders  
15 from me. And that way there will be no--if Randy  
16 escapes tomorrow there will be no--there can be  
17 absolutely no way that you could have been  
18 involved in it. And that was our agreement.

19 And then he and I saw Randy--knew where  
20 Randy was going to be in a hallway, and I spoke to  
21 Randy and said hi, how you doing. And we had some  
22 personal conversation about the family. And then  
23 Director Peters explained to Randy why I wasn't  
24 going to be allowed to interact with him on a

1 personal basis. And that was the last time I saw  
2 Randy until he walked out of Danville.

3 Q. And obviously when you're talking about  
4 these conversations, or the conversation with  
5 Randy and your role, it was in connection with  
6 your employment with the Illinois Department of  
7 Corrections, correct?

8 A. Right.

9 Q. Okay.

10 A. We would have to investigate homicides  
11 on Death Row, and if Randy turned up with a gun, I  
12 would have been a prime suspect. So, that way we  
13 would not, if I wasn't there, then there wouldn't  
14 be any question as to any validity as to who did  
15 what or said what or that kind of thing.

16 Q. Since Randy's release from prison, have  
17 you been in contact with him?

18 A. Oh, yes. We have Thanksgiving dinners  
19 at Rory's house, and I see him, oh, four or five  
20 times a year at family get-togethers. He gets  
21 invited.

22 Q. Okay. How would you describe him today?

23 A. He is 180 degrees opposite of what he  
24 was 20 years ago.

1 Q. So I guess I should ask you, how is he  
2 20 years ago, in comparison to how he is now?

3 MS. SUSLER: Objection, asked and  
4 answered.

5 A. He's --

6 MS. SUSLER: I will withdraw that.

7 A. He's -- Randy is a lot smarter than he  
8 was 20 years ago. And is very, very careful about  
9 what he says. And he shows a very compassionate  
10 side to family members or people that he meets,  
11 and he no longer has this cockiness about him that  
12 he used to have. I mean, that's the best way I  
13 can describe it.

14 Q. Since Herbert Whitlock's arrest in  
15 February of 1987, did you ever see him while he  
16 was incarcerated?

17 A. Yes.

18 Q. And on what occasion or what was the  
19 time frame when you saw Herbert Whitlock  
20 incarcerated?

21 A. I don't remember. I believe I saw  
22 Herbie in a hallway in Stateville at one time. He  
23 wasn't on Death Row so he was walking around. And  
24 I remember saying hi to him. That would -- I

1 think maybe one time is the only time I saw him  
2 personally. Had personal contact with him.

3 Q. Have you ever heard any allegations by  
4 Herbie that you threatened him while he was in  
5 prison?

6 A. I seem to recall him being upset with me  
7 because I wouldn't do things for him. And I don't  
8 remember what it was. Yeah, I may have, early on  
9 I think he thought I was an agent for McFatridge  
10 that was there to do him in. I have no idea.

11 Q. What leads you to believe that he  
12 thought you were an agent for McFatridge that was  
13 out to do him in?

14 A. I just remember that, that that was --  
15 that he thought that I was sent for McFatridge. I  
16 don't remember why. It stuck in my mind that that  
17 was his recollection.

18 Q. When you said you thought that he was  
19 mad at you for not doing things for him, did he  
20 ever make requests to you to help him out?

21 A. Well, Herb -- at the time of Herbie's  
22 incarceration and arrest and conviction, up  
23 through about 1993, I was living with a lady. Her  
24 and I, we weren't married, but we lived together

1 for a number of years, who went to high school  
2 with Herb and knew Herb. And he would send her  
3 all kinds of correspondence. Letters and boxes of  
4 what I refer to and told her was helter skelter.  
5 I couldn't understand any of it. And there would  
6 be pages and pages that he had highlighted on  
7 transcripts or court--and I, to this day, do not  
8 know why he would send those to me or what--it  
9 wouldn't necessarily come to me. It might have  
10 been coming to her hoping that she would say  
11 something to me. I don't know.

12 Q. What was the name of the girlfriend  
13 that?

14 A. Her name was Adonna Bennett.

15 Q. Do you know where Adonna Bennett is  
16 today?

17 A. Well, she's probably working at Lerner's  
18 in Terre Haute right today at a department store,  
19 but she lives in the east side of Paris.

20 Q. And it's A-D?

21 A. A-D-O-N-N-A.

22 Q. And do you know what her address is?

23 A. Oh, it was **REDACTED**

24

1 Q. When is the last time that you've talked  
2 to Adonna?

3 A. Oh, a couple of weeks ago my wife and I  
4 were in her store buying some clothes. Yeah, I  
5 think that was when it was.

6 Q. Do you know if she saved any of those  
7 letters or anything, any of the correspondence  
8 that Herbie sent her?

9 A. I don't know, but I would about imagine  
10 she did.

11 Q. Is there any other time that you can  
12 recall Herbie either sending something to you  
13 indirectly or sending something to you directly  
14 from prison?

15 A. I know that he sent me some things. I  
16 can't recall when or what happened to them.

17 Q. So you don't recall, you don't still  
18 have in your possession as far as you know any of  
19 those things, or do you?

20 A. No. Adonna kept all that stuff in a  
21 huge box in the basement. And she may still have  
22 them or she may have pitched them. I don't know.

23 Q. I think I'm done. I don't have anything  
24 further.

1 MR. SMITH: No questions at this time.

2 EXAMINATION BY

3 MS. WADE:

4 Q. I just have a few. Mr. Heltsley, I  
5 introduced myself to you earlier, I'm Kara Wade, I  
6 represent a couple of the Illinois State Police  
7 officials in these matters, Andre Parker and Jeff  
8 Marlow.

9 Have you ever met Jeff Marlow before?

10 A. Yes.

11 Q. How many times have you spoken with Mr.  
12 Marlow?

13 A. I couldn't tell you how many times.  
14 Over the years when he was working patrol I  
15 believe he stopped me for speeding the first time  
16 I think I ever met him. And I can't--several  
17 times, let's say.

18 Q. Specifically how many times have you  
19 spoken with him, if at all, about the Rhoads case?

20 A. Once in person, and maybe twice over the  
21 phone, I think.

22 Q. And during these discussions with Jeff,  
23 do you recall what you talked about?

24 A. Well, it was a lot of conversations.



1 Q. When you say a lot, you mean during the  
2 three conversations that you recall, do you  
3 remember what -- the substance of the  
4 conversations?

5 A. Vaguely, yes.

6 Q. And what did you guys talk about?

7 MS. SUSLER: Objection, foundation.

8 A. Well, we had several conversations about  
9 Herbie and Randy and Bob Morgan. And different  
10 suspects in the Rhoads murders. I mean, it would  
11 have been a general conversation that would have  
12 lasted quite a while.

13 Q. Can you give me an estimate about how  
14 long each conversation lasted?

15 A. Well, the phone conversations would have  
16 maybe been 15, 20 minutes. And he came out to the  
17 farm and I believe he was out there for at least  
18 two hours.

19 Q. When you say out to the farm, do you  
20 mean your residence?

21 A. Out where I work.

22 Q. Out where you work?

23 A. Yeah.

24 Q. Okay. Do you remember when he came and

1 interviewed you in person or spoke to you in  
2 person?

3 A. All I remember was, it was summer  
4 because I had my shorts on. It was a warm day.

5 Q. Could it have maybe been September,  
6 early September of 2008?

7 A. Quite possibly.

8 (Whereupon, Deposition Exhibit No. 4 was  
9 marked for identification.)

10 BY MS. WADE:

11 Q. Before looking at that, whenever Mr.  
12 Marlow came and spoke to you, do you recall him  
13 asking you information about the license plate  
14 that you looked up around the time of the murders?

15 A. Uh-huh. Yes, ma'am.

16 Q. Okay. If you go ahead and look at  
17 Exhibit 4. For those of you on the phone it's got  
18 two Bates stamps. ISP 29821, then also the zone 5  
19 file 003187.

20 Now that you've had a chance to review  
21 it, turning your attention to the very last  
22 paragraph on the page, does that accurately  
23 summarize what Mr. Marlow spoke with you about on  
24 September 3, 2008?

1           A.     I don't recall our conversation that --  
2     I mean, we talked about so many things.  I can't  
3     sit here and say that I said that.  But I am -- I  
4     could have said that, yes.

5           Q.     I think earlier you testified that you  
6     never found out who the vehicle belonged to.

7           A.     I'm sure that there was a name came back  
8     eventually.  I don't remember who it was.

9           Q.     Do you recall ever seeing the  
10    individuals that were in the car that the car  
11    belonged to?

12          A.     No.  I don't recall.

13          Q.     The phone conversations that you had  
14    with Mr. Marlow, do you recall if they took place  
15    before or after he came and saw you in person?

16          A.     I think I talked to him once before and  
17    once after, I think.

18          Q.     During the phone call before, was the  
19    call, did he call you to set up the meeting?  The  
20    interview?

21          A.     We were -- he said well, I think we just  
22    kind of left it open.  He said one of these days I  
23    will drop by, and he just did.  He was in the  
24    area.  He didn't want to be there, and I think he

1 said he'll be there at 2:15 on such and such a  
2 date.

3 Q. During those phone calls was it Mr.  
4 Marlow who contacted you or did you contact him?

5 A. He contacted me two or three times and I  
6 left a phone message with him once. This would  
7 have been a while back.

8 Q. Do you recall when you left the phone  
9 message?

10 A. Oh, it's been two or three months ago.

11 Q. And what was the message? What did it  
12 pertain to?

13 A. It pertained to some visitors that  
14 Herbie or that Ernie Board had, I thought it was  
15 just interesting, just cop-to-cop stuff I thought  
16 I needed to tell him that he might be interested  
17 in knowing.

18 Q. When you say cop-to-cop, whenever Mr.  
19 Marlow came to interview you, did he make it clear  
20 that he was there to talk to you about the case or  
21 did you feel like it was more cop-to-cop?

22 A. Both. He indicated to me that he was  
23 there, he was doing an investigation. And I am  
24 professional enough and been around long enough to

1 know that what I told him was probably going to  
2 end up on a piece of paper.

3 Q. Was Mr. Marlow polite to you when he met  
4 you?

5 A. Well, certainly.

6 Q. And did he force you or pressure you  
7 into saying anything?

8 A. Well, absolutely not. Or I would have  
9 thrown him out.

10 Q. That's all the questions I have. Thank  
11 you.

12 MR. SMITH: I don't have anything.

13 MS. SUSLER: I just have one question  
14 regarding what Miss Wade was asking you.

15 FURTHER EXAMINATION

16 BY MS. SUSLER:

17 Q. The report that she has marked as  
18 Exhibit 4, did I understand you to say that it  
19 does not reflect the entire conversation that you  
20 and Mr. Marlow had the day he came to see you?

21 A. Well, there's one paragraph down here.  
22 We had a two-hour conversation. So, it's not  
23 going to be, that is not all we talked about.

24 Q. Okay. Thank you. I have no other

1 questions.

2 MS. ORTIZ: I have one follow-up. Was  
3 Mr. Marlow alone or with anyone else when he came  
4 to see you?

5 A. As far as I know he was by himself,  
6 unless there was someone else in the car that I  
7 didn't see.

8 MS. ORTIZ: Okay. Thank you. Nothing  
9 further. Anyone on the phone?

10 MR. MANCINI: I do have a couple  
11 questions.

12 EXAMINATION BY

13 MR. MANCINI:

14 Q. Mr. Heltsley, my name is Vince Mancini,  
15 I represent Mike McFatrige. I'm wondering during  
16 your involvement in the Rhoads investigation, did  
17 you have the opportunity to investigate any  
18 allegations against Mr. McFatrige?

19 A. I couldn't understand--did you say, did  
20 I investigate Mr. McFatrige?

21 Q. Yeah. I will restate it if you like. I  
22 just was wondering during the Rhoads investigation  
23 that you participated in, did you have any  
24 opportunity to investigate any allegations brought

1 against Mr. McFatrige?

2 A. I don't think so.

3 Q. Do you recall any of the allegations  
4 that were brought against McFatrige after these  
5 convictions of Mr. Steidl and Mr. Whitlock?

6 MS. SUSLER: Objection, form, foundation.

7 A. I don't know what allegations you are  
8 referring to, sir.

9 Q. Did you ever hear of the allegation that  
10 Mr. McFatrige was involved in drug use while he  
11 was State's Attorney?

12 A. Yes.

13 Q. When did you first hear that?

14 A. Probably about the second or third year  
15 I was a deputy sheriff in Edgar County.

16 Q. What year would that have been?

17 A. Probably 1980.

18 Q. And who did you hear that from?

19 A. I have no idea, sir. It would have been  
20 jail house talk amongst the cops and people that  
21 would frequent the jail, or people that I would  
22 talk to socially.

23 Q. Did you ever find evidence or learn of  
24 any firsthand knowledge confirming the allegation

1 that Mr. McFatridge was using drugs?

2 A. I have no knowledge, nor do I have any  
3 evidence whatsoever that Mr. McFatridge has ever  
4 taken any kind of illegal drugs.

5 Q. Also have you ever heard of the  
6 allegation that Mr. McFatridge was working with  
7 the mob or somehow tied to the Chicago mob?

8 A. Not until now. No.

9 Q. When you say now, you mean my  
10 question --

11 A. Yes.

12 Q. Have you ever heard the allegation that  
13 Bob Morgan, a gentleman by the name of Bob Morgan,  
14 might have paid Mr. McFatridge's school loans?

15 A. No, sir.

16 Q. Did you have the opportunity to ever  
17 investigate Bob Morgan concerning the Rhoads  
18 homicides?

19 A. Approximately four years ago I had a  
20 lengthy conversation with Mr. Morgan about a lot  
21 of different subjects. And the Rhoads  
22 investigation was one of them.

23 Q. What were the circumstances surrounding  
24 this conversation?



1           A.     Mr. Morgan summoned me via one of his  
2 friends that he wanted to talk to me. Then he  
3 called me on the phone and said could I come to  
4 his office and sit down and chat with him.

5           Q.     Do you know why he did that?

6           A.     Well, he indicated that he was a little  
7 scared, that he was kind of scared of me; that he  
8 thought I was going to--was going to either dog  
9 him until he died, or find something on him or  
10 fabricate something on him that he would--that  
11 would cause him great anguish or gnashing of  
12 teeth, I guess.

13          Q.     At the time that you were summoned, were  
14 you presently or currently investigating the  
15 Rhoads homicide case?

16          A.     I had--I believe I had been--that I  
17 worked for Bill Clutter at the time. That I had  
18 my PERT card and that I had--Bill had retained me  
19 at the time.

20          Q.     Again, were you actively investigating  
21 the case in Paris at the time?

22          A.     I have never been actively investigating  
23 the case. I have done a few things for different  
24 people that have asked me to do things for them.

1 But I wouldn't say I've been involved in  
2 investigating the case as a main investigator.

3 Q. So did you go down to Mr. Morgan's  
4 office when you were summoned?

5 A. Yes.

6 Q. And do you recall any of that  
7 conversation?

8 A. Well, it was mostly I listened and Bob  
9 talked. But, he brought out reams and boxes of  
10 receipts trying to convince me that he had--he's  
11 been legitimate since high school.

12 Q. What did you understand that to mean?

13 A. That he's -- he, everything that he has  
14 accumulated in the last 40 years he got from hard  
15 work and straight up ethical treatment of other  
16 people.

17 Q. Do you have any other recollection of  
18 that conversation?

19 A. We have quite a conversation about his  
20 personal life. His first wife, and how hard it  
21 was on him when the water pipes froze in his cabin  
22 one time and that type of thing. And he wanted to  
23 impress upon me that he knew what it was like to  
24 be poor and not have anything, and that he was

1 just a normal guy.

2 Q. From your perspective, were you on a  
3 personal visit with Mr. Morgan or was this more in  
4 the nature of an investigator or professional?

5 MS. SUSLER: Objection, form.

6 A. Well, this individual that had arranged  
7 this meeting that had caused, had asked me if I  
8 wanted to go to work for Bob, and I thought that  
9 -- I didn't know what the conversation was going  
10 to be about, but this guy had indicated that Bob  
11 was needed a personal body guard/chief of security  
12 for his vast financial network, and would I be  
13 interested in that position.

14 Q. Were you offered a position with Mr.  
15 Morgan?

16 A. Absolutely not. It didn't have anything  
17 whatsoever to do with that.

18 Q. Did you make any report to Mr. Clutter  
19 as to this conversation with Mr. Morgan?

20 A. I did. It was a verbal report. And I  
21 said it basically amounted to Bob showing me a lot  
22 of documents and telling me a lot of background  
23 information. And it basically went in one ear and  
24 out the other, so to speak.

1 Q. And other than this conversation, did  
2 you ever take any action in investigating Mr.  
3 Morgan as it related to the Rhoads homicide?  
4 Anything else?

5 MS. SUSLER: Objection to your  
6 characterization, form.

7 MS. ORTIZ: Join.

8 A. When you say anything else, what do you  
9 mean, sir?

10 Q. Okay. Well, did you investigate Mr.  
11 Morgan any further as it related to the Rhoads  
12 homicides?

13 MS. SUSLER: Objection form.

14 MS. ORTIZ: Assumes facts not in  
15 evidence.

16 A. No.

17 Q. Okay. I think I have no further  
18 questions. Thank you, sir.

19 EXAMINATION BY

20 MS. STEINER:

21 Q. Hi, Mr. Heltsley, my name is Heidi  
22 Steiner, and I represent several former and  
23 current officials with the Illinois State Police.  
24 My first question actually goes back to something

1 Miss Wade was asking you. Going back to Exhibit  
2 4, which documented your interview with Jeff  
3 Marlow in September 2008, you've got that in front  
4 of you?

5 A. Yes, ma'am.

6 Q. I know there were a couple of different  
7 questions from Miss Wade and then Miss Susler  
8 about the content of that report, and I just want  
9 to make sure, is there anything you see in that  
10 report that is inaccurate?

11 A. Can you give me --

12 MS. HALL: Objection to the form.

13 MS. SUSLER: Same objection.

14 A. Can you give me a second to just review  
15 it to make sure?

16 MS. HALL: Heidi, do you want to direct  
17 him to a particular part, because I know some of  
18 that stuff is --

19 MS. ORTIZ: Carrie, the question said the  
20 entire report.

21 MS. HALL: I understand that, but not all  
22 this is totally reflecting their conversation;  
23 that's why I wanted to know.

24 MS. STEINER: I think it's a one-page

1 report. I think he can probably glance over it  
2 pretty quickly.

3 MS. HALL: That's not true. The fact is  
4 that not all of this is supposedly about their  
5 conversation. Some of it is background that Mr.  
6 Marlow supplied.

7 MS. EKL: So then your objection is to  
8 foundation?

9 MS. HALL: It's to the form of the  
10 question.

11 MS. SUSLER: Same objection.

12 MS. STEINER: Noted.

13 A. I'm confused about when I ran the plate  
14 and when I saw the car. I honestly don't  
15 remember. I thought I saw the car the night of  
16 the--well, the evening hours prior to the house  
17 fire. I thought that's when I saw the car and ran  
18 the plate. That's when I thought I saw it. I  
19 don't remember seeing it the next day, but maybe I  
20 did. I don't remember now.

21 Q. Okay. You don't remember--it's not  
22 something that you remember telling Mr. Marlow  
23 something definitively different? It's that you  
24 are not sure at this time when you saw the car

1 and when you ran the plates?

2 MS. HALL: Objection, form, misstates  
3 testimony.

4 MS. SUSLER: Same objection.

5 A. I'm confused about that. I don't  
6 remember everything about that night. No.

7 Q. Okay. You don't remember when exactly  
8 you ran the plates?

9 A. No, I do not.

10 Q. Okay. Thank you. Other than your  
11 conversation with Mr. Marlow, were you ever  
12 interviewed in any official capacity by any other  
13 ISP personnel with regard to the Rhoads murders?

14 A. I think Jack Eckerty may have formally  
15 interviewed me. I don't know if he wrote it down  
16 or not about the Phil Stark incident. Because I  
17 --

18 MS. SUSLER: He wasn't finished with his  
19 answer.

20 A. I'm sorry, Jack--I believe I left a  
21 message and Jack called me back and then met me  
22 and asked me about that. And then when Phil  
23 committed suicide, or when Phil died, I think Jack  
24 might have called me at that time and asked me

1 some questions. But I can't recall exactly what  
2 it was.

3 Q. Okay. That would have been back in  
4 1986-87?

5 A. Yes, ma'am. I assume so, yes.

6 Q. Okay. Since 2000, since the year 2000,  
7 in the past nine or ten years, other than your  
8 conversation with Mr. Marlow, have you had any  
9 contact, official contact, I know obviously you  
10 are Rory Steidl's brother-in-law, but official  
11 contact with anybody from the Illinois State  
12 Police to interview you in an official capacity  
13 with regards to the Rhoads murders?

14 A. Not that I can recall.

15 Q. Okay. Did you ever speak with Michale  
16 Callahan about the Rhoads murders?

17 A. I've had some conversation with Callahan  
18 at a breakfast one time prior to one of the  
19 hearings that were conducted at the Edgar County  
20 courthouse. And it was just basically chitchat  
21 about the case. He was retired at that time I met  
22 him.

23 Q. Do you remember when that was?

24 A. It was -- it was in one of the hearings



1 about Herb, about Herbert Whitlock getting -- it  
2 was in Judge Andrews courtroom. And we had either  
3 went across the street to eat lunch or it was  
4 breakfast, I don't recall. But that is the only  
5 time I can remember talking to him about it.

6 Q. Okay. And that was you said stated that  
7 that was after Mike Callahan was retired?

8 A. Yes.

9 Q. Okay. Any other conversations with any  
10 other ISP personnel about the Rhoads murders that  
11 you recall?

12 A. No.

13 Q. And do you have any personal knowledge  
14 about either Randy Steidl's or Herb Whitlock's  
15 allegations with regards to the ISP personnel who  
16 were named as defendants in this lawsuit?

17 MS. HALL: Objection to form.

18 Foundation.

19 MS. SUSLER: Same objection.

20 A. I don't quite understand your question.  
21 Could you rephrase that, please?

22 Q. Sure. Absolutely. It was probably too  
23 convoluted a question. Both Randy Steidl and Herb  
24 Whitlock have sued various current and former

1 Illinois State Police officials. And I could go  
2 through and name them for you individually, but I  
3 was hoping to ask you generally if you have any  
4 knowledge about their allegations in their current  
5 civil lawsuits?

6 MS. SUSLER: Objection, form,  
7 foundation.

8 MS. HALL: Join.

9 A. Are you referring to Herb and Randy?

10 Q. Yes.

11 A. And your question would be, do I know  
12 what they're alleging that the agents did to them?

13 Q. Correct.

14 A. I think I read one of the briefs or one  
15 of the pleadings. But I think that would probably  
16 be about the extent of it.

17 Q. Okay. My question was, do you have any  
18 personal knowledge, outside of maybe what you've  
19 read?

20 MS. HALL: Objection to form, foundation.

21 MS. SUSLER: Same objection.

22 A. Without -- no. I will have to say no.

23 Q. I think that's all I have right now.

24 Thank you.

1 MS. HALL: This is Carrie. I just have  
2 one follow-up question. Mr. Heltsley, this is  
3 Carrie Hall, I'm one of the attorneys for Herb  
4 Whitlock. Sorry I couldn't be there today.

5 Do you know all of the allegations that  
6 are contained in each of the complaints that were  
7 filed by Mr. Steidl and Mr. Whitlock in this civil  
8 matter?

9 A. Absolutely not.

10 MS. HALL: I have nothing further.

11 MS. EKL: I just have one quick one.  
12 When you were working with the Edgar County  
13 sheriff's office, do you recall what your call  
14 number was in terms of radio dispatch?

15 A. Yes, ma'am.

16 MS. EKL: What was that?

17 A. 103.

18 MS. EKL: Okay. I don't have any further  
19 questions.

20 MS. ORTIZ: All done. Signature waived.

21 (Deposition adjourned at 4:32 PM.)  
22  
23  
24

1 STATE OF ILLINOIS )  
 ) SS  
2 COUNTY OF CHAMPAIGN )

3 I, DEANN K. PARKINSON, a Notary Public  
4 in and for the County of Champaign State of  
5 Illinois, do hereby certify that CHARLES MICHAEL  
6 HELTSLEY, the deponent herein, was by me first  
duly sworn to tell the truth, the whole truth and  
nothing but the truth in the aforementioned cause  
of action.

7 That the foregoing deposition was taken  
on behalf of the Defendant on September 2nd, 2009.

8 That said deposition was taken down in  
9 stenographic notes and afterwards reduced to  
10 typewriting under my instruction and said  
transcription is a true record of the testimony  
given; and that it was agreed by and between the  
11 witness and attorneys that said signature on said  
deposition would be waived.

12 I do hereby certify that I am a  
13 disinterested person in this cause of action; that  
14 I am not a relative of any party or any attorney  
of record in this cause, or an attorney for any  
party herein, or otherwise interested in the event  
of this action, and am not in the employ of the  
attorneys for either party.

15 In witness whereof, I have hereunto set  
my hand and affixed my notarial seal September  
16 15th, 2009.

17 \_\_\_\_\_  
18 DEANN K. PARKINSON, CSR  
19 NOTARY PUBLIC

20 "OFFICIAL SEAL"  
21 DEANN K. PARKINSON  
22 Notary Public, State of Illinois  
23 My Commission Expires 11-16-2012  
24

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

<b>GORDON RANDY STEIDL,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
v.	)	<b>No. 05 CV 02127</b>
	)	
<b>CITY OF PARIS, et al.,</b>	)	<b>Judge Harold A. Baker</b>
	)	<b>Magistrate Judge Bernthal</b>
<b>Defendants.</b>	)	

---

<b>HERBERT WHITLOCK,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>No. 08 CV 2055</b>
v.	)	
	)	
<b>CITY OF PARIS, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**CERTIFICATE OF SERVICE**

The undersigned, an attorney, hereby certifies that a copy of the foregoing September 2, 2009 Deposition Transcript of Michael Heltsley was served upon the following counsel via the Court’s CM/ECF system on the 19<sup>th</sup> day of March 2010:

Attorneys for City of Paris, Gene Ray, James Parrish and Jack Eckerty:

James G. Sotos  
Elizabeth Ekl  
Sara Cliffe  
Elizabeth K. Barton  
John J. Timbo  
James G. Sotos & Associates, Ltd.  
550 East Devon Avenue, Suite 150  
Itasca, IL 60143  
[jsotos@jsotoslaw.com](mailto:jsotos@jsotoslaw.com)  
[ekl@jsotoslaw.com](mailto:ekl@jsotoslaw.com)  
[scliffe@jsotoslaw.com](mailto:scliffe@jsotoslaw.com)  
[ebarton@jsotoslaw.com](mailto:ebarton@jsotoslaw.com)  
[jtimbo@jsotoslaw.com](mailto:jtimbo@jsotoslaw.com)

Attorneys for Steven M. Fermon, Diane Carper, Charles E. Brueggemann, Andre Parker, Kenneth Kaupas and Jeff Marlow:

Iain D. Johnston  
Phil Ackerman  
Heidi Steiner  
Johnston Greene LLC  
542 South Dearborn Street, Suite 1110  
Chicago, IL 60605  
[ijohnston@johnstongreene.com](mailto:ijohnston@johnstongreene.com)  
[packerman@johnstongreene.com](mailto:packerman@johnstongreene.com)  
[hsteiner@johnstongreene.com](mailto:hsteiner@johnstongreene.com)

Additional Attorneys for Andre Parker and Jeff Marlow:

David C. Thies  
John E. Thies  
Kara J. Wade  
Webber & Thies, P.C.  
202 Lincoln Square  
P.O. Box 189  
Urbana, IL 61803  
[dthies@webberthies.com](mailto:dthies@webberthies.com)  
[jthies@webberthies.com](mailto:jthies@webberthies.com)  
[kwade@webberthies.com](mailto:kwade@webberthies.com)

Attorneys for Michael McFatrige:

Terry A. Ekl  
Vincent C. Mancini  
Terry Stanker  
Ekl Williams PLLC  
901 Warrenville Road, Suite 175  
Lisle, IL 60532  
[tekl@ekllwilliams.com](mailto:tekl@ekllwilliams.com)  
[vmancini@ekllwilliams.com](mailto:vmancini@ekllwilliams.com)  
[tstanker@ekllwilliams.com](mailto:tstanker@ekllwilliams.com)

Attorneys for Edgar County:

Michael E. Raub  
Brian Smith  
Heyl Royster Voelker & Allen  
P.O. Box 129  
Urbana, IL 61801-0129  
[mraub@hrva.com](mailto:mraub@hrva.com)  
[bsmith@hrva.com](mailto:bsmith@hrva.com)

The undersigned, an attorney, hereby certifies that a copy of the foregoing September 2, 2009 Deposition Transcript of Michael Heltsley was served upon the following counsel via email on the 19<sup>th</sup> day of March 2010:

G. Flint Taylor  
Jan Susler  
Ben Elson  
People's Law Office  
1180 North Milwaukee  
Chicago, IL 60622  
[flint.taylor10@gmail.com](mailto:flint.taylor10@gmail.com)  
[jsusler@aol.com](mailto:jsusler@aol.com)  
[elsonben@aol.com](mailto:elsonben@aol.com)

The undersigned, an attorney, hereby certifies that a copy of the foregoing September 2, 2009 Deposition Transcript of Michael Heltsley was served upon the following defendant via U.S. first-class mail on the 20<sup>th</sup> day of March 2010:

Deborah Rienbolt  
2116 East Keys Avenue  
Springfield, IL 62702

s/ Carrie A. Hall